
(2007) 03 NCDRC CK 0031

In the National Consumer Disputes Redressal Commission

UTTARI HARYANA BIJLI VITRAN NIGAM LTD

APPELLANT

Vs

Mukandi Lal

RESPONDENT

Date of Decision : 19-03-2007

Acts Referred:

Citation : 2007 2 CPR 231 : 2007 3 CPJ 51

Hon'ble Judges : K.S.Gupta , B.K.Taimni J.

Advocate : Neeraj Kumar Jain , Sandeep Chaturvedi , Sanjay Singh

Judgement

1. PETITIONER was the opposite party before the District Forum, where the respondent/complainant had filed a complaint alleging deficiency in service on the part of the petitioner.

2. UNDISPUTED facts of the case are that on 2. 1. 1987, the respondent/complainant applied for a tube-well connection in general category for which he deposited the security amount with the petitioner. In reply to the demand notice the test report was submitted on 22. 9. 1987 yet the connection was not given after about 14 years, a further demand was raised against the complainant for depositing Rs. 27,000 which the complainant was not willing to pay. It is in these circumstances a complaint was filed before the District Forum, who after considering the material on record and the arguments advanced by both the parties directed the petitioner to give the tube-well connection. Aggrieved by this order, an appeal was filed before the State Commission, which was dismissed hence this revision petition before us. We heard the learned Counsel for the petitioner at some length and also perused the material on record. There is no disputing the fact that the complainant had applied way back on 2. 1. 1987 and the respondent/complainant, in response to the demand note, had filed the test report on 22. 9. 1987. As a result of notification issued by the petitioner in 2001, the petitioners would not be entitled to Rs. 27,000 demanded by the petitioner being non-refundable amount of Rs. 20,000 and Rs. 7,000 for erection of poles. We have very carefully gone through the material on record and find that since admittedly the test-report was given on 22. 9. 1987 in response to demand

notice. Hence, in our view, the complainant shall be governed by instruction No. 26 of the sales manual issued by the petitioner, and not by the 2001 notification. Instruction 26 of the Manual reads as under : "time limit for grant of connection- The connection to various categories of prospective consumers after the receipt of test report should be given within the time specified below : (i) Large industrial supply and tube well consumers : 3 months; (ii) Medium and small industrial power supply : 2 months (iii) Domestic and small industrial consumers : 1 month 2. It may, however be pointed out that the period specified above is the maximum and normally it should be possible to give connections in that very much shorter periods. 3. In view of the time limits specified above it should be ensured that the demand notices are issued carefully taking all the circumstances viz. , availability of funds and materials etc. into consideration. "

(Emphasis supplied)

In the facts and circumstances of chronology of events described earlier, we are in no doubt that the complainant shall be governed by the then prevailing instructions and not by the instructions of 2001.

3. IT is a clear case of failure on the part of the petitioners not to provide the electricity connection within a period of ranging from 1 to 3 months after the receipt of the test report and then go on to demand more money after a lapse of 14 years. Petitioners cannot be allowed to take advantage of their own deficiency and not following the prevailing instructions reproduced above. In the aforementioned circumstances, we find no merit in this petition. Revision petition stands dismissed.

4. NO order as to costs. Revision Petition dismissed.