

Ram Kishan Singh Vs. Mcd and Another

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Mar-06-2009

Judge : J.D. Kapoor, President & the Honourable Ms. Justice Rumnita Mittal, Member

Appeal No. : Appeal No. FA-09 of 75

Appellant : Ram Kishan Singh

Respondent : Mcd and Another

Judgement :

J.D. Kapoor, President (Oral):

1. Feeling dissatisfied with the amount of compensation of Rs. 1,000 besides refund of Rs. 8,027 towards sewerage charges and Rs. 500 as cost of litigation vide order dated 1.1.2009 passed by the District Forum, the appellant has preferred this appeal.

2. The allegations of the appellant, in brief, are that he purchased one plot measuring 120 sq. yards. As per requirement under Section 149 of MCD Act, appellant got prepared the construction plan which was approved by the MCD and paid Rs. 1,098 on 22.9.1970 as development charges along with water and sewerage charges. The map is available at P-143/C of case file and payment of development charges at P-139/C, but he has again received one demand note of

Rs. 8,027 in the year 2000 and he had paid amount on 8.5.2000. The receipt is at P-153/C of case file. He alleges this double payment on the part of the respondent and prays for appropriate relief.

As against this, the respondent admitted that payment was made by the appellant at the furnishing of map but regarding subsequent payment, it pleaded that only respondent-2 Delhi Water Board was responsible as DWB was separated later on. Respondent-2 also admitted payment by appellant but it has not given any explanation regarding second payment.

3. The main grievance of the appellant is that the District Forum has not given any direction to respondent-2 as to respondent-1, for refund of Rs. 162 which were deposited with MCD, Water and Sewer Department as development charges.

4. There are obligatory functions of the civic bodies and once these bodies accept the payment for providing any service they are liable to provide those services. However, there are certain reasons which may be beyond the control of these bodies and may have some administrative hiccups or other obstacles.

5. So far as the refund of Rs. 8,027 along with Rs. 1,000 towards compensation and Rs. 500 as cost of litigation against respondent-1 is concerned, there is no infirmity nor is there any ground to interfere with. However, respondent-2 has to provide the service of water against the receipt of deposit of Rs. 162 and therefore it also does not require any direction.

The appeal is dismissed.

6. Bank Guarantee/FDR, if any furnished by the appellant, be returned forthwith.

7. A copy of this order as per the statutory requirements be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to Record room.

Appeal dismissed.

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