
(1997) 07 NCDRC CK 0001

In the National Consumer Disputes Redressal Commission

M C Mamgain

APPELLANT

Vs

GENERAL MANAGER TELECOMMUNICATION

RESPONDENT

Date of Decision : 29-07-1997

Acts Referred:

Citation : 1997 3 CPJ 75

Hon'ble Judges : J.B.GARG , SADA NAND , P.OJHA J.

Judgement

1. THE complaint relating to excess metering of Tele phone No. 21692 at Chandigarh was dismissed by the Consumer Disputes Redressal Forum, Union Territory, Chandigarh on 31st May, 1996. Aggrieved against it the present appeal has been preferred.

2. BRIEFLY the facts are that the complainant is an old subscriber. She retired as Director, Health Services, Haryana, long ago. The telephone bills for the earlier period from 26.1.1989 to 26.11.89 have been given in a statement of telephone bills of telephone No. 21692 and the details given therein are reproduced as under: S. No. Particulars Amount 1. 26.1.89 to 25.3.89 Rs.590/ - 2. 26.3.89 to 25.5.89 Rs. 468/ - 5.89 to 25.7.89 Rs. 396/ -

3. 26.7.89 TO 25.9.89 Rs.524/ -

4. 26.9.89 TO 25.11.89 Rs.298/ - 11.89 TO 25.1.90 Rs. 844/ - Rs. 3,120/ - On behalf of the appellant it has been urged that it is not practicable TO bring evidence on record regarding misuse by any person who could manipulate it. It was not a case that in reality calls alleged on behalf of the respondent was utilised by the subscriber. The relevant lines from the statement of the complainant recorded on 30.8.91 in the District Forum, UT, Chandigarh, are reproduced as under: "I am retired Government Officer. I retired as Director, Health Services, Haryana. I am not practising. Now I am leading a retired life. My husband who is also a retired officer living with me. We have no child. None of my relations live outside the country. One my sister who is residing in Udaipur has not got telephone connection. I know quite people in Chandigarh and outside

but I have never misused the telephone." 3. As against the affidavit of Dr. M.C. Mamgain, retired DirecTOr, Health Services from the Haryana State, an affidavit has been filed by the Shri Tarsem Paul, A.A.O., office of the D.M.T., Chandigarh, who has stated that the telephone bills in question were correctly issued and there was no fault in the meter, line or apparatus and there is addition of the words with another typewriter/ribbon as "and the telephone was not subjected TO misuse by any official of the department." These words have not been initialed by the deponent. In his cross examination he has stated that it is not possible TO misuse the telephone by anyone on the lines between the Exchange and the telephone and it is not possible TO misuse the telephone even from the Exchange box. Such a statement by Assistant Accounts Officer, who is not a technical person has no authenticity on this issue and is not tenable. After considering all these facts, we are of the view that here the facts speak for themselves. The usual plea of the learned Counsel for the respondent that evidence of manipulation was not there, is not acceptable. 4. In this case there was excessive metering. It is ordered that the average worked out comes TO Rs. 520/ for a bi monthly bill and after adding 25% it comes TO Rs. 650/ . The conclusion is that the impugned order is set aside and the respondent shall be entitled TO recover only on the aforesaid average and the excess amount paid by the complainant shall either be refunded or it shall be adjusted in the future bills. Order set aside. _