

IN THE COURT OF SOHAIL NASIR DISTRICT AND SESSIONS
JUDGE/JUEGE CONSUMER COURT,
RAWALPINDI

(Case No. 67 of 10.09.2012)

*Dr. Malik Hussain son of Karam Elahi, resident of house No. 215/B,
Purani Abadi, Tench Bhata, Rawalpindi.*

(Claimant)

Versus

*Executive Officer Sui Northern Gas Pipeline Limited, Sub region Office
308/A, Peshawar Road, Opposite Mariam Hospital, Rawalpindi.*

(Defendant)

Present: *Claimant with Mr. Muhammad Wasim Ayyaz advocate.*

JUDGMENT

01. *Dr. Malik Hussain is a consumer of Sui gas department under reference no. 3565130008. By filing this claim under section 25 of the Punjab Consumer Protection Act, 2005 (hereinafter to be called the Act), in brief, his case is that defendant without any justification had started to send estimated bills by showing the status of meter as "Sticky"; he approached defendant with a request for replacement of Sui Gas meter and to send the bills only on the basis of actual meter reading but no action was taken; he served a legal notice to defendant but of no consequences.*

02. *Prayer was made for issuance of direction to defendant for replacement of Gas Meter and no to send estimated bills.*

03. *It is worth mentioning that General Manger was also made a party as defendant No. 2 but as he was neither proper nor necessary party, so his name was deleted vide an order dated 10.09.2012*

04. *Defendant as usual as found in other cases did not appear in spite of service through TCS as well as Process Server of this Court, therefore, it is proceeded Ex-parte.*

05. *Rule 14 (5) of the Punjab Consumer Protection Rules 2009 empowers this Court to decide a claim Ex-parte on the basis of documents available on record in case defendant fails to appear on the date of hearing.*

06. *I have heard arguments of learned counsel for claimant.*

07. *Version of claimant as narrated in earlier paragraph is supported from original bills produced before me today. Bill of April 2012 is an estimated bill not showing consumption by consumer and even then a liability of Rs. 1030/- with due date has been shown. Second bill is of*

May 2012, however, that is with actual reading. Significant concern is that in both bills status of Gas meter has been shown as "Sticky". If this is the position then claimant has every right to ask defendant for replacement of Gas Meter and to charge on the basis of actual meter reading. The original bills have been returned to learned counsel for claimant and photocopies thereof have been placed on record.

08. There is no rebuttal to the version of claimant as defendant has been proceeded as Ex-parte.

09. In view of above this claim is accepted because Dr. Malik Hussain is a 'Consumer' falling within the definition of section 2 (C) of the Act and defendant is a service provider who facilitates the supply of Gas against a consideration. I, therefore, in terms of section 31 of the Act, issue an order to Executive Officer Sui Northern Gas Pipeline Limited /defendant to take following actions: -

- i.** To replace the Gas meter of claimant within 15 (fifteen) days from today.
- ii.** Not to issue an estimated bill for consumption of Gas Charges, however, sending the bill on the basis of actual consumption shall not be barred.
- iii.** Not to disconnect the Gas Supply available to consumer even if consumer fails to deposit the amount against an estimated bill as he is not bound to do so.

10. It is clarified that this order shall not affect any lawful proceedings if taken or under progress against claimant for the charge of Sticky meter. File shall be consigned to record room after its due completion.

Announced
13.09.2012

(SOHAIL NASIR)
District & Sessions Judge/
Judge Consumer Court,
Rawalpindi.

It is certified that this judgment consists of two pages. Each page has been dictated, read, corrected and signed by me.

(SOHAIL NASIR)
District & Sessions Judge/
Judge Consumer Court
Rawalpindi