

(2009) 03 NCDRC CK 0007

In the National Consumer Disputes Redressal Commission

SURESH KUMAR

APPELLANT

Vs

Executive Engineer, Electricity Board, Patliputra Division

RESPONDENT

Date of Decision : 20-03-2009

Acts Referred:

Citation : 2009 2 CPJ 199

Hon'ble Judges : ASHOK BHAN , B.K.TAIMNI J.

Advocate : BRAJ K.MISHRA , SANJEEV KUMAR VARMA

Judgement

1. THE present Revision Petition has been filed by the complainant.
2. SHORTLY stated, the facts of the case are:
3. FATHER of the complainant had purchased a flat situated in the upper floor and a room in the ground floor, which was being used as a guest room. It was alleged that one of the employee of the respondent -Maheshwar Singh, persuaded his son to get a separate electric connection for the room in the ground floor and, accordingly, a separate line of 2 HP load of commercial supply was taken. The allegation of the complainant is that Maheshwar Singh, an employee of the respondent, had malafidely advised the son of the petitioner to take a separate meter. That his son got employment in Ranchi and complainant along with his father, shifted to Ranchi. That petitioner has locked his room and the room was never used for commercial purpose. The contention of the complainant was that he had consumed only 411 units and the respondent had erred in sending a bill in the sum of Rs. 35,605 to him. In the complaint, a prayer was made that respondent be directed not to charge petitioner on the basis of commercial supply of electricity and to direct the respondent to charge by treating the meter to be for domestic supply of electricity. Though the petitioner alleged in the complaint that he had applied for domestic connection and not for commercial connection and that the respondent had erred in billing him on the basis of commercial connection, learned Counsel submits that he does not press this point and the supply be treated for commercial purposes only. District Forum allowed the complaint in part and directed the respondent to

charge for 100 units per month from the date of electric connection to the date of disconnection and quashed the bill raised in the sum of Rs. 35,605.

4. BEING aggrieved, the petitioner filed an Appeal before the State Consumer Disputes Redressal Commission, Patna, Bihar (hereinafter referred to as "the State Commission" for short). The State Commission dismissed the Appeal and upheld the Order passed by the District Forum by observing that the Order passed by the District Forum was reasonable and did not call for interference. Being aggrieved, the present Revision Petition has been filed.

5. COUNSEL for the petitioner contended that he had written a letter on 5.12.1991 requesting the respondent to disconnect the supply of electricity and remove the meter but in spite of the said letter, the meter was disconnected only in the year 1996. According to him, the room was lying locked and the petitioner could not be charged for consumption of 100 units per month as directed by the Fora below. We do not find any substance in this submission. Similar contention was raised before the District Forum which was rejected by observing that though photostat copies of letters written by the petitioner asking for the disconnection were placed on record but the petitioner had failed to file any proof of sending/receiving of the said notices by the respondent. We agree with the finding recorded by the District Forum. Since the petitioner has failed to prove that such notices were sent/ received by the respondent, it cannot be held that petitioner had asked the respondent to disconnect the electricity in the year 1991.

6. UNDER Section 21 of the Consumer Protection Act, 1986, this Commission can interfere with the Order of the State Commission where such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity. There is no illegality or material irregularity on the part of the State Commission in this case.

7. FOR the reasons stated above, we do not find any merit in this Revision Petition and dismiss the same. No costs. R.P. dismissed.