

(2004) 11 NCDRC CK 0056

In the National Consumer Disputes Redressal Commission

Sudhakar Sharma

APPELLANT

Vs

M.C.D.

RESPONDENT

Date of Decision : 23-11-2004

Acts Referred:

Citation : 2005 1 CPC 638 : 2005 1 CPJ 325

Hon'ble Judges : J.D.Kapoor , Mahesh Chandra , Rumnita Mittal J.

Final Decision : Appeal allowed

Judgement

1. THE appellant is aggrieved of the quantum of compensation of Rs. 500/- for the mental agony suffered by him on account of deficiency in service on the part of the respondent awarded by the District Forum vide impugned order dated 28.1.1997 and has by way of this appeal asked for enhancement.

2. THE facts demonstrating the deficiency in service on the part of the respondent in brief are that the appellant applied on 17.6.1994 for a new water connection but the relevant file was misplaced by the concerned official of the respondent and on the request of one of the staff of the respondent the appellant moved another application on 5.4.1995. But since the connection was not released within a week he withdrew the said application on 25.4.1995 and all his oral requests for releasing connection fell on deaf ears and he was forced to move third application on 18.5.1995 and on this application the connection was released on 29.5.1995. This not only delayed the boring but new connection was of such a lower capacity that water did not reach even first floor residence of the appellant. This forced him to bring water from neighbourhood. Further that in spite of the fact that he did not consume water he still received a bill for Rs. 79/- on 4.9.1996. However, the respondent produced the meter diary before the District Forum showing consumption of 30 KL of water within a period of 3 months. Be that as it may the fact remains that the respondent did not take timely action in releasing the water connection on the first application moved by the appellant and he waited for more than a year or so and moved another application on the request of the staff member on 15.4.1995 and still this

application did not bear any fruit and he was again compelled to move another application on 18.5.1995. The deficiency on the part of the respondent qua the appellant for its consumer is manifestly demonstrated from the aforesaid facts and we deem that the compensation of Rs. 500/- is conservative and feel inclined to enhance it to Rs. 1,000/-. Appeal is allowed to aforesaid extent.

A copy of this order as per the statutory requirements, be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to record room. Announced on the 23rd day of November, 2004. Appeal allowed.