
(2007) 04 NCDRC CK 0012

In the National Consumer Disputes Redressal Commission

UTTARI HARYANA BIJLI VITRAN NIGAM LTD

APPELLANT

Vs

Shyam Lal

RESPONDENT

Date of Decision : 30-04-2007

Acts Referred:

Citation : 2007 2 CPR 196 : 2007 3 CPJ 87

Hon'ble Judges : K.S.Gupta , P.D.Shenoy J.

Advocate : Neeraj Kumar Jain

Judgement

1. -CHALLENGE in this revision is to the order dated 3. 1. 2007 of Consumer Disputes Redressal Commission Haryana, Panchkula dismissing appeal against the order dated 30. 10. 2003 of a District Forum whereby petitioner-Nigam was directed to release tubewell connection to the respondent.

2. RESPONDENT/complainant applied for tubewell connection to the petitioner and deposited the security amount on 14. 9. 1989. Test report was also submitted by the respondent on 14. 2. 1992. By the notice dated 14. 2. 2002, petitioner asked the respondent to deposit amount of Rs. 20,000 and additional amount of Rs. 7,000 per pole for release of the connection. It is this demand which was challenged by the respondent by filing complaint. Submission advanced by Mr. Neeraj K. Jain for petitioner is that tubewell connection could be released to the respondent only after he had made payment of the amount demanded by the petitioner and the Fora below fell in error in ordering the petitioner to provide connection without deposit of the demanded money by the respondent. Submission is, however, without any merit. Instruction No. 26 (3) of the Sales Manual of the petitioner also noticed in the order of State Commission, says that in view of the time limits specified for release of connection after receipt of test report it should be ensured that demand notices are issued carefully taking all the circumstances viz. , availability of funds and materials etc. into consideration. Admittedly, respondent had applied for tubewell connection and deposited the requisite amount on 14. 9. 1989 and submitted the test report on 14. 2. 1992. In view of said instruction, petitioner could not have issued

additional demand after about 10 years of submitting the test report as a condition for release of tubewell connection to the respondent. Orders passed by Fora below, thus, do not suffer from any illegality or jurisdictional error warranting interference in revisional jurisdiction under Section 21 (b) of Consumer Protection Act, 1986. Accordingly, revision petition is dismissed. Revision Petition dismissed.