
(1997) 06 NCDRC CK 0045

In the National Consumer Disputes Redressal Commission

SUPERINTENDING ENGINEER

APPELLANT

Vs

DARSHAN SINGH

RESPONDENT

Date of Decision : 17-06-1997

Acts Referred:

Citation : 1997 2 CPC 645 : 1997 3 CPJ 7

Hon'ble Judges : A.L.Bahri , R.L.Gupta J.

Final Decision : Order set aside

Judgement

1. THIS order will dispose of two appeals i.e. Appeal No. 510 of 1996 and 511 of 1996 filed before this Commission challenging the orders of the District Forum, Amritsar dated 21.6.1996 and 19.6.1996 respectively, vide which the District Forum, Amritsar has allowed the complaint No. 319 of 1993 filed by one Darshan Singh and complaint No. 11 of 1994 filed by one Gurbax Singh. As the common question of law is involved in both the cases, hence they are being disposed of by this one order of ours.

2. DARSHAN Singh, complainant filed the complaint that one buffalo owned by him got electrocuted and died due to the fall of high voltage feeder wire of 11000 Volt in the area of village Gillwali. Gurbax Singh filed the complaint that his two buffaloes while grazing in the fields were electrocuted when high voltage feeder wire broke and fell down in the area of Kotla Sultan Singh. Sh. Nirmal Singh, Advocate, learned Counsel for the appellant-Punjab State Electricity Board in both the appeals contended that the complainants are not consumers and hence the learned District Forum committed an error of jurisdiction by allowing the complaints filed by them. To buttress his contention, the learned Counsel relied upon III (1994) CPJ 50 (NC), Shankar Sitaram Jadhav v. Maharashtra State Electricity Board, and 1996" III (1996) CPJ 182 (NC), H.S.E.B. v. Ganga Devi."

On going through the record of the case and considering the arguments of the learned Counsel for the appellant, we are clearly of the opinion that the grievance put forward in the complaints/petitions does not constitute consumer dispute as defined under the Consumer Protection Act, in spite of our agreement

with the District Forum that the buffaloes have died on account of electrocution of the electricity supplied by the appellant-Punjab State Electricity Board. Even if the allegations of the complainant are accepted intoto even then a finding cannot be recorded that the Electricity Board is deficient in supplying the electricity to the complainants. It is not the case of the complainants that they have hired the services of the Electricity Board.

3. IT was not the case of deficiency in service on the part of the Board in relation to the performance of service to the consumers of electricity. The line on which the electrocution occurred stated to be general transmission line. The accident in question was thus not the result for any deficiency in service in relation to the supply of electricity to the complainants. Therefore, the complainants cannot seek redress before the Consumer Forum in respect of any matter arising out of such accident. The complainants' remedy may lie somewhere else. For the reasons recorded above, the orders of the District Forum are set aside and the complaints/petitions are dismissed on the ground that the dispute raised by the complainants is not one that can be adjudicated upon by the Consumer Forum. The complainants may have remedy resorted to in some other appropriate forum. No order as to costs. Order set aside.