

(2000) 11 NCDRC CK 0015

In the National Consumer Disputes Redressal Commission

Bichitrananda Swain

APPELLANT

Vs

DISTRICT MANAGER, TELECOM

RESPONDENT

Date of Decision : 02-11-2000

Acts Referred:

Citation : 2001 1 CPJ 223

Hon'ble Judges : D.M.Patnaik , Pramodnath Das J.

Judgement

1. MR. Justice D.M. Patnaik, President-The complainant in the present appeal challenges the impugned order of the District Forum, Cuttack passed on 13.12.1996 rejecting his prayer for direction to the Telecom Department to shift his Telephone No. 21147 from M/s. Kalinga Road Way, Chauliaganj to the complainant's residence at Madhupatna. We have heard the Counsel for both sides. The crux of the point is, originally the present complainant in his individual capacity was a subscriber of the Telephone No. 21147 and was registered as such. He claims to be a partner of the Firm M/s. Kalinga Road Way, Chauliaganj in whose premises the telephone was installed. The complainant wanted to shift it to his residence at Madhupatna. This was not allowed by the department on the ground that on his own application the telephone has been transferred to the name of the partnership Firm i.e., M/s. Kalinga Road Way.

2. MR. Mohapatra, the learned Counsel for the Telecom Department has drawn our attention to the Annexures A, B and C of the department. In Annexure-A nowhere it has been indicated that the said phone to have been transferred from the name of Bichitrananda Swain to the Firm M/s. Kalinga Road Way. The learned Counsel for the complainant however points out that this is a unilateral order of the department. The complainant was rather writing for shifting of the telephone to his residence at Madhupatna. The learned Counsel for the complainant also draws our attention to Annexure-1, the letter dated 14.12.1993. Having heard the Counsel for the parties and on going through the records, we are satisfied that no document was placed before the lower Forum to show that in fact at any point of time the complainant had applied for such transfer. In the absence of

specific instruction from the subscriber the question of transferring the telephone from one name to another name is not permissible. Therefore, we do not accept the case of the department. Thus, refusal of shifting of the telephone was illegal. The order of the lower Forum is, therefore, set aside. During course of the hearing we are informed that the complainant is presently residing at Saktinagar at Cuttack and wants to shift his telephone to that place. In view of that matter we however direct the complainant to move the appropriate Authority, in the department with an application to shift the same from Chauliaganj to Saktinagar. Any outstanding amount against the phone shall be paid in three equal monthly instalments. The appeal is allowed. No cost. MR. Pramodnath Das, Member-I agree. Appeal allowed.