
(2011) 08 DEL CK 0235

In the Delhi High Court

Case No : Writ Petition (C) No. 4868 of 2011

Rajiv Agarwal

APPELLANT

Vs

Mahanagar Telephone Nigam Limited and Another

RESPONDENT

Date of Decision : 03-08-2011

Acts Referred:

Citation : (2011) 182 DLT 166

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Ashok Agarwal and Mr. Khagesh B. Jha, for the Appellant; Ravi Sikri, Advocate for Respondent No. 1 and Mr. Sumit Chander, Advocate, for the Respondent

Judgement

Hima Kohli, J.—The present petition is filed by the petitioner praying inter alia for directions to respondent No. 1/MTNL and respondent No. 2 to take necessary steps for restoration of telephone connection at the chamber of the petitioner situated in Block-II, Lawyers Chambers, Delhi High Court.

2. Counsel for the petitioner submits that on 25.3.2011 a fire had broken out on the 4th Floor of Block-II, Lawyers Chambers due to which some of the chambers got damaged. As a result of the fire, the electricity and telephone connections in those chambers got disconnected. Apart from the petitioner, 18 other allottees of chambers were also adversely affected. He states that despite repeated requests and reminders by the petitioner to respondent No. 1, till the date of filing of the writ petition, no steps were taken by respondent No. 1 to restore his telephone connection. Further, to add insult to injury, respondent No. 1 has been raising bills in respect of the disconnected telephone, which the petitioner has been regularly paying. As the last resort, the present petition has been filed for redressal of the petitioner's grievance.

3. On the last date of hearing, i.e., on 14.7.2011, notice was issued on the petition and Counsel for respondents No. 1 and 2 had sought time to file affidavits within one week. Affidavits have not been filed by either of the

respondents. However, Counsel for respondent No. 1 states that he had contacted his clients immediately after the hearing of the case on the last date and as a temporary measure, the telephone connections of the petitioner and the other 18 adversely affected customers in the chamber block were restored on the very same day. He states that for respondent No. 1 to restore the telephone connection, respondent No. 2/PWD was required to replace the burnt distribution cable which was not done. He submits that though no written communication was addressed by the officers of respondent No. 1 to respondent No. 2 for restoration of the burnt distribution cable, oral/telephonic requests were made to the officers of respondent No. 2, which did not elicit any response.

4. It is most unfortunate that the petitioner, who had to suffer on account of an unfortunate incident of a fire spreading to his chamber, has to suffer further inconvenience at the hands of the respondents for restoration of his telephone connection. Furthermore, the petitioner has in all decency been continuing to make payments on bills raised by respondent No. 1 /MTNL even during the period when his telephone connection remained disconnected. Counsel for the petitioner states that he and 18 other similarly placed persons were hopeful that by paying the bills, respondent No. 1 would wake up to its statutory duties and act on their representations, but all was in vain.

5. In the present case, the petitioner is a practicing advocate and, therefore, did not have to undergo the rigors of incurring heavy expenses, loss of valuable time and an avoidable inconvenience of engaging a Counsel to agitate his grievance. This however cannot take away from the fact that the petitioner has still been made to undergo such hardship for over four months on account of failure on the part of the respondents to perform their statutory duties and restore the telephone connection. Such a callous and indifferent attitude on the part of respondent No. 1 towards its clients is even more surprising in today's day and time, when it faces intense competition from a number of rivals from the private sector in the same service industry, who have been slowly eating into its client base, by claiming to offer equivalent and even better quality of services. Instead of attempting to retain its customer base and build on it, respondent No. 1 appears to be driving away its customers by choosing to sleep over the representations of the petitioner and other similarly placed consumers for restoration of their telephone connections. A telephone connection is no longer a luxury. It is a necessity particularly for a professional, who requires this service not only for the purpose of establishing contact with his clients, but also for availing internet services, which are essential for any profession today.

6. Be that as it may, in view of the submissions made by the Counsel for respondent No. 1 that the telephone connections of the petitioner and other similarly placed persons have been temporarily restored, this petition is disposed of with directions to respondent No. 2/PWD to take immediate measures to restore the burnt distribution cable within one week from today under written intimation to respondent No. 1, who shall permanently restore the telephone

connections of the petitioner and others within one week thereafter. It is further directed that respondent No. 1 shall adjust the amounts already paid by the petitioner for the period during which his telephone remained disconnected in the future bills raised against the petitioner. At this stage, Counsel for the respondent/MTNL states on instructions from his clients that the benefit of the said adjustments shall also be given to other similarly placed persons, who had continued to pay their bills in spite of not having a functional telephone connection. The petition is disposed of along with pending applications leaving the parties to bear their own costs.