

**In the Court of Mahmood Ahmed Shakir Jajja, District & Sessions Judge /
Presiding Officer, District Consumer Court, Bahawalpur**

Khadim Hussain Babar Vs X-EN Wapda etc.

**Case No.2308/11
Dated of Institution: 06-08-2011.
Date of Decision: 12-01-2012.**

Present: Parties along with their counsel.
Arguments heard. Record perused.

Order:-

The facts as narrated by the petitioner in the complaint are that he has got an electricity connection from the respondents for his Quarter No.114/II, One Unit Staff Colony; that in January 2011, the meter was found broken and the petitioner made a complaint on telephone in the office of the respondents and also showed meter to the meter reader but the same was not changed by the respondents and they have been issuing him average bills which have been paid by the petitioner; that the petitioner moved an application to the respondent No.2 on 21-02-2011 and also visited the Wapda office many times but all in vain. Therefore, he issued notice to the respondents No.2 and 3 on 06-04-2011 but received no response. Hence, this complaint.

On the other side, the version of the respondents is that connection of the meter is not in the name of the complainant; that the complainant has not issued legal notice to the respondents; that the complainant has not pointed out any faulty service provided by the respondents. Hence, this court lacks jurisdiction to decide this complaint and same is thus, liable to be dismissed.

After hearing the arguments and perusal of the record, it has been observed that the complainant has placed on record bills paid by him till May 2011 as Mark-A to Mark-C, photo copy of the application moved by him dated 21-02-2011 Mark-D, legal notice issued to the respondents Mark-E. Whereas, the respondents have only denied the contents of the complainant and have raised legal objections which are not supported by

any law and facts as the complainant has issued legal notice to the respondents and is also a consumer of respondents as he is utilizing electricity being supplied by the respondents inspite of the fact that connection of the meter has been sanctioned in the name of one Shakir Elahi who was approximately, earlier allottee of the Quarter which has now been allotted to the complainant. It is only technical defect which has no effect on the merits of the case, and fatal to the case as the complainant is undoubtedly consumer of the respondents who is utilizing the facility of electricity being supplied by the respondents through the said meter. It is noteworthy that official residences are allotted to different officers / officials according to their entitlement but the connections are not got transferred on the name of the allottee as it is unnecessary exercise because nobody permanently occupies a house. A bare perusal of the complaint and previous billing denotes that the respondents have not issued disputed bills for the months of November and December 2011 according to the formula of average billing and they have also not proved that the meter was broken due to any default of the complainant. So, if meter becomes defective or is broken by any other person or means, it is responsibility of the respondents to change the same. Especially, when the complainant is ready to pay the due fee of a new meter. Therefore, it is proved that the respondents have provided faulty services to the complainant by not replacing the defective meter and by issuance of surcharged bills in dispute. Therefore, the complaint in hand is allowed in favour of the petitioner and against the respondents with the direction that meter of the complainant's Quarter be replaced within 2 weeks and the disputed bills be corrected according to the average billing observing the rules and policy of the Wapda. After observation of these directions, new bill be issued to the complainant which he is bound to pay. File be put up for execution on 13-02-2012.

Announced:
12-01-2012

Presiding Officer