

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18426 of 2016

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Krishna Murari S/o late Durga Prasad, aged 74 years, B.Tech (Electrical), General Manager (Steel Authority of India, Ltd) Retd., R/o Salempur Road, Chapra, Opp Saran Dry Cleaners, District Saran, P.O.- H.P.O. Chapra, P.S. Nagar, Chapra

.... Petitioner

Versus

North Bihar Power Distribution Co. Ltd.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Murari (in person)

For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 12-01-2017

Heard the petitioner who appears in person and Mr. Vinay Kirti Singh, learned senior counsel for the Distribution Company.

The petitioner claims of statutory compensation for deficiency of service as against the North Bihar Power Distribution Co. Ltd.

It is a matter of record that on similar issue, the petitioner had moved the Consumer Forum under the Consumer Protection Act, 1986 (hereinafter to be referred to as 'the Act') bearing Complaint Case No. 79 of 2014 praying for the following reliefs:

(a) Damages for mental and physical harassment as also economic loss at the hands of the respondents for deficiency of service;



(b) litigation cost; and

(c) compensation.

The Consumer Forum vide judgment and order dated 27.2.2015 disposed of the consumer case with award of damages for physical and mental harassment to the tune of Rs. 5,000/- and litigation cost of Rs. 1,000/-. However, the prayer for compensation was not accepted in absence of any evidence to support the same.

Feeling aggrieved, the petitioner moved before the State Consumer Disputes Redressal Commission giving rise to Appeal No. 58 of 2015 and the State Consumer Disputes Redressal Commission by judgment and order dated 3.8.2015 modified and enhanced the amount of damages from Rs. 5,000/- to Rs. 10,000 and as also the litigation cost to Rs. 3,000/-. The said Commission again did not interfere in the order of rejection of the prayer for compensation passed by the Consumer Forum.

The petitioner again moved in revision before the National Consumer Disputes Redressal Commission giving rise to Revision Petition No. 2726 of 2015 and the National Consumer Disputes Redressal Commission found no reason to interfere with the order passed by State Consumer Disputes Redressal Commission which according to the National Consumer Disputes Redressal Commission was most reasonable.

The pleadings herein, confirm that a second round



litigation is being initiated by the petitioner through the present writ petition for seeking statutory compensation for deficiency of service. In my opinion, the petitioner having taken recourse to the remedy provided under the Consumer Protection Act and the statutory forum constituted thereunder, who have not found the claim suitable for awarding compensation which order of the consumer forum has been affirmed until National Consumer Disputes Redressal Commission, the petitioner if so aggrieved, may have a remedy before the Supreme Court by way of appeal under Section 23 of the Act but certainly a second round litigation by way of the present writ petition is held not maintainable.

The writ petition is accordingly disposed of.

Since the petitioner is appearing in this case in person, let this order be communicated to the petitioner at his residential address at the cost of the State.

(Jyoti Saran, J)

A.I./-

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CAV DATE	
Uploading Date	
Transmission Date	

