
(1998) 01 NCDRC CK 0003

In the National Consumer Disputes Redressal Commission

CHANDRA LEKHA DUTTA GUPTA

APPELLANT

Vs

Calcutta Telephones

RESPONDENT

Date of Decision : 07-01-1998

Acts Referred:

Citation : 1998 1 CPJ 399

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

Final Decision : Appeal dismissed

Judgement

1. THIS is complaint under Section 17 of the Consumer Protection Act, 1986 by one Dr. Chandralekha Duttagupta residing at Golf Green Urban Complex. The petitioner's case is that she is a Head and Associate Professor of the Bio Chemistry Department, Indian Statistical Institute, Calcutta and a visiting Assistant Professor, Department of Obstetrics and Gynaecology, Albert Einstein College of Medicine, Bronx, New York. The petitioner has further stated that she has been conducting research work on Human Uterine Cervix Cancer Prevention for the past twenty years. Her allegation in the complaint is that she had been abroad and was absent in Calcutta from March 15 to 16th May, 1997. The opposite party Telephone Authority had in the meantime disconnected the line of her telephone No. 472- 7206 for non-payment of two unpaid bills amounting to Rs. 6,899/- and Rs. 4,673/-. The disconnection of the line, according to the petitioner, is unjust and illegal and this has allegedly lowered her prestige in the estimation of the general public. She has accordingly filed this complaint claiming a compensation of Rs. 5,00,000/-.

2. THE case is contested by the opposite party Telephone Authorities whose version is that a telephone subscriber being under the obligation of obeying the terms and conditions of the Telephone Authority as provided under the Indian Telegraph Act, 1885 and the Indian Telegraph Rules, cannot complain against the action of the Tele-communication Department in disconnecting the line for non-payment of the bills. As regards the allegation of excess billing, the opposite party's version is that they had verified the allegation by keeping a fortnightly

watch over the calls made from the disputed telephone and the result shows that the telephone user used a very number of calls. Moreover, it has been contended by the opposite party that if the petitioner had any bona fide complaint against the telephone machinery she could have made a prayer for arbitration under Section 7B of the Indian Telegraph Act. THE opposite party had accordingly prayed that the complaint should be dismissed. We have heard the arguments of both the parties. No extraneous evidence has been adduced by any of the parties in support of their respective claims. It is an admitted fact that the telephone line was disconnected for non-payment of bills of two cycles. It is also admitted by the petitioner that she was away outside India for two full months. It has not been stated what arrangement was made by the petitioner for the payment of her telephone bills during her absence. She also did not inform the Telephone Authority of her proposed absence from Calcutta for about two months. In the circumstances if the telephone line has been disconnected by the Telephone Authority for non-payment of bills, it cannot be asserted that there was deficiency in service on the part of the said Authorities. We, however, note that in paragraph 7 of the written objection the opposite party has made some confused statements. It has been stated in the said paragraph that the District Forum had acted wholly without any jurisdiction or legal warrant in directing the revision petitioner to pay a sum of Rs. 5,000/- by way of compensation to the complainant. This being an original case and not being a revision petition against an order of any District Forum, the aforesaid statements simply confusing. In the result, the petitioner has not been able to prove any deficiency in service against the opposite parties and the case is accordingly dismissed. We, however, do not make any order as to costs. Appeal dismissed.