

**Maksuda Begum Vs. Executive Engineer : West Zone, City Division & 2 and Another**

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**SooperKanoon Citation :** [sooperkanoon.com/1148504](http://sooperkanoon.com/1148504)

**Court :** Chhattisgarh State Consumer Disputes Redressal Commission SCDRC Raipur

**Decided On :** Feb-07-2014

**Judge :** R.S. SHARMA, PRESIDENT & THE HONOURABLE MS. HEENA THAKKAR, MEMBER

**Appeal No. :** Appeal No. FA/2013 of 216

**Appellant :** Maksuda Begum

**Respondent :** Executive Engineer : West Zone, City Division & 2 and Another

**Judgement :**

1. This appeal under Section 15 of the Consumer Protection Act, 1986 has been filed by the complainant/appellant against the order passed by the District Consumer Disputes Redressal Forum, Bilaspur (C.G.) (henceforth "District Forum") on 20.02.2013 in Complaint Case No.117/2009, whereby the complaint of the appellant/complainant has been dismissed by the District Forum.

2. Briefly stated the facts of the complaint before the District Forum are that on the date of purchase of the house by the appellant/complainant, service connection no.033581 was operative for domestic use in the name of D.T. Shrivastava and on the date of purchase of the house, no dues was payable to the respondents/OPs, but after giving the said house on rent, Guardian and Guide School was started and thereafter domestic service connection, was converted into commercial service connection and billing was done as such. The appellant/complainant had regularly paid the electricity bills. In the said premises, a private school was running in day shift, therefore, electricity consumption is very meagre. In the month of January, 2001 the respondents/OPs issued bill to the appellant/complainant to the tune of Rs.247/-, which was paid by her and thereafter issued bill to the tune of Rs.7,631/- for the month of August, 2001, which is more higher than the amount of bills issued earlier by the respondents/OPs. The appellant/complainant made complaint to the respondents/OPs for issuing bill of excessive amount. The respondents/OPs told the appellant/complainant that the meter which is installed in the premises of the appellant/complainant is defective, therefore, bill for an excessive amount was given. The appellant/complainant requested that in the premises the consumption of electricity is very meagre, therefore, the calculation of amount of bill be done as per previous consumption, but the respondents/OPs refused to calculate on the basis of previous consumption and sent bill to the appellant/complainant for an excessive amount to which the appellant/complainant could not pay. In the month of February, 2003 the electricity connection of the premises of the appellant/complainant was disconnected by the respondent/OPs. Due to disconnection of the electricity connection, she is facing problem. The appellant/complainant is ready to pay the amount of bill as per rules. The respondents/OPs issued the bill from the date on which the meter became defective till year 2003 on the basis of contracted load and after disconnecting electricity connection without use of the electricity on the basis of above rate, the calculation is being made and till April, 2008, a sum of Rs.1,00,264/- was demanded. It is also pertinent to mention that the electric meter was installed outside the premises of the appellant/complainant, which was stolen by someone regarding which the appellant/complainant orally informed the respondents/OPs. Being aggrieved by the act of the respondents/OPs, the appellant/complainant made complaint before Electricity Consumer Complaints Redressal Forum, Bilaspur,

but could not get any justice. Therefore, the appellant /complainant filed consumer complaint before the District Forum.

3. Respondents / OPs filed their reply and denied the averments made by the appellant/complainant in the complaint. They stated that appellant/complainant has not obtained electricity connection in her name, therefore, she does not come in the category of the "consumer" and she is not entitled for any relief through the District Forum. In the service no.033581 the allotted electric load was 2100 watt, whereas as per meter reading in the month of August, 2001 consumption of electricity is recorded as one unit and in the month of November, 2001, consumption of 153 units is recorded which is very meagre than the connected load, which is a proof of committing tampering with the meter, and it was mentioned in the meter reading book. As the said meter was closed and electricity of 2100 watt was used, therefore, bill for consumption of 567 unit was issued. As the appellant/complainant had not paid the bill for the month of July, 2001 as well as prior to that month, therefore, in the month of August, 2001 bill for sum of Rs.7,631/- was issued as per rules. The electricity connection was disconnected in the month of February, 2003 due to non payment of electricity bill. The respondent/O.P. further averred that if the appellant/complainant was aggrieved by the order of Electricity Consumer Complaint Redressal Forum, Bilaspur æHINDI?, then she was required to file appeal before Electricity Ombudsman within period of limitation, but she could not file such appeal, therefore, both the parties are binding by the aforesaid order and the complaint of the appellant/complainant is not maintainable.

4. The appellant/complainant filed a complaint before Electricity Consumer Complaint Redressal Forum, Bilaspur æHINDI?. The Electricity Consumer Complaint Redressal Forum, Bilaspur dismissed the complaint vide order dated 24.01.2009 and held that after disconnection, the appellant/complainant had indirectly tampered with the meter and was using unauthorisedly electric connection and further held that the appellant /complainant violated the provisions of Clause 10.1 and 10.15 of Chhattisgarh Electricity Supply Code, 2007, therefore, the appellant/complainant, is not entitled for getting discount in the amount of bill and the bill issued by the respondents/OPs, is correct and dismissed the complaint.

5. Thereafter, the appellant/complainant filed a complaint before the District Forum. The appellant/complainant initially filed complaint before Electricity Consumer Complaint Redressal Forum, Bilaspur æHINDI? which was dismissed vide order dated 24.01.2009 directing that if the appellant/complainant is not satisfied with the said order, then she is at liberty to file appeal before Electricity Ombudsman, but the appellant/complainant did not file any appeal against the order passed by Electricity Consumer Complaint Redressal Forum, Bilaspur æHINDI? and she filed instant complaint before the District Forum. The complaint of the appellant/complainant is barred by res-judicata and also in view of order passed by Hon'ble Supreme Court in the case of U.P. Power Corporation Ltd. and Ors. Vs. Anis Ahmed, III (2013) CPJ (SC) 1, the complaint filed in the present case before the District Forum under the Consumer Protection Act, 1986 is not maintainable.

6. Accordingly, without going into merits of the appeal, we dismiss the appeal and consumer complaint with liberty to the appellant/complainant to seek appropriate remedy available to him before other appropriate Forum. No order as to cost of this appeal.