

(1999) 03 NCDRC CK 0037

In the National Consumer Disputes Redressal Commission

ACCOUNTS OFFICER, TELECOM REVENUE ACCOUNTS

APPELLANT

Vs

RANGALE GANESWARA RAO

RESPONDENT

Date of Decision : 04-03-1999

Acts Referred:

Citation : 2000 2 CPJ 108

Hon'ble Judges : S.Parvatha Rao , Mamata Lakshman J.

Final Decision : Appeal dismissed

Judgement

1. WE do not find any basis for interfering with the order of the Visakhapatnam District Forum in C.C. No. 762/1994 dated 22.8.1998 which is being questioned in the present appeal by the opposite parties in that C.C. The complainant in the C.C. is the respondent before us.

2. THE simple case of the complainant was that he is having a telephone connection bearing No. 87202 at Visakhapatnam and that the bills issued in respect of the telephone by the Department never exceeded Rs. 500/- and that like a bolt from the blue he received a bill for the period from 16.3.1994 to 16.5.1994 for Rs. 94,777/-. When he remonstrated he was issued a revised bill for Rs. 1,653/- for the same period without furnishing any details and this was the rub. He obviously once again protested but the Department reacted by disconnecting his telephone without explaining on what basis the bill for Rs. 1,653/- was issued. To avoid inconvenience the complainant paid the bill for Rs. 1,653/- alongwith the other incidental charges and got his telephone restored on 3.9.1994 and then approached the District Forum for recompense claiming Rs. 80,000/- for mental agony and loss of prestige. The appellants filed their version/ counter stating that the bill for Rs. 94,777/- dated 1.6.1994 for gross calls of 68205 was a mistake and that was because of a problem relating to software cropping up and that they gave rebate of 66577 calls and issued a revised bill for Rs. 1,653/- claiming an amount of Rs. 1,553/- on 1468 chargeable calls. No basis was stated for arriving at 1468 chargeable calls. The date of revised bill would not have been 1.6.1994 because the original bill for Rs. 94,777/- was

dated 1.6.1994 and the subsequent revised bill was issued after the complainant complained to the officials concerned. It is not stated what time was granted for payment of the revised bill and the basis for revising the bill was not intimated to the complainant. Even before the District Forum it was contended that the demand in the revised bill was lawful and was in accordance with law in force. What those rules are is not stated even before us in the grounds. The District Forum discussed the pros and cons of the matter and held as follows : "...The contention of the complainant is that this action of the opposite parties without furnishing the details for the bill for Rs. 1,653/- the disconnection by the opposite parties of his telephone connection amounts to deficiency in service on the part of the opposite parties... Alongwith the complaint, the complainant has filed bills dated 1.4.1994 for Rs. 324/- and bill dated 1.2.1994 for Rs. 305/- and bill dated 1.12.1993 for Rs. 314/-... While so suddenly he received a bill for Rs. 94,777/- and the complainant requested the opposite parties to revise the bill. The complainant is justified in asking for a revised bill in the circumstances stated and the opposite parties have given a revised bill dated 1.6.1994 for Rs. 1,653/- alongwith a covering letter dated 22.6.1994 stating that the previous bill for Rs. 94,777/- is cancelled and further informing the complainant that the inconvenience caused is regretted... It is specifically averred in the complaint that the complainant, as he felt that the said bill for Rs. 1,653/-, is also improper requested the department to provide him the details of that bill for Rs. 1,653/-. This allegation was taken by the complainant not only in his complaint but also in the proof affidavit filed by the complainant and he further stated that ignoring the liability and responsibilities the department dis-connected the telephone on 23.8.1994 without giving any prior intimation and without giving any details of the revised bill... The counter is silent as to whether the details asked for by the complainant were furnished to the complainant and as to why the details were not furnished. When the complainant has asked for the details of the bill for Rs. 1,653/- and when the complainant is questioning the bill that it is improper, without furnishing the details as asked for, by the complainant, the action of the opposite parties in disconnecting the bill, we are of the opinion, amounts to deficiency in service. As already stated the bill for Rs. 1,653/- issued by the opposite parties does not show as to how many units consumed by the complainant, and it only mentioned the amount, and as such we are of the opinion that there is deficiency in service on the part of the opposite parties for which the complainant is to be compensated."

We are of the view that the District Forum was right in holding so. Even before the District Forum no credible basis was given for issuing bill for Rs. 1,653/-. When the earlier bills did not go beyond Rs. 500/-, it is obvious that the said bill for Rs. 1,653/- was not issued based on the meter readings. On the facts of the present case we are of the view that it was incumbent on the appellants to furnish the basis for charging Rs. 1,653/- when the complainant specifically asked for it and that the District Forum was right in holding that there was deficiency in service in disconnecting the telephone of the complainant without

furnishing any reason whatsoever having admitted that the bill for the exorbitant sum of Rs. 94,777/- was issued because of mistaken software fed into the computer or some such cause. The award of nominal compensation of Rs. 2,000/- under the circumstances is warranted.

We are, therefore, satisfied that there is no merit in this appeal and it is accordingly dismissed. Appeal dismissed.