(1998) 01 NCDRC CK 0021

In the National Consumer Disputes Redressal Commission

ASSAM BENGAL ROADWAYS LTD. APPELLANT

Vs

GENERAL MANAGER, DEPTT.OF TELECOM RESPONDENT

Date of Decision : 13-01-1998

Acts Referred:

Citation : 1998 1 CPJ 153

Hon'ble Judges : A.K.Bhattacharjee , Monoranjan Ghosh , S.Dutta J.

Final Decision : Appeal disposed of

Judgement

1. THIS is a complaint under Section 17 of the Consumer Protection Act, 1986 filed by the petitioner - M/s. Assam-Bengal Roadways Ltd. having one of its Offices at Durgapur. The petitioner''s complaint is that he was originally a subscriber of Telephone bearing No. 3423 which after several changes was ultimately changed to 54-6944 at his Durgapur office. He has complained that although he had prayed for disconnection of his STD facilities and followed the matter with the Department of Telecommunication, West Bengal Circle, the latter did not comply with the prayer on the plea mat me same was not feasible on account of some technical difficulty. The petitioner has, further complained that in August, 1994 he received a bill dated 21.7.1994 for Rs. 94,803/- which was a highly inflated bill. He has, further, stated that he got subsequently more bills which were also highly inflated. The opposite parties have actualy claimed an amount of Rs. 5,17,565/- and has threatened that unless the bills are paid, his other telephones would also be disconnected. A copy of the notice detailing the different bills amounting to Rs.,5,17,565/- had been furnished in Annexure ''F'' to the petition of complaint. The petitioner has accordingly prayed that a thorough enquiry should be made into the details of the bills and the bills should be properly revised and corrected. He has also prayed for an order restraining the opposite parties from disconnecting his line.

2. THE petition is strongly contested by the opposite parties by filing a written objection. THEir submission is that the petitioner is a re nowned transporter having its offices all over India. THEy have filed a cyclostiled copy showing the

different Offices of the petitioner-Company. THE opposite parties further state that the petitioner-Company used STD-ISD calls in huge nos. and that the telephone charges in respect of their telephones have been found to be correct. THEy have given a long list of STD-ISD calls in details. It is, therefore, prayed by the opposite parties that the petitioner has to make payment of all the calls charged against them or otherwise his other telephones are liable to be disconnected under the provisions of Rule 443 of the Indian Telegraph Rules, 1951. After hearing both the parties it appears to us that the dispute raised by the petitioner cannot be adjudicated by taking evidence before us. From the documents filed before us it is not possible to decide that the bills submitted were actually inflated ones or not. As the petitioner is a big Transport Company having its offices all over India, it is natural that it will use his telephone with its different offices. Apparently, the cause of excess billing may be due to any alleged difficulty in the apparatus which cannot be investigated by this Commission. Accordingly, we propose to send the dispute to arbitration as provided in the Indian Telegraph Act, 1885.

It is, accordingly, ordered that the dispute raised by the petitioner in the petition of complaint be referred to an Arbitrator to be appointed by the Central Government under Section 7B of the Indian Telegraphs Act, 1885. The Arbitrator is directed to submit his award within 2 months from the date of entering into arbitration. The petitioner is directed to make an ad hoc payment of Rs. 1.00 lakh (Rupees one lakh) only to the opposite parties within 15-days from the date of communication of this order and on such payment the opposite parties shall not disconnect the disputed telephones until the award is given by the Arbitrator. The case is, thus, disposed of. There will be no order for cost. Appeal disposed of.