

(2004) 05 NCDRC CK 0103

In the National Consumer Disputes Redressal Commission

W.B.S.E.B.

APPELLANT

Vs

SUBHAS BARIK

RESPONDENT

Date of Decision : 20-05-2004

Acts Referred:

Citation : 2004 3 CPR 573 : 2004 4 CPJ 26

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

Final Decision : Appeal allowed

Judgement

1. THIS appeal has arisen out of the judgment passed by the District Forum, 24-Parganas (South), on 14.8.2003. The facts of the case in a nutshell are stated hereunder. The complainant applied for a new service connection under industrial category and deposited a total sum of Rs. 2,000/- as per quotation of the O.P. But the O.P. did not give service connection on the ground that a huge amount was lying unpaid in respect of another service connection in that premises. The complainant filed a case before the Forum praying for direction upon the O.P. to instal a new industrial meter in his name.

2. THE Forum in its order directed the O.P. to instal a new industrial meter in the name of the complainant subject to compliance of all formalities as per the I.E. Act within a month from the date of the order. Being dissatisfied with the above order the W.B.S.E.B.-appellant has preferred the present appeal before the Commission. The learned Counsel for the appellant submits that the complaint was filed before the Forum after the amendment of the Consumer Protection Act and according to the amended Act commercial purpose is not maintainable. According to the appellant the impugned order passed by the Forum is erroneous, unjust and liable to be set aside.

On careful perusal of the documents and records it is noticed by us that the complaint was filed by the complainant before the Forum below on 22.5.2003. The new amended Consumer Protection Act came into force on 15.3.2003. The present amended Act clearly states that a dispute where a person avails of any service for commercial purpose does not come within the ambit of the Consumer

Protection Act. A dispute regarding hiring of service for we have noticed that the present respondent applied for a service connection under industrial category. We are of the opinion that the complaint is not maintainable under the amended Consumer Protection Act. The Forum has erred in adjudicating the matter, as it had no jurisdiction to do so.

3. THEREFORE, the appeal is allowed on contest and the impugned judgment is set aside. Thus the appeal is disposed of. Appeal allowed.