

Heading1

Heading2

First Appeal No. A/62/2015

(Arisen out of Order Dated 09/10/2014 in Case No. 462/2013 of District Bhiwani)

1. DHBVNL

SDO OP CITY SUB DIVISION NO.2,DHBVNL,BHIWANIAppellant(s)

Versus

1. RITESH

S/O DESH RAJ YADAV R/O RUDRA COLONY,BHIWANIRespondent(s)

BEFORE:

HON'BLE MR. JUSTICE Nawab Singh PRESIDENT

HON'BLE MR. B M Bedi JUDICIAL MEMBER

HON'BLE MR. Diwan Singh Chauhan MEMBER

For the Appellant:

For the Respondent:

ORDER

STATE CONSUMER DISPUTES REDRESSAL COMMISSION HARYANA, PANCHKULA

First Appeal No : 62 of 2015

Date of Institution: 16.01.2015

Date of Decision : 09.04.2015

Sub Divisional Officer 'OP' City Sub Division No.2, Dakshin Haryana Bijli Vitran Nigam, Bhiwani.

Appellant-Opposite Party

Versus

Ritesh s/o Sh. Desh Raj Yadav, Resident of Rudra Colony, Bhiwani.

Respondent

CORAM: Hon'ble Mr. Justice Nawab Singh, President.

Shri B.M. Bedi, Judicial Member.

Shri Diwan Singh Chauhan, Member

Present: Shri Suresh Ahlawat, Advocate for appellant.

Shri S.S. Verma, Advocate for respondent.

O R D E R

B.M. BEDI , JUDICIAL MEMBER

Challenge in this appeal is to the order dated October 9th, 2014 passed by District Consumer Disputes Redressal Forum (for short 'District Forum'), Bhiwani. For ready reference, the operative part of the order is as under:-

“.....the complaint of the complainant is allowed with costs and the respondents are directed:-

1. To refund the amount, if any deposited by the complainant along with interest @ 12% p.a. from the date of deposit till its final realization.
2. To issue correct bill as per actual consumption.
3. To pay Rs.2200/- as costs of litigation.

The compliance of the order shall be made within 45 days from the date of receipt of the certified copy of the order.”

2. Undisputed facts of the present case are that Ritesh-complainant (respondent herein) got electric connection bearing account No.BC1D-2016 from Dakshin Haryana Bijli Vitran Nigam, Bhiwani (for short 'DHBVN')-Opposite Party. DHBVN issued bill for April, 2013 showing consumption of 107 units with meter reading 'old 2396 and new 2503'. The respondent-complainant requesting for change of meter, it was changed on June 1st, 2013 by installing meter No.5426354 with reading 1.4. The reading of the old meter at the time of its removal was 4902, as is evident from Meter Change Order Annexure A-1 which was signed by the respondent-complainant. By deducting the previously consumed units, that is, 2503 from 4902 and taking into account 480 units billed for the month of June, 2013 (charged on average basis), the respondent was issued bill Annexure A-3 for consumption of 1919 units, that is, 4902 (-) minus 2503 (-) minus 480= 1919. The respondent challenged the above said bill issued during August, 2013 for consumption of 1919 units.

3. It was not disputed that during the month of April, 2013 the respondent was earlier billed upto the reading of 2503 and at the time of changing the meter, the reading of old meter was 4902. The respondent was billed for 480 units on average basis for the month of June, 2013. In this view of the matter, the

respondent was rightly issued bill in August, 2013 for 1919 units. The District Forum fell in error for not appreciating the documentary evidence available on the record, hence, the impugned order cannot be allowed to sustain.

4. In view of the above, the appeal is accepted, the impugned order is set aside and the complaint is dismissed.

5. The statutory amount of Rs.1100/- deposited at the time of filing the appeal be refunded to the appellant-opposite party against proper receipt and identification in accordance with rules, after the expiry of period of appeal/revision, if any.

Announced	(Diwan Singh Chauhan)	(B.M. Bedi)	(Nawab Singh)
09.04.2015	Member	Judicial Member	President

CL

[HON'BLE MR. JUSTICE Nawab Singh]
PRESIDENT

[HON'BLE MR. B M Bedi]
JUDICIAL MEMBER

[HON'BLE MR. Diwan Singh Chauhan]
MEMBER