
(2001) 06 PAT CK 0042
In the Patna High Court
Case No : C.W.J.C. No. 6815 of 2001

Prof. Vinod Sahay

APPELLANT

Vs

Bharat Sanchar Nigam Limited and Others

RESPONDENT

Date of Decision : 26-06-2001

Acts Referred:

Telegraph Act, 1885 — Section 7B

Citation : (2001) 3 PLJR 428

Hon'ble Judges : Shashank Kr. Singh, J

Bench : Single Bench

Judgement

Shashank Kr. Singh, J.—Petitioner who is a consumer and as his telephone under the Bharat Sanchar Nigam Limited at Patna having his telephone No. as 262890 under the Pat-liputra Telephone Exchange, is aggrieved by Annexure-6, a bill of Rs. 14,647/- raised by Bharat Sanchar Nigam dated 18.1.2001. He is further aggrieved by the order, by which his telephone has already been disconnected.

2. The grievance of the Petitioner is that during the aforesaid period, the Petitioner who has retired as a Professor in English of Patna University was out of Station and his Flat in Patna was locked and as such, the telephone itself was under lock and key and could not have been used. It has further been contended that the Petitioner has already got his S.T.D. line disconnected. Inspite of the same from the details of the bills which have been supplied to him, the entire bills have been raised from Trunk calls and not a single bill has been raised for any local call which further goes to show that no local call was made from the aforesaid telephone in question during the aforesaid period.

3. Though the Petitioner for redressal of his grievances taking into consideration the abnormal amount in the bill had represented before the concerned authority but inspite of same his representation has been rejected as having not found any abnormality in the same or any tampering or otherwise in his telephone line. Further more the Respondents have already disconnected his line.

4. In the facts of the case, in view of specific provision u/s 7B of the Indian Telegraph Act, 1885 (hereinafter referred to as the "Act" if any dispute concerning any telegraph line, appliance or apparatus arises between the telegraph authority and the person for whose benefit the line, appliance or apparatus is, or has been provided, the dispute shall be determined by arbitration and shall, for the purposes of such determination, be referred to an arbitrator appointed by the Central Government either specially for the determination of that dispute or generally for the determination of the dispute under this section.

5. In the facts of the case, taking into consideration the argument of the Petitioner, this Court directs the Petitioner to invoke the jurisdiction as envisaged u/s 7B of the Act and in case if any application invoking the jurisdiction of the Chief General Manager, Telephone is filed within a period of two weeks from today, he shall refer the matter to the arbitrator and in the meantime get the line of the Petitioner restored which shall be subject to the final arbitration on payment of average bill which shall be decided by him taking into consideration the earlier bills raised in favour of the Petitioner. The aforesaid interim order should be passed by the Chief General Manager, Telephone within a period of one week from the date of preferring of such application and the amount which is to be decided shall be deposited by the Petitioner within a further period of one week from that date. In case the Petitioner deposits the aforesaid amount his line shall be reconnected within a further period of three days from the date of Petitioner's showing the deposit of the aforesaid amount.

6. It is further made clear that the aforesaid interim order shall be subject to passing of the final orders under the provision of Arbitration Act as referred to above.

7. This writ application stands disposed of with the aforesaid observation/direction.