(2004) 11 NCDRC CK 0052

In the National Consumer Disputes Redressal Commission

MAHANAGAR TELEPHONE NIGAM LIMITED	APPELLANT
Vs	
SUMAN KALRA	RESPONDENT

Date of Decision : 04-11-2004

Acts Referred:

Citation : 2005 1 CPJ 378

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

Final Decision : Appeal disposed of

Judgement

1. FEELING aggrieved of the order dated 5.1.1999 passed by the District Forum whereby the appellant has been directed to revise the bill for the cycle January, 1995 for the amount of Rs. 1,04,554/- for the period w.e.f. 15.10.1994 to 31.10.1994 by deeming that the respondent had made only 1702 calls the maximum class shown in the FNMR, the appellant has preferred this appeal.

2. RESPONDENT is proprietor of S.S. Investments and her telephone No. 7523852 is installed at her premises with STD facility since March, 1993. For two years there was no problem but suddenly in the month of January, 1995 respondent received a bill for Rs. 1,04,554/- and when the respondent requested the appellant to revise the bill on the ground that she had not made such a large number of calls during this period and there was some misuse of the telephone, the appellant did not take any action or decision. The stand of the appellant is that the telephone of the respondent was provided with dynamic STD facility and, therefore, the question of misuse of the STD facility did not arise. Even if we assume for the sake of argument that the dynamic STD facility is provided to prevent the misuse of the telephone but the possibility of a person not locking the facility after using it cannot be ruled out particularly in view of the astronomically high bill of Rs. 1,04,554/- for the period of 15 days, whereas in the last three years the respondent has never received such an inflated bill. Even in case of dynamic STD facility the appellant authority has the mechanism of recording calls through FNMR. Had the appellant considered the request of the respondent by comparing the duration of the calls and the number of calls shown

in the FNMR with the calls made by the respondent in the past, the problem would not have been compounded.

The appellant authority before raising unexpectedly higher bill upon the consumer is also expected to look into the matter unreservedly to redress the grievance of the consumer. In the instant case number of calls shown as 68719 during the period of 15 days shows as if the respondent was running a commercial concern of very high magnitude and having huge out-turn of business and employees and was talking day and night.

3. IN such like cases the reasonable rule of prudence is to revise the bill on the average calls basis during the period of last 3-6 months or even on the basis of the period when the calls were highest in number and not by way of brushing aside the claim of the consumer with a sledge of hammer. Taking overall view of the matter we feel inclined to modify the impugned order by way of partly allowing the appeal to the extent that the appellant shall revise the bill on the basis of FNMR by choosing the period during which the respondent had made highest number of calls during the last six months or even one year and give credit to the excess amount paid by the respondent or shall adjust the excess amount in the future bills.

4. THE appeal is disposed of in the aforesaid terms. THE FDR, if any deposited by the appellant, be returned forthwith after completing necessary formalities. A copy of this order as per statutory requirements be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to Record Room. Appeal disposed of.