
(1999) 08 NCDRC CK 0011

In the National Consumer Disputes Redressal Commission

SUB-DIVISIONAL ENGINEER DEPARTMENT OF
TELECOMMUNICATIONS

APPELLANT

Vs

KIRAN ACHYUTRAO HUNDGUND

RESPONDENT

Date of Decision : 12-08-1999

Acts Referred:

Citation : 1999 3 CPJ 323

Hon'ble Judges : A.A.Halbe , G.R.Bedge J.

Final Decision : Appeal allowed

Judgement

1. THIS appeal is directed against the order of District Forum, Raigad in C/36/95, wherein the Department has been directed to reduce the telephone bills, in respect of telephone No. 62542 of the complainant for the period from 1.11.1994 to 1.1.1995. The complainant made a grievance that his average bill used to be around Rs. 3,000/- per month, whereas for 3 months, the bill shot up to 10,000/- and on one occasion Rs. 28,000/- and odd etc. He, therefore, desires that his bill should be brought down to average. The appellant Department appeared before the District Forum, filed written statement but failed to appear on the date of hearing. The District Forum decided the matter ex parte but missed the legal procedure of taking into consideration of written statement of the appellant department. It was the bounden duty of the District Forum to have considered the pleas in the written statement and should have proceeded to decide the matter. We are afraid that this is legal error which cannot be allowed to prevail and the appeal has to be allowed and the matter has to be remanded back to the District Forum. Accordingly we pass the following order. ORDER

2. THE appeal is allowed. THE order of the District Forum is set aside. THE District Forum, Raigad is directed to hear the parties afresh and dispose the matter according to law, as expeditiously as possible. THE District Forum shall issue fresh notices to the parties and then decide the matter on merits. THERE shall be no order as to cost. Appeal allowed.