(2001) 11 NCDRC CK 0008

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

U.P.State Electricity Board	APPELLANT
Vs	
SUSHIL KUMAR SINGH	RESPONDENT

Date of Decision: Nov. 7, 2001

Citation: 2002 2 CPJ 296 : 2003 1 CLT 612

Hon'ble Judges: K.C.Bhargava , D.D.Bahuguna , Rachna J.

Final Decision: Appeal dismissed

Judgement

1. THIS is an appeal against the judgment and order dated 15.3.1997 passed by District Consumer Forum, Rae Bareli in Complaint Case No. 191 of 1994.

2. THE facts of the case stated in brief are that the complainant is an educated unemployed person. He wanted to establish an "Aatta Chakki-cum-Oil Mill". For this purpose he applied to the Electricity Department for 10 Horse Power electric connection on 1.9.1992. THE complainant also complied with all the formalities which were indicated by the opposite party No. 2 by letter dated 23.1.1993. THE complainant also deposited a sum of Rs. 3,288/- as per estimate given to him on 23.1.1993. THE complainant had spent a sum of Rs. 26,768/- in making constructions etc. THE complainant made contacts with the opposite party for the connection, but the opposite party demanded additional amount of Rs. 8,998/-. THE opposite party refused to give connection until the additional amount demanded is deposited. THE complainant filed a complaint before the District Forum for compensation of Rs. 2,00,000/-.

In the written statement the opposite party has alleged that the complainant had applied for 10 Horse Power electricity connection to opposite party No. 2, who prepared the estimate for Rs. 3,288/-. The complainant deposited the amount. Thereafter, it was found that in order to give connection a sum of Rs. 35,505/- was to be spent. When the compliance was made by the complainant the proposal was sent to Member (Distribution), State Electricity Board, Shakti Bhawan, Lucknow in which it was mentioned that 491 metre length wire was to be fixed. The Member (Distribution) did not approve the connection on account of paucity of funds. This information was conveyed to the complainant and it was intimated that the connection cannot be given unless a further sum of Rs. 8,998/- is further deposited by the complainant. Thereafter letters were written for approval of the connection but nothing was done. The complainant can take back his money.

The parties filed evidence in support of their respective claims before the District Forum, who after perusing the evidence on record, came to the conclusion that there was deficiency on behalf of the opposite party. Hence it directed the Electricity Department to give connection to the complainant without any delay. It also awarded a sum of Rs. 500/- as compensation and Rs. 100/- as cost to the complainant. If the compliance of the order is not made within one month''s period, then a sum of Rs. 10,000/- was to be payable as compensation.

3. AGGRIEVED against the order of the learned District Forum, the opposite party, U.P. State Electricity Board has come in appeal and has challenged the correctness of the order passed by the District Forum.

We have heard the learned Counsel for the appellant, without issuing notice to the respondent, at the admission stage itself.

4. LEARNED Counsel for the appellant has argued that the estimate for giving connection was of Rs. 35,505/- which was prepared by the opposite party, but at the same time we find that previous to this, an estimate of Rs. 3,288/- was prepared by the Electricity Department and the same amount was deposited by the complainant. If an estimate of Rs. 35,505/- was prepared by the Electricity Department, then this much estimate should have been shown to the complainant for depositing of the amount. On the basis of initial estimate prepared by the Electricity Board for Rs.

3,288/- the complainant had made arrangements for running his business spending a sum of Rs. 26,768/-, which fact remains unrebutted and has not been denied by the opposite party.

Learned Counsel has further argued that the Board''s financial condition is not such that it can bear the expenses of Rs. 32,217/- after adjusting the amount deposited by the complainant. We are not concerned with this argument of the learned Counsel whether the Board''s financial condition is good or bad. We are of the view that once the estimate has been issued by the Electricity Department then the consumer cannot be saddled with additional amount. It was the duty of the Electricity Board to have first surveyed the site and to have given the estimate thereafter. It cannot be believed that the Electricity Board officials would not have surveyed the site and without surveying the site the estimate would have been prepared and the connection was to be given. If it is so, then the additional amount demanded of Rs. 32,217/- should be recovered from the persons who has prepared this estimate without surveying the site.

Thus we find that on the basis of evidence on record the District Consumer Forum was perfectly justified in coming to the conclusion that there was deficiency on behalf of the opposite party/appellant in not giving the connection to the complainant. Hence this appeal has no force and the same is liable to be dismissed. ORDER The appeal is dismissed and the judgment and order of the learned District Forum are confirmed. Let compliance of the order be made within a period of six weeks from today. Let copy as per rules be made available to the parties. Appeal dismissed.