

(2005) 03 NCDRC CK 0032

In the National Consumer Disputes Redressal Commission

K. ARUNAGIRI

APPELLANT

Vs

DEPARTMENT OF TELECOMMUNICATIONS, COIMBATORE

RESPONDENT

Date of Decision : 23-03-2005

Acts Referred:

Citation : 2005 2 CLT 486 : 2005 3 CPJ 26

Hon'ble Judges : A.Raman , PonGunasekaran J.

Final Decision : Appeal allowed

Judgement

1. THE only point for consideration in this appeal is whether the department can disconnect the telephone standing in the name of wife or the mother, as the case may be, for the default committed by the husband or son in respect of the telephone standing in the name of the husband or son.

2. THE Lower Forum accepted the Department's plea and dismissed the complaint. We are of the view that the action of the Department cannot be sustained more so in view of the order passed by the High Court in W.P. Nos. 20033 of 1998 and 20034 of 1998, where the disconnection of a phone of a son for default by the mother and the disconnection of the phone of the wife for the default of the husband was disapproved. The telephone subscriptions are different. The accounts are different. The telephone indicator number is different. If a husband fails to pay the bill amount in respect of the telephone in his name, the telephone standing in the name of the wife cannot be disconnected for such default. Disconnection of telephone would be arbitrary and unreasonable. Besides it would amount to gross deficiency in service. Therefore, the order of the Lower Forum cannot at all be upheld at all. The action of the department in disconnecting the phone definitely amounts to deficiency in service for which the Department is squarely liable. Hence, the complaint is entitled to be accepted.

There are decisions of this Commission as well as that of Delhi State Commission, I (2000) CPJ 148, High Court of Madras, (2002) 1 MLJ 512 and High Court of Andhra Pradesh, AIR 1993 AP 131, for the position that such disconnection is illegal. Hence, we hold that there is deficiency in service.

3. IT is now admitted that the connection has been since restored. However, in view of the deficiency committed, the opposite parties are liable to pay compensation to the complainant. In the result, while allowing the appeal, we set aside the order passed by the Lower Forum. We direct the opposite parties to pay compensation of Rs. 3,000/- to the complainant along with a cost of Rs. 500/-. Time for payment : Two months. Appeal allowed.