
(1999) 04 NCDRC CK 0084

In the National Consumer Disputes Redressal Commission

DISTT. MANAGER TELEPHONES, CHANDIGARH

APPELLANT

Vs

PADAM SH.PROF.SHER SINGH SHER

RESPONDENT

Date of Decision : 19-04-1999

Acts Referred:

Citation : 1999 2 CLT 59 : 2000 2 CPC 349 : 2000 2 CPJ 544

Hon'ble Judges : J.B.Garg , P.K.Vasudeva , Devinderjit Dhatt J.

Final Decision : Appeal disposed of with modifications

Judgement

1. ON a complaint of the consumer, the District Forum-II, UT, Chandigarh held on 8.10.1998 that the two telephone bills were high and there was deficiency in service and ordered that the bills be revised taking into consideration the average calls registered in the two bills immediately preceding the bills in question. Costs Rs. 500/- were also awarded. Aggrieved against it, the present appeal has been attempted.

2. BRIEFLY the facts are that the complainant - a consumer of telephone No. 531231 - is a resident of 2366, Section 35C, Chandigarh and his telephone bills for February, 1992 for the sum of Rs. 3,528/- and April, 1992 for Rs. 2,636/- were excessive, inflated and manipulated and were the result of fault in the meter or any type of mischief by the employees of the department. There was a usual reply that the telephone bills vary from time to time as per usage of the telephone facility. The bills were correctly issued and neither there was any mischief nor any fault. The details of the bills from February, 1990 to February, 1992 supplied by the complainant under his signatures are reproduced as under from page 29 of the complaint : Month/year Amount. A few paras from the affidavit of the complainant dated 18.6.1993 are also reproduced as under : (4) It is further relevant to submit here that the complainant even after the restoration of the telephone as per the orders of this Hon'ble Forum dated 24.7.1992 received the bill in the range of Rs. 250/- to Rs. 342/- till date the details of which are given below : (5) That the bill dated 29.2.1992 amounting to Rs. 3,528/- for the period 25.11.1991 to 25.1.1992 is so excessive and feeling

aggrieved the receipt of the same, the deponent made representation to the opposite party on 27.2.1992 (Annexure C-2) and requested to make thorough investigation as the bill was not as per the actual user of the telephone but the opposite party instead of investigating into the matter again sent the bill to the deponent for Rs. 2,636/- and thereafter without issuing any notice which is mandatory, have disconnected the telephone on 12.4.1992. (6) That this excess billing of the aforesaid period which is under challenge in the present complaint is due to the misuse of the telephone by the staff of the opposite party who oblige others for consideration at the cost of the subscribers such like the deponent and also due to the defaults in lines, and exchange and meter of the telephone, the maintenance thereof is the sole responsibility of the opposite party as everything lying with the opposite party and the deponent has no access thereto. (7) That the opposite party has disconnected the telephone under reference without giving any notice and also issued the exorbitant bills and as such the opposite party failed to provide the efficient and faultless services to the deponent and committed the offence punishable under the provisions of Consumer Protection Act, 1986.

On behalf of the appellant, our attention has been invited to Accounts Officer Telecom Distt. Manager, Panaji, Goa v. Mrs. Sheela H.N. Gaunekar, I (1996) CPJ 49 (NC), wherein reduction in the telephone bills was set aside. However, in the aforesaid case of Goa, there was no allegation that there has been misuse of the particular telephone either by the employees of the deptt. or with their connivance. In the case now in hand, there are specific allegations in the complaint as well as in the affidavit. In the aforesaid case of Goa, the complainant was a Chartered Accountant and her husband was an Advocate both practising at Margao and the facts and circumstances were distinguishable. In the case now in hand, the figures of previous two years have not been repudiated in the reply or by means of an affidavit. There was no reason for the complainant to file a wrong affidavit. He brought to the notice of the authorities at the earliest the irregularities which had been going on without information to the controlling officers. We uphold the finding of the District Forum with the modification that the two bills shall be worked out on average of the three previous telephone bills i.e. August, October and December, 1991. The excess amount, if deposited, shall be adjusted/refunded. With this modification, the appeal stands disposed of. Appeal disposed of with modifications.