

(2000) 09 NCDRC CK 0050

In the National Consumer Disputes Redressal Commission

TARA CHAND YADAV

APPELLANT

Vs

Delhi Vidyut Board

RESPONDENT

Date of Decision : 21-09-2000

Acts Referred:

Citation : 2000 3 CPJ 71

Hon'ble Judges : R.K.Anand , R.L.Sudhir J.

Final Decision : NOE discharged

Judgement

1. THE applicant/ complainant has made a complaint under Section 10(a)(i) and Section 36B(a) of the MRTP Act, 1969 charging the respondent with adoption of and indulgence in restrictive and unfair trade practices and alleging therein that he made a written complaint to the respondent on 28th May, 1996 regarding the burnt meter installed at his premises, House No. 206, Shakurpur, Delhi. It has been mentioned by him that on his complaint, an inspection was carried out by the respondent on 3.6.1996 but no irregularity was found except that the half seal of the meter had melted. It has been further alleged that the respondent issued a show cause notice to the applicant/complainant to the effect that a connected load of 74.97 KW was detected in addition to tampering of the meter. THE grievance of the applicant/ complainant is that although a reply to the show cause notice was sent on 12.7.1996 and it was denied that there was meter tampering or connected load was in excess of the sanctioned load, he received two assessment bills for Rs. 4,78,351.56 and Rs. 7,467.50 for the period 3.2.1996 to 3.6.1996 on the ground of theft of electricity. THE other grievance of the applicant/complainant is that even though there was no allegation of tampering with seals of light meter, the respondent has raised the assessment bills pertaining to light connection also.

2. BASED on the aforesaid complaint, a Notice of Enquiry dated 1.9.1997 was issued to the respondent. In reply thereto, it has been stated on behalf of the respondent that the applicant/ complainant had committed irregularities such as load violation, misuse and sub-letting of the connection and abstraction of

energy illegally. It has been mentioned in the reply that the bills for Rs. 4,78,351.56 and Rs. 7,467.50 were raised on the basis of theft of electricity. It has been further highlighted in the reply that a joint inspection of the applicant/complainant's premises was carried out on 3.6.1996 by the enforcement staff and the staff of the meter testing department of the respondent in the presence of a representative of the applicant/complainant and it was detected that the connected load was 74.97 KW as against the sanctioned load of 60 KW and the supply was being used by both M/s. Munna Painting Works and M/s. TVS Electronics Corporation and, therefore, penalties for load violation and for misuse of the connection and also misuse due to PVC extended were added to the bill. It was also pointed out that the supply was found to have been sub-let to M/s. Munna Painting Works and moreover, since the bills had remained outstanding, no relief could be provided to the applicant/complainant, more particularly, in a case of theft of electricity. On completion of pleadings, the following issues were framed : (1) Whether the respondents have been or are indulging in unfair trade practices as indicated in the NOE ? (2) If the answer to the foregoing issue is in the affirmative, whether the unfair trade practices are prejudicial to public interest or to the interest of the consumer or consumers generally ?

On behalf of the applicant/complainant, Shri Tara Chand Yadav appeared as a witness while Shri M.S. Khokhar, Superintendent (T) of the respondent deposed as a witness.

3. WE have heard the oral submissions made by the learned Advocates for the applicant/ complainant as well as the respondent. The fact that the seal of one of the meters was found melted at the time of the joint inspection which was made by the enforcement staff and the staff of meter testing department of the respondent in the presence of the applicant /complainant's son, Shri Dinesh Yadav is not disputed or denied. The fact that the connection was given to M/s. TVS Electronics Corporation but was also being used by M/s. Munna Painting Works also has not been denied. These facts have been brought out in the inspection report as well as the evidence on record. It has also been pointed out in the inspection report that the connected load was far in excess of the sanctioned load. It is not in dispute that the seal of one of the three meters was found to have melted. What is disputed is that there was theft of electricity. The case of the respondent is that there was illegal abstraction of energy and it was found by the staff of the respondent at the time of inspection on 3.6.1996 and the bills were raised on that basis. It has been brought out in the cross-examination of Shri Tara Chand Yadav that one Shri Munna was the tenant of the applicant/complainant and the electricity connection was being used by him as well as his tenant. It has also been admitted by him in his cross-examination that the original sanctioned load was 7.5 KW which was later raised to 57.5 KW whereas it has been brought out in the inspection report that the connected load was 74.97 KW. It thus transpires that there was load violation, sub-letting and theft of electricity. These findings are corroborated by the inspection report which recorded that the seal was found to have melted and there was illegal abstraction

of energy by the applicant/ complainant. In view of the fact that the inspection was carried out in the presence of the applicant/ complainant's son and also the oral evidence brought on record that the electricity connection was being used by M/s. Munna Painting Works as well as M/s. TVS Electronics Corporation, it is apparent that the applicant/complainant had committed irregularities such as load violation, misuse and subletting of the electricity/power connection and also theft of energy and he is, therefore, liable to the penalties as per the policy of the respondent and he is also liable to pay the assessment bills issued to him. In view of the above, there is no escape from the conclusion that there is no substance or merit in the complaint of the applicant/complainant regarding adoption of and indulgence in unfair trade practices by the respondent. It is accordingly, dismissed and the Notice of Enquiry dated 1.9.1997 is hereby discharged. NOE discharged.