

(1997) 04 NCDRC CK 0025

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

CHAIRMAN, PUNJAB STATE
ELECTRICITY BOARD

APPELLANT

Vs

Ranjit Singh

RESPONDENT

Date of Decision: April 2, 1997

Citation: 1997 1 CPC 606 : 1997 2 CPJ 33

Hon'ble Judges: A.L.Bahri , R.L.Gupta J.

Final Decision: Order set aside. Appeal accepted

Judgement

1. THIS appeal deserves to be allowed on the short ground that the District Forum did not comply with the procedure prescribed under Section 13 of the Consumer Protection Act in the matter of deciding the complaint. Notice of the complaint was issued to the opposite party, the Electricity Board for August 16, 1996 on which date both the parties were represented and for filing reply, the case was adjourned to September 3, 1996. On that day reply was filed and the case was adjourned to September 19, 1996 for evidence of the complainant. On September 19, 1996 the case was taken up. The complainant appeared in person and no body appeared on behalf of the opposite party. The case was finally disposed of. Perusal of the file shows that Ranjit Singh, complainant had appeared before the District Forum on September 19, 1996 and he tendered into his evidence an affidavit and closed his evidence. Thus, it would appear that factually the case was disposed of on September 19, 1996 although, date of the order was wrongly put as September 18, 1996 on the proceedings as well as on the order. For our purposes that will not make any difference. Suffice it to say that no opportunity of leading evidence was given to the Electricity Board. Even if, after filing reply. Electricity Board was not represented on September 19, 1996. The case should have been adjourned enabling the opposite party to produce evidence and intimation should have been given to the opposite party. Counsel for the appellant states that he was present, however, order was announced without affording opportunity of leading evidence. Be that as it may as Section 13 of the Act was not complied with, the final order passed under

Section 14 of the Act cannot be sustained in law.

2. IT may be observed that now the grouse is only with respect to the costs awarded in the order of the District Forum. Otherwise, electric connection stands released to the complainant. This fact will be taken notice of by the District Forum while passing final order after affording opportunity of leading evidence to the opposite party. The appeal is accepted. The order of the District Forum is set aside. Case is remanded to the District Forum for decision according to law. Parties present are directed to appear before the District Forum on 5th of May, 1997. The records of the District Forum be returned promptly. Order set aside. Appeal accepted.