**Before The District Consumer Dispute Redressal Forum At Shimla**

Complaint No: \_\_\_\_\_\_ of 2004

Complainant

Versus

Respondents

Complaint under Section 12 of The Consumer Protection Act 1986

Respectfully Sheweth:

1.  That the complainant herein is practicing advocate at \_\_\_\_\_\_ since \_\_\_\_.  The profession of the complainant is non-commercial and the complainant is practicing to earn livelihood by way of self-employment besides providing the legal services to the needy litigants who ever comes to the complainant with their grievances.

2.  That the complainant has his office at \_\_\_\_ and has installed an electrical meter bearing No. \_\_\_\_\_, and the account No. of the complainant given by the opposite parties is \_\_\_\_\_.

3. That the opposite parties are charging from the complainant for the electrical consumption at the commercial rates @ Rs. \_\_\_\_\_\_ per unit for the meter installed in the office premises of the complainant, whereas the opposite parties ought to have charged at the rate of non-commercial rates, ie; domestic rates from the complainant.

4.   That the difference of excessive charges being made by the opposite parties for the period given hereinunder is tabulated hereunder for the kind convenience of this Hon'ble court:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Period | Units Consumed | Bill@ domestic rate | Bill Charged | Difference of Payment |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

5.  That even from the consumption pattern of the above electrical meter of the complainant it is amply evident that the complainant has been using the electricity like the domestic user and no machinery etc requiring high load and for that matter charging at the commercial rate is required to be charged of the complainant.

6.   That the complainant has personally brought this fact to the notice of the OPs and requested them not to charge at the rate of Commerical connection from the complainant.  But the OPs are reluctant to accept this request of the complainant.

GROUNDS

7.   That the above being the background of the case, the complainant is entitled to maintain and file the present complaint before this Hon'ble Forum on the following grounds amongst others, each one of which is without prejudice to others, and seeks the indulgence of this Hon'ble Forum to issue directions or orders to the opposite parties deemed appropriate :-

(a)  That such an act and omission on the part of the opposite parties amounts to Deficiency in Service, Restrictive Trade Practice and Unfair Trade Practice under the purview of the Consumers Protection Act.

(b) That it is settled principle of law that the office of an advocate is non-commercial and it has no nexus even if it is situated in commercial area. \_\_\_\_\_\_\_

(c) That the complainant has suffered lot of avoidable mental agonies, physical harassment and financial loss, irreparable loss and injury at the hands of the opposite parties for which the complainant deserves to be amply and suitably compensated in terms of money in the interest of justice.

(d)   That the opposite parties deserves to be saddled with heavy and extra-ordinary costs so that the opposite parties can be deterred from adopting such mal-practice in future.

(e)   That the complainant herein deserves to be amply compensated in terms of money for the inconvenience, traveling expenses, for mental agonies, damages, delayed service/no service, interest, and loss suffered due to negligence and dereliction of duties by the opposite parties.

(f)   That the impugned act on the part of the opposite parties is against the well-settled principles of law laid down by the Hon'ble Apex Court, High Courts, National Commission and State Commissions in catena of cases.

4.    That the complaint is within the period of limitation.

5.   That this Hon'ble Forum has a jurisdiction to entertain and to try the complaint as the headquarters of both the complainants and the opposite parties are with in the jurisdiction of this Hon'ble Forum.

6.   It is, therefore, prayed that this Hon'ble Forum may be pleased to pass the following orders, directions and grant the following reliefs in favour of The complainants in the interest of justice :-

(a)  Direct the opposite parties to refund the excessive charges levied from the complainant alongwith interest @ 24% from the date of payment till realisation;

(b)   Saddle the opposite parties with special and extra-ordinary costs as deemed fit so as to deter them from adopting such malpractice in future;

(c)   Award a compensation of Rs 10,000/- to the complainant on account of mental agony, physical harassment, and financial loss;

(d)    Allow the cost of this complaint;

(e)    Pass such other orders in favour of the complaints as deemed fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANTS AS IN DUTY BOUND, SHALL EVER PRAY.

Shimla                               Complainant

\_\_\_\_\_\_                                      Through, Advocate

**BEFORE THE DISTRICT CONSUMER DISPUTE REDRESSAL FORUM AT SHIMLA**

Complaint No: \_\_\_\_\_\_ of 2004

Complainant

Versus

HPSEB and others Respondents

Affidavit in support of complaint Under Section 12 of the Consumer Protection Act 1986

I,\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :

1.  That the accompanying complaint has been prepared under my instructions.

2.  That the contents of paras 1 to \_\_\_\_\_  of the complaint are correct and true to the best of my knowledge.

3.  That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

          Affirmed at Shimla this the  \_\_\_\_\_\_.

 Deponent

**BEFORE THE DISTRICT CONSUMER DISPUTE REDRESSAL FORUM**

**AT SHIMLA**

Complaint No:\_\_\_\_\_\_\_ of 2004

Complainant

Versus

Respondents

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Shimla                                                                          Complainant

\_\_\_\_\_\_\_                                                                                  Through, Advocate