

(2004) 02 NCDRC CK 0021

In the National Consumer Disputes Redressal Commission

WBSEB

APPELLANT

Vs

KIRAN KUMAR ROY

RESPONDENT

Date of Decision : 13-02-2004

Acts Referred:

Citation : 2004 2 CPJ 658

Hon'ble Judges : M.K.Basu , S.Majumder J.

Final Decision : Appeal partly allowed

Judgement

1. THIS is an appeal arising against the judgment passed by the District Forum, Coochbehar dated 28.11.2000. The case of the complainants in brief is stated below.

2. THE complainants are agricultural workers. Once, the O.P./WBSEB initiated a scheme for supplying electricity for running shallow Tube Wells to supply water in the agricultural land for irrigation. In pursuance of the said scheme, the complainants jointly applied for installation and service connection of the electricity on depositing the required amount to the O.P. After receiving the application of the complainants the O.P. made proper query and prepared sketch. THEREafter, observing all the formalities, the O.P. advised the complainants to deposit money. On 21.8.1991 the complainants deposited Rs. 1,000/- each for installation and service connection as per the said scheme. Instead of starting the work for installation, the O.P. informed the complainants on 18.5.1992 that the service connection charge per S.T.W. has been enhanced from Rs. 1,050/- to Rs. 4,000/- and as per the revised rate, they have to deposit an additional amount of Rs. 3,000/- each for the said installation work. Instead of depositing the said additional amount of Rs. 3,000/- each of them made correspondence on 16.12.1999 with the O.P. intimating it that as they have deposited the money before 31.12.1991 they are now not bound to pay the said additional amount of Rs. 3,000/-. THE complainants requested the O.P. to start the installation works as per the said scheme, but the O.P. neither took any step for installation nor gave any reply to the complainants. On 5.10.1994 the complainants made

another correspondence with the O.P. requesting either to start the work or to refund the deposited money to them. But the O.P. remained silent without paying any heed to their requests. Ultimately the complainants filed the case before the Forum claiming refund of the entire deposited amount of Rs. 6,000/- (in total for six persons) with 18% interest on the said amount from the date of deposit i.e., from 21.8.1991 with an amount of Rs. 6,000/- more for harassment, Rs. 600/- for deficiency in service, Rs. 6,000/- for mental agony and Rs. 1,000/- as cost. In its judgment the Forum directed the O.P. to refund the amount of Rs. 6,000/- together with 18% interest from the date of deposit of the said amount i.e., from 21.8.2001 till payment. It was further directed to pay a sum of Rs. 6,000/- for harassment, Rs. 6,000/- for deficiency in service, Rs 6,000/- for mental agony and Rs. 1,000/- by way of cost. The O.P. was directed to pay the decreed amount within one month from the date of the order.

Being dissatisfied the appellant/O.P. has preferred this appeal before the Commission. The learned Counsel for the appellant submits that the connection for providing electricity was not under sanctioned scheme. Considering the urgency of the respondents the case was forwarded to the higher authority for necessary approval. Thereafter, quotations were sent to the respondents. The amount of Rs. 1,000/- was accepted from each of the respondents as quotation amount and subsequently additional amount of Rs. 3,000/- from each was claimed from the respondents. But the said amount has not yet been deposited. It is submitted by the appellant that the Forum's order in question is erroneous, illegal and liable to be set aside.

3. ON careful perusal of the papers we notice that the respondents are agricultural workers. They paid Rs. 6,000/- in total (Rs. 1,000/- each) to the appellant-WBSEB on 21.8.1991 for a particular Scheme (S.T.W.) which was initiated by the appellant for supplying electricity for running shallow tube well for supplying water in the agricultural land for better irrigation. But instead of starting the aforesaid work the appellant informed the respondents on 18.5.1992 that the service connection charge for S.T.W. has been enhanced from Rs. 1,000/- to Rs. 4,000/-. So they were told to deposit an additional amount of Rs. 3,000/- each for the said purpose. ON 16.12.1992 the respondents intimated the appellant that they are exempted from depositing the said additional amount as they deposited the money before 31.12.1991. They requested the Assistant Engineer of WBSEB, Coochbehar to start the installation work, but the appellant remained silent. Again on 5.10.1994 the respondents made another correspondence requesting the appellant either to start the work or to refund the deposited amount. It is argued by the appellant that the respondents paid Rs. 1,000/- each as quotation money. Subsequently when an additional amount of Rs. 3,000/- each was claimed from the respondents by sending a further quotation they refused to pay it and after several correspondences when they found that all endeavours were in vain, they filed a case before a Court of Law. During the hearing the learned Counsel for the appellant submits that the aforesaid scheme i.e., STW has been abolished. We notice that after taking a

sum of Rs. 1,000/- each from the respondents the appellant did not take any step to start the work, even they did not bothered to do it. It is an undisputed fact that the appellant received the money from the respondents on 21.8.1991. Thereafter it demanded an additional amount of Rs. 3,000/- each. When the respondents refused to pay it the appellant kept itself mum for a long time. In the meantime the respondents made several correspondences, but the appellant did not pay any heed to it. After a long period has been elapsed, now the appellant is submitting that the scheme, which was initiated by the appellant, has been abolished. It seems to us that the appellant is wrong in not refunding the deposited money to the respondents which is improper and illegal. We think it be proper to refund the amount of Rs. 1,000/- to each respondent which was received by the appellant in 1991 from them, with an interest @ 9% which we hereby do.

4. HENCE it is ordered, that the appellant shall refund the amount of Rs. 1,000/- to each respondent together with an interest @ 9% per annum from the date of deposit of the said amount i.e., from 21.8.1991 till payment. The appellant is further directed that the payment shall be made within a period of two months from the date of getting this order. Remaining portion of the judgment (award of Rs. 6,000/- for harassment, Rs 6,000/- for deficiency in service, Rs. 6,000/- for mental agony and Rs. 1,000/- as cost) is set aside. Therefore, the appeal is allowed in part ex parte and with such observation the appeal is disposed of accordingly. Appeal partly allowed.