

(2006) 02 NCDRC CK 0040

In the National Consumer Disputes Redressal Commission

AMARJIT SINGH

APPELLANT

Vs

BHARTIYA SANCHAR NIGAM LTD.

RESPONDENT

Date of Decision : 24-02-2006

Acts Referred:

Citation : 2006 1 CPC 728 : 2006 2 CPR 121 : 2006 3 CPJ 259

Hon'ble Judges : R.S.Mongia , Jasbir Kapoor J.

Final Decision : Appeals dismissed

Judgement

1. THIS order will dispose of Appeal Nos. 979 and 981 of 2001 as common questions of facts and law are involved in both these appeals. Has a person an indefeasible right to get telephone connection from a particular exchange or the Department can provide telephone connection from a particular exchange depending upon the feasibility? THIS is the question that primarily arises in the present appeals. Facts are being taken from Appeal No. 981 of 2001, which may be noticed.

2. AS per the allegations in the complaint, the complainant applied for a telephone connection to SDO, Telecom, Mullanpur Mandi, Ludhiana. A demand notice was issued to the complainant by the Telecom Department on 17th of July, 1992 and he deposited an amount of Rs. 1,000 on 11th of December, 1992. AS per further allegation in the complaint, the Telecom Department installed 50 pair cable in 1993. Some advice notes were issued to other persons in March 1994. AS per further allegations the Department stopped the work and stated that the telephone connections will be issued from Boparai exchange. Mullanpur exchange, according to the complaint, was installed in the year 1996. AS per the instructions of the Telephone Department, one Revenue Tehsil is kept within the jurisdiction of one SDCA in case the area of the Tehsil is not more than 2000 sq. metres. The area of Ludhiana Tehsil is less than 2,000 sq. metres and as such the area of the village of the complainant falls within Ludhiana SDCA, therefore, attaching of the area with Jagraon SDCA was against the policy of the opposite parties. It was also alleged that 9 connections are running in his village from

Mullanpur exchange and there was no technical hitch in granting telephone connection from Mullanpur exchange. Some telephone numbers were also mentioned which were allegedly running in his village from Mullanpur exchange. The primary relief prayed for was that the complainant be released telephone connection from Mullanpur exchange instead of Boparai exchange. The reason which was given in the complaint may be noticed: "AS a call made from Raqba through S.D.C.A., Jagraon to the stations viz. Chandigarh, Rajpura, Patiala shall be charged at the pulse rate of 30 seconds, whereas the call to the same station through S.D.C.A., Ludhiana shall be charged at a pulse rate of 120 seconds, as such, the subscriber shall have to pay more for the same call made through S.D.C.A., Jagraon, if it is made through S.D.C.A., Ludhiana."

It was the case of the opposite side that from the date advice note was issued to the complainant no connection in village Raqba had been released from Mullanpur exchange. After appreciating the evidence and the arguments of both sides, the District Forum dismissed the complaint vide impugned order dated August 1, 2001. Hence the present appeal.

As the question has been framed in the opening part of the judgment, we are of the view that no applicant has an indefeasible right to get telephone connection from a particular exchange. It will depend on various factors, feasibility, distance etc. etc. Simply because, if the connection is given from a particular exchange the charges may be more per call because of the distance involved would not ipso facto give a right to the applicant to get the telephone connection from the nearest exchange. As had been stated before the District Forum, no telephone connection to any applicant in the village of the complainant had been granted from Mullanpur exchange from after the advice note was issued to the complainant excepting to one Harchand Singh, which was because of the order of the District Forum. Learned Counsel for the respondents, as a matter of fact, further stated that as on today all telephone connections in village Raqba are from Boparai exchange and not from Mullanpur exchange and wherever earlier some connections were given in village Raqba from Mullanpur exchange have also been shifted to Boparai exchange. It has further been stated that so far as the monthly rent is concerned, it was less at Boparai exchange as compared to the telephone connections which were from Mullanpur exchange. Even the free calls to the telephone connections from Mullanpur exchange were less than the Boparai exchange. As on today, the charges per call whether it is from Boparai exchange or from Mullanpur exchange are the same to any distance. Since the respondents were prepared to give telephone connections from Boparai exchange and as per the feasibility it could not have been given from Mullanpur exchange, the complainants have no indefeasible right to insist that a telephone connection must be given from Mullanpur exchange. We find nothing wrong in the approach of the District Forum. Both the appeals are hereby dismissed. No costs. Appeals dismissed.