

(2000) 01 NCDRC CK 0010

In the National Consumer Disputes Redressal Commission

VERESH GAS SERVICE

APPELLANT

Vs

MAHABALESHWAR VERNEKAR

RESPONDENT

Date of Decision : 28-01-2000

Acts Referred:

Citation : 2001 2 CPJ 269 : 2001 3 CPR 325

Hon'ble Judges : E.S.Da Silva , Mangala Sanes J.

Final Decision : Appeal dismissed

Judgement

1. THE challenge in this appeal is the order of the District Forum, North Goa, dated 25.10.1999, in Complaint No. 240/1997, whereby the Forum has partly allowed the complaint and directed the appellants to keep up the supply of gas to the respondent's house by home delivery on every Friday and Monday evenings, subject to the availability by keeping the gap between the two cylinders as prescribed by the Hindustan Petroleum Company.

2. THE case of the respondent was that he resides in the vicinity of Badem area and holding a gas connection No. 600594. THE connection was released by the appellants on 31.10.1987. Further, the respondent had to book the gas at Siolim by hiring motorbike, since there was no facility of phone and has to spend Rs. 25/- per trip. No house delivery was given. THE opposite parties filed reply stating that home delivery schedule is fixed for different areas on different week days. For Badem the home delivery sessions are only in the evenings of Friday and Monday. THE opposite parties denied that there was any delay in supplying the gas to the respondent. We have gone through the records and considered the written submissions of learned Counsel. We are of the view that there is no case for interference with the impugned order of the Forum. Indeed the learned Forum, on the basis of available evidence on record, came to the conclusion that no reliefs could be granted to the respondent and as such observed that, as contended by the respondent, the supply of gas should be regularly maintained in the Badem area on every Monday and Friday, as per the schedule so as to make it available to the respondent also. So far the grievance regarding the

charging of Rs. 250/- for a new Regulator, there would be nothing that the Forum could do since that it was done as per the directives of the Hindustan Petroleum Company. However, this finding does not necessarily mean and also nothing seems to have been substantiated on record by the appellant also, that in spite of the refusal to grant the reliefs sought for by the respondent, the complaint itself has to be deemed as false and vexatious and that, as alleged by the appellant, the same was filed by the respondent only to harass the appellant. Being so, the discretion exercised by the learned Forum while denying the benefit of costs and instead directing that each parties should bear their own costs need not be disturbed, in the facts and circumstances of the case, as we have no reason to hold it injudicious.

On the other hand, we are satisfied that the learned Forum was right in dismissing the appellant's counter claim, since it is a settled law that the C.P.A., 86 does not provide for such type of reliefs as available to the opposite parties. The appellant, if it is so advised, is free to pursue its claim on this issue in separate proceedings and in the competent Forum as per the law.

3. IN this view of the matter, the appeal is bound to fail and is hereby dismissed. There will be, however, no order as to costs. Order accordingly. Appeal dismissed.