

(1999) 05 NCDRC CK 0072

In the National Consumer Disputes Redressal Commission

GENERAL MANAGER (TELEPHONES), DEPTT. OF
TELECOMMUNICATION

APPELLANT

Vs

SURINDER CHUGH

RESPONDENT

Date of Decision : 17-05-1999

Acts Referred:

Citation : 1999 2 CLT 664 : 2000 1 CPJ 21

Hon'ble Judges : A.L.Bahri , Jasbir Singh , Davinder Kaur Bhamrahs J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is by the Telephone Department and the challenge is to the order of the District Forum, Ferozepur dated March 31, 1998 giving direction to the Telephone Department to restore the telephone illegally disconnected and to pay compensation of Rs. 5,000/- for harassment and litigation expenses to the complainant.

2. TELEPHONE No. 62900 was installed at the premises of the complainant, Surinder Chugh. A bill for Rs. 1,712/- plus Rs. 40/- surcharge was issued in the month of August, 1995. The amount of the bill was payable by August 21, 1995. As per the stand of the complainant the amount was paid on August 21, 1995. The telephone was disconnected on September 18, 1995 on the erroneous ground that the amount of the bill referred to above had not been paid. This led the complainant to approach the District Forum. The stand taken up by the TELEPHONE Department was that in their record payment was not recorded of the bill referred to above and in the default card, the name of the complainant appeared and after observing necessary formalities of information on telephone and the complainant having failed to show the receipt, the telephone was disconnected. It was further stated that the complainant had not paid the telephone bills for October and December, 1995. The plea of the complainant prevailed with the District Forum that the disconnection was illegal as the amount of the bill referred to above was paid within due time. Holding disconnection to be illegal, directions aforesaid were given. We have perused the

grounds of appeal and we notice that it is stated that the complainant had not paid the two other bills of October and December, 1995 and the District Forum was not justified in directing restoration of the telephone. This contention cannot be accepted. The telephone was disconnected on September 18, 1995. Obviously, it was disconnected on the ground that the telephone bill of August, 1995 as referred to above was not paid. Ex. A-2 is the bill and the receipt produced by the complainant indicating deposit of the amount of the bill in the post office on August 21, 1995 of Rs. 1,712/-. This bill also gives the date of payment as August 21, 1995. Since the complainant had succeeded in establishing that the amount of the bill aforesaid was paid within the due date, disconnection of the telephone was obviously illegal, which amounted to deficiency in rendering service on the part of the Telephone Department. The mere fact that the Telephone Department, Accounts Branch had not incorporated the entry of the payment of the bill in the records will not affect the right of the complainant to get relief from the Forum. The contention in the grounds of appeal that the payment of other bills of October and December, 1995 was not made is of no consequence as the telephone was not disconnected on the ground of non-payment of those bills. Further comment is not necessary as on behalf of the complainant, it is stated that the telephone has been restored, compensation has already been paid and the bills already stand cleared. The plea of the Telephone Department that the complainant was not in a position to show the receipt for the deposit of Rs. 1,712/- cannot be accepted. Since the complainant had already deposited the amount and was in possession of the receipt, it was not difficult for him to give particulars of the deposit to the Telephone Department either on telephone or personally. Be that as it may, on that ground alone, the telephone was not required to be disconnected, which was the duty of the Telephone Department to verify from the statements received from the post office concerned as to whether the payment has been made on due date or not. Preparation of the list on the due date given for payment of the bill was not contemplated. Finding no merits in the appeal, the same is dismissed. Appeal dismissed.