

(1993) 10 NCDRC CK 0051

In the National Consumer Disputes Redressal Commission

CHIEF GENERAL MANAGER, CALCUTTA TELEPHONES

APPELLANT

Vs

INTERNATIONAL PACKERS And MOVERS

RESPONDENT

Date of Decision : 08-10-1993

Acts Referred:

Citation : 1994 1 CPC 474 : 1994 1 CPJ 132 : 1994 1 CPR 65

Hon'ble Judges : Jyotirmoyee Nag , Sunil Kanti Kar , S.Dutta J.

Final Decision : Appeal dismissed with costs

Judgement

1. THE appeal is directed against the judgment and order so passed by the learned Calcutta District Consumer Disputes Redressal Forum in C.D.F. Case No. 2290 of 1991.

2. THE respondent-petitioner filed the C.D.F. Case No. 2290 of 1991 for (1) restoration of telephone being No. 440117, (2) removal of the PBX Board from the respondent's premises and also for cancellation of bill dated. 13.4.89 and other reliefs. In the appeal the appellant argued mainly on two points (1) that the letter written by the respondent dated 26.12.87 was not been addressed to proper person and, as such, it could not be said that in spite of the notice the telephone authority did not act properly for removal of the said PBX Board and the bill dated. 13.4.89 received by the respondent from the appellant for arrear charges of PBX board for the period 1.12.87 to 30.11.89 was not made on whimsical or arbitrary in manner and, as such, the respondent is bound to pay the said amount. The appellant also raised a question that although the compensation for harassment was not prayed for by the respondent still the learned Calcutta District Forum granted Rs. 15,000/- as compensatory costs against the appellant.

From the paper placed before us it is apparent that the respondent herein duly sent letter addressed to Section Supervisor, Control Building, Calcutta Telephone dtd. 26.12.87 and the same was duly received by the appellant Telephone Department. Subsequent to that the respondent also sent several letters and made complaints asking the telephone authority for removal of the PBX Board

and for restoration of telephone No. 440117 to which the Telephone Department had not paid any heed to the same which clearly shows their gross deficiency in service and for the period in which the PBX Board was not in operation how could they send the bill ?

3. THUS the learned Calcutta District Forum was justified in passing the order dtd. 14.5.93 directing the appellant to remove the PBX Board and to restore the telephone of the respondent with the observation that the appellant shall not charge any money as claimed for the PBX Board i.e. the bill dtd. 13.4.89 for Rs. 9600/- The learned Calcutta District Forum also directed the appellant to pay Rs. 15,000/- as compensation for the harassment caused to the respondent. The learned Advocate of the appellant argued that although there is no prayer of the respondent regarding the claim of cost of harassment still the learned Calcutta District Forum granted the same as if it is a prize money. It is settled law that a Court or Tribunal or a quasi judicial body which is dealing with the matter in controversy for the sake of interest of justice can pass appropriate order for the relief and redress of the complainant. Here it appears that in spite of due intimation the telephone department was silent for more than two years and subsequently one fine morning they became active to claim Rs. 9600/- from the respondent for the no fault of him. Thus the harassment caused to the respondent for such whimsical action of the telephone department, is not only painful but also a clear case of negligence in duty and, as such, the compensation for the harassment so given by the learned Calcutta District Forum was just and proper.

4. IN view of such circumstances we hereby dismiss the appeal so preferred by the appellant and direct the appellant to restore the telephone connection of the respondent within seven days from the receipt of this order with further direction to pay Rs. 501/- as cost of the proceeding. IN case the appellant fails to comply to restore the telephone line of the respondent within the stipulated time the respondent is at liberty to take steps according to law. Appeal dismissed with costs. _____