

Electrical Executive Engineer and Another Vs. Ashwani Kumar Sah

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Court : Bihar State Consumer Disputes Redressal Commission SCDRC Patna

Decided On : Sep-03-2004

Judge : D.P.S. Choudhary, President & the Honourable Dr. Asma Ahmad, Member

Appeal No. : Appeal No. 291 of 1995

Appellant : Electrical Executive Engineer and Another

Respondent : Ashwani Kumar Sah

Judgement :

D.P.S. Choudhary, President:

1. Appellant (Electrical Executive Engineer, Muzaffarpur) is the O.P. who has preferred the appeal against the order dated 3.2.1995 passed in Complaint Case No. 539/1993 by District Forum, Muzaffarpur through which the appellant have been directed to adjust the electric consumption charges realized by the appellant on the basis of average calculation beyond six months in the arrear bills of the respondent and the same should be mentioned in the bill and the same should be served in the future bill. The appellant has been further directed not to charge meter rent and D.P.S. The consumption bill for the month of January and February has also been quashed by the District Forum and a compensation of Rs. 7,000/- has been allowed against the appellant.

2. This appeal has been heard ex parte, as the respondent did not appear in spite of the registered notice.

3. The brief fact of the case is that complainants electric meter had burnt on 23.6.1990 of which he sent information to the officials of the Electric Supply Division. The complainant was received electric bills since 23.6.1990 till 31.12.1992 at the rate of 100 unit per months on average basis which was regularly paid by the complainant. The Electric Supply Company also issued direction that bills on the average basis must not be sent after six months and the defective, burnt meter should be replaced by the Board at the earliest, and the further bills should be sent on the actual meter reading. Even after this direction the meter was not replaced and Electricity Board was sending him bills on the basis of 100 units per month which was being regularly paid by the complainant. The contention of the complainant is that this was negligence on the part of the Board and complainant is entitled to refund back the amount, which he has paid on the basis of average of 100 units per month. The complainants further case is that subsequent bill of the month of January and February for Rs. 2,338/- was illegal and it should be set aside. These bills were much inflated in comparison of the bill of December, 1992. There was no basis for the Board to send the bills of these two months for such inflated amount. The new meter has been installed in the premises of the complainant on 21.5.1993. For the first six months after the installation of the meter, the bills were sent on the average of 98 unit per month because on this meter there was extra load of six other meters but thereafter when the load was removed this meter became exclusive for the premises of the complainant. The complainant has protested that the meter has been installed at his cost; therefore, the Board should not be charged meter rent nor the D.P.S.

4. The Board appeared but did not file written statement and, at last, the complaint was heard ex parte and the impugned order was passed.

5. The main contention of the appellant before us is that there was an inspection by the Board on receipt of the complaint against the complainant. Anti Power Theft Squad makes inspection of the premises of the complainant and it directed to change the meter of the complainant and to give separate connection to each of

his shop which were found consuming electric energy from the commercial connection No. 7746 of the complainant and on the basis of this direction a new meter was installed in the premises of the respondent-complainant and a total load for three months were recorded, thereafter all extra connection given to different shops by the respondent were removed and only domestic load was given on the new meter which appear from Annexure 2. On the report of the Electrical Engineer, the Board was entitled to charge for 100 KWH per month as domestic consumption from the complainant as per Annexure 3. It was submitted that the District Forum has failed to consider that the respondent has put the Board to heavy financial loss on account of his unauthorized exceeded load by unauthorized sale of power to other persons. On inspection, the complainant was found giving electric supply to shopkeepers from his domestic connection, which was illegal, and he was asked for separate meters for the every shop and thereafter the bills calculated and sent to the complainant as per tariff rule. The complainant is entitled to pay the tariff rate meter rent and D.P.S. There was no illegality in the bills sent to the complainant. On the other hand, it was the complainant who was selling the electric to the shopkeepers on commercial rate from his domestic electric connection.

6. We have considered the submissions of the appellant and perused the impugned order in detail. We are of the view that impugned order does not give reason for coming to the conclusion that there was deficiency on the part of the Electricity Board. From the contention of the appellant and from the facts on record it appears that complainant has put the Electricity Board to heavy financial loss. He was selling the electricity to different shopkeepers from his domestic connection. In the fact and circumstances, we find that impugned order is not in the accordance with the law.

7. In the result, the appeal is allowed. The impugned order is set aside. However, there shall be no order as to cost.

Appeal allowed.