

(1996) 10 NCDRC CK 0023

In the National Consumer Disputes Redressal Commission

MURARILAL AGARWAL

APPELLANT

Vs

Calcutta Telephones

RESPONDENT

Date of Decision : 10-10-1996

Acts Referred:

Citation : 1998 1 CPJ 288

Hon'ble Judges : A.K.Bhattacharjee , Sunil Kanti Kar , S.Dutta J.

Final Decision : Revision petition disposed of

Judgement

1. BOTH parties appeared. Respondent files W.S. Heard and perused. In our considerate opinion the provisional bills raised by the opposite parties are arbitrary and aimed at causing discomfort to the consumer who has no alternative but to seek redressal before the Forum. The purpose of raising provisional bills is to give relief and not to add further injury to the consumer. The opposite parties should be more rational than impractical and apply judicious mind for settling the grievances of the consumers. The same principle possibly also guided the formation of Grievance Cell by the Telephone Department. So far as Section 7-B of the Indian Telegraph Act, we have passed several judgments regarding applicability of this Section of the Act to the benefit of the consumers.

2. FURTHER, we are of the opinion that the process of prolongation of the proceeding in a Summary Trial Court by again remanding the matter to the C.D.F. will only add to the injury of the consumers and will be of no benefit to either of the parties. We, therefore, direct that the respondents/opposite parties will raise provisional bills for Cycle Nos. 4/95, 6/95 and 8/95 @ Rs. 4,000/- per Cycle and after payment of the aforesaid provisional bills, respondents/opposite parties will reconnect the petitioner's telephone No. 29-5172 with immediate effect. Thereafter the matter will be referred to Arbitrator for adjudication. Any violation of the order will attract penal provisions of the C.P. Act of 1986. The matter is accordingly disposed of. Mr. Justice A.K. Bhattacharji, President- Here revision has been sought of order dated 26.7.1996 where the petitioner's reluctance to pay some provisional bills raised by the Telephone Deptt. has been

criticised by the Calcutta District Forum. In fact the revision petitioner is not satisfied with the amount of the provisional bill assessed by the Telephone Authorities.

We find that the Telecommunication Deptt. has issued elaborate instructions to check the telephone bills wherever there is a complaint of over-billing. The instructions are meant for the benefit of the subscribers. Unfortunately the instructions are not obeyed in their true spirit. In this case the provisional bills are stated to have been prepared "according to rules", but the procedure followed has not been detailed. The provisional bills are meant to be transitional bills which are to be adjusted against the final correct bills. When a sudden spurt in the amount of a bill is challenged it is not fair to compel a subscriber to pay an ad-hoc amount much to his discomfiture. The basis of calculation of the provisional bill having not been disclosed. I agree that the rate of average bills as suggested above for the Cycles 4/95, 6/95 and 8/95 may be accepted.

3. THE revision petition be disposed of accordingly. As the case is pending before the District Forum let the records be sent to the Forum with the direction to dispose of the case expeditiously according to law. Revision petition disposed of.