

(1996) 02 NCDRC CK 0032

In the National Consumer Disputes Redressal Commission

OFFICER IN CHARGE, TELEPHONE EXCHANGE TIRUR

APPELLANT

Vs

T.V.UMMERKOYA

RESPONDENT

Date of Decision : 02-02-1996

Acts Referred:

Citation : 1997 2 CPC 15 : 1997 2 CPJ 100

Hon'ble Judges : P.K.Shamsuddin , K.Balakrishnan Nair , K.M.Latha J.

Final Decision : Appeal disposed of

Judgement

1. THIS appeal is directed against the order passed by the District Forum, Malappuram in O.P. No. 89/94. Opposite parties are the appellants.

2. BRIEFLY stated that allegations in the complaint are as follows: The complainant is a subscriber of telephone No. 440 of Telephone Exchange, Tirur. A bill dated 11.10.93 was issued to the complainant showing Rs. 904/as the amount payable for the relevant period. According to the bill, the complainant ought to have paid the amount on 16.10.92. However the amount was paid only on 23.11.1993. On 30.12.93 the telephone was disconnected on the ground that payment was not made. The complainant alleged that this would amount to deficiency in service. The opposite party filed a version stating that the bill was not paid on the due date and therefore the telephone was disconnected on 30.12.93 as the payment particulars did not reach the concerned opposite party. According to the opposite party, reminder was given to the complainant before disconnection. In the circumstances the opposite party contended that the complaint is liable to be dismissed.

The District Forum took the view that though the amount of the bill was not paid within due date and there was delay in paying the amount. However, the disconnection was made long thereafter and this would amount to deficiency in service. The amount was paid on 23.11.93 but the disconnection was effected on 30.12.93.

3. WE feel that there is deficiency on the part of the Department in disconnecting

the phone after payment was made though belatedly. However we feel that the amount of compensation of Rs. 5000/and cost of Rs. 750/awarded by the District Forum are on the high side. There is force in the contention of the Counsel appearing for the appellant that there is default on the part of the complainant in not making the payment on due date. That fact ought to have been considered in the matter of awarding compensation. In the circumstances we modify the order by reducing the amount of compensation from Rs. 5000/to Rs. 1000/-. WE also reduce cost awarded to Rs. 500/-. The appeal is disposed of as above. Appeal disposed of. _____