

(2000) 08 NCDRC CK 0013

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

SAMBHUNATH MAJI

APPELLANT

Vs

STN. SUPDT., W.B.S.E.B.

RESPONDENT

Date of Decision: Aug. 30, 2000

Citation: 2001 1 CPJ 190

Hon'ble Judges: S.C.Datta , S.Majumder , D.Karformas J.

Final Decision: Appeal disposed of

Judgement

1. BOTH sides are present through their respective Counsels. By the impugned judgment dated 30.6.1998 the Forum disposed of the case with a direction to the complainant to pay electricity charges @ 1,750 Units per month. The Forum further directed that after clearance of the dues the complainant may apply to the WBSEB for change of name of consumer after observance of all necessary formalities. The learned Counsel appearing for the appellant submits that the Forum has no authority to calculate the consumption of units on the basis of norms fixed by the S.E.B. Learned Counsel appearing for the SEB joins issue. It is accepted that the Forum cannot calculate the amount of consumption. The learned Counsel for the respondent further submits that the present appellant is not the consumer and as such reference to CEI, West Bengal for adjudication of the dispute will not be proper and binding. The learned Counsel for the appellant submits that the present appellant has become the sole proprietor of the partnership business by acquisition of the share of another partner viz., Radheyshyam Ghosh. It appears that the order was passed in June, 1998 and so far there has been no attempt on the part of the appellant to get his name recorded as consumer with the WBSEB. The fact remains that the meter was not running properly w.e.f. 8.1.1997 and for non-payment of bills the line was disconnected on 14.7.1997. The learned Counsel for the respondent disputes the case of the appellant to this effect that the partnership firm has been dissolved and the present appellant has become the sole proprietor of the business. He submits that the meter stood in the personal name of Mr. Radheyshyam Ghosh who is a party to this proceeding. There are all disputed facts which, we think,

should not be gone into in an appeal. If the appellant has actually acquired sole proprietorship in the business he may establish his right before a proper Forum and then apply to the SEB for connection in his own name. We think it would not be proper to adjudicate all these matters in a summary proceeding. We find no merit in the appeal which is hereby disposed of. Appeal disposed of.