

(2004) 03 NCDRC CK 0109

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

Ranbir Singh

APPELLANT

Vs

Chairman, Delhi Vidyut Board

RESPONDENT

Date of Decision: March 26, 2004

Citation: 2004 3 CLT 582 : 2004 3 CPR 717 : 2004 4 CPJ 259

Hon'ble Judges: Rumnita Mittal , Mahesh Chandra J.

Final Decision: Appeal dismissed

Judgement

1. THE present appeal has been filed under Section 15 of the Consumer Protection Act, 1986 (hereinafter to be referred to as "the Act") against the order dated 11.8.1999 passed by District Forum (West), Janak Puri, New Delhi in Complaint Case No. 432/1997 entitled Shri Ranbir Singh v. Chairman, DVB. By the impugned order the learned District Forum dismissed the complaint filed by the appellant Sh. Ranbir Singh on the ground that no deficiency in service has proved on the part of the respondent DVB. THE facts of the case relevant for the disposal of this appeal are as follows: THE appellant Shri Ranbir Singh is the registered consumer of electric connection K. No. 135240 installed at his premises. He received a notice from the respondent for disconnection of supply and asking him to pay Rs. 68,492.19 dues upto 20.1.1997. This included arrears for 44 months and also misuse charges for using domestic connection for commercial purposes. According to the appellant, he never used the said supply for any purpose other than domestic use. Hence he filed a complaint before the District Forum for withdrawal of the notice and with the request that the respondent be directed to raise the bill on the basis of domestic use. Before the District Forum, the respondent informed that the misuse charges have been withdrawn after inspection of the site by MRI, who reported that the supply is being used only for domestic purpose. THE misuse charges were subsequently withdrawn w.e.f. 25.8.1985, however, it was found that the appellant has not paid the electricity dues since January, 1994 and the arrears had accumulated to Rs. 65,366.22. After withdrawal of the misuse charges Rs. 17,455.77 were deducted from the said bill and an amount of Rs. 2,085.89 of provisional bills

was also reduced thereby leaving a balance of Rs. 49,960/-, which was not paid by the appellant.

2. THE learned District Forum after hearing both the parties found that the appellant has not made any payment of electricity dues since January, 1994 and he himself was a defaulter. Moreover, misuse charges levied by the respondent have already been withdrawn and the bills have already been corrected, still the appellant failed to make the payment of the arrears for the last 44 months. Hence, the learned District Forum found that there was no deficiency in service on the part of the respondent and accordingly rejected the complaint filed by the appellant.

Aggrieved by the aforesaid order the appellant has preferred the present appeal before this Commission.

The main contention of the appellant is that the respondent can only raise a bill for six months as provided under section of the Indian Electricity Act and hence the respondent cannot raise the bill for the arrears of 44 months. We are unable to accept this contention of the appellant, Section 26(6) speaks about defective meter hence it will not be applicable in the present case and the appellant cannot take advantage of his own fault under the garb of the Section 26(6) of Indian Electricity Act. It was due to the non-payment of dues by the consumer that the amount had accumulated which is legally payable by the appellant. As regards other disputes raised by the appellant regarding levy of misuse charges and correction of bills are concerned, the same have already been resolved by the respondent prior to the order passed by the District Forum. It appears that the appellant simply wants to delay the payment of the dues on one pretext or the other by alleging deficiency in service on the part of the respondent.

3. WE have carefully considered the impugned order passed by the learned District Forum and we do not find any infirmity in the order so as to call for any interference. The order is well discussed and well reasoned. Even before this Commission the appellant has failed to point out any deficiency in service on the part of the respondent. Hence the appeal is dismissed. The present appeal filed by the appellant is disposed of in above terms. Appeal dismissed.