

GOVERNMENT OF JAMMU & KASHMIR
DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
BARAMULLA/BANDIPORA

Coram: -

1. Peerzada Qousar Hussain

..... President

2. Ms Nyla Yaseen

..... Member



Consumer Complainant No: 17/2016

Mohammad Maqbool Dar.

.....(Complainants)

Versus

PHE Srinagar & Ors.

..... (Opposite parties)

Date of Institution: 19-12-2016

Date of Decision: 29/07/2026

Appearing Counsel

Adv. Abrar Ahmad Khan & Associates for the complainants.

Adv. Mohd. Rafiq for the OP's.

Judgement

The present complaint was instituted before the erstwhile Consumer Forum, Baramulla, on 19.12.2016 alleging deficiency in service and unfair trade practice on the part of the OPs, seeking compensation of Rs. 5,00,000/- for the hardships and mental agony suffered by the complainant, along with litigation charges of Rs. 30,000/-.

Brief Facts

The case of the complainant is that he is a poor person who was gifted one Marla of land by his uncle under Survey No. 3736134461546 for the construction of his residential house. Despite depositing the requisite fee for obtaining a water connection, the OPs failed to provide him with the water facility for years together. Consequently, the complainant was constrained to approach the Hon'ble High Court, which, vide order dated 07.11.2016, directed the OPs to provide the water facility to the complainant. The OPs, in compliance with the said order passed by the Hon'ble High Court, thereafter provided the water facility.

The contention of the complainant is that the prolonged failure of the OPs to provide the water facility despite deposit of the requisite fee caused him considerable hardship, inconvenience, and mental agony. Accordingly, the complainant approached the erstwhile Consumer Forum seeking compensation of Rs. 5,00,000/- along with litigation expenses of Rs. 30,000/-.

Notices were issued.

The OPs filed their objections and contended that the non-availability of water to the complainant was not disputed. However, it was submitted that the water pipelines had been damaged by local inhabitants, which contributed to the difficulty in providing regular water supply to the complainant.

The parties led evidence. The complainant relied upon the documents placed on record, including the receipt evidencing deposit of the requisite water fee and, most importantly, the judgment and order passed by the Hon'ble High Court at Srinagar. The OPs also led their evidence.

We have heard the learned counsel for the parties and meticulously perused the record, including the judgment and order passed by the Hon'ble High Court at Srinagar, as well as the written arguments advanced by the learned counsel for the complainant.

The following points arise for determination:

Whether the failure of the OPs to provide the water facility to the complainant despite deposit of the requisite fee amounts to deficiency in service?

The complainant has established that he approached the OPs for providing the water facility and deposited the requisite fee. However, the water facility was not provided for a considerable period.

The most significant document relied upon by the complainant is the judgment and order passed by the Hon'ble High Court at Srinagar. The said order is a judicial record and carries considerable evidentiary value. The very fact that the complainant was compelled to invoke the jurisdiction of the Hon'ble High Court for securing a basic necessity, namely drinking water, is a circumstance which cannot be ignored while appreciating the grievance of the complainant.

Additionally, the OPs have not denied the non-availability of the water facility to the complainant. Their defence is that the water pipelines were damaged by local inhabitants. However, such a plea cannot absolve the OPs of their obligation to take reasonable steps to ensure maintenance of the water supply system and provide the essential service to a consumer who had fulfilled all the requisite formalities and deposited the prescribed fee.

Since the OPs are public service providers, the supply of water is an essential service. Once the complainant fulfilled all the requisite formalities and deposited the prescribed fee, he became entitled to receive the service within a reasonable period. The complainant could not have been subjected to hardship for years together and compelled to approach the Hon'ble High Court for obtaining a facility which ought to have been provided in the ordinary course.

The plea regarding damage to the pipelines by local inhabitants does not justify the prolonged failure to provide the water facility to the complainant. The OPs were under an obligation to take all necessary measures to ensure the supply of water rather than compelling the complainant to approach the Hon'ble High Court.

The evidence on record establishes that the complainant was deprived of the water facility for an unreasonable period despite having fulfilled all the requisite formalities. Admittedly, the complainant was provided the water facility only after the intervention of the Hon'ble High Court. However, subsequent compliance does not wipe out the deficiency in service which had already occurred. The cause of action had arisen from the prolonged failure of the OPs to provide the service.

Therefore, we are of the considered opinion that the complainant has succeeded in establishing that he was deprived of the service which was ultimately provided only pursuant to the orders passed by the Hon'ble High Court on 07-11-2016, and such conduct amounts to deficiency in service.

The complainant was subjected to hardship, inconvenience, and mental agony and was compelled to incur expenses in instituting proceedings before the Hon'ble High Court.

The complainant has prayed for compensation of Rs. 5,00,000/- on account of the prolonged hardship caused by the OPs.

It is admitted that the complainant has established the prolonged denial of the water facility despite deposition of the requisite fee. However, the amount of compensation has to be assessed on the basis of the evidence available on record and the principles governing the award of reasonable compensation.

Having regard to the totality of the facts and circumstances of the case, the period of deprivation, the nature of the service involved, the conduct of the OPs, and, more importantly, the hardships suffered by the complainant, we are of the considered opinion that compensation of Rs. 2,00,000/- would be just, fair, and reasonable.

So far as the litigation expenses are concerned, the complainant first pursued the matter before the OPs and was thereafter constrained to approach the Hon'ble High Court at Srinagar. Accordingly, he is entitled to litigation expenses.

In view of the foregoing discussion, the complaint is partly allowed and disposed of with the following directions:

1. The OPs are directed to pay compensation of Rs. 2,00,000/- to the complainant for the hardships, inconvenience, and mental agony suffered by him due to the non-availability of the water facilities.
2. The OPs are directed to pay an amount of Rs. 20,000/- as litigation charges.

The OPs shall comply with this order within a period of 30 days from the date of order. In the event of failure to comply the order within the stipulated period of time, the entire awarded amount shall carry interest @ 10% per annum from the date of order till its realization.

Order announced

Date: 29/07/2026

Myh
29/07/26
Ms Nyla Yabber
Member
District Consumer Disputes
Redressal Commission
Baramulla

Peerzada Gousar Hossain
Peerzada Gousar Hossain
President
District Consumer Disputes
Redressal Commission
Baramulla

Copies of Order be provided to the parties free of cost, and thereafter the file be consigned to records after due completion.