

Electrical Executive Engineer Vs. Siya Devi

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Court : Bihar State Consumer Disputes Redressal Commission SCDRC Patna

Decided On : May-12-2004

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

Appeal No. : Appeal No. 416 of 2003

Appellant : Electrical Executive Engineer

Respondent : Siya Devi

Judgement :

D.P.S. Choudhary, President:

1. O.P.-Bihar State Electricity Board, Barauni Division has filed this appeal against the order dated 4.7.2003 passed in Complaint Case No. 48/2002 by District Forum, Begusarai whereby and whereunder appellant has been directed to grant fresh connection to the complainant after realizing necessary fees if any and further directed to provide commercial connection to the complainants premises within thirty days from the date of order besides a compensation of Rs. 500/- and litigation cost also Rs. 500/- has been awarded against the appellant.

2. The brief fact of the case is that husband of the complainant namely Ram Bachhan Pandit was the consumer of the appellant bearing Consumer No. BR 1306 under D.S. Category. On the application of one Amaresh Kumar dated 20.10.1994 the line was disconnected as there had been fire accident in her house

on 30.9.1994. Thereafter the complainant applied for providing commercial connection on 26.3.2001 and deposited Rs. 15/- as application money on 28.3.2001 in her name but in spite of all efforts she was not provided commercial connection nor her earlier domestic connection was resorted.

3. The O.P.-appellant appeared and filed written statement. The main contention of the appellant was that complainant had deposited only application fee of Rs. 15/- as such she was not consumer. There were heavy earlier dues against her previous connection No. BR 1346 (DS) for the realization of which certificate case No. 16/2000-2001 had been filed. In order to avoid the payment she applied for fresh commercial connection but did not deposit any amount as required for. It was specifically pleaded on behalf of the appellant that due to non-payment of electrical dues amounting to Rs. 6,547.47 the line of her husband was disconnected and certificate case was instituted. The complainant had constructed some shops in her premises where she has earlier connection referred to above for which she applied for commercial connection and deposited only Rs. 15/- as application fee. She did not deposit any other amount. The certificate case was decided fixing the electric dues against the respondent to Rs. 2,421.22. The complainant paid this amount and a request was made to supply electric connection under CS category. She was asked to deposit security money and to fulfil other formalities required under the rules but failed to comply the requirements and thereafter filed the complaint. After hearing the parties and considering the material available on record the District Forum found that there was deficiency in service of the appellant in not providing the complainant commercial connection which she required for her 12 shops and accordingly suffered loss in the rent and passed the order mentioned above.

4. The main contention of the appellant before us is that it is admitted fact that complainant has not deposited the necessary fee required for taking commercial connection. Therefore, till that date she was not a consumer. Mere filing of application fee of Rs. 15/- does not entitle him to become a consumer because legally she was not entitled to get electric consumption under the commercial connection. The District Forum did not consider this fact, as such, the impugned order is bad both in law as well as on fact.

5. The respondent-complainant filed rejoinder and submitted that there was no dues against the complainant. The complainant complied with the order passed in the certificate case and she had deposited the amount, as such, the certificate case was dropped on 15.1.2002. The appellant after receipt of the application dated 26.3.2003 did not ask the complainant to deposit any security money nor wrote any letter asking her to fulfil other requirements. She remained in dark and sent repeated reminders to the appellant for fresh connection under commercial category but neither any reply was sent nor the connection was provided. Therefore, the order of the District Forum holding the appellant as deficient in service is in accordance with the facts and law.

6. We have heard the parties and perused the impugned order and considered carefully the submissions made on behalf of both the parties. It is admitted fact that complainant has applied for commercial connection and has deposited only Rs. 15/- as application fee on 28.3.2001. It is also admitted by the appellant that as per order of the Certificate Court she has deposited the arrears of her domestic connection, which was in the name of her late husband. It is admitted fact that till date no fresh connection under commercial category has been provided to the complainant. The appellant has not been able to show us by producing any letter of the Board asking the complainant of the amount she is required to deposit as security money for obtaining commercial connection in her premises. There is nothing on record to show that appellant has ever asked the complainant to fulfil other formalities required for fresh connection. The complainant who is a lady is not suppose to know the rule and regulation of the Board for obtaining commercial connection in her premises. Therefore, we are of the view that not providing connection to the complainant for such a long period amounts to deficiency on the part of the Electricity Board. Therefore, the District Forum has rightly held that for this deficiency in serviced the Board should pay Rs. 500/- as compensation to the complainant. We do not find any illegality in this part of the order. The Electricity Board till date has not sent any letter to the complainant asking her to deposit the amount as security money required for obtaining connection for commercial purpose. Therefore, the appellant is directed to send the bills mentioning the amount the complainant is required to deposit and to fill up other forms for obtaining the connection within a month from the date of this order and the

complainant is directed to deposit the amount as demanded by the Electricity Board and to fill up the necessary documents as required. After deposit of the necessary fees and security money by the complainant and also fulfilling other requirement the appellant shall provide her commercial connection in her 12 shops within two months from the date she fulfil the requirement.

7. In the fact and circumstances, we do not find any merit in this appeal, which is accordingly dismissed, and the impugned order is hereby confirmed.

Appeal dismissed.

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