

(2002) 11 NCDRC CK 0085

In the National Consumer Disputes Redressal Commission

KRISHAK BHARATI CO-OPERATIVE LTD.

APPELLANT

Vs

CHIEF GENERAL MANAGER, GUJARAT TELECOM CIRCLE

RESPONDENT

Date of Decision : 12-11-2002

Acts Referred:

Citation : 2003 0 CTJ 107 : 2003 1 CLT 356 : 2003 1 CPJ 21 : 2003 1 CPR 26 :
2003 2 CPC 278

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , B.K.Taimni J.

Final Decision : Petition disposed of

Judgement

1. IN this complaint filed under Section 21 of the Consumer Protection Act, 1986 complainants seek direction to the opposite parties to refund Rs. 23,99,519/- with interest @ 18% per annum. A further sum of Rs. 2.00 lakhs is also claimed by way of compensation. Complaint is in respect of excessive charge of telephone bills by the opposite parties. Complainant had 51 telephone in its manufacturing unit, administrative office and other connected offices and also at the residence of the senior executives. Serious disputes have been raised regarding telephones bills relating to excessive charges due to faulty telephone lines or apparatus and the facilities of STD/ISD were available in the telephone instruments. These telephone bills pertain to various periods for the period from June, 1993 to August, 1993. Opposite parties did not agree that the bills were in any way wrongly drawn. It was submitted by the complainants that opposite parties had violated the rules and instructions regarding working of the telephones which are mandatory in nature. Various telephone bills have been filed along with the complaint of varying periods. The complaint and the documents run into 350 pages. It is not possible to decide this matter in our summary jurisdiction.

2. IT was submitted before us by the opposite parties that the bills prior to 10.4.1995 would be barred by limitation inasmuch as complaint was filed on 10.4.1997 as objection raised was that the complainant should have invoked Section 7B of the Telegraph Act, 1985. We are of the view considering the facts

of the case, disputes should be referred to arbitration under Section 7B of the Telegraph Act, 1985. We, therefore, direct subject disputes be determined by arbitration and for this purpose matter be referred to an Arbitrator appointed by the Central Government. We, therefore, issue direction to the Central Government to appoint Arbitrator to go into the subject disputes as raised in the complaint and to give his award in accordance with law. Since matter is being referred to arbitration it would be the provisions of Limitation Act applicable and it will be for the Arbitrator to see if any claim is barred under the Limitation Act and not as per the Consumer Protection Act, 1986. Award shall be made within six months from today. Copy of this order shall be given to the Counsel for both parties. This petition stands disposed of as above. Petition disposed of.