

(2005) 07 NCDRC CK 0080

In the National Consumer Disputes Redressal Commission

HARPAL SINGH GULATI

APPELLANT

Vs

M.T.N.L.

RESPONDENT

Date of Decision : 05-07-2005

Acts Referred:

Citation : 2006 1 CLT 468 : 2006 1 CLT 511 : 2006 1 CPJ 80 : 2006 1 CPR 407

Hon'ble Judges : J.D.Kapoor , Rumnita Mittal J.

Final Decision : Appeal partly allowed

Judgement

1. FEELING aggrieved of the order dated 29.4.1998, passed by the District Forum, whereby the relief sought by the appellant against the respondent-MTNL for quashing the telephone bills in respect of trunk calls and overseas calls was denied whereas other reliefs namely rental rebate and refund of restoration fees were allowed, the appellant has directed this appeal.

2. RELEVANT facts, in brief, are that initially a non-STD telephone No. 5458575 was installed at the factory of the appellant in the year 1984 and STD facility was provided w.e.f. 18.5.1993. It was after the provision of STD facility the appellant started receiving highly inflated bills showing overseas calls, as well as trunk calls. The grievance of the appellant is that once STD facility was there the question of truck calls did not arise and so far as overseas calls shown by the respondent is concerned, these have been unauthorisedly made in connivance with the staff of the respondent as he has no relation nor had he ever made call at the telephone number in England shown in the bill.

It is pertinent to mention here that several calls were found to have been made from different telephone numbers of various neighbours at the same telephone number of England which was shown in the bill of the appellant.

3. MERELY because STD facility with dynamic lock is provided to a consumer does not mean that the telephone cannot be misused. Had proper inquiry been conducted as to whether the appellant has any relative in England having the number shown in the telephone bill and whether in the past he had ever been

making calls at this number, the grievance of the appellant could have been redressed at the level of the respondent itself. Circumstance of calls made to the said telephone of England having been shown in the bills of various neighbours of the appellant cannot be lost sight of and in this case presumption of inference that the telephone was misused in connivance with the staff of the respondent cannot be ruled out. However, as regards the trunk calls possibility of the consumer using the trunk calls cannot be ruled out as sometimes STD calls do not materialise for longer duration.

4. IN view of the foregoing reasons we partly allow the appeal by quashing the bill for the billing cycle 1.8.1993, 1.10.1993, 1.12.1993 and 1.2.1994 only in respect of overseas calls. The excessive amount charged by the respondent be either refunded or be adjusted in the future bills. We further award Rs. 1,000 as cost of litigation. Appeal is disposed of in above terms. Fdr/Bank Guarantee, if any, filed by the appellant be returned after completion of due formalities.

5. A copy of this order as per the statutory requirements, be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to Record Room. Appeal partly allowed