

(2004) 09 NCDRC CK 0051

In the National Consumer Disputes Redressal Commission

MAHANAGAR TELEPHONE NIGAM LIMITED

APPELLANT

Vs

S. KRISHAN ANAND

RESPONDENT

Date of Decision : 06-09-2004

Acts Referred:

Citation : 2004 4 CPJ 433

Hon'ble Judges : J.D.Kapoor , Rumnita Mittal J.

Final Decision : Appeal dismissed

Judgement

1. THE respondent is an Advocate by profession. THE respondent applied for allotment of new telephone connection by way of application dated 12.9.1994 and deposited the requisite amount of Rs. 3,000/- for the purpose of sanction/ allotment of telephone connection including ensuing service charges. THE appellant took about a year for installing the telephone and on account of this deficiency in service the appellant has been directed vide impugned order dated 26.4.1999 to pay compensation of Rs. 3,000/- to the respondent and also Rs. 1,000/- towards the cost of litigation. This appeal is directed against the said order.

2. FIRSTLY the contention of the appellant is that it was not a case of deficiency of service as the respondent was not available at his residence whenever the officials of the appellant went there to instal the telephone and secondly that the said delay took place because the terminal pillars were not free and area was declared as Technically Not Feasible (TNF) upto 6.11.1995. Even if the plea of the appellant that the area was declared as TNF upto 6.11.1995 is accepted still the fact remains that the appellant not only accepted the fee of Rs. 3,000/- on 12.9.1994 but also issued OB on 6.2.1995. Once the area was declared TNF upto 6.11.1995 the appellant had no business to accept the application or receive the requisite fee and to retain it for about more than one year. Let us assume that the appellant did not commit any deficiency in service upto 6.11.1995 when the area was declared TNF, still the fact remains that the appellant took another three months in installing the telephone. The act of the appellant not only

amounts to deficiency in service but also was a cause for harassment and mental agony to a person who applied for telephone connection and paid requisite fee of Rs 3,000/-.

We do not find any infirmity in the impugned order passed by the District Forum and dismiss the appeal accordingly.

3. A copy of this order as per statutory requirements be forwarded to the parties free of charges and also to the concerned District Forum. The record received from the District Forum may also be returned to the concerned District Forum and thereafter the file be consigned to record room. The FDR deposited by the appellant be returned to the appellant after completing necessary formalities. Appeal dismissed.