

STATE CONSUMER DISPUTE REDRESSAL COMMISSION**BIHAR, PATNA****Appeal No. 04 of 2022**

1. North Bihar Power Distribution Co. Ltd. through its Assistant Electrical Engineer, Electric Supply Sub Division, Supaul
2. Electrical Executive Engineer, North Bihar Power Distribution Co. Ltd, Electric Supply Division, Supaul

... Appellants**Versus**

Kartik Prasad Gupta, S/o- Bajju Sah, Resident of Sakin- Narhi Shivpuri, Ward No. 5, PS- Kishanpur, District- Supaul, Pin- 852138

.... Respondent**Counsel for the Appellant:** Adv. Vikash Chandra Srivastava**Counsel for the Respondent:** Adv. Mohit Srivastava**Before,**

Gita Verma, Judicial Member
Md. Shamim Akhtar, Judicial Member

Dated:19.06.2024**As per Gita Verma, Judicial Member.****Order**

1. This appeal by Ops (North Bihar Power Distribution Co. Ltd.) has been filed against the order dated 30.11.2021 passed by the District Consumer Disputes Redressal Forum, Supaul in Complaint case no. 25 of 2021 by which the case was allowed and the appellants were ordered to restore the supply of electricity to the complainant within 15 days of the order without taking any charge for it. If the electric supply has already been restored on taking any charge then to refund that amount within 15 days. Besides that the appellants were ordered to

pay to the complainant Rs. 20,000/- compensation for physical and mental harassment and Rs. 2,500/- as litigation cost within 45 days.

2. Short of unnecessary details the case of complainant was that he had taken an electric supply connection for his wheat crushing machine from the appellant. The crushing capacity of his machine is 24 tons per day. His consumer number is 401586028. He was paying electric consumption bills regularly. The appellants sent to him a bill of Rs. 2,54,432/- in January, 2021 which was payable upto 28.02.2021 but they disconnected his supply line on 26.02.2021 due to which he suffered a loss of Rs. 20,16,000/- up to 01.03.2021. So, he filed the case before Consumer Protection Forum.
3. The O.Ps appeared and contested. They have stated in their written statement that the complainant was a defaulter in payment of bills. For this reason his line was disconnected. Then he deposited the dues and restoration fees on 06.03.2021 then his electric supply was restored. So, the complaint was fit to be dismissed.
4. Heard learned counsel for the appellant on call no one appeared on behalf of respondent. Perused the record.
5. It has been argued on behalf of the appellants that the District Consumer Disputes Redressal Forum had no jurisdiction over the subject matter of dispute. So, the impugned order is liable to be set aside. In support of it the learned lawyer for appellants has cited a decision of *Hon'ble Supreme Court in case of U.P. Power Corporation Ltd & Ors Vs. Anis Ahmad (2013) 13 S.C.R 388* in which it has been held that the 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 the Electricity Act, 2003 for action taken under sections 135-140 of the Electricity Act, 2003. Detailed reasons are given in para no. 24 of the aforesaid decision. In the present case the electric supply connection of the complainant was a commercial connection. So, it is applicable in this case also. This position of law has not changed even after the recent amendments in the Consumer Protection Act, 1986.

6. In view of aforesaid decision of Hon'ble Supreme Court it is found and held that the District Consumer Forum had no jurisdiction over the subject matter of this case.
7. For the reason mentioned above the appeal is **allowed** and the impugned order is set aside on contest. Parties should bear their own costs.

Md. Shamim Akhtar
(Md. Shamim Akhtar)
Judicial Member 19.6.2024

Gita Verma
(Gita Verma) 19.6.24
Judicial Member