

(2005) 09 NCDRC CK 0069

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

LOVELY COOP. GROUP HOUSING
SOCIETY LTD.

APPELLANT

Vs

IRFAN

RESPONDENT

Date of Decision: Sept. 19, 2005

Citation: 2006 1 CPJ 368

Hon'ble Judges: J.D.Kapoor , Rumnita Mittal J.

Final Decision: Appeal partly allowed

Judgement

1. APPELLANT is a Co-operative Group Housing Society of which the respondent is a member. On account of excessive charging towards the electricity consumption through a sub-meter, the appellant has been vide impugned order dated 21.8.2003, directed to issue a revised bill and to refund the proportionate amount with interest @ 15% per annum to the appellant and pay Rs. 50,000 as compensation towards the harassment and injury suffered by the appellant, as the appellant remained without electricity for two months and Rs. 1,000 as cost of litigation.

2. FEELING aggrieved, the appellant has directed this appeal. Admittedly, according to the appellant, the electricity charges pending against her on the basis of the revised bill as per direction of the District Forum are to the tune of Rs. 10,000. While on the other hand, appellant contends that respondent is liable to pay the arrears of Rs. 12,000 towards the electricity charges. There is no dispute that the Society had installed sub-meters from the main meter through which the electricity was being supplied. The comparison between the main meter through which the electricity was being supplied with sub-meters revealed that the sub-meters installed by the

society was running fast and consumption was shown as 150% more than the actual consumption shown in parallel meters.

This single circumstance holds the appellant guilty for not only deficiency in service but unfair trade practice in installing such meters which were running very fast and with dubious device to earn profit from the members, for supplying electricity through sub-meters. Society was not justified in installing such meters which were showing fast reading than the parallel meter installed in the premises. Respondent has suffered immensely due to extreme deficiency in service, as well as the unfair trade practice on behalf of the appellant as she was without electricity for about two months which affected the study of her children. Taking overall view of the matter and also in view of the provision of Section 14 of the Consumer Protection Act, which permits only compensation for the loss suffered by the consumer due to negligence on the part of the service provider, we feel inclined to award the compensation/only instead of interest. The damages awarded by the District Forum to the tune of Rs. 50,000 appear to be on the higher side. In our view, the compensation of Rs. 25,000 would meet the ends of justice besides the cost of litigation of Rs. 1,000. Since the respondent has already paid in excess on the basis of 150% extra consumption than the actual consumption, we waive off the pending amount of Rs. 10,000 due from the respondent towards the electricity consumption. The appeal is partly allowed and disposed of in aforesaid terms. The payment shall be made within one month. The bank guarantee/FDR, if any deposited by the appellant be returned forthwith after completing necessary formalities.

3. A copy of this order as per statutory requirements be forwarded to the parties free of cost and also the concerned District Forum and thereafter the file be consigned to Record Room. Appeal partly allowed.