

(1997) 11 NCDRC CK 0003

In the National Consumer Disputes Redressal Commission

JASWANT N. DAULATRAMANI

APPELLANT

Vs

General Manager, Calcutta Telephones

RESPONDENT

Date of Decision : 12-11-1997

Acts Referred:

Citation : 1997 3 CPJ 566

Hon'ble Judges : A.K.Bhattacharjee , S.Dutta J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against an award passed by the Arbitrator under Section 7B of the Indian Telegraph Act, 1885. The complainant's case is that he had received two bills for Cycles 8/94, 10/94 amounting to Rs. 5,510 and Rs. 3,409, which according to him was much in excess of what the normal billing should be. His further case was that the STD facility was cut from his Telephone at his request w.e.f. 11.8.94. The appellant filed a complaint before the Calcutta District Forum alleging deficiency against the Telephone authorities on account of the aforesaid excess billing. The District Forum directed to reconnect the telephone line on payment of certain adhoc amount and referred the dispute to Arbitration under Section 7B of the Indian Telegraph Act, 1885. The Arbitrator after hearing the case of both the parties submitted his award which is the subject matter of challenge in this appeal.

2. AT the outset it may be stated that an appeal under Section 17 of the Consumer Protection Act, 1987 lies against the order of any District Forum. The Arbitrator's award is not an order of the District Forum and hence normally no appeal can be filed against it. Moreover, under Section 7B of the Indian Telegraph Act, 1885 the award of an Arbitrator appointed under Sub-rule (I) of the said section shall be conclusive between the parties to the dispute and shall not be questioned in any Court. In this case the party has not preferred any appeal against original order of the District Forum by which it referred the matter to arbitration. We have also seen the award which is a speaking one. Evidently, this Commission has no jurisdiction to alter the award. If the party so likes, it may

approach the High Court for redress of his grievances. The appeal is accordingly dismissed, but without any cost. Appeal dismissed.