

**(2008) 09 NCDRC CK 0034**

**In the National Consumer Disputes Redressal Commission**

JAGANNATH NATTHUJI RAJAS

APPELLANT

Vs

DISTRICT ENGINEER TELECOM AMRAVATI

RESPONDENT

---

**Date of Decision :** 04-09-2008

**Acts Referred:**

**Citation :** 2008 4 CPJ 237

**Hon'ble Judges :** B.K.Taimni , Anupam Dasgupta J.

---

**Judgement**

1. -PETITIONER was the complainant before the District Forum, where he had filed a complaint alleging deficiency in service on the part of the respondent District Engineer (Telecom), Amravati Maharashtra.

2. VERY briefly stated the facts leading to filing the complaint were, that a proprietorship firm in the name of M/s. Rajas Agro Products, had the facility of a telephone. The petitioner moved an application before the respondent to shift the said telephone bearing No. 74018 to another location. When this was not done, a complaint was filed before the District Forum, who allowed the complaint and directed the respondent to shift the telephone to the designated destination and awarded a compensation of Rs. 4,000 along with cost of Rs. 1,000 to the petitioner/complainant. Aggrieved by this order both the parties filed appeals before the State Commission, where the order passed by the District Forum in favour of the petitioner was dismissed and the appeal filed by the respondent was allowed. It is in these circumstances this revision petition has been filed before us. We heard the learned Counsel for the petitioner and perused the material on record. Basic facts are not in dispute that the original telephone was in the name of M/s. Rajas Agro Products, a proprietorship firm of three persons, namely, Shri Dayalanath Natthuji Rajas, Sau, Lalitabai Jagannath Rajas and Shri Raghunathrao Natthuji Rajas. This firm was dissolved on 1. 7. 1988. The dissolution deed is on record. From 1. 7. 1988 M/s. Rajas Agro Products, became a proprietary concern and a sole proprietor is shown as the petitioner Shri Jagannath Natthuji Rajas. The case of the respondent before the District Forum was that the connection had been given to the proprietorship firm and it could

not be transferred in favour of the petitioner/complainant whereas it is the case of the petitioner/complainant that since he stepped in the shoes of the proprietorship concern by virtue of dissolution deed the telephone stood transferred in his name, and he was entitled to get it transferred to a new location. It was also the case of the petitioner before us that this complaint has been filed based on a "power-of-attorney" executed in favour of the petitioner by one of the original partners.

We have seen the material on record especially the order passed by the State Commission who was dealt with these issues in extenso. We agree with the findings returned by the State Commission of the factum, that the name of the petitioner does not appear in the partnership deed which stood dissolved with effect from 1. 7. 1988. If the "partnership" stood dissolved and lost its identity then the new proprietor should have filed a fresh application for transferring the telephone in the name of the new proprietor which was not done and without getting the telephone transferred in his name, to request for shifting of telephone to another place would not stand the scrutiny for the simple reason, that (as per Rules and Regulations) the petitioner had no locus to request to respondent to shift the telephone to another location. It is in this background that the petitioner now wishes to state before us that he is holder of "power of attorney". We have carefully gone through the power of attorney, which is brought on record. It is apparent that once the partnership stood dissolved on 11. 7. 1988, this power of attorney has no validity and secondly, as per law the power of attorney holder could not have filed a complaint in his own name. It had to be filed in the name of the persons who have given the power of attorney. Since the partnership stood dissolved on 11. 7. 1988 and telephone had not been transferred in the name of new proprietor, as already observed by us, as also held by the State Commission, the petitioner had no locus to request for shifting of the telephone to another location.

3. IN the aforementioned circumstances, we find no infirmity in the order passed by the State Commission, as no deficiency in service for non-shifting of telephone can be fastened on the respondent. This revision petition has no merit. Hence, dismissed. Revision Petition dismissed.