

(2011) 01 NCDRC CK 0057

In the National Consumer Disputes Redressal Commission

Uttarakhand Power Corporation Limited

APPELLANT

Vs

Mohd. Ali S/o Shri Pirva

RESPONDENT

Date of Decision : 14-01-2011

Acts Referred:

Citation : 2011 0 NCDRC 13 : 2011 3 CPJ 295

Hon'ble Judges : R.K.Batta , Vinay Kumar J.

Final Decision : Petition is accordingly dismissed

Judgement

1. THE Revision Petitioner-Uttarakhand Power Corporation Ltd. had filed an appeal before the Uttarakhand State Consumer Disputes Redressal Commission against the order of District Consumer Forum, Haridwar. THE Respondent, Mohd. Ali represents not only his case but also of another 29 similarly placed persons, as the holder of power of attorney on their behalf. All were Complainants before the District Forum.

2. THE case of the Complainants falls in the category of unmetered connections where, on completion of the requisite departmental formalities, connection numbers are allotted to each person and bills are raised for the recorded consumption. According to the Complainants, in July 1995 they had applied for electricity connection, depositing Rs.600/-. No action was taken by the Revision Petitioner/Opposite Party even to position the necessary infrastructure required to give them individual connections. THEREfore, they filed the Consumer Complaint in April 2005. In an ex-parte order, the District Forum directed the present Revision Petitioner/Opposite Party to cancel the bills raised on the 30 complainants and to pay a compensation of Rs.500/- to them individually, along with costs. THE State Commission noted the fact that the Complainants had deposited the required amount in July, 1998 and individual bills had been raised against them by the present Revision Petitioner. It disposed of the appeals of the Uttarakhand Power Corporation in the following terms:- (1) Within thirty days of this order cable of each of the complainants shall be properly connected and certificate be issued and new connection number allotted. Where it is possible to

install a meter they should be given a meter ceiling certificate otherwise it has to be mentioned that no meter has been installed.

(2) Whatever electricity dues are in arrears or the connection till date it should be considered separately keeping in mind that either the consumer is living his life below poverty line or they are poor persons. Appellant should consider waiving of the arrears, if it is not possible then a token amount to be recovered from each complainant and dues till date to be closed. If the complainants are not able to deposit the token amount in lump-sum then they should be permitted to deposit the same in installment.

(3) In future this connection of electricity and recovery of arrears should be done in time and like the case arrears should not be accumulated giving rise to problem like this. On the basis of aforesaid advice given to the appellant they have to inform this Commission till 31.10.2010 the action taken by them.

Appellant has specifically directed that till the time a decision is not taken regarding waiving of the arrears of the complainant or determining a token amount, the appellant department shall not take any coercive action against the complainants for recovery of amount of arrears. Thus, the order dated 28.11.2006 passed by District Forum in Complaint Case No.159/2006 is set aside in accordance to the aforesaid direction given in the said appeal, accordingly appeal is disposed off with no order as to costs. We have perused the records and heard the counsel for the Revision Petitioner. The above order of the State Commission is based on their conclusion that the bills were rightly raised as the complainants had actually consumed power. On this ground, the State Commission has rejected the conclusion of the District Forum that bills were wrongly raised as no power connection had been given to the complainants. While the Revision Petitioner, Uttarakhand Power Corporation had gone unrepresented before the District Forum, they had an opportunity to be heard before the State Commission. The State Commission has based its decision on the representation of the Power Corporation that the cases of the complainants could be covered under their scheme for regularisation of illegal/irregular connections. The fact that complainants had already made their application for such connection, in 1995 itself, was also accepted by the appellant. Therefore, the Commission passed the above order to issue them regular connections.

In the above background, we do not find any grounds to interfere with the order of the Uttarakhand State Consumer Disputes Redressal Commission in FA No. 329/2006. The Revision Petition is accordingly dismissed with no orders as to costs.