

Jagmohan Singh Vs. Punjab State Electricity Board and Others

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Court : Punjab State Consumer Disputes Redressal Commission SCDRC
Chandigarh

Decided On : Jan-23-2014

Judge : Gurdev Singh, President, the Honourable Mr. Baldev Singh Sekhon,
Member & the Honourable Mrs. Surinder Pal Kaur, Member

Appeal No. : First Appeal No.1772 of 2009

Appellant : Jagmohan Singh

Respondent : Punjab State Electricity Board and Others

Judgement :

Baldev Singh Sekhon, Member:

1. This appeal has been filed by the appellant/complainant against the order dated 13.11.2009 passed by the District Consumer Disputes Redressal Forum, Ludhiana (in short 'District Forum?'), vide which his complaint was dismissed.
2. The facts, in brief, are that the complainant was having an electric connection, bearing account No.W51GC51074A. He was surprised to receive a bill dated 30.9.2008 in which a demand of Rs.1,59,199/- was raised as sundry charges on account of unauthorised use of electricity. Hence, he filed the complaint before the District Forum for quashing the said illegal demand.

3. In reply to the notice, the opposite parties submitted that the connection of the complainant was checked on 2.2.2008 by Javed Raj and Jaswinder Singh, Meter Inspectors, during which, he was found stealing electric energy by putting powerful magnet in front of the counter of the meter due to which scratches appeared on the body of the meter. It was a clear cut case of theft of electric energy. Accordingly, the impugned demand was raised.

4. The District Forum, after going through the evidence led by the parties dismissed the complaint.

5. Aggrieved by this order, the complainant has come up in appeal.

6. As per the pleadings/allegations levelled by the opposite parties, the subject matter of this case is covered U/s 126 of the Electricity Act, 2003.

7. The Honble Supreme Court in Civil Appeal No.5466 of 2012 (arising out of SLP (C) No.35906 of 2011) titled as æU.P. Power Corporation Limited and Ors. Vs Anis Ahmad?, decided on 1st July, 2013, dealt with the complaints filed against the assessment made U/s 126 of the Electricity Act, 2003 or any action taken U/s 135 to 140 of the said Act and after detailed discussion, held as follows:-

æA complaint against the assessment made by assessing officer under Section 126 or against the offences committed under Sections 135 to 140 of the Electricity Act, 2003, is not maintainable before a Consumer Forum?.

8. Since the subject matter of this case is covered U/s 126 of the Electricity Act, 2003 and, as such, in view of the law laid down by the Honble Supreme Court, the appeal as well as the complaint filed by the appellant/complainant is not maintainable, as the District Forum had no jurisdiction to deal with the subject matter covered u/s 126 of the Electricity Act, 2003.

9. Accordingly, the appeal filed by the appellant/complainant is dismissed. The District Forum has dismissed the complaint on merits, but as stated above, the District Forum had no jurisdiction to deal with such complaints filed, as such, order under appeal dated 13.11.2009, dismissing the complaint, is set aside without prejudice to the rights of the complainant to seek his appropriate remedy before

the proper authority under the Electricity Act, 2003. The time spent by him before the District Forum and in this Commission while prosecuting the complaint and the appeal shall be excluded by that authority while computing the period of limitation for filing the appeal etc.

10. The amount, if any, deposited by the complainant with the respondents/opposite parties as per the directions of the District Forum or as per directions given by this Commission, be considered as advance towards the demand raised by the respondents/opposite parties.

11. The arguments in the case were heard on 17.1.2014 and the order was reserved. Now, the order be communicated to the parties.

12. The appeal could not be decided within the statutory period because of the heavy pendency of the court cases.

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