
(1995) 06 NCDRC CK 0001

In the National Consumer Disputes Redressal Commission

DIRECTOR, TELECOM (SOUTH) UDAIPUR

APPELLANT

Vs

ROSHAN LAL

RESPONDENT

Date of Decision : 30-06-1995

Acts Referred:

Citation : 1996 3 CPJ 43

Hon'ble Judges : N.C.Sharma , Firoza Bano J.

Final Decision : Appeal allowed

Judgement

1. THIS appeal has been filed by the Director, Telecom (South) Udaipur and Telecommunication District Engineer, Panchvati, Udaipur against the order of the District Forum, Udaipur dated 7.10.92 whereby the District Forum directed the opposite parties-appellants to sanction new telephone connection to the complainant from Udaipur Telephone Exchange within one month and further to pay a compensation of Rs. 2,000/- to the complainant. The complainant-respondent was duly served by registered post and he sent a written reply to the appeal. On 8.5.95 Sh. Mathuresh Nagda, sister's son of the respondent appeared, but the respondent did not appear in-person. We heard arguments in the appeal and perused the record.

2. IT is not in dispute that the complainant respondent had on 17.7.82 made an application for telephone connection under general category to District Engineer, Telecommunication Udaipur and he was kept in waiting list and serial number in that list 1870 (A) was assigned to him. The complainant is resident of Village Seesarama, Tehsil Girwa, Distt. Udaipur. The complainant wanted the telephone connection from Udaipur Telephone Exchange. According to the complainant, Village Seesarama, where the complainant had his residential house, was within a radius of 5 kms. from Udaipur Telephone Exchange. IT was pleaded by the complainant that the Telecommunication Department had sanctioned telephone connection to persons who were after him in the waiting list, but not to the complainant. The complainant wanted to have STD facility. However, the Telecommunication Department told to the complainant that his village came

within the local area of Nai Telephone Exchange. According to the complainant, his village was contiguous to the Municipal limits of Udaipur city and was at a distance of about 5 kms. from the local area of Nai Telephone Exchange. The complainant further pleaded that in Seesarama Village itself telephone No. 27364 had been sanctioned by the Telecommunication Department from Udaipur Telephone Exchange. On the basis of these averments, the complainant filed a complaint before the District Forum, Udaipur. The version of the opposite party was that Village Seesarama was within the local area of Nai Telephone Exchange and the complainant had not made any application for sanction of telephone from Nai Telephone Exchange. The District Forum held that the complainant had made an application for telephone connection in the year 1982. Nai Telephone Exchange was established in the year 1986. The District Forum further held that the boundary of Nai Telephone Exchange was not less than the distance of the village of the complainant from Udaipur Telephone Exchange. The complainant wanted STD facility, which was not available in Nai Telephone Exchange. The District Forum held that the complainant could not be compelled to take telephone from Nai Telephone Exchange. On the basis of these findings the District Forum allowed the complaint and granted the relief mentioned above.

In this regard the District Forum has referred to a letter of the Director General, Post and Telegraph, New Delhi dated 12.2.74 addressed to all concerned in Telecommunication Department and after referring to the contents of the said letter, the District Forum held that in the local area of Udaipur Telephone Exchange, all area within a radius of 5 kms. from the exchange and included. The above letter dated 12.2.74 of the Director General, Post and Telegraphs is on the subject of local area of telephone systems. In this letter it is mentioned that local area of any Telephone Exchange had been hitherto defined vide instructions issued by office order dated 5.8.60 under which all localities which were homogeneous and contiguous and had a community of interest would be included in the local area. Subsequently by instructions issued on 9.12. 71 the local area of single exchange system was defined to cover all localities within a radial distance of 5 kms. from the exchange. It was mentioned that in super session of instructions issued on 5.2.71 it had been decided that for single and multi exchange systems, the local area will be defined as per Annexure-A to the said letter. In Annexure-A, single exchange area is defined as under: "Single Exchange Areas : The local area of a single exchange telephone system will comprise of all localities which are within a radial distance of 5 kms. from the exchange. In case the town has an established municipality or corporation with well defined limits and if any localities served by this municipality/corporation are beyond 5 kms. of the exchange, such localities will also be included in the local area. However, any localities within the local area which provide unusual difficulties in giving telephone service such as high hills, lakes, etc. would be specifically excluded."

3. IT is clear from the above definition of local area that in towns where there is municipality or municipal corporations, the locality served by the municipality or

corporation are only included in local area. The village of the complainant Roshan Lal was not within the municipal limits of Udaipur. IT was outside municipal limits of Udaipur and, therefore, it was not within the local area of Telephone Exchange of Udaipur. IT is true that Telephone Exchange at Nai started functioning in 1986, but it is equally clear that the village of the complainant was within the local area of Nai Telephone Exchange and not Udaipur Telephone Exchange. IT may further be mentioned that Government of India in Tele communication Department had issued a notification dated 18.9.75 whereby the local area of Udaipur was declared to cover an area falling under the jurisdiction of Udaipur Municipality. There is a proviso to the affect that telephone subscribers located outside Udaipur Municipal limit but who were served from Udaipur Telephone Exchange system shall continue to pay local tariff as long as they were located within 5 kms. of any exchange of that system and remained connected to it. This notification also makes it clear that the village of the complainant was not within the jurisdiction of Udaipur Municipality and, therefore, it was not within the local area of Udaipur Telephone Exchange. The complainant was not an existing telephone subscriber on the date of issue of this notification in the year 1975 and, therefore, proviso added in the notification had no application whatsoever. The District Forum, Udaipur was, therefore, wrong in holding that the complainant was entitled to telephone connection from Udaipur Telephone Exchange. We, therefore, allow this appeal, set aside the order of the District Forum, Udaipur dated 7.10.92 and dismiss the complaint filed by the complainant-respondent. In the circumstances of the case, parties are left to bear their own costs. Appeal allowed. _____