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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Mar-15-1994

Judge : R.N. Mittal, President; the Honourable Ms. Justice S. Brar, Member

Appeal No. : Case No. C-555 of 1992

Appellant : Ranbiri Devi

Respondent : Delhi Electric Supply Undertaking Through Its G.M. and Another

Judgement :

R.N. Mittal, President:

1. Briefly the facts are that the complainant was given commercial electric connection of 10 HP in the premises in dispute for running a small atta chakki, on 7.10.90. The electric meter installed there was burnt on 13.10.91 which was replaced by the respondent at the request of the complainant. It is alleged that a bill was prepared on 7.11.91 for an amount of Rs. 38,525.77. The said amount was paid by the complainant in two instalments. After the payment of the said bill, a new meter was fixed, but it was also found defective. It was again changed by the respondent at the instance of the complainant.

2. Later on 15.3.92 she received a bill of Rs. 1,25,886.18 dated 3.2.92 which was not paid by her. Consequently her electric connection was dis-connected on 30.3.92. In Nov.:92 she received a bill of Rs. 1,29,016/- which was payable upto 26.11.92. It is alleged that the bill is illegal, arbitrary and unjustified. Consequently she filed a complaint praying that the respondent be directed to restore the electric connection and render account of the amount of Rs. 38,525.75 already deposited and withdraw the bill of Rs. 1,29,016/-.

3. The complaint has been contested by the respondent. They have inter alia pleaded that the Assistant Engineer (Zone) inspected the site on 12.11.91 and prepared a report. A total connected load of 52 HP against industrial power connection and 34 HP against industrial light connection was found at the spot on the basis of which a supplementary bill for Rs. 1,25,886.18 was prepared. It is further pleaded that the bill was correct and the disconnection was legal.

4. The last date fixed in the case was 22.9.93 on which date it was adjourned for 11.3.94 for arguments. 14.3.94 was declared as a holiday on account of Id. Consequently this case has been taken up today i.e. the following day. It is now 4 p.m. In spite of waiting for the complainant upto 4 p.m., we found him absent consequently we have heard Mr. A.K. Arya, Advocate for the respondent. It is mentioned in the W.S. that the following Firms with the loads mentioned against each were working in the factory.

1. F/Nill Load of R/C	Flour Mill Motor-10 H.P. + Cotton Cordon Machine lying outside - 2 H.P. Total = 12 H.P.
2. M/s. Som Bhutani W/Shop	Lathe machines = 2 H.P. + Drill machine, Grinder + Adda = 2 H.P. Total = 4 H.P.
3. M/s. Malik Plastic	Adda etc. Total Load = 8 H.P. + 1.5 KW (2H.P.)
4. M/s. Gandhi Engg. Works	Adda (Lathe Type) = 4 H.P. Hydr. Press 1 H.P. + Grinder H.P. Total = 5.5 H.P.
5. Disconnected lying load	(M/s. Krishna Oil Mill) = 15 KW (20 HP)

Total :	12 +4+ 5 +10.5+20 H.P. = 52 H.P. against I.P. connection.
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Thus the machinery of 52 H.P. is alleged to have been installed in the factory. The bill has been prepared not on these basis of the actual consumption but on the basis of the minimum laod charge of 52 H.P. In the aforesaid details it is shown at S. No. 5 that the machinery having load of 20 HP was lying disconnected. It is relevant to highlight that only 10 HP load was given to the complainant. We are of the view that the wiring of 10 HP cannot take the load of 52 HP. It is also evident from the report itself that the machinery of the load of 20 HP was lying disconnected. Even assuming that the other machinery had been connected with the electric connection, normally whole of the machinery is not run simultaneously.

5. After taking into consideration the facts and circumstances of this case we reduce the load from 52 HPs to 26 HPs. Consequently we reduce the amount of bill from Rs. 1,29,016/- to Rs. 64,508/-say Rs. 64,500/-. In case the complainant deposits the said amount and furnishes fresh test report and re-inspection charges, the matter regarding re-connection be considered afresh by the respondent taking into consideration the observations made above.

6. For the aforesaid reasons we partly accept the complaint and order accordingly. No order as to costs.

Complaint partly accepted.

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