

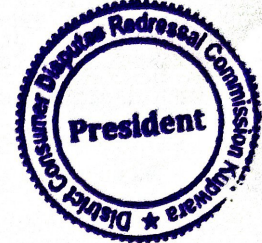
**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION**  
**KUPWARA**

**Coram: -**

1. Peerzada Qousar Hussian ..... President  
2. Ms Nyla Yaseen ..... Member

**Consumer Complainant No: 11/2023**

1. **Mohammad Aslam Sheikh**  
**S/o Yar Mohammad Sheikh**  
**R/o Kateri Mohalla, Kuligam Lolab, Kupwara**



.....( Complainant)

**Versus**

1. **Assistant Executive Engineer**  
**Sub Division Kupwara KPDCL**  
2. **Junior Engineer PDD**  
**KPDCL Block Wavoora Lolab**  
3. **Inspector/Meter Reader PDD**  
**KPDCL Kuligam Lolab Zone**

..... (Opposite Parties)

**Date of Institution: 03-10-2023**

**Date of Decision: 28-03-2024**

**Appearing Counsel:**

**Complainant in person**

**Nemo for O.Ps**

**ORDER**

This complaint has been filed by the complainant before this Commission on 03-10-2023, seeking direction to the O.Ps to return the amount of Rs.2600/- (Twenty six hundred rupees only) paid on account of electric fee for frivolous electric fee charges and further direction to pay an amount of Rs.50,000/- (Rupees fifty thousand only) for allegedly committing fraud in the name of the complainant .

Brief facts enumerating to the institution of the present complaint are:-

That the complainant is resident of a far flung area of District Kupwara. The contention of the complainant is that he dismantled his wooden residential house 10 years ago and he being a poor person could not construct his new residential house, as such he lived in his relatives' house along with his mother.

That with the passage of time, he started to construct his new house, on his earnings, however could not make it worth living. The complainant has further contended that he is not in a position to complete the said newly constructed house. It is further contended that he was surprised to receive a bill issued by the O.P's dept. through one of his neighbors, whereby he came to know that he is a consumer of the O.P's dept. As he had already dismantled his house and only the



plinth of the new house was laid, so he was confused as to how he is registered with the O.P's dept. as a consumer, despite the fact that he was staying with his relatives. Furthermore, the bill generated by the O.P's dept. was issued in the name of Mohammad Aslam Katari S/o Yar Mohammad Katari R/o Nard Kuligam, Kupwara under Consumer ID.No.0220010024463, which was raised for an amount of Rs.49,578/-(Forty nine thousand five hundred seventy eight rupees only). However, his actual name as per the documents is Mohammad Aslam Sheikh S/o Yar Mohammad Sheikh R/o Kuligam, Kupwara.

The complainant's further contention is that he has not used any electricity during the period and the bill issued and delivered to him pertains to someone else. However, after receiving the aforesaid bill, he approached the XEN/AEE/Inspector of the O.P's dept. several times but all his requests were turned down. Contrary to which the complainant was pressurized by the concerned dept. to deposit the electric fee raised for an amount of Rs.49,578/-(Forty nine thousand five hundred seventy eight rupees only).

The complainant further contended that his mother being an innocent lady and in fear of the action warned by the O.P's dept. hardly managed an amount of Rs.2600/- (Twenty six hundred rupees only) and deposited the same in J&K Bank Kuligam on account of the electric fee charged by the O.Ps.

The complainant further contended that the bill generated and raised by the O.Ps for an amount of Rs.49,578/-(Forty nine thousand five hundred seventy eight rupees only) belongs to some other person of a place which is 2 kms away from the residence of the complainant.

Notices were issued to the O.Ps , however, despite service, they didn't choose to contest the case. Undisputedly, the concerned JE along with the Inspector of the O.P's dept. appeared before the Commission at later stage but they couldn't submit any written version in their defence.

Consequently, the complainant adduced three witnesses by way of witness affidavits, namely Tariq Ahmad Sheikh S/o Yar Mohammad Sheikh R/o Kuligam, Kupwara, Bashir Ahmad Kataria S/o Mir Mohammad Kataria R/o kuligam Kupwara and Mohammad Aslam Sheikh S/o Yar Mohammad Sheikh, complainant as witness in his own case. The witness, Bashir Ahmad Katari S/o Mir Mohammad Katari stated on affidavit that he knows the complainant personally, as he is of the same vicinity. The O.P's dept. issued electric bill in the name of Mohammad Aslam katari S/o Yar Mohammad Katari when the fact is that the complainant is Mohammad Aslam Sheikh and not Mohammad Aslam Katari additionally, the witness affidavit reads that the complainant Mohammad Aslam Sheikh is the only person and there is no person of the name of Mohammad Aslam Katari, in whose name the bill has been generated and issued to the complainant frivolously. The another witness, namely Tariq Ahmad Sheikh S/o Yar Mohammad Sheikh, stated on affidavit that the complainant is his real brother who resides at Kulligam. The O.P's dept. has generated bill in the name of Mohammad Aslam Katari S/o Yar Mohammad Katari R/o Kuligam, Kupwara, which they have erroneously issued to the complainant. The complainant, Mohammad Aslam Sheikh S/o Yar Mohammad Sheikh, as witness in his own case, stated on the affidavit that he is a resident of Kulligam, Kupwara and is Sheikh by caste. The O.P's dept. illogically issued a bill in the name of Mohammad Aslam Katari, which was delivered to him, although he





has not executed any agreement with the O.P's dept. for electricity of his residence.

Heard the complainant

Perused the documents placed on the record and the statements of the witnesses on affidavits, the Commission is of the considered opinion that the complainant, Mohammad Aslam Sheikh has been issued a bill by the O.P's dept. under Consumer ID.No.0220010024463 and the said bill has been raised for an amount of Rs.49,578/- (Forty nine thousand five hundred seventy eight rupees only) which Ipso Facto belongs to any other person namely Mohammad Aslam Katari S/o Yar Mohammad Katari, which fact was substantiated by the complainant by producing the documentary evidence viz a viz Adhaar card, Election card and the School leaving Certificate.

Since the O.Ps were under bounden duty to work diligently and to generate the bill properly to the proper consumer, but contrary to which the bill has been generated in the name of Mohammad Aslam Katari for an amount of Rs.49,578/- (Forty nine thousand five hundred seventy eight rupees only). Additionally, the complainant being a member of a down trodden family has been forced to deposit an amount of Rs.2600/- (Twenty six hundred rupees only) on account of a frivolous bill, which is gross negligence on the part of O.P's dept. and amounts to deficiency in service. As such, the O.Ps are jointly and squarely responsible for the negligence and dereliction of their legitimate duties.

In view of the above facts and circumstances of the case, the complaint of the complainant is allowed and disposed off with the following directions:-


1. The O.P's dept. are directed to refund the deposited amount of Rs.2600/- (Twenty six hundred rupees only) to the complainant within a period of 4 weeks.
2. The O.Ps are further directed to pay an amount of Rs.1 lac ( Rupees one lac only) to the complainant as compensation for putting the complainant into mental agony and hardships due to issuance of frivolous bill, within a period of 6 weeks, failing which the compensation amount shall carry simple interest @6% from the date of Order till its realization.

The O.Ps shall however be at liberty to register the complainant as a consumer afresh and to charge the electric fee in accordance with the prescribed procedure of the concerned department and also against the proper usage of the electricity of his residence.

Announced

Date: 28-03-2024

  
Member  
District Consumer Disputes  
Redressal Commission  
Kupwara

  
PRESIDENT  
District Consumer Disputes  
Redressal Commission Kupwara

Copies of this Order be provided to the parties and file be consigned to records after due completion.