
(2003) 11 JH CK 0040
In the Jharkhand High Court
Case No : CWJC No. 3338 of 1996 (R)

Dr. Harey Shyam

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 11-11-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 4 JCR 666

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : M.S. Mittal and Ashok Kumar Yadav, for the Appellant; SC I, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—Heard the parties.

2. The petitioner has prayed for quashing the bill dated 11.9.1995 issued by the respondent Telecom Department for the period of 1.7.1995 to 31.8.1995. The case of the petitioner is that during the aforesaid period the telephone connection remained dead and the connection was not restored despite various oral and written reminders sent by the petitioner to the respondents.

3. From perusal of the orders time to time passed by this Court. It appears that on 13.2.97 the respondents were directed to furnish the details of the calls availed by the petitioner from 1.7.1995 to 31.8.1995; For the non-compliance of the aforesaid order the Telecom District Manager was directed to appear in person before this Court. In the supplementary affidavit filed by the District Telecom Manager it was stated that it was not possible to furnish the details of the calls allegedly made by the petitioner during the said period. In the counter affidavit filed by the respondents it has been admitted that during the aforesaid period there was fault in the telephone connection for some days details of which have been shown in Annexure-A to the counter affidavit. Prima facie therefore, it

appears that there had been interruption and fault in the telephone connection during the aforementioned period. The respondents as directed by this Court failed to submit the details of the calls, if any, made by the petitioner during the aforesaid period. In absence of any positive evidence brought by the respondents on record prima facie the bill appears to be wholly illegal and arbitrary. The impugned bill is therefore quashed.

4. This writ application is accordingly allowed and the impugned bill is quashed.