

(2004) 11 NCDRC CK 0037

In the National Consumer Disputes Redressal Commission

MAHANAGAR TELEPHONE NIGAM LTD.

APPELLANT

Vs

S.P. CONSTRUCTIONS

RESPONDENT

Date of Decision : 04-11-2004

Acts Referred:

Citation : 2005 1 CPJ 452

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

Final Decision : Appeal allowed

Judgement

1. THE appellant has assailed the impugned order dated 12.2.1998 whereby it has been given following directions: "O.P. is thus directed to prepare fresh bills covering the billing cycles 1.7.1993 and 1.9.1993 for the periods 15.4.1993 to 14.6.1993 and 15.6.1993 to 14.8.1993 on the basis of average of last six months preceding 15.4.1993 plus 10% of the amount so determined or highest bill received during last six months preceding 15.4.1993 plus 10% of the amount so determined and refund the excess amount charged for the two bills after charging higher amount so determined in the alternative, the refund shall be paid within 30 days by the O.P. to the complainant along with compensation of Rs. 5,000/- and cost of litigation of Rs. 1,000/-".

2. ADMITTEDLY the main grievance of the respondent was against the bills of telephone raised by the appellant for the billing cycle 1.7.1993, 1.9.1993 for the period from 15.4.1993 to 14.6.1993 and 15.6.1993 to 14.8.1993. According to the respondent, he had never received such a bill in the past six months or during earlier period and he had detected some cross talks on his telephone which presumably resulted in inflated bills. The respondent sent a letter dated 7.6.1993 in this regard to the Area Manager of the appellant about misusing of the telephone and requested disconnection of STD facility till connection was transferred to an Exchange having dynamic STD facility. However, no action was taken on the request of the respondent who was forced to deposit an amount of Rs. 54,107/- towards the bill in order to avoid disconnection. It is contended by the Counsel for the appellant that respondent has concealed the fact from the

District Forum that some of the bills dated 1.11.1992, 1.1.1993, 1.3.1993 and 1.5.1993 received by him were on the higher side and, therefore, the allegations of the respondent that he had heard cross talks and his STD was being misused is baseless. Even if we accept the aforesaid contention of the Counsel for the appellant still the fact remains that the District Forum has directed the appellant only to prepare the fresh bills by taking average calls during the last six months period. Experience shows that wherever there is STD facility without any dynamic locking facility, the possibility of misuse cannot be ruled out. In order to allay the doubt of the appellant that respondent has concealed aforesaid facts of having received inflated bills, we deem that the bills in question shall be revised on the basis of average of the last one year instead of six months. The appeal is allowed to the above extent. Announced on this 4th day of November, 2004. A copy of this order, as per the statutory requirements be forwarded to the parties, free of charge and also to the concerned District Forum and thereafter the file be consigned to the record room. Appeal allowed.