

CONSUMER LAW [Dated : 23-08-2009]

J&K SCDRC directs government to Pay Rs. 50,000 for disconnecting water connection

Upholding the judgment of the Divisional Forum, Jammu and Kashmir State Consumer Disputes Redressal Commission (**SCDRC**), has directed the government of Jammu & Kashmir to pay Rs 50,000 to a consumer for disconnecting his water connection.

Rejecting the appeal of the public health engineering (PHE) department against the order of Divisional Forum, Srinagar of June 14, 2008, the SCDRC directed the government to pay Rs 50,000 to the complainant. However, SCDRC has directed that no interest should be charged from the government on the amount.

The Divisional Forum had directed the state government to grant a compensation of Rs 50,000 to Peerzada Mohammad Sultan Makhdoomi, of Shalapora Model Village in north Kashmir district of Baramulla for causing him and his family members great mental Agony, harassment and financial loss by disconnecting his water connection in an unauthorized manner and then asking for water tax for the period when the water supply stood disconnected.

The Commission has upheld forum's order but has deducted the interest at the rate of 10 per cent on the amount of compensation.

SHRC asks TNEB to pay compensation to victim's mother in electrocution

The State Human Rights Commission (SHRC) of Tamilnadu has held that the Tamil Nadu Electricity Board (**TNEB**) was vicariously liable for the electrocution of a six-year-old girl in a case of electricity theft and recommended to pay a compensation of Rs. 50,000 to her mother. It further held that the Board could recover the sum, if law permitted, from the land owner and tenant.

Commission Chairperson A S Venkatachalamoorthy wondered as to why the police had not proceeded against the landlord when the tenant was charged. There was no charge relating to electricity theft. The Superintendent of Police, Erode, should look into the matter immediately as trial was on, he said.

Ms. Thulasimani of Jothipuram in Erode District had lodged a complaint with the Commission that in April 2004, when she, along with her daughter Nandini, was passing through the land of Dharmalingam, the girl stepped on a live wire. She was rushed to hospital where she was declared dead.

In their common counter, Saravanan, Assistant Executive Engineer, Carrier Communication, TNEB, Erode, and Annamalai, lineman (retired), said they came to know of the incident only on receipt of the SHRC summons. They denied the allegations against the Board and contended that they had nothing to do with the incident.

Ms Thulasimani deposed before the Commission that Prakash had taken the land on lease. The tenant was residing in a shed close to the well and had drawn power from the well connection to the shed.

Mr Saravanan said power was provided free to the well. Beneficiaries of such connections could not draw a power line to any other place.

Justice Venkatachalamoorthy said power being supplied free to the well on the agricultural land was not in dispute. It was also not disputed that power was drawn to the nearby shed from the service connection.

He said clauses in the TNEB terms and conditions of supply provides that the consumer should take precautions for the safe custody of Board equipment on his premises and that the Board would not accept responsibility for maintenance or testing of equipment and wiring on the consumers' premises would not help it in any way.

In the present case there had been power theft. The provisions would apply only in cases where consumers could not be accused of power theft.