
(1999) 04 NCDRC CK 0004

In the National Consumer Disputes Redressal Commission

ACCOUNTS OFFICER, O/O TELECOM DISTRICT ENGINEER
BANKURA (WB)

APPELLANT

Vs

KRISHAN TRADING COMPANY

RESPONDENT

Date of Decision : 15-04-1999

Acts Referred:

Citation : 1999 0 ACJ 230 : 1999 0 NCDRC 10 : 1999 1 CLT 287 : 1999 1 CPC 581 : 1999 1 CPR 96 : 1999 2 CPJ 29

Hon'ble Judges : C.L.CHAUDHRY , R.THAMARAJAKSHI , S.P.BAGLA J.

Judgement

1. THIS is a Revision Petition filed by the Accounts Officer, Office of the Telecom District Engineer, Bankura, against die order dated 9.2.1996 of the West Bengal State Consumer Disputes Redressal Commission in Case No. 165/A/94. The dispute pertains to the disconnection of two Telephones bearing Nos. BKU-3445 and BKU-3467 on die ground of non-payment of bill in respect of another Telephone No. BKU-3326, all standing in the name of the respondent firm. The contention of the Complainant before the District Forum was that each telephone connection was governed by a separate agreement and as such, disconnection of the other telephones for outstandings in respect of the said telephone was illegal. Reliance was placed by the Opposite Party (revision petitioner herein) on Rule No. 443 of the Indian Telephone Rules which reads as under : "If, on or before the due date, the rent or other charges in respect of the telephone service provided are not paid by the subscriber in accordance with these rules, or bills for charges in respect of calls (local and trunk) or phonograms or other dues from the subscriber are not duly paid by him, any telephone or telephones or any telex service rented by him may be disconnected without notice."

The District Forum interpreted this rule to imply that "telephone means the concerned telephone" and directed the opposite party to reconnect the other two telephones and awarded token compensation of Rs. 2,000/-. When the opposite party - Telephone Department appealed against this order before the State Commission, the Commission upheld this interpretation of the District Forum of the said Rule and confirmed the order of the District Forum directing

reconnection of the other two telephones.

2. AGAINST the above order of the State Commission, opposite party filed the present revision petition before us. When the case was taken up for hearing on 27.10.1998, nobody appeared on behalf of the respondent, and it was ordered that the case would be decided ex-parte if there was no appearance on the adjourned date. There was continuously no appearance on behalf of the respondent on the adjourned dates of 14.12.1998, 20.1.1999 and 11.3.1999. We, therefore, proceeded to decide the case ex-parte. In a similar matter - Telecom District Engineer, Bathinda & Anr. v. Ramji Das (R.P. No. 230/91, decided on 3.8.1992) [III(1992) CPJ 24 (NC)], this Commission had observed as under above Rule 443 and dismissed that complaint. "The wording of the Rule is absolutely dear and unambiguous. It expressly empowers the Department in cases of default in payment of the rent or other charges in respect of a telephone service provided to a subscriber to disconnect without notice any telephone or telephones or any telex service rented by him. We see no warrant at all for deviating from the plain language used by the framers of the Rule and giving the words of the rule a restricted meaning so as to confine the power of disconnection only to the particular telephone in respect of which a default has been committed in payment of the bill".

3. IN the light of the above ruling, we set aside the impugned orders of the State Commission and the District Forum and dismiss the complaint. There will be no order as to costs.