

(2003) 03 NCDRC CK 0091

In the National Consumer Disputes Redressal Commission

RAM KUMAR NATHU RAM

APPELLANT

Vs

GENERAL MANAGER TELEPHONES, BHARAT SANCHAR NIGAM
LIMITED

RESPONDENT

Date of Decision : 24-03-2003

Acts Referred:

Citation : 2003 3 CLT 676 : 2004 1 CPJ 361

Hon'ble Judges : H.S.Brar , C.P.Budhiraja J.

Final Decision : Appeal dismissed

Judgement

1. IT's an appeal against the order dated 23.1.2003 of District Consumer Disputes Redressal Forum, Ferozepur (hereinafter called the "District Forum").

2. BRIEF facts as stated in the complaint are that appellant-complainant Ram Kumar Nathu Ram (hereinafter called the "complainant") were subscribers of telephone No. 20236 and that they got a hot line sanctioned in between their shop situated in Gandhi Chowk, Abohar and in their godown located in Anar Gali. The advance rent for the period 1.4.1999 to 30.3.2000 for an amount of Rs. 1,500/- was paid. They received a demand notice for payment of Rs. 17,781/- pertaining to the hot line referred to above. The date of payment of that bill was extended up to 30.5.2001. It was then alleged in the complaint that Telecom Regulatory Authority of India was reported to have revised tariff for hot line with effect from 1.4.1999, but the notification in that regard was reported to have been issued in the month of July/August, 1999. Even the Telecom Department was not aware that the Telecom Regulatory Authority of India had revised the tariff till the month of August. The complainant was suddenly burdened with the demand of Rs. 17,781/-. It was further alleged that if at all the charges were to be enhanced and to be recovered from the complainant, complainant should have been given an opportunity to retain or not to retain the facility. The charges had been enhanced exorbitantly. So issuance of the above said bill, according to the complainant, was null and void. A direction was sought from the District Forum for withdrawal of the demand by the opposite party, to refund the excess

amount already deposited with interest @ 18% per annum, to pay Rs. 5,000/- as compensation for inconvenience and harassment, and Rs. 3,000/- as costs of litigation to the complainant. In reply, the opposite party took preliminary objections that the complaint was a misuse of the process of the Forum; that the complainant had not come to the Forum with clean hands; that the complainant had no cause of action; that the complaint had not been properly framed, and that the complaint had become infructuous as the complainant had already deposited the amount to the Department. On merits, it was pleaded that bill for Rs. 17,781/- for the period 29.4.1999 to 28.4.2000 (minimum guarantee period of one year as hot line is provided minimum for one year) was sent to the complainant as per notification dated 13.4.1999. It had been further submitted that the Telecom Regulatory Authority of India had revised the tariff of the hot line with effect from 1.4.1999 vide Gazette Notification referred to above. By way of Gazette Notification dated 15.4.1999, rate of tariff came to the notice of all concerned. Thus, the complainant was bound to pay the revised tariff charges. The subscriber himself had requested for three instalments, which he paid as follows : Rs. 5,000/- on 1.6.2001 Rs. 5,000/- on 29.6.2001 Rs. 6,081/- on 28.3.2002 In the end, prayer was made for the dismissal of the complaint.

After hearing the representative of the complainant and the Counsel for the opposite party and after going through the records, the District Forum dismissed the complaint.

3. WE do not find any infirmity in the order of the District Forum. Tariff was revised by the Telecom Regulatory Authority of India vide Notification No. 4-2/99/R & C dated 13.4.1999. As stated above, the hot line is provided for a minimum period of one year. The complainant would have not been allowed to get the hot line disconnected during the above said period of one year. Telecom Regulatory Authority of India is a statutory body for revising telephone tariffs. Tariff revised by the Telecom Regulatory Authority of India cannot be challenged before the District Forum. Under these circumstances, we do not find any merit in this appeal, which is hereby dismissed. Appeal dismissed.