

(2001) 03 NCDRC CK 0021

In the National Consumer Disputes Redressal Commission

PRABHATI LAL

APPELLANT

Vs

MAHANAGAR TELEPHONE NIGAM LIMITED

RESPONDENT

Date of Decision : 28-03-2001

Acts Referred:

Citation : 2002 1 CPJ 240 : 2002 1 CPR 505 : 2002 2 CLT 394

Hon'ble Judges : Lokeshwar Prasad , Rumnita Mittal , S.P.Saberwals J.

Final Decision : Appeal dismissed in limine

Judgement

1. THE present appeal, filed by the appellant, under Section 15 of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act"), is directed against order dated 5.12.2000, passed by District Forum No. VII, Sheikh Sarai, New Delhi in Complaint Case No. 355/2000 - entitled Shri Prabhati Lal v. Mahanagar Telephone Nigam Limited.

2. THE facts, relevant for the disposal of the present appeal, briefly stated, are that the appellant had filed a complaint under Section 12 of the Act, before the District Forum, averring that the appellant had applied for a telephone connection vide application dated 4.10.1996 by depositing a sum of Rs. 3,000/- under non-OYT general category and an O.B. number, against the abovesaid registration, was issued to him by the respondent on 11.3.1997. It was stated that telephone, bearing No. 5022510, was installed at the residence of the appellant on 26.12.1998. It was further stated that the telephone in question fell in the area of one Shri Ramphal, a lineman, who asked for a bribe of Rs. 1,000/- from the appellant. It was stated that the appellant complained against the abovesaid lineman to the concerned officials of the respondent but no action was taken by the respondent against the abovesaid lineman. It was stated, in the complaint, that as the appellant did not oblige the lineman by giving him bribe, the telephone of the appellant was connected in such a manner that whenever the appellant or members of the family wanted to talk, there were cross talks on the telephone. THE matter was reported again by the appellant to the concerned officials of the respondent but no action was taken. THEreafter, the appellant

received bills in respect of the abovesaid telephone connection and the first bill was for Rs. 15,000/-, the second bill was for Rs. 11,206/-, the third bill was for Rs. 7,763/-, and the fourth bill was for Rs. 1,172/-. It was stated that on 11.1.1999, the telephone of the appellant was disconnected. It was alleged, in the complaint, that due to the mischief of the lineman, the appellant was made to suffer. In the complaint, filed by the appellant, before the District Forum, it was prayed that the respondent be directed to restore his telephone connection and to charge proportionately for the use of the telephone. THE appellant also prayed for the cost of litigation and a sum of Rs. 2,000/- as compensation for suffering and harassment caused to him. The claim of the appellant, in the District Forum, was resisted by the respondent and the stand taken by the respondent, in the District Forum, was that there was no material on record to indicate that the respondents had indulged in unfair trade practice or there was any deficiency in service on the part of the respondents. It was stated that in respect of the telephone in question regular bills were issued and the appellant paid only the first bill and did not care to pay the rest of the bills. It was stated that the complaint of the appellant regarding wrong metering was investigated and was found to be incorrect on the basis of Fortnightly Meter Reading Report. It was stated that the complaint, filed by the appellant, be dismissed and the appellant be penalised for making frivolous complaint.

The learned District Forum, vide impugned order, has allowed the complaint, filed by the appellant and directed the respondent to charge from the respondent telephone charges from the very beginning on the basis of average of the last bill for September-October issued in November, 1999. It was also directed by the District Forum that the telephone of the appellant be restored by the respondent on payment of charges raised on average basis. The appellant has also been awarded a sum of Rs. 1,000/- to be paid by the respondent towards harassment and cost of the proceedings.

3. NOT satisfied with the above order of the learned District Forum, the appellant has preferred the present appeal under Section 15 of the Act. On the question of admission of the present appeal, we have heard the learned Counsel for the appellant at length and have also carefully gone through the documents/material on record. During the course of arguments, it was stated by the learned Counsel for the appellant that the learned District Forum has not taken any action against the lineman (respondent No. 2) and that the compensation awarded to the appellant is highly inadequate. As regards the first contention, advanced by the learned Counsel for the appellant, with regard to the action to be taken against respondent No. 2, Shri Ramphal, lineman, the position is that a Forum established under the Act can take action within the four corners of law and relief can be granted to a consumer/complainant under Section 14 of the Act. In terms of the provisions contained in Section 14 of the Act, as a matter of fact, no action can be taken by a Forum established under the Act in respect of the alleged act of demanding bride. The appellant/complainant is at liberty to pursue the abovesaid matter before the appropriate Forum, if so advised. As regards the

second limb of argument about the adequacy of relief, in our opinion, in the given facts, the relief granted to the appellant by the District Forum appears to be appropriate and the order of the District Forum on the above count, in our opinion, suffers from no infirmity so as to call for any interference by this Commission in exercise of its appellate powers. No other point was urged or pressed. In view of the above discussion, the present appeal, filed by the appellant, is devoid of substance. The same merits dismissal. Accordingly, the same is dismissed in limine with no order as to costs. Appeal dismissed in limine.