
(2002) 07 NCDRC CK 0015

In the National Consumer Disputes Redressal Commission

W.B.S.E.B.

APPELLANT

Vs

DINANATH SARDAR

RESPONDENT

Date of Decision : 15-07-2002

Acts Referred:

Citation : 2003 1 CPJ 292

Hon'ble Judges : S.C.Datta , S.Majumder , D.Karformas J.

Final Decision : Appeal disposed of

Judgement

1. VIDE order dated 14.9.2001 the Forum disposed of the matter ex parte with a cost of rupees 500/- with further direction to the opposite party Board to supply electricity to the petitioner upon observance of usual formalities.

2. THE petitioner applied for a new electric connection to his premises on 18.8.1995 and deposited Rs. 1,110/- as per quotation dated 30.8.1997. His grievance is that the opposite party Board did not give electric connection in spite of repeated requests. THE opposite party did not appear before the Forum and as such it proceeded to determine the matter ex parte. By the impugned order the Forum directed the opposite party Board to give electric connection. THE Board has appealed. It is their case that no connection could be given to the complainant as the only Transformer in the locality is meant for P.H.E. connection and no L.T. line exists except for giving service line to the P.H.E. pump. It has however been stated that the connection could be given if the higher authorities approve it. THE learned Counsel for the appellant submits that because of want of transformer and L.T. line no connection could be given. It appears that the petitioner applied for connection and the opposite party issued a quotation. In pursuance thereof the petitioner deposited Rs. 1,110/- for getting the connection. It is not understood why a quotation was issued when no transformer existed. THE situation did not improve a little since then and even now the O.P. Board states that no connection could be given because of want of a transformer. THE O.P. Board retained the money deposited by the petitioner in pursuance of quotation. Since the connection is a remote possibility the O.P.

Board is required to make refund of the money. THE learned Counsel for the appellant submits that no direction for effecting supply can be passed because of the existing situation. We find substance in the submission made by him. Nevertheless the money deposited by the petitioner should be refunded to the petitioner together with interest @ 12% p.a. from the date of deposit till the date of payment. THE Board was aware of the situation, but even then it accepted money from the petitioner for giving supply, which cannot be given even after the lapse of so many years. THE petitioner was expecting supply any moment but all his hopes were belied. So the O.P. Board would pay certain amount towards compensation, which we assess at Rs. 1,000/-. In that view of the matter the impugned order needs slight modification, which we hereby make. There will be no order for giving electric connection to the petitioner in the present situation. The petitioner would get compensation of Rs. 1,000/- from the O.P. Board besides cost of Rs. 500/-. The Board would make refund of the amount of deposit of Rs. 1,110/- together with interest @ 12% per annum on this amount from 1.9.1997 till full payment. With this modification the appeal be disposed of. Minority View : Mr. D. Karforma, Member-This is not exactly a dissenting order because I think that even if the impugned order of the Forum directing the WBSEB to supply electricity to the complainant as applied for by him subject to compliance of the necessary formalities is affirmed, the complainant may not really get the supply in near future in view of the practical difficulties involved as stated by the W.B.S.E.B. However, having said that I would like to refer to the Clause VI of the Schedule to the Indian Electricity Act, 1910, with Electricity Laws (Amendment) Act, 1998. As per the fourth Proviso of the Clause VI : "If any requisition is made for supply of energy and the licensee can prove to the satisfaction of an Electrical Inspector : (a) that the nearest distributing main is already loaded upto its full current-carrying capacity, or (b) that, in case of a large amount of current being transmitted by it, the loss of pressure will seriously affect the efficiency of the supply to other consumers in the vicinity, the licensee may refuse to accede to the requisition for such reasonable period, not exceeding six months, as such Inspector may think sufficient for the purpose of amending the distributing main or laying down or placing a further distributing main."

In the aforesaid proviso it has further been stated that where any difference or dispute arises as to the amount of energy to be taken or guaranteed as aforesaid, the matter shall be referred to an Electrical Inspector and decided by him. From the above proviso it will be clear that the licensee (WBSEB in this case) may refuse to accede to the requisition for such reasonable period not exceeding six months, as such Inspector may think sufficient for the purpose of amending the distributing main or laying down or placing a further distributing main. In the present case the ground on which WBSEB has declined to supply electricity to the complainant can, therefore, remain valid for a maximum period of six months within which the WBSEB has to make necessary amendments in the distributing main for supplying electricity. In future WBSEB would do well to

take into account the above proviso and be guided by the same before it declines to supply electricity to applicants. However, as already stated, taking a practical point of view I am not affirming the impugned order of the Forum directing the WBSEB to supply electricity to the complainant and accordingly I agree with the order passed by the learned President. With these observations the appeal be disposed of. Appeal disposed of.