

(2008) 07 JH CK 0175
In the Jharkhand High Court

Bhagwati Prasad Agrawal Engineering Works	APPELLANT
Vs	
Bharat Sanchar Nigam Ltd. and Others	RESPONDENT

Date of Decision : 29-07-2008

Acts Referred:

Citation : (2008) 4 JCR 109

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—Heard the learned Counsel appearing for the petitioner and learned Counsel appearing for the respondents.

2. Learned Counsel appearing for the petitioner submits that there had been four telephone connections; one in the name of Raj Kumar Agarwal, the other two in the name of M/s. Bhagwati Prasad Agrawal Engineering Works and the fourth one in the name of M/s. Bhagwati Prasad Agrawal Electrical in the same premises and in course of time when a inflated bill raised by the Department was not paid, the Department disconnected all the four telephone lines though there were no dues against three telephones and, therefore, the petitioner M/s. Bhagwati Prasad Agrawal Engineering Works moved before this Court whereby the authority, i.e. General Manager (Telephones), Dumka was directed to dispose of the representation of the petitioner within a period of two months and also pass order regarding restoration of those telephone connections against which there was no outstanding dues whereafter the Department though restored the telephone connections with respect to the telephone against which there was no dues but the respondent-authority did not pass any order with respect to telephone connection having telephone No. 222316 though as per the order dated 8.10.2002, the respondent was supposed to dispose of the matter within a period of two months.

3. Learned Counsel appearing for the Bharat Sanchar Nigam Limited submits that the petitioner's representation could not be disposed of as the petitioner did not file any representation before the authority nor did the petitioner produce the

copy of the order, as such the representation made by the petitioner could not be disposed of. However, the authority did restore the telephone, connections of those persons against whom there was no dues but so far telephone No. 222317 is concerned, it could not be restored as the payment has not been made by the petitioner.

4. As against that, learned Counsel appearing for the petitioner submits that under order dated 8.10.2002, the petitioner was never supposed to file fresh representation before the authority, rather the authority had to pass order on the representation which was pending from before and therefore, the authority has taken a lame excuse for not disposing of the representation and in stead of disposing of the representation,-the Department has again raised a bill amounting to Rs. 5,20,556/- against telephone No. 222316.

Be that as it may, the petitioner is directed to file a fresh representation within three weeks from today before the General Manager, Telephones, Dumka, respondent No. 2, who, will dispose of the same with a reasoned order within a period of four weeks from the date of receipt of representation.

5. With the aforesaid direction, this writ application is disposed of.