
(1993) 06 NCDRC CK 0079

In the National Consumer Disputes Redressal Commission

CHIEF GENERAL MANAGER, MAHANAGAR TELEPHONE NIGAM
LTD

APPELLANT

Vs

SURESH BHARGAVA

RESPONDENT

Date of Decision : 11-06-1993

Acts Referred:

Citation : 1993 2 CLT 941 : 1993 3 CPJ 1311

Hon'ble Judges : R.N.Mittal , S.Brar , A.N.Saxena J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against the order of the District Forum No.1 dated 28.11.91, whereby the District Forum had directed the M.T.N.L. to provide unmetered service also in respect of telephone fault complaints lodged with the Supervisor (F.R.S.) and the Asstt. Engineer (F.R.S.) in the best interest of the public. They however, held that the complaint regarding the payment of any compensation to the complainant for the period of fault in respect of Telephone No.2926280 had to be dismissed for want of full evidence.

2. THE M.T.N.L. in their grounds of appeal have stated that consumer faults regarding telephones are booked at No. 198/2 which is unmetered service number available to the public and further that they are booking the complaints as per the procedure of D.O.T. vide Telephone Service No.DHF/A-0001. It is further contended by the appellant that the faults of local telephone system are reported by the subscriber or by the staff and the subscriber gets access to fault repair service by dialing the code 198 for reporting faults. THE fault repair service (F.R.S.) on 198 is a centralised unmetered service in all single and multi-exchanges. THE fault complaints are also received directly from the subscribers by the officers who also book the faults on the same number or in urgent cases with the "Test Desk Monitor" of the respective exchanges, where more than 4 positions are justified. THEse positions are provided with "Call Queue Facility" and as per the present procedure after the details have been recorded, the subscriber is informed the docket number saying your docket No. is....It is fu it

her stated that any fault reported at 198 should reach the line staff within a maximum time of 30 minutes of its booking for which the norms are provided for the movement of dockets. By making these provisions M.T.N.L. seeks to ensure that the subscriber is not put to any difficulty. We have heard both the parties and have perused the documents on record. We are of the view that M.T.N.L. owes it to the subscribers to provide adequate facility to lodge their complaints in the event their telephone is out of order. This becomes necessary since subscribers are greatly inconvenienced when their telephone goes out of order. In such an event their major anxiety is to register their complaint so that the same is attended to expeditiously by the M.T.N.L.

It may be observed that any down time of telephone system due to delay in attending to the faults has to be viewed with concern particularly in metropolitan cities where it constitutes a vital link of communication. Also from the point of view of expediency it is essential that subscribers are able to make use of this facility in an uninterrupted manner with minimum inconvenience particularly when they are paying to M.T.N.L. for the service both as rental and as per call charges, which are reasonably high. In our view it is the duty of M.T.N.L. to register and rectify the faults in the shortest possible time. This could happen only when subscribers find it easy to register fault complaints without having to remain either in the queue or not being attended to at all. It has further to be realised by the M.T.N.L. that in the event there is excessive rush on 198 which is an unmetered number or if this number becomes inoperative or remains unattended even for short period, it can cause avoidable hardship to the subscribers. It has been contended in the affidavit of the appellant that they have taken appropriate steps to see that Consumer is not put to difficulty in respect of fault repair service. It is further contended that in case the telephone fault remains for more than 24 hrs. the subscriber can contact CIS number and then he would be given complete information about his telephone default and when it is likely to be cleared. Further it will not be out of place to mention that it is a common complaint and a common experience that Telephone No.198 invariably does not respond though the bell keeps ringing for long time which makes the subscriber exasperated and he gives up the chase due to paucity of time at his disposal.

3. IN our view it has to be realized by the M.T.N.L. that the telephone service provided by them has been on the increase and the number of telephones will also continue to increase in the near future. Delhi has presumably the maximum number of telephones, and with ever increasing number of telephones, the facility to register fault complaints will have to be augmented and extended correspondingly. This additional facility obviously has to be an unmetered number, since it constitutes a service rendered by the M.T.N.L. to its subscribers. Taking into account the above facts and recognising that there has been a considerable increase in the number of telephones as well as Telephone Exchanges, and consequently, the number of fault/ complaints has also been on the increase, it would be a good service by the M.T.N.L. to provide additional

facility of unmetered telephone service in addition telephone No. 198. In our view therefore, if this additional facility is provided to the subscribers, it will not only help the subscribers and the general public but also enable M.T.N.L. to render better service. It will further augment the resources of M.T.N.L. by reducing the down time due to telephone faults. Even on a cost benefit analysis it could prove to be a good business proposition.

4. WE therefore dismiss the appeal, and uphold the order of the District Forum and direct the M.T.N.L to make available additional unmetered telephone service in respect of telephone faults registered with the Supervisor (FRS) and Asstt. Engineer (FRS) or alternatively to notify any other telephone number which may be appropriate and adequate for the purpose. This may be done within three months from the date of the order failing which action shall be taken against the appellant under Section 27 of the Consumer Protection Act. No order as to costs. Appeal dismissed.