

(2003) 09 NCDRC CK 0044

In the National Consumer Disputes Redressal Commission

Jaipal Singh

APPELLANT

Vs

MAHANAGAR TELEPHONE NIGAM LIMITED

RESPONDENT

Date of Decision : 17-09-2003

Acts Referred:

Citation : 2004 2 CPJ 3 : 2004 3 CPR 58

Hon'ble Judges : Lokeshwar Prasad , Rumnita Mittal J.

Final Decision : Appeal disposed of

Judgement

1. THE present appeal, filed by the appellant, under Section 15 of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act") is directed against order dated 12.5.2003, passed by District Forum (North West), Shalimar Bagh, Delhi in Complaint Case No.504/2002 entitled Shri Jaipal Singh v. Mahanagar Telephone Nigam Limited and Ors.

2. THE facts, relevant for the disposal of the above mentioned appeal lie in a narrow compass. THE appellants Mr. Jaipal Singh had filed a complaint under Section 12 of the Act before the District Forum averring therein that the appellant was a "consumer" in respect of telephone connection bearing No. 7284618, installed at his residence, situated at 66, Village Lampur, Narela, Delhi. It was stated that in respect of the above mentioned telephone connection the appellant regularly had been making the payment of the bills since December, 2000. It was stated that in June, 2001 the above said telephone of the appellant started giving problem and became dead. On a complaint being made, respondent No. 3 Shri Chander Bhan, the lineman, demanded illegal gratification in the shape of a bottle of whisky and when the appellant refused to oblige him, he started creating further problems. It was stated that about the alleged misbehavior of the lineman Shri Chander Bhan the appellant made several complaints to the higher authorities of the appellant but no action was taken against that lineman. In the complaint, filed by the appellant, the appellant, alleging deficiency in service on the part of the respondents, had claimed a compensation of Rs. 1,00,000/- for mental agony and harassment. THE appellant

had also claimed the refund of the rent already paid besides cost of litigation. The claim of the appellant in the District Forum was resisted by the respondents and the respondent/MTNL in its reply/written version filed before the District Forum specifically denied that the telephone of the appellant was dead/non-functional from December, 2000 to June, 2001. The grievance that the complaints of the appellant remained unattended was also denied. It was stated in the reply/written version filed on behalf of the respondents that the telephone in question was disconnected on the request of the appellant on 14.12.2001 and as such there was no deficiency in service on the part of the respondents. In the reply/written version it was specifically stated that all through the telephone in question remained operational and whenever there was any complaint, the same was attended to properly.

The learned District Forum vide impugned order has held that as regards the grievance of the appellant against the lineman (respondent No. 3) no relief can be given to the appellant by a redressal agency, established under the Act. As regards the disconnection of telephone it has been observed by the learned District Forum that the same was disconnected at the request of the appellant and cannot be restored/reconnected till the appellant completes the normal formalities. The learned District Forum vide impugned order has also advised respondent No. 2/Divisional Officer (Complaints), MTNL, Rohini to conduct an inquiry regarding the conduct of respondent No. 3 (Mr. Chanderbhan, the Lineman) and to take necessary action, if needed.

3. NOT feeling satisfied with the order passed by the District Forum, the appellant has preferred the present appeal under Section 15 of the Act. A notice of the appeal, filed by the appellant, was issued to the respondents and Mr. K.P. Sunder Rao, Advocate appeared on behalf of the respondents and stated that he did not propose to file any reply and would like to argue out the matter on the basis of material on record. The above statement, made by the learned Counsel for the respondents, was taken on record and the matter with the consent of the learned Counsel for the parties has been heard by us finally at the admission stage.

4. AS already stated, we have heard the learned Counsels for the parties and have also carefully gone through the documents/material on record. On the basis of contentions advanced at the Bar and the documents/material on record it is apparent that in the complaint, filed by the appellant in the District Forum the grievances of the appellant were as follows- (i) that his telephone, bearing No. 7284638, installed at his residence at 66, Village Lampur, Narela, Delhi, remained dead (non-functional) from December, 2000 to June, 2001; (ii) that the above said telephone of the appellant was disconnected without any valid cause; and (iii) that no action has been taken by the respondent MTNL against respondent No. 3 Shri Chander Bhan, who was working as lineman, had demanded illegal gratification and on refusal to oblige him, he (Shri Chander Bhan) harassed the appellant by creating problems.

Regarding (i) above : As regards (i) above the learned Counsel for the respondents contended that the contention of the appellant in the complaint, filed by him, that his telephone remained dead from December, 2000 to June, 2001 is absolutely incorrect as the telephone in question all through remained functional and whenever any complaint was received in respect of the above said telephone the same was attended to by the concerned functionaries of the respondent with due promptitude. He invited our attention to the computer record of the Fault History of the above said telephone (photo copy at page 22 of the paper book). On a perusal of the documents/material on record it is apparent that during the above said period the telephone of the appellant was functional though there were complaints about fault in the above said telephone but the same appear to have been attended to with due promptitude and therefore no relief can be given to the appellant on the above count. Regarding (ii) above : As regards (ii) above the position is that the telephone in question was disconnected on a specific request made by the appellant to the respondents on 14.2.2001. The correctness of the above fact is not disputed even before us by the learned Counsel for the appellant and therefore the above grievance of the appellant made by him, in the complaint, is also devoid of substance. Regarding (iii) above :

5. AS regards (iii) above the position is that regarding the allegations levelled by the appellant against the lineman Shri Chander Bhan the learned District Forum has held that no action in such like matters can be taken by a redressal agency established under the Act. However the learned District Forum has advised respondent No. 2 to conduct an inquiry into the conduct of respondent No. 3. The learned Counsel for the respondents in all fairness has given an assurance that an inquiry in respect of the allegations levelled by the appellant against respondent No. 3 Shri Chander Bhan, if not already conducted, shall be conducted by respondent No. 2/Divisional Officer (complaints), MTNL, Rohni and result thereof shall be intimated to the appellant also within four weeks after the completion of the inquiry.

6. IN view of the above discussion, the present appeal, filed by the appellant, is disposed of with the following directions- (i) that an inquiry in respect of the allegations levelled by the appellant be conducted against respondent No. 3 Shri Chander Bhan, who at the relevant time was working as lineman in the area of Lampur, by respondent No. 2/Divisional Officer (Complaints), MTNL, Rohni, if not already conducted. The inquiry be completed expeditiously and the result of the inquiry be intimated to the appellant within four weeks from the conclusion of the above said inquiry; and (ii) in the facts and circumstances of the case the parties are left to bear their own costs.

The above mentioned appeal, filed by the appellant, stands disposed of in above terms. Appeal disposed of.