
(1995) 03 NCDRC CK 0036

In the National Consumer Disputes Redressal Commission

CALCUTTA TELEPHONE

APPELLANT

Vs

GOVARDHAN LAL SIKARIA

RESPONDENT

Date of Decision : 24-03-1995

Acts Referred:

Citation : 1995 3 CPJ 230 : 1996 1 CLT 700

Hon'ble Judges : A.K.Bhattacharjee , Sunil Kanti Kar , S.Dutta J.

Final Decision : Petition disposed of

Judgement

1. THIS revision petition relates to Telephone No. 241-2355 and is directed against an order dated 3.10.94 passed in C.D.F. Case No. 2803/94. By the said order the Calcutta District Forum had directed to raise a provision bill of Rs. 380/- against two cycles namely 2/94 and 4/94 as the bills for the two cycles were not paid by the complainant and telephone had been disconnected by the telephone authorities. There was another arrear bill for the cycle 8/92 but a provisional bill was already raised in respect of this cycle and the same is stated to have paid by the complainant.

2. THE order had been challenged on the ground that a mandatory direction was given by the District Forum for payment of a provisional bill and reconnection of the line. Heard learned Advocates of both sides, it appears that the bills for two cycles namely 2/94 and 4/94 have been challenged on the ground that there was excess billing in respect of these two cycles. As regards cycle 8/92 a provisional bill has already been raised and paid. It is true that no calculation has been indicated as to why the amount of Rs. 380/- was arrived at by the Forum but the order was passed after hearing both parties and there is apparently no bar to a passing of a mandatory order after hearing both parties under Section 14 of the C.P. Act, 1986. We, however, agree that the amount ought to have been properly calculated, after hearing both parties, we think that the amount ordered to be deposited provisionally should be raised to Rs. 500/- in respect of each bill which the complainant/respondent is agreeable to pay. In the circumstances the revision petition is disposed of with a direction that the Telephone Authorities

shall raise a provisional bill of Rs. 500.00 each in respect of cycles 2/94 and 4/94 and the complainant shall pay the bill accordingly. On payment of these amounts and the necessary reconnection fee the line will be restored within a week thereafter.

The Calcutta District Forum is further, directed to dispose of the matter by referring the matter to arbitration or otherwise within a short period and preferably within one month. Petition disposed of.