

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10981/2014
[@SLP(C) No. 10934/2014]

JAIPUR VIDYUT VITRAN NIGAM LTD. .. APPELLANT

VERSUS

BRIJ MOHAN @ PAPPU .. RESPONDENT

O R D E R

Leave granted.

Heard learned counsel for the petitioner. Despite service of notice, none has appeared on behalf of the respondent.

It is submitted by learned counsel for the petitioner that the controversy is covered by a two-Judge Bench decision of this Court in Uttar Pradesh Power Corporation Limited and Others v. Anis Ahmad [(2013) 8 SCC 491]. He has drawn our attention to paragraph 60.2, which reads as follows:

"60.2. A "complaint" against the assessment made by the assessing officer under Section 126 or against the offences committed under Sections 135 to 140 of the Electricity Act, 2003 is not maintainable before a Consumer Forum."

Regard being had to the controversy which has been set out in the impugned order, we are of the convinced opinion that in view of the recent pronouncement, the

impugned order has to be set aside.

In the result, the appeal is allowed and the order passed by the Commission as well as all the orders passed by the forums below set aside as the proceeding was not maintainable under the Consumer Protection Act, 1986. There shall be no order as to costs.

.....J.
(DIPAK MISRA)

.....J.
(UDAY UMESH LALIT)

NEW DELHI
DECEMBER 11, 2014

ITEM NO.9

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C)No(s).10934/2014

(Arising out of impugned final judgment and order dated 28/09/2012 in RP No. 3818/2011 passed by the National Consumer Disputes Reddressal Commission, New Delhi)

JAIPUR VIDYUT VITRAN NIGAM LTD.

Petitioner(s)

VERSUS

BRIJ MOHAN @ PAPPU

Respondent(s)

(interim relief and office report)

Date : 11/12/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)

Mr. Shakil Ahmed Syed, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The civil appeal is allowed in terms of the signed order.

(SANJAY KUMAR-I)
COURT MASTER

(H.S. PARASHER)
COURT MASTER

(Signed order is placed on the file)