

(2004) 11 NCDRC CK 0075

In the National Consumer Disputes Redressal Commission

MAHANAGAR TELEPHONE NIGAM LTD.

APPELLANT

Vs

PHOOL CHAND PRAHLAD RAI

RESPONDENT

Date of Decision : 16-11-2004

Acts Referred:

Citation : 2005 2 CPJ 150

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

Final Decision : Appeal dismissed

Judgement

1. -FEELING aggrieved of the order dated 12.4.1999 whereby following directions were given by the District Forum, the appellant has preferred this appeal: (1) Revise bill of complainant for the period 16.10.1992 to 15.12.1993 and 16.12.1993 to 15.2.1994 in which only telephone rent be charged from complainant and no call charges be made. (2) Restore telephone of complainant after he deposits charges of revised bills. (3) No rent shall be charged from 7.3.1994 onward till telephone is restored. (4) Respondent will pay to complainant Rs. 1,000/- as cost of litigation.

2. IT is pertinent to mention at the outset that except for period in question i.e., 16.10.1992 to 15.12.1993 and 16.12.1993 to 15.2.1994, the respondent has been receiving telephone bills for long 10 years within maximum range of Rs. 1,000/-, whereas for the aforesaid period he has received bill of Rs. 1,26,008/- and Rs. 1,62,521/- respectively. The solitary plea raised by the Counsel for the appellant is that there was facility of dynamic STD which meant that STD could not have been misused. Had it been so there was no question for the respondent having received bills upto the maximum range of Rs. 1,000/- for the last 10 long years. The respondent is merely a small time cloth dealer. The very circumstance of respondent having received such a heavy bill for period of two months or so shows that there was a complete misuse of the STD facility clandestinely by those who knew that there was STD facility available in the telephone.

Even if we assume that there was dynamic STD facility the possibility of a person not locking it after use cannot be ruled out. In such circumstances it is the

average bill received by a person during past years or immediately before the inflated bills is the basis for revising the bill unless and until there is proof that the consumer has actually made the calls by comparing the telephone numbers the consumer had been contacting for long. Even if telephone was being used day and night by the respondent, which was a far remotest possibility still such a heavy bill was unimaginable.

3. WE do not find any infirmity in the directions given by the District Forum and dismiss the appeal being highly misconceived. 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 dismissed.