

(2003) 12 NCDRC CK 0005

In the National Consumer Disputes Redressal Commission

UTTARANCHAL POWER CORPORATION LTD.

APPELLANT

Vs

HEERA BALLABH PANT

RESPONDENT

Date of Decision : 03-12-2003

Acts Referred:

Citation : 2003 0 NCDRC 9 : 2004 1 CPC 425 : 2004 1 CPR 44 : 2004 3 CPJ 73

Hon'ble Judges : K.S.GUPTA , RAJYALAKSHMI RAO , S.N.KAPOOR J.

Advocate : REETA CHAUDHARY , S.K.SHARMA

Judgement

1. HEARD the learned Counsel for the petitioner. In this case, appeal was filed and ex parte order was passed by District Forum. Appeal was filed before the State Commission, Uttaranchal.

2. THOUGH , the appeal was barred by time, an application was filed. The State Commission did not find any justifiable ground to condone the delay. Despite this fact, the State Commission considered the matter on merits passing the following order : "Appeal is dismissed but the order for payment of Rs. 12,000/- towards interest of justice is set aside. Rest of the order of payment of Rs. 84,080/- with 12 per cent interest is upheld. Both the parties shall bear their respective costs."

Sd/- Surinder Kumar Member Sd/- Laxmie Singh Member Justice K. D. Shahi Chairman Feeling aggrieved by the above said order, revision was filed. The petitioner had got an electric connection of 0.500 KW for light and fan in his shop and got it disconnected in the year 1993. In the year 1995 he had applied for restoration of the said connection. He deposited Rs. 2,821/- with the Department on 27.7.1997 for 3 HP for running the spice factory, 1 HP for light and the fan and, thus, 4 HP in all. The balance amount was deposited on 4.8.1995. The complainant took a loan of Rs. 25,000/- from the State Bank of India for installation of machine, purchased machine but, the appellant did not restore the connection of 4 HP. He suffered a loss for over rupees one lakh. Ex parte order was passed and appeal has been decided as aforesaid. Apart from the above, the appeal itself was barred by time.

3. THE petitioner Corporation disputes the disconnection but there was no answer to the demand of disconnection charges from the complainant in December, 1993. There could not be any reason to submit the demand bill of 4 HP, technical objections were not spelled out. On seeing the circumstances both, the District Forum and the State Commission were of the view that complainant had suffered mental harassment and loss in business and awarded damages to the tune of Rs. 84,080/- with 12 per cent interest. Also seeing the aforementioned circumstances it appears that Uttaranchal Power Corporation Ltd. was deficient in rendering service. The amount of compensation awarded could not be said to be unjust. We expect that the petitioner would not continue to commit the same kind of deficiency in service in giving connections to the general public.

4. WE do not find it a fit case to exercise our jurisdiction under Clause (b) of Section 21 of the Consumer Protection Act. Hence, revision petition is dismissed.