

(2004) 07 NCDRC CK 0121

In the National Consumer Disputes Redressal Commission

Akhil Bhartiya Upbhokta Congress

APPELLANT

Vs

Bharti Telenet Limited

RESPONDENT

Date of Decision : 27-07-2004

Acts Referred:

Citation : 2004 4 CPJ 402

Hon'ble Judges : N.K.Jain , B.L.Khare , Pramila S.Kumar J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal under Section 15 of the Consumer Protection Act, 1986 (for short "C.P. Act") is by complainant-Akhil Bhartiya Upbhokta Congress, Bhopal a Voluntary Consumer Organization whose complaint against Bharti Telenet Limited a company providing telephone services to its subscriber, has been dismissed by District Consumer Disputes Redressal Forum, Bhopal vide order dated 24.1.2002 passed in Case No. 480/99.

2. THE complaint was more or less like a public interest litigation without there being any specific consumer(s) coming forward before the Forum below. No written authority authorising the complainant-organization to file complaint on his or their behalf, was filed with the complaint. THE complaint was also not verified nor any affidavit in support thereof was filed. THERE is only passing reference of one Ranjit Automobile, Bhopal, a subscriber of the respondent-company whose proprietor also belatedly (after more than a year) filed an affidavit in support of the complaint. We are afraid, complaint was not in accordance with the provisions of the C.P. Act, and the rules framed thereunder. Procedural flaws apart, the complaint was devoid of any merit even otherwise and has been rightly dismissed by the Forum below.

The grievance as ventilated in the complaint was on three counts: (One) Contrary to the promise of giving 300 free calls only 75 free calls were allowed; (Two) That promise was also made to charge as local calls on any four STD numbers within the State of Madhya Pradesh as may be opted by the subscriber. But the respondent-company did not adhere to this promise and one such

subscriber namely Nandkishore Brahme of Bhopal was charged for making STD call on a number 550174 at Gwalior despite his opting for free STD service on this number and (Three) That while giving connections the wireless system was provided but the same was withdrawn soon and replaced by land line system, thus putting the consumers to undue hardship.

3. TAKING the first grievance first, no evidence whatsoever could be adduced by the complainant to show that there was any promise by the respondent-company to give 300 free calls. This allegation of the complainant is denied specifically by the respondent-company in their verified reply supported duly by an affidavit sworn by Munish Roy, Regional Head of the company. The allegation, it is seen, was baseless and has been rightly over-ruled by the Forum below. Facility regarding free STD calls in the State, as per document filed by the complainant itself was only restricted to four Airtel STD numbers not to any number of other companies like BSNL etc. The bill filed on behalf of Nandkishore Brahme goes to show that the said STD calls made on number 550174 belonging to the BSNL not to the respondent-company. The allegation in this regard was also, therefore, without any substance.

4. AS regards withdrawal of wireless system, the respondent-company has explained and very convincingly that this wireless system was provided only in the areas where there was no underground cable net work available. No sooner the cable net work was laid by the respondent-company, the wireless system was withdrawn. What the respondent-company had promised only a telephone connection and it was for the company to see as to how the telephone works whether through wireless system or underground cable net work. It was certainly not a cellular phone service. It was like any other land line service and obviously, the wireless system was provided only by way of stop gap arrangement. There is again no evidence on record to show that company had promised to provide wireless system for all times to come. This even otherwise appeared to be an absurd proposition. It will be thus seen that the complaint of the appellant has been rightly dismissed calling for no interference in appeal by this Commission. The appeal is accordingly dismissed but with no order as to costs. Appeal dismissed.