

**V.K. Jinan Vs. the Asst. Engineer Kseb Electrical Section, Kottayam East and Another**

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**Court :** Kerala State Consumer Disputes Redressal Commission SCDRC  
Thiruvananthapuram

**Decided On :** Nov-29-2011

**Judge :** The Honourable Shri. Justice K.R. Udayabhanu President & the Honourable Mr. S. Chandramohan Nair Member

**Appeal No. :** First Appeal No. A/10/369 (Arisen out of Order Dated 10/05/2010 in Case No. cc57/2008 of District Kottayam)

**Appellant :** V.K. Jinan

**Respondent :** The Asst. Engineer Kseb Electrical Section, Kottayam East and Another

**Judgement :**

**SHRI.S. CHANDRA MOHAN NAIR : MEMBER**

It is aggrieved by the dismissal of the complaint in CC No. 57/08 by the CDRF Kottayam that the present appeal is filed by the complainant.

2. The complainant had approached the Forum stating that he was conducting a hotel for earning a livelihood. The electricity connection was taken to premises from the opposite parties and further that an inspection was conducted by the opposite parties and as he refused to give bribe to the officers of the opposite

party, his connection was disconnected and later a bill for Rs.72,948/- was issued. The opposite parties informed that there was tampering of meter by the complainant and there was theft of electric energy. The complainant had further stated that he had approached the Electricity Minister raising the grievances and as ordered by the Minister he had to remit the amount in installments and he paid 7 installments amounting to Rs.41,187/-. It was his case that the allegation of the opposite party regarding tampering of meter and theft of energy were false and that the bill issued was also illegal. Praying for cancellation of the bill and for getting compensation the complaint was filed.

3. In the version filed by the opposite parties it was submitted that on 13.8.07 an officer attached with the APTS inspected the premises of the complainant and found that the electric meter was tampered with thereby the counter mechanism of the meter was interrupted. It was further submitted that the complainant had approached the electricity minister who had permitted the complainant to remit the amount in 15 installments. Contending for the position that the bill issued was perfectly justifiable, the opposite parties prayed for dismissal of the complaint.

4. The evidence consisted of affidavit filed by both parties and Exts.A1 to A3 on the side of the complainant and B1 to B4 on the side of the opposite parties. The Assistant Executive Engineer, Anti Power Theft Squad, Kottayam was examined as RW1.

5. Heard both sides,

6. The learned counsel for the appellant/complainant vehemently argued before us that the Forum below was not correct and justified in dismissing the complaint finding that the complainant had agreed to remit the amount in installments. It is his very case that the remittance of the amount cannot be termed as an admission for the acts alleged to have been done by the complainant. It is his further case that the complainant had never tampered with the meter or that there was any illegal arbitration of energy by the complainant. It is also his case that the whole episode emanated from the denial of payment of bribe to an officer of the opposite party, though there is no documentary evidence to support the said contention. He has argued before us that Ext.A1 bill amounting to Rs. 72,948/- was issued without

any basis.

7. On the other hand, the learned counsel for the opposite parties submitted that there was an inspection on 13.8.07 in the premises of the complainant by the APTS and that the Assistant Executive Engineer who was present at the time of inspection was examined as RW1 and nothing could be brought out in cross examination to discredit the contents of the said mahazar. He has also submitted that tampering the meter, unauthorized additional load and theft of energy were established by examining the engineer who was a person present at the time of inspection. He has further submitted that the complainant had not raised any objections at the time of inspection and he had only prayed for installment facilities for remitting the amount and in such a circumstance, the order of the Forum below is only to be up held. The learned counsel added the contention that the complainant had remitted 7 installments and only thereafter he had discontinued the remittance and approached the Forum with unclean hands.

8. On hearing both sides and also on perusing the records, we find that it is admitted by the complainant that there was an inspection by an officer of the opposite parties on 13.8.07 in the premises of the complainant. It is also seen that the complainant himself was present at the time of inspection and he had received a copy of the report and he had acknowledged the receipt of the copy apart from signing in the said mahazar. It is further found that the Assistant Executive Engineer was examined as RW1 and he has testified the case of the opposite parties that tampering the meter, unauthorized connected load and illegal abstraction of energy had taken place. Though the complainant would say that he had not done the above deeds he has not chosen to come to the box and stand for cross examination. It is true that he has filed an affidavit. But the opposite party, apart from filing the affidavit, had stood for cross examination and in the cross examination nothing could be brought out to discredit the contents reported in the mahazar. Moreover, it is to be found that the complainant had agreed to remit the amount covered under the penal bill in 15 installments and he had chosen to remit the 7 installments and it was only thereafter he approached the Forum. Though the appellant would say that Ext. B1 is a fabricated one we are not inclined to accept the said contention. It is seen that the complainant himself has signed in

the mahazar and it is not disputed by the complainant. Considering all the facts and circumstances, we find that there is no deficiency in service on the part of the opposite parties and we find no merit in the appeal. The appeal is liable to be dismissed.

In the result, the appeal is dismissed. The order dated: 10.5.2010 of CDRF, Kottayam in CC No. 57/2008 is confirmed.

In the facts and circumstances of the present appeal, the parties are directed to suffer their respective costs.

The office is directed to forward the LCR to the Forum below along with a copy of this order.

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