

Before,

**State Consumer Disputes Redressal Commission, Bihar,
Patna**

Appeal No. 218 of 2018

Vijay Kumar, S/o- Madan Prasad, R/o- Moll Kalibagh Bulaki Chowk, PS- Bettiah,
District- West Champaran

..... **Opposite Party no. 1 /Appellant**

Versus

1. Executive Engineer, Electricity, Bettiah, District- West Champaran
2. Umesh Prasad, Assistant/Clerk Electricity Department, Bettiah Bulaki Singh Chowk, Near Harnath School, Bettiah, West Champaran at present
Ghorasahan Electricity Department, PS- Ghorasahan, East Champaran

..... **Complainant/Respondent**

Counsel for appellant- Adv. Dhananjay Kumar
Counsel for Respondent- Adv. Shrikant Sharan

Before:

Gita Verma (Judicial Member)
Md. Shamim Akhtar (Judicial Member)

Dated: 01.07.2024

Miss Gita Verma (Judicial Member)

Order

1. This appeal has been filed by complainant against the dismissal of his complaint no. 11 of 2013 by District Consumer Disputes Redressal Forum, Bettiah vide order dated 30.05.2018.

2. It appears from the record that the dispute between the complainant and Bihar State Electricity Board (O.Ps) was with respect to electricity bills and discrepancy in consumer number. According to the complainant his consumer number was 10890 and it was a domestic connection but according to O.Ps the consumer number of complainant was 10891 and it was commercial connection. The tariff rate of commercial is higher than domestic and consumer number 10890 was another person, namely, Ajay Kumar. The supply line of complainant had been disconnected but electricity bill of Rs. 5,34,257/- was pending against him for payment. So, he had made prayer in his complaint to set aside the pending bill. He had asked further to direct the O.Ps to pay to him a compensation of Rs. 50,000/- for physical and mental harassment, Rs. 10,000/- as litigation cost and Rs. 500/- as correspondence cost with them.
3. The District Forum heard the case on merits and passed the impugned order also merits.
4. The appellant has challenged the said order before us in this appeal purely on merits.
5. Heard the learned counsel for the respondent, on call no one appeared on behalf of appellant. Perused the record and written notes of argument filed by both parties.
6. But, we refrain from discussing the case on merits because in our opinion the District Forum had no jurisdiction over the subject matter of dispute. So, it was not competent to entertain the complaint.
7. The Hon'ble Supreme Court in the case of *U.P. Power Corporation & Others Vs. Anis Ahmad* [2013] 13 S.C.R. 388 has held that consumer forum constituted under the consumer Protection Act, 1986 has no jurisdiction to entertain a complaint filed by a consumer or any person against the assessment made under section 126 of Electricity Act, 2003 or action taken under section

135 to 140 of the Electricity Act, 2003. A commercial consumer doesn't stand in the category of consumer under section 2(d) of the Consumer Protection Act. Detailed reasons are given in para no. 24 of the aforesaid decision. In the present case the dispute was that the electric supply connection of the complainant was commercial connection or a domestic connection and whether the pending bill calculated at the commercial rate was correct? Therefore, this decision is applicable in the present case also.

8. For the reason mentioned above the impugned order is set aside.
9. The appeal stands disposed of accordingly. Parties to bear their own costs.