

IN THE COURT OF Sh. RASHID AHMED
DISTRICT & SESSIONS JUDGE /PRESIDING OFFICER, DISTRICT
CONSUMER COURT,SIALKOT/NAROWAL.

Case No. 75 /2009

Date of Institution: 24-08-2009.

Date of Decision: 09-12-2010.

*Waheed Ahmed S/O Muhammad Riaz Caste Mughal, Residence, Haji
Pura Sialkot. (Consumer/subscriber/Complainant)*

Versus

*Area Incharge, Sui Northern Gas Company (Region Kashmir Road,
Sialkot.) (Service Provider/Respondent)*

Petition under Section 25 of the Punjab Consumer Protection Act,2005

JUDGMENT.

1. Complainant Waheed Ahmed has launched the instant complaint under the provisions of PCP Act 2005, with the averments that he is consumer of Sui Northern Gas Company, (hereafter would be called SNGPL) since long having **Meter No. AL00139640 and Consumer No. 58200226803**, He is paying his Gas bills regularly by committing no default on his part while running a small factory of normal surgical instruments for which, sui gas bill at the rate of **Four pound pressure** has been charged by the respondent whereas, fact of the matter is that even this charged pressure load is in excess of complainant's real consumption but the complainant has been making the payment

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of SNGPL bills at the said rate of four pound pressure. For the last two months the respondent started to charge the gas bills at the rate of **Five pound pressure** whereas, upon checking of the meter,

complainant came to know that his consumption pressure is Four pound maximum. In the same contexts, he had submitted an application to the Area Incharge SNGPL, who promised to issue sui gas bill at the rate of Four pound pressure consumption by narrating that because of mistake on the part of his officials wrong billing has been charged upon the complainant. In the month i.e when the complaint was launched complainant again contacted the respondent who by adopting pretexts promised to get meter recheck by sui gas official. On 15-07-2009. Officials of Sui Gas Department, rechecked the meter reading and have charged the gas billing for the months of May, June, July 2009 at the fictitious Gas pressure load, The validity of which has been assailed, praying therein also that respondent be directed to readjust the sui gas bill of the complainant pertaining to May, Jun and july 2009, at the rate of Four pound pressure with a declaration that complainant is liable to make the payment of SNGC bill at the rate of Four Pound Pressure, the complainant has also claimed an amount of Rs. 500000/- as damages alongwith costs of the complaint.

2. Respondent while contesting the complaint has controverted the assertion of the complainant inter-alia raising certain preliminary objections, by pleading that complainant at present is consuming fifteen Pound pressure of sui gas which,

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otherwise falls within the ambit of theft as well as the complainant has not recoured to the sui gas department for redressal of his grievance.

3. After hearing preliminary arguments, advanced by the learned counsel for the parties respective evidence in substantiation of their claim was adduced.

4. In proof of his assertion-allegations the complainant Waheed Ahmed, himself appeared in the witness box as AW.1 and has

corroborated the allegation-averments in a cogent manner narrated in the body of the complaint. He has stated that surgical factory in which, impugned connection is installed in the name of Abdul Rasheed was purchased by him ten year ago. In the said factory only two furnace of gas are utilized, regarding which monthly bill of Rs. Twenty Twenty Five Thousands has been charged in routine. He has stated that for the month of July & August excess billing at the rate of Fifteen pound pressure have been charged for which there is no justification. He has stated that legal notice in pursuance of provision of Punjab Consumer Protection Act, 2005 was issued to the respondent, photo copy of which has been placed upon the file as Exh-A.1. During the course of cross examination nothing favouring the respondent could be got elicited from the mouth of complainant. Similarly Shahid Ahmed, (AW.2) a worker in the factory also corroborated the assertion of the complainant stating that only two furnace are in utilization of said factory and sui gas bill more than the rate of Four pound pressure has never been

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charged. The Witness also deposed that during month of July onward gas has been consumed in a routine consumption way and when billing at the rate of Five pound pressure was charged, complainant launched complaint to the department, where upon his meter was checked and respondent's official reported that Four pound pressure is in utilization of the complainant.

5. The complainant and his witness categorically stated that there is no leakage in the meter and same is properly functioning. The witness also stated that Khuram Ayub, checked the meter in their absence and has prepared the report in an arbitrary and ex-parte manner.

06. As against this the respondent has examined Sohail Ikram, Senior Incharge SNGC, as RW.1 who has stated that project team of Khuram Ayub, visited the spot and found gas pressure Fifteen pound and in the same context complaint Exh-R1 was prepared. On the basis

of said report complainant was charged at the rate of Fifteen pound pressure amounting Rs.359100/- as plenty. It is interesting to observe that said RW.1 Sohail Ikram, has admittedly not prepared the report placed upon the record as Ex-R1. The said witness had also admitted that in the said report there is no mentioning of any yard stick i.e charging the consumer at the rate of Fifteen pond pressure as well as witness has admitted that he did not associated Khuram Ayub, i.e scribe of report Exh-R.1. The RW.1 has also admitted that no mistake of the consumer was indicated in the said report likewise, the witness has stated that no notice was given to the consumer. It is again interesting to observe here that respondent's own witness

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has admitted the receipt of application dated 09-07-2009, submitted by the complainant and has also admitted the report and signature of his junior official there upon. Photo copy of said report is also placed upon the record, judicial notice of which can be take. The said report reveals consumption of Four pound pressure by the complainant. During course of cross examination the respondent's witness showed his inability to tell the consumption of gas pressure of complainant/consumer consumption. This attitude on the part of respondent own witness reveals implied admission of the assertion/allegation of the complainant.

07. After scrutiny of evidence available on the record as discussed supra, I am of the view that complainant remained successful to establishing his claim. So the complainant can not be held liable to be charged with Sui gas load pressure more than the Four Pound Pressure, the ratio of sui gas pressure-factor in the subsequent billing by the respondent department for the consumption of the

complainant's business also fortify the complainant's version and negate the respondent's stance being malfafide and erroneous. Thus, this complaint stand accepted to

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the extent that respondent would adjust the excess billing i.e more than Four Pound pressure in the bills of complainant and would also charge him at the same rate in his business. Regarding claim of damages or costs of complaint no evidence has been tendered. So claim to this extent is turned down. Copy of this judgment be also sent to the respondent department for compliance. File be consigned to the record room after necessary paging filing and indexing within the stipulated period.

Announced:
09-12-2010.

District & Sessions Judge
Presiding Officer,
District Consumer Court
Sialkot/Narowal

CERTIFICATE

Certified that this judgment consists of six pages. Each of the page has been dictated, read corrected and signed by me.

Announced:

District & Sessions Judge
Presiding Officer,

09-12-2010.

District Consumer Court
Sialkot/Narowal