

Mrs. Vimla Goyal Vs. Assistant Engineer, Delhi Vidyut Board

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Sep-17-2003

Judge : Lokeshwar Prasad, President; Ms. Rumnita Mittal Member & Mr. Mahesh Chandra, Member

Appeal No. : Appeal No. A-995 of 2003

Appellant : Mrs. Vimla Goyal

Respondent : Assistant Engineer, Delhi Vidyut Board

Judgement :

Lokeshwar Prasad, President:

1. The present appeal, filed by the appellant, under Section 15 of the Consumer Protection Act, 1986 (hereinafter referred to as the Act), is directed against order dated 28.5.2003, passed by District Forum (Central), Mahrana Pratap Bus Terminal, Kashmere Gate, Delhi, in Complaint Case No. 2749/2000 entitled Smt. Vimla Goyal v. The Assistant Engineer, Delhi Vidyut Board.

2. The facts, relevant for the disposal of the present appeal, briefly stated, are that the appellant Smt. Vimla Goyal had filed a complaint under Section 12 of the Act before the District Forum, averring therein that the appellant was a tenant in shop No. 2, Plot No. 1, Block No. 51, Opp. Khalsa College Old Building, Deshbandhu Gupta Road, Karol Bagh, New Delhi. It was stated that the appellant applied for

the supply of electricity connection for commercial purpose vide her application No. 237072 in January, 2000. It was stated that necessary inspection was carried out and inspection report was filed on 3.2.2000 and thereafter the appellant deposited a sum of Rs. 10,975/- on 9.2.2000 towards security and other charges. The grievance of the appellant in the complaint, filed by her, before the District Forum, in nutshell, was that despite completing all the formalities electricity connection had not been provided to the appellant. It was prayed in the complaint, filed by the appellant, that the respondent be directed to provide electricity connection forthwith. The appellant had also claimed a sum of Rs. 50,000/- as compensation for harassment. She had also claimed the cost of litigation.

3. The claim of the appellant in the District Forum was resisted by the respondent and in the reply/written version, filed on behalf of the respondent, it was stated that the appellant had applied for the connection of 4 KW load and the case for the execution was released but the connection could not be given as there were heavy dues against the existing connection. It was stated that the appellant was directed to submit photocopies of the paid bills which was not done by the appellant. It was stated photocopies of the paid bills which was not done by the appellant herself was responsible for the delay and the complaint, filed by the appellant, deserved to be dismissed.

4. A rejoinder to the reply, filed on behalf of the respondent, was filed before the District Forum by the appellant and in the rejoinder, filed on behalf of the appellant, it was stated that the shop for which electricity connection was requested was measuring only 300 sq. ft. which was purchased by the appellant only on 24-03-2000 and, therefore, she was not liable for payment of the amount which was outstanding against the other connections, installed in the same premises. In the rejoinder it was also stated that the shop of the appellant, purchased by her, measuring 300 sq. ft. was approximately 2% of the total constructed area in the premises in question where other connections were also installed.

5. The learned District Forum vide impugned order has held the respondent guilty of deficiency in service and on the basis of the above finding has directed the respondent to provide electricity connection to the appellant, as requested within

30 days from the date of the order. The learned district has also awarded a sum of Rs. 5,000/- as compensation and a further sum of Rs. 500/- as litigation expenses.

6. Not feeling satisfied with the relief granted by the District Forum, the appellant has preferred the present appeal under Section 15 of the Act.

7. We have heard the learned Counsel for the appellant at length on the question of admission of the present appeal and have also carefully gone through the documents/material on record. During the course of arguments the only contention advanced by the learned Counsel for the appellant is that the amount of compensation awarded by the learned District Forum vide impugned order is inadequate and the same be enhanced to Rs. 30,000/-. Insofar as the above aspect is concerned, the position is that relief to a consumer by a redressal agency, established under the Act, can be granted only in terms of Section 14 of the Act. Sub-clause (d) of Sub-section (1) of Section 14 of the Act deals with compensation that can be awarded to a consumer by a redressal agency established under the Act. The above said provision of the Act reads as under:

(d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party.

8. On a plain reading of the above provisions of the Act, it is apparent that a consumer may be awarded compensation for any loss or injury, suffered by the consumer due to the negligence of the opposite party. The Honble National Commission in a recent decision in case Standard Chartered Grindlays Bank Ltd. v. H.B. Impex Pvt. Ltd., reported as I (2004) CPJ 13 (NC)=2002 CTJ 106 (CP)(NCDRC), has held in clearcut terms that where a consumer sues for damages, the loss he suffered as a result of breach of contract, must not be too remote and a distinction has to be drawn between normal and abnormal or unusual loss. In other words, a consumer, in terms of the above provisions, can be compensated only for normal loss and not for any abnormal or unusual or remote loss. With a view to satisfy ourselves, we have put a specific query to the learned Counsel for the appellant, asking him to satisfy us as to how the relief granted to the appellant by the District Forum can be treated or termed as inadequate in

terms of the provisions of Clause (d) of Sub-section (1) of Section 14 of the Act. No satisfactory reply could be given by the learned Counsel for the appellant to our above query.

9. No other point is urged or pressed before us by the learned Counsel for the appellant.

10. In our opinion, in the given facts, no fault can be found with the findings of the learned District Forum. The order, being impugned in the present proceedings, is a well reasoned order which suffers from no infirmity, so as to call for any interference by this Commission in exercise of its appellate powers. The present appeal, filed by the appellant, is, therefore, devoid of substance. The same merits dismissal. Accordingly, the same is dismissed in limine with no orders as to costs.

Appeal dismissed.

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