

(2010) 02 NCDRC CK 0025

In the National Consumer Disputes Redressal Commission

West Bengal Electricity Board

APPELLANT

Vs

Manoranjan Halder

RESPONDENT

Date of Decision : 02-02-2010

Acts Referred:

Citation : 2010 1 CPJ 269

Hon'ble Judges : Ashok Bhan , B.K.Taimni J.

Advocate : Srijan Nayak , Sanjoy Kumar Ghosh

Judgement

1. HEARD learned Counsel for the petitioner. Notice issued to the respondents has been received back with the postal remarks "refused". Proceeded ex parte.

2. PETITIONER was the opposite party before the District Forum. Case of the complainant-respondent is that he got electric connection from the petitioner in the year 1998 after making necessary deposits and since then he was paying meter rent @ Rs. 45 per month. Payment of Rs. 1,400 against the cost of the meter was adjustable as per quotation of the opposite party dated 12.1.1998. In the month of November, 2001, the meter suddenly stopped functioning and he informed of the same to the petitioner. The personnel of the petitioner took the meter of the respondent and told him that his meter had been burnt and he had to pay Rs. 16,000 being the cost of the electric meter. In the bill of November, 2001, the meter rent was shown to be Rs. 45 while in the month of October, 2001 no meter rent was charged. In subsequent months also, the meter rent was charged @ Rs. 45 and Rs. 50 but in the month of April, 2002, the meter rent was charged @ 400. Thus, for removal of discrepancy in the bill, complainant approached the petitioner but in vain. Thereafter, the complaint was filed before the District Forum.

3. DISTRICT Forum allowed the complaint and directed the petitioner to realize the meter rent @ 45 from the very month in which the meter was replaced by an electronic meter and the same rent will continue as per order No. 5936 dated 1.10.2001. Petitioner was further directed to refund the sum of Rs. 16,000 already taken as advised in ten equal monthly instalments by way of adjustment

in the consumption bill as per office order of the Board Rs. 10,000 were awarded by way of compensation.

4. AGGRIEVED by the order passed by the District Forum, petitioner filed an appeal before the State Commission. The State Commission partly accepted the appeal and set aside the order of the District Forum regarding payment of compensation of Rs. 10,000. It was held that the petitioner fell a pray to the whimsical and arbitrary attitude of the concerned officials of the Board. The State Commission while dismissing the appeal recorded the following findings: "In their written objection filed before the Forum below the O.Ps. stated that the complainant applied for a new meter as his old meter was burnt out. An inspection was made by the Board officials. It was ascertained that the meter got burnt due to overloading of consumption, A new electronic meter of 20 HP load capacity was installed. The meter rent and the deposit were fixed in terms of Board's order No. 15936 dated 1.10.2001. They, therefore, did not commit any mistake/wrong and there was no deficiency in service on, their part. The liability for loss of the meter in question was on the consumer/complainant in terms of Clause 4 of the said order of the Board. The impugned office order No. 5936 dated 1.10.2001 was issued under the signature of the secretary of the W.B.S.E.B. in respect of industrial and commercial consumptions with connected load of 20 HP/15 KW and above the monthly meter rent could be charged at Rs. 400 but this meter rent with connected load of 20 HP had not been charged by the Board from some other neighbours of the Complainant. This is to be looked into by the Board. The norm is equally applicable to all. The existing industrial and commercial consumers are to approach the Board for enhancement of load to 20 HP/15 KW and above and they will be provided with electric meter at a monthly meter rent of Rs. 400. It appears, the present complainant/respondent did not personally approach the Board for enhancement of his load capacity. He simply informed the Board that the meter was not functioning and it was the Board itself who increased the load to 20 HP unilaterally and also unilaterally fixed an electronic meter in place of the old burnt out meter. This clause is thus not applicable in the case of the complainant. It was the finding of the Forum below that no supporting papers showing that the complainant himself asked for increase of load could be produced by the OP/WBSEB. Payment of an advance of Rs. 16,000 shall have to be made by the industrial consumers covered under the aforesaid two clauses. This amount is refundable in 10 equal monthly instalments. Till full refund of this advance, the Board will realize only 75% of the usual meter rent i.e. Rs. 300 per month. In the instant case the complainant who was beyond the ambit of Clauses 1 and 2 of the aforesaid order had to defray an amount of Rs. 16,000 as advance but this was not refunded to him in instalments by way of adjustment through energy bills. As per Clause 3 of this office order concerned the Board was to charge a meter rent @ Rs. 300 p.m. which was not refunded to him fully. The Board was found to be reluctant to observe this clause. It is also enjoined in the aforesaid order of the Secretary, WBSEB that in cases where the Board of its own accord would instal electronic

meter at the premises of the existing consumer replacing the electro mechanical meter for any reason whatsoever, irrespective of the connected load, the Board shall realize monthly meter rent of Rs. 45 from the consumer provided within a 3-phase electro mechanical meter. Undoubtedly, the respondents fell a prey to the whimsical and arbitrary attitude of the concerned officials of the Board. The appeal, therefore, fails. We do agree with the findings of the Forum below as there is little scope to interfere with the same excepting the award of compensation which appears to us to be rather high."

5. WE agree with the view taken by the State Commission. The respondent did not apply for increasing the load to 20 HP. He had simply informed the petitioner that the meter was not functioning. It was the Board which increased the load to 20 HP unilaterally and also unilaterally fixed electronic meter in place of the said burnt meter. The petitioner failed to produce the supporting papers showing that the complainant had himself asked for increase of load factor. Even no proof was put on record to show that the load had been increased to 20 HP.

6. FOR the reasons stated above, we do not find any merit in this revision petitioner and dismiss the same leaving the parties to bear their own costs.