

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**W.P. (C) No.4048/2006**

**29.11.2007**

**Date of Decision:29th November, 2007**

**Common Cause ..... Petitioner  
Through: Ms. Madhumita Bhattacharya,  
Advocate**

**versus**

**Government of NCT of Delhi and Ors. .... Respondents  
Through: Mr. Abhinav Vasisht with Ms.Harshit  
Priyanka, Advocates for respondent No.3.  
Mr. J.K. Chanudhary, Advocate for  
respondents No.1 and2.**

**CORAM:**

**HON'BLE MR.JUSTICE T.S.THAKUR  
HON'BLE MS. JUSTICE VEENA BIRBAL**

- 1. Whether Reporters of local papers may be allowed to see the judgment? No**
- 2. To be referred to the Reporter or not? No**
- 3. Whether the judgment should be reported in the Digest?  
No**

**T.S.THAKUR, J. (ORAL)**

**This petition purports to have been filed in public interest and brings into focus the alleged menace of supply of under-weight LPG cylinders to the consumers in Delhi. Among others the petition prays for a mandamus directing the respondents to produce the records relating to the lapse and malpractice detected in the supply of LPG cylinders and to take appropriate steps to strengthen their monitoring and control system to check recurrence or continuance thereof.**

**Learned counsel for the petitioner at the threshold drew our attention to an order passed by the National Consumer Redressal Commission, New Delhi in**

**Original Petition No. 224/2001 filed by the Consumer Protection Council, Rourkela against Indian Oil Corporation in which an identical grievance appears to have been made before the Commission. A reading of the order passed by the Commission shows that the Council-complainant in that case had got a survey conducted between 14th to 21st June, 2000 by visiting different households which survey revealed that supply of under-weight LPG gas cylinders to consumers was rampant thereby causing huge financial loss to the consumers and giving rise to the need to tackle the problem. The matter was, it appears, examined at great length by the Commission who had the advantage of recommendations made by a Committee appointed by the Commission to identify the problem relating to**

**short filling of gas in cylinders used for domestic purposes. On the basis of the report of the Committee and the suggestions made before the Commission, the petition filed by the Consumer Protection Council, Rourkela was disposed of with directions to the Ministry of Petroleum and Ministry of Consumer Affairs to ensure that all marketing companies issue necessary instructions that the distributors will provide to deliverymen proper weighing scale for the purpose of weighing LPG gas cylinders in the presence of customers and that they give due publicity to that measure by publishing the same in the vernacular language of each and every State as well as in English and Hindi in newspapers apart from giving similar type of advertisements in TV for information of the consumers. The Commission, further directed the Ministry of Petroleum to ensure modernisation of its plants to ensure that no short filling of cylinders takes place to the detriment of the consumers. The Ministry was given four years' time in that regard to take appropriate steps in the matter. The relevant portion of the directions issued by the Commission may at this stage be extracted:-**

**?Having heard the Secretary of the Consumer Council and the Counsel for the parties and Learned Addl. Solicitor General, it is felt, while seeing the loss which is being caused to the customer a sum of Rs.250 crores is just one third of the amount of unjust enrichment, if this Commission goes by the estimate of the Complainant Council. But at the same time, this Commission cannot afford to cause any dislocation in distribution system by closing some units and to start modernisation without making any alternative arrangements for supply during that period. Though we are accepting the submission about period of modernising bottling plants in next four years but we still believe, not just expressing merely a pious hope that Ministry of Petroleum and Natural Gas would ensure modernisation at the earliest possible time without making it a prestige issue of not completing modernisation before four years. It may be mentioned that if it is done earlier, it would be assuring consumers that not only the Ministry of Consumer Affairs but also the Ministry of Petroleum and Natural Gas cares about the consumers.?**

**?The Ministry of Petroleum may further deem it proper to advise all marketing companies to ensure that the deliverymen should be trained personnel to advise the consumers about the safety measures required to be taken to avoid any explosion of gas cylinder, and that in case the appropriate caution card containing 'Safety tips' is not readily available at the residence etc. of the consumer, he should provide a caution card for taking necessary precautions to use the gas cylinder, particularly, when the gas starts leaking from the gas cylinder. Several accidents, which have taken place, have happened on account of lack of proper precautions due to lack of awareness of consumer as well as the deliverymen. All the Marketing Companies are also responsible in terms of Section 3 of the Essential Commodities Act, 1955 read with Section 3(2) of the LPG (Regulation of Supply and Distribution) Order dated 26.4.2000. The distributor thus has been registered and granted licence first under public distribution system, under an authorisation from the Government Oil Company.?**

**?We decide the complaint with the following directions:**

- 1. The Ministry of Petroleum is given four years time as prayed for, in terms of the submissions and our observations mentioned herinabove.**
- 2. the Ministry of Petroleum as well as the Ministry of Consumer Affairs shall ensure that all Marketing Companies do issue necessary instructions that the Distributors will provide to deliveryman proper weighing scale for the purpose of weighing LPG Gas Cylinder in the presence of customers and they will give it due publicity by publishing the same in the vernacular language of each**

**and every State as well as in English and Hindi in newspapers apart from giving similar type of advertisement in TV for information of the consumers.**

**We direct the Indian Oil Corporation to pay a sum of Rs.50,000/- to the Complainant-Council to meet the expenses incurred by it in protecting the interest of consumers and to continue to protect the interest of the**

**consumers, within a period of four weeks.?**

**In the light of the above, we do not deem it necessary to issue any further directions in the present writ petition. Since the Commission has looked into the matter and issued suitable directions in relation to the same, compliance of those directions would, in our opinion, substantially if not entirely redress the grievance of the consumers regarding short filling of the cylinders. We say so because according to learned counsel for the Indian Oil**

**Corporation, the Corporation has already taken steps for upgradation of its plants, one of which is already upgraded while the other is being upgraded. Be that as it may, since the matter stands covered by the order passed by the Commission, any further grievance in relation to the subject matter can, in our opinion, be more appropriately urged before the Commission by either the petitioner, i.e. Society, or by any other consumer who may be aggrieved of short filling in LPG cylinders.**

**With the above observations, this petition is disposed of leaving the parties to bear their own costs.**

**T.S.THAKUR, J**

**VEENA BIRBAL, J**

**November 29, 2007**

**ns**