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NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

DELHI VIDYUT BOARD	APPELLANT
Vs	
ROHTASH PAL MEHTA	RESPONDENT

Date of Decision: Dec. 19, 2000

Citation: 2001 2 CPJ 101 : 2001 3 CPR 263

Hon'ble Judges: Lokeshwar Prasad , Rumnita Mittal , S.P.Saberwals J.

Final Decision: Appeal dismissed in limine

Judgement

1. THE present appeal, filed by the appellant, under Section 15 of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act"), is directed against order dated 6.9.2000, passed by District Forum No III in Complaint Case No. 403/2000 - entitled Shri Rohtash Pal Mehta v. Executive Engineer/AFO, Delhi Vidyut Board. THE facts, relevant for the disposal of the present appeal, briefly stated, are that the respondent Shri Rohtash Pal Mehta had filed a complaint averring that he had purchased property bearing No. A-51/A, Manak Vihar Extension, New Delhi on 23.7.1990 from one Shri Jarnail Singh, who was the registered consumer in respect of electricity connection, bearing No. 1514666. It was stated, in the complaint by the respondent, that the respondent had been paying the electricity bills in respect of that electricity connection regularly. Even the misuse charges, levied by the appellant, had been paid by the respondent, as stated by the respondent in the complaint. However, in November, 1999, the respondent received a bill for the consumption of electricity in respect of the above said electricity connection, amounting to Rs. 30,836/-. After the receipt of the above said bill, the respondent approached the office of the appellant and came to know that the above said bill was for the period from 11.4.1988 to 19.11.1991. THE grievance of the respondent, in the complaint, was that the above said bill, raised by the appellant, was wrong, and the demand raised was illegal. It was prayed that the appellant be directed to withdraw the bill and restore the electricity connection which had been disconnected by the appellant. THE stand taken by the appellant, before the District Forum, was that misuse in respect of the

above said electricity connection was reported by the meter reader on 29.1.1991 and on the basis of the above said report, misuse charges were levied three years prior to 29.1.1991 i.e. w.e.f. 29.1.1988.

2. THE learned District Forum, vide impugned order, has held that the demand raised by the appellant, was barred by limitation and on the above ground, has passed the order being impugned in the present proceedings. Feeling aggrieved, the appellant has preferred the present appeal under Section 15 of the Act.

We have heard the learned Counsel for the appellant at length on the question of admission of the present appeal and have also carefully gone through the documents/material on record. The order, being impugned in the present proceedings, was passed by the learned District Forum on 6.9.2000. In terms of the provisions contained in Section 15 of the Act, the present appeal should have been filed within a period of thirty days from the date of the order. However, proviso to the above section provides that the State Commission may entertain an appeal even after the expiry of the above said period of thirty days, if it is satisfied that there was "sufficient cause" for not filing the same within the above said period. The words "sufficient cause", occurring in proviso to Section 15 of the Act are of utmost significance. As per settled law, culled out from various judicial decisions, the above expression "sufficient cause", though deserves to receive a liberal construction, yet, a just and equitable balance has to be maintained between the right secured by the respondent as a result of the expiry of the prescribed period of limitation and the injustice of depriving the appellant of adjudication of his grievances on the merits of his appeal for causes beyond his reasonable control, which means the cause is bona fide and beyond the control of the appellant. Though no hard and fast line can be drawn as to what affords "sufficient cause" in a given case, yet, again as per settled law, any cause which prevents a person from approaching the Court within time is "sufficient cause". In doing so, it is the test of a reasonable man in normal circumstances which has to be applied.

Admittedly, the present appeal has not been filed by the appellant within the prescribed period of 30 days. The same has been filed much after the prescribed period of limitation on 5.12.2000. Along with the appeal, the appellant has also filed an application seeking condonation of delay in filing the present appeal. In the above said application, seeking condonation of delay in filing the appeal, it is stated that the copy of .the order was received on 14.9.2000 by the Legal Assistant and thereafter, the file was sent to the concerned Department for the consent of the AFO to file the appeal wherefrom the file was received in the legal office on 19.10.2000. From the legal office, the file was sent to the Deputy Chief Legal Officer on 21.10.2000 and was received in the office of the

Deputy Chief Legal Officer on 3.11.2000. After 3.11.2000, no satisfactory explanation is forthcoming except that it is stated that there were Diwali holidays and thereafter the Lawyer had gone to Maharashtra. In the presence of the facts stated in the application and the legal position explained above, in our opinion, whatever liberal interpretation might be put on the words "sufficient cause", it would be impossible for us to hold that there was no negligence or want of bona fide on the part of the appellant. In our opinion, the appellant, in the given facts, has miserably failed to show "sufficient cause" for condoning the delay in filing the present appeal and, therefore, the present application, seeking condonation of delay, in filing the present appeal, is hereby rejected.

3. THE present appeal, filed by the appellant, besides being barred by limitation, is also devoid of substance on merits. As already stated, it has been held by the learned District Forum that the demand raised by the appellant was barred by limitation. In our opinion, no fault can be found with the above findings of the learned District Forum in the given facts because the demand pertaining to the period from January, 1988 to March, 1995 was raised in November, 1999 and no explanation whatsoever is forthcoming from the appellant as to why the demand in question was raised after a lapse of more than four and half years. Moreover, the demand, as per the case of the appellant, was raised on the basis of the report of the meter reader submitted by him on 29.1.1991. It has not been explained, as to why on the basis of the abovesaid report, which was submitted on 29.1.1991, the demand was raised from the back date, i.e. w.e.f. 29.1.1988. Thus, viewed from all angles, the present appeal, filed by the appellant, is devoid of substance. THE same merits dismissal. Accordingly, the same is dismissed in limine with no order as to costs. It is directed that the order of the District Forum be complied with within 4 weeks from the date of receipt of this order. THE present appeal, filed by the appellant, stands disposed of in above terms. Appeal dismissed in limine.