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LOVELY COOP. GROUP HOUSING SOCIETY LTD. Vs IRFAN

None

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

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 barassment

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.