
(2001) 09 DEL CK 0098
In the Delhi High Court
Case No : CW No. 115/00 and CM 5934/00

Rajinder Patel

APPELLANT

Vs

M.T.N.L. and ors

RESPONDENT

Date of Decision : 19-09-2001

Acts Referred:

Citation : (2001) 09 DEL CK 0098

Hon'ble Judges : Mukul Mudgal, J

Bench : Single Bench

Advocate : Surat Singh, for the Appellant; Ravi Sikri, for the Respondent

Judgement

Mukul Mudgal, J.—Rule.

2. With the consent of the parties, the matter is taken up today for final hearing. The Order dated 27th of April, 2001, directing the personal appearance of the General Manager, MTNL is discharged.

3. This writ petition arises on account of the petitioner's prayer that the Telephone No. 6810036 given to him went out of order within a week of its installation and thereafter was not revived. Several reliefs are claimed in the writ petition including the directions for issuing comprehensive guidelines to MTNL as well as the compensation of Rs. 5 lacs.

4. The case of the respondents is that owing to a genuine & bona fide mistake, the Telephone No. 6810036 was allotted not only to the petitioner but also to one Mr. Tarun Barua. It is stated and in particular noted in the Representation of the petitioner that the said Telephone No. 6810036 was changed to 6810338 within 11 days of its installation, i.e., on 30.5.1998.

5. This writ petition survives due to the fascination of the petitioner for the earlier telephone number, i.e., 6810036. After hearing the learned counsel for the parties, I am satisfied that the respondents' plea of a bona fide mistake appears to be a reasonable & plausible one and since only one subscriber could

be allotted Telephone No. 6810036 and the petitioner was allotted an alternative Telephone Number, i.e., 6810338 within 11 days of activation, no culpability can be assigned to the respondent-MTNL.

6. I am satisfied that in the present case there appears to be a bona fide mistake which has led to this situation of one Telephone number being allotted to two different subscribers. Consequently nothing unreasonable or illegal could be derived from the prompt allocation of another Telephone number to the petitioner in place of earlier Telephone Number 6810036. The learned counsel for petitioner submits that the petitioner has received the bills amounting to more than Rs. 3,000/- Mr. Sikri, the learned counsel, appearing on behalf of the respondents states that in view of the peculiar facts & circumstances of the case and without setting a precedent, the respondent No. 1-MTNL is prepared to restore the telephone number upon the payment of the bill for actual user in the sum of Rs. 409/- and will allot a suitable telephone number to the petitioner within 3 weeks from today, subject to the payment of Rs. 409/- by the petitioner.

7. With these observations, the writ petition is disposed of as having become infructuous with no orders as to costs.