

**BEFORE THE DISTRICT CONSUMER COMMISSION,
WEST GODAVARI DISTRICT AT ELURU (A.P)**

Present:

Sri D.Kodanda Rama Murthy, B.Com., B.L.,
President

Sri S.Suresh Kumar, B.Com., B.L.,
Member

Smt. K.S.N. Lakshmi, M.Sc (Maths) B.Ed, L.L.B., MSc (Psychology)
Member

Wednesday, the 6th day of December, 2023



C.C.No.20 /2020

Between:

Ponnappalli Rama Krishna,
S/o. Late Sarveswara Rao Garu,
R/o. H.No. 6D-6-18, Southern Street,
Eluru-1, W.G.Dt.,

...Complainant

And

1. Eluru Municipal Corporation,
Rep by its Municipal Commissioner,
Eluru, W.G.Dt.,

2. Revenue Officer,
(O/o. Eluru Municipal Corporation, Eluru)
1 Town, Eluru.

...Opposite parties

This complaint coming before us for final hearing on 01-12-2023 and on perusing the complaint and other material papers on record and on hearing the arguments of Sri K.Nagendra Babu counsel for complainant and Sri P.Thambi Municipal standing counsel for opposite parties and the matter having stood over for consideration to this day, this Commission made the following:

ORDER

(per Sri D.Kodanda Rama Murthy, President)

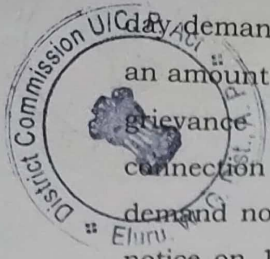
This is a complaint filed by complainant under Consumer Protection Act., against the opposite parties praying to direct the opposite parties not to collect Rs.653/- and Rs.22,901/- by its demand notices dt.07-07-2004 and dt.12-04-2019 as illegal, which were sent by opposite parties, to pay for an amount of Rs.1,000/- as deposited by the complainant to the opposite parties, with interest 12% per annum from the date of disconnection till the date of realization, to pay compensation for an amount of Rs.30,000/- for causing mental agony to the complainant for issuing erroneous illegal demand notices and to award costs of Rs.2,000/-.

The case of the complaint is as follows:

2. This complaint is filed by the complainant against the Municipal Corporation and Revenue Officer, Eluru regarding a tap connection. The complainant paid an amount of Rs.1,000/- towards deposit for tap connection and obtained Tap Connection in the year 1979. The complainant is paying the water tax regularly without committing any default upto 31-03-1996. Due to the mixing of drainage water with tap water the complainant requested

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opposite parties so many times for disconnection of Tap Connection and on 25-09-1996 the opposite parties disconnected the tap connection and on the same day demand notice was served by the opposite parties to the complainant for an amount of Rs.615/- for the period from 01-04-1996 to 30-09-1996. It is the grievance of the complainant that even after disconnection of the Tap connection the Municipality is issuing bills towards water charges. One demand notice was issued on 01-04-2004 for Rs.653/- and another demand notice on 12-04-2019 for an amount of Rs.22,901/- towards water charges. When the disconnection of tap was done in 1996 issuance of bill in 2004 for water charges is either illegal or unjustified this amounts to deficiency of service by the opposite parties. Hence, this complaint.



3. Right to file version of the opposite parties are forfeited on 12-07-2022.
4. The complainant filed Affidavit and got marked Exs.A1 to A5. Opposite parties did not choose to file any affidavit documents on their behalf.
5. No Written arguments filed by both the counsels.

Now the points that stood for consideration are:

- i. Whether there is any deficiency of service on the part of opposite parties?
- ii. If so, whether the complainant is entitled for any relief?
- iii. To what relief?

POINT No. 1 to 3:

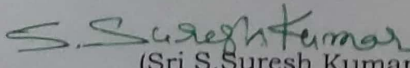
6. Undisputedly the opposite parties have been issuing the water charge bills to the complainant even after dis-connection of the tap connection. The opposite parties negligently demanded without verifying the record.

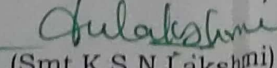
7. This Commission came to an conclusion that the opposite parties are not entitled to collect any water charges after the date of disconnection. Accordingly points 1 and 2 are answered.

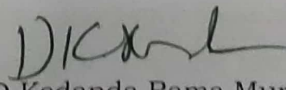
POINT NO.3

In the result, the complaint is allowed in part and the opposite parties are hereby directed not to collect any alleged water charges from the complainant through their demand notices (dt. 01-04-2004 for Rs.653/- and dt. 12-04-2019 for Rs.22,901/-) in future also and rests of the claims if any shall stands dismissed and Rs.2,000/- are awarded towards costs. Time for compliance is 4 weeks from the date of receipt of copy of this order

Dictated to the stenographer corrected and pronounced by us in the open Commission on this the 6th, December, 2023.


(Sri S. Suresh Kumar)
Member


(Smt. K.S.N. Lakshmi)
Member


(Sri D. Kodanda Rama Murthy)
President

APPENDIX OF EVIDENCE WITNESSES EXAMINED

FOR COMPLAINANT : Affidavit
FOR OPPOSITE PARTIES : Nil

FOR COMPLAINANT:

Ex.Nos	Date	Description of documents	Remarks
Ex.A1	26-03-1979	Challan for Rs.1,000/- towards deposit amount for tap connection.	Photocopy
Ex.A2	02-03-1996	Receipt	Photocopy
Ex.A3	16-08-1996	Disconnection and demand notice for Rs.615/-.	Photocopy
Ex.A4	01-04-2004	Tax Demand notice for Rs.653/-.	Photocopy
Ex.A5	12-04-2019	Integrated Demand bill for Rs.22,901/-	Photocopy

FOR OPPOSITE PARTIES : Nil

DKM

PRESIDENT

Dis. No. 793
 Date : 7/12/23