

IN THE COURT OF MIRZA JAWAD A: BAIG,
DISTRICT & SESSIONS JUDGE,
PRESIDING OFFICER, DISTRICT CONSUMER COURT,
50-Z, MODEL TOWN, DERA GHAZI KHAN, CAMP AT LAYYAH.

(PHONE: PTCL: 0642474100. FAX: 0642470496).

Raouf Nadeem Versus Chairman WAPDA c/o SDO MEPCO

Complaint/ Case No: 2407 / 328 / 12.
Date of Institution: 18-04-2012.
Date of Decision: 24-05-2012.

COMPLAINT ABOUT CORRECTION OF ELECTRICITY BILL

ORDER:

The Claimant is **represented** by Chaudhry Masood Ahmad Advocate being brother and representative of the claimant while the defendants are represented by Sheikh Ghulam Abbas Advocate as standing counsel along with litigation clerk of Sub Division Layyah I.

2. The court is on tour at Layyah. The court was not on tour at Layyah on previously fixed date i.e. 17-05-2012 and this date was fixed by the Secretary of this court on my standing instructions without recording the formal order of the said date.

3. The case is at the stage of the **arguments**. I have heard the arguments and perused the file in the light of the arguments. Now I proceed to discuss and **dispose off** the complaint in accordance with the findings in the following paragraphs.

4. Briefly stated the **grievance** of the claimant is to the effect that fuel adjustment charge relating to the month of August 2011 has been imposed in the bill of March 2012 on the basis of 600 units whereas the reading was zero in the previous month; that the said charges are to be levied on 350 units per months; that the consumption of the claimant is not more than 200 units per month. It is requested by the claimant that the bill liable to be paid in April 2012 should directed to be corrected to safeguard legal rights of the claimant.

5. The complaint has been contested on behalf of the defendants through their legal advisor by filing joint written statement containing certain preliminary objections and defended the imposing of fuel adjustment charges and requested for dismissal of the complaint with special costs and damages u/s 35 (A) CPC and also requested that the claimant should be directed to pay the bill.

6. It is pertinent to note that although **evidence** is necessary to be recorded under S.30 of PCP Act 2005 for disposal of the complaints by the Consumer Courts but since the procedural laws known as the Code of Civil Procedure, 1908; the Code of Criminal Procedure, 1898; the Qanun-e-Shahadat Order, 1984, the Bankers' Books Evidence Act, 1891; special rules of evidence u/s 118 of the Negotiable Instruments Act, 1881 are not strictly applicable to the proceedings of the Consumer Courts, as such the propriety demands that the regular evidence should not be recorded in such cases where the points for determination are mostly based on the copies of the admitted documents available in the file of the complaint or admitted in the pleadings just like the present case.

7. I have observed from a perusal of the file that pervious data of consumption of units is available in the copy of the disputed bill according to which zero units were charged in July 2011 and zero units in September 2011 while 600 units were charged in August 2011 therefore I find that the claimant is entitled to the cancellation of fuel adjustment charges by segregation of 600 units to 300 units for July resulting in the reduction of the units from the fixed standard of 350 units per month.

8. In accordance with above discussion, the complaint is hereby accepted and amended bill is directed to be issued by cancellation of fuel adjustment charges being imposed on less than 300 units per month with the observation that if the payment has already been made then the same should be adjusted as credit towards future bills.

9. Parties are left to bear their **own** costs.

10. This order would become final u/s 34 of PCP Act 2005, if the **appeal** is not preferred within period of 30 days under S.33 of PCP Act 2005 & Rule 18 of PCP Rules 2009 in accordance with the Rules of Procedure of Honourable High Court.

11. In case of **delay** in compliance, the claimant is entitled to get the order implemented by filing the application for implementation with reference to S.31, 32 & 36 of PCP Act, 2005, if so required with the warning to the defendants that the **costs** to be incurred for and during the application for implementation would be liable to be recovered from them.

12. One attested **copy** of this order is directed to be provided to the claimant and one copy to the defendants jointly on filing the applications without **court fee tickets** on plain papers free of costs by entry with signatures in token of receiving in Dak Register with the clarification that extra copies would be liable to be issued at their own expenses.

13. The file of this complaint is to be **consigned** to the record room of this court duly page marked with proper index and after due completion and made available for issuance of attested copies and kept under safe custody till the period fixed for destruction in accordance with the Rules & Orders of Honourable Lahore High Court.

Announced:
24-05-2012.

(MIRZA JAWAD A: BAIG)
D. & S. J. / P.O., D.C.C., D.G.K.,
PUNJAB, PAKISTAN,
CAMP AT LAYYAH.