

(1999) 11 PAT CK 0008

In the Patna High Court

Case No : C.W.J.C. No's. 6952 of 1988 with 8560 of 1989 and MJC No. 1514 of 1999

Binod Krishna Jha and Another

APPELLANT

Vs

Chinmay Mitra, General Manager (Telephones), Patna and
Another
 Janardan Singh Vs Union of India and Others

RESPONDENT

Date of Decision : 22-11-1999

Acts Referred:

Telegraph Act, 1885 — Section 7(b)

Citation : (1999) 1 PLJR 241

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : Shashi Shekhar Dwiwedi, Janardan Singh and Binod Krishna Jha, for the Appellant; S.N. Pathak for the Union of India, for the Respondent

Judgement

Radha Mohan Prasad, J.—In all these matters counter affidavits/show cause have been filed on behalf of the respondents stating that the telephones in question are functioning properly. In support of that the certificate of the subscriber has also been annexed in M.J.C. No. 1514 of 1999. Thus, this Court does not feel inclined to proceed with these matters any further. However, it has been submitted by the petitioners that earlier keeping in view the numerous complaints and interventions by the consumers, the Division Bench vide order dated 10.8.1989 passed in C.W.J.C. No. 6952 of 1988 gave certain directions which must be followed by the respondents authorities. The said directions are quoted hereunder :?

(1) Until the suggested improvements are achieved, the respondents shall on receipt of any complaint of a fault or defect in the telephones shall remove the defect within two hours of the receipt of the complaint. If the defect is not removed within two hours of the receipt of the complaint, the officers concerned shall record the reason causing the delay and take immediate steps rectifying the defect. If, however, the defect is not removed within six hours of the receipt of

the complaint, it shall be presumed that the telephone did not work for the day and no charges, therefore, shall be realised for the day on which the telephones suffered the alleged defect;

(2) As provided in section 7(b) of the Telegraph Act, an arbitrator shall be nominated and stationed at Patna, who shall receive the complaints about excess billing etc. and dispose of the same within a fortnight of the receipt of the complaint. Arbitrator's decision on such matters shall be final, subject to any order that may be passed by the Court;

(3) Monitoring Committee, as suggested by the Committee of the experts in the report shall be constituted within a fortnight, which Committee shall, on being constituted, forthwith proceed to monitor the work undertaken to improve the telecom system of the Patna district; and

(4) The District Manager, Telephones, shall issue instructions to all concerned that no report of the removal of the defect shall be accepted unless duly certified by the consumer or any agent of the consumer. In the absence of the certificate, the telephone shall be deemed to continue with the defect for the day/days and no charges shall be realised from the consumer for utilising the telecom services on that day. If it is found that any consumer or his agent has not certified, although the defect has been removed, the respondents may apply to the court.

2. It is needless to say that the said directions issued by the Division Bench have to be followed by the respondents authorities. Further the respondents authorities shall also consider the desirability of issuing bills and disconnection notice to the subscribers under registered post to avoid unnecessary harassment to the consumers, which shall also reduce the filing of the writ petition in this Court. All these matters are disposed of with the above directions/observations accordingly.