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ASST. EXECUTIVE ENGINEER, ELECTRICAL MAJOR SECTION, PALA Vs JOSEPH K.KOOTUMKAL

None

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: Jan. 1, 1999

Citation: 2000 1 CPJ 383

Hon'ble Judges: L.Manoharan , K.M.Latha J.

Final Decision: Appeal dismissed

Judgement

1. THE opposite parties in O.P. No. 1172/96 on the file of the Consumer Disputes Redressal Forum, Kottayam are the appellants.

2. THE complainant''s grievance was that he was supplied with an additional bill for an amount of Rs. 1,780/- issued by the opposite party for the

period from 6/95 to 2/96. He maintained that he was not consumed any excess energy and the claim is not correct. THErefore, he wanted

redressal.

The opposite party in its version denied the said allegation and sought to maintain that the claim made is in accordance with the consumption of the

energy. The District Forum held that the opposite party is not entitled to claim the amount in the addittional bill and therefore cancelled the said bill

and directed the opposite party to refund the amount paid under the said bill and allowed costs of Rs. 500/- to the complainant. Against the said

direction this appeal is filed by the opposite party.

Learned Counsel for the appellant submitted that, the District Forum has gone wrong in assuming that the additional bill is not for the energy that

was actually consumed. According to the learned Counsel the bill was issued only as per the reading in the meter. The respondent/complainant

who appeared in person maintained that, from the admitted facts it would be seen that the claim under the additional bill is not sustainable. The

impugned order itself states that the meter was found to be defective in 2/96. The additional bill was issued for the months of 6/95 to 2/96. It is

submitted by the respondent that, even after the installation of the new meter the consumption of energy was only 70 units. As to when the meter

became faulty there was no acceptable data. Inasmuch as the meter was discovered to be faulty on 2/96, and in the context of the materials placed

before the District Forum that the consumption of energy from 9/91 to 9/95 was within the limit of permitted slabs, would support the grievance of

the complainant that the excess was due to fault of the meter during the said period becomes probable. Even according to the appellant during the

disputed period the complainant had paid the amount due as per the slab to which he belongs. When the meter is faulty the liability is only to pay

the average of the consumption for 6 months. In the particular facts and circumstances of the case since the complainant had already paid the

amount as per the slab and as the meter was discovered to be faulty, the assumption that the reading recorded by the meter was correct cannot be

accepted. In view of the above, it is clear that the additional bill cannot be held to be valid and accordingly the conclusion reached by the District

Forum cannot be in any way faulty. In that view we do not see any merit in the appeal, the appeal is liable to be dismissed. Which accordingly is

dismissed. Appeal dismissed.