

(1996) 10 NCDRC CK 0059

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

RAHUL GAS AGENCIES

APPELLANT

Vs

N.D.VATS, ADVOCATE

RESPONDENT

Date of Decision: Oct. 18, 1996

Citation: 1996 3 CPJ 470 : 1997 1 CPC 272

Hon'ble Judges: M.R.Agnihotri , Sushil Paul J.

Final Decision: Appeal dismissed

Judgement

1. M/s. Rahul Gas Agencies, Hisar dealer of Bharat Petroleum Corporation has come up in appeal against the order dated 18th September, 1996 passed by learned District Forum, Hisar, whereby the complainant of one N.D. Vats, Advocate has been allowed with a direction "that the complainant shall ensure the arrangement of ISI mark gas stove immediately and before getting the connection from the opposite party and also directing the appellant to release the connection to the complainant forthwith. Though the request for damages has been declined, yet the opposite party has been burdened with costs of Rs. 550/-.

2. THE complainant approached the District Forum with the grievance that though he had booked LPG connection with M/s. Rahul Gas Agencies, Hisar as back as 10th June, 1989 and his turn for the release of connection had matured, yet the opposite party had refused to release the gas connection as they were insisting upon the purchase of a gas stove also from them. In their reply, the respondent pleaded that no doubt gas connection had been booked for more than 7 years back and the turn had also matured, yet the connection was not being released because the complainant did not have a gas stove of ISI mark at his house. It was in these circum

stances that the learned District Forum has disposed of the complaint by issuing the aforesaid directions to the parties. Despite this, M/s. Rahul Gas Agencies have come up in appeal against the order of the learned District Forum by contending, that the District Forum had no jurisdiction to issue direction to the appellant for release of the gas connection as the only jurisdiction with the learned District Forum was to ascertain and assess the deficiency in service, if any. It has further been pleaded that there was no justification for awarding costs against the appellant, more so when no damages have been imposed.

After hearing the learned Counsel for the appellant and having gone through the record, we find that the appeal is wholly devoid of force, inasmuch as the non-release of the gas connection is certainly a deficiency in service especially when the registration number of the applicant has matured for the release of gas connection. Moreover, to compel a consumer to purchase a gas stove also along with the release of the gas connection from the proprietor of the gas agency itself, is an act of unfair trade practice for the redressal whereof jurisdiction under the Consumer Protection Act can certainly be invoked. "Under the circumstances, we do not find any legal infirmity in the order passed by the learned District Forum and the appeal is dismissed being devoid of force. Appeal dismissed.