

(2003) 06 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

SUKHBIR SINGH BAHL

APPELLANT

Vs

MANAGING DIRECTOR, MAHANAGAR TELEPHONE NIGAM
LTD.

RESPONDENT

Date of Decision : 13-06-2003

Acts Referred:

Citation : 2003 3 CPJ 485

Hon'ble Judges : Lokeshwar Prasad , Rumnita Mittal J.

Final Decision : Appeal disposed of

Judgement

1. THE instant appeal is directed against the order of District Forum-I, Tis Hazari, Delhi, dated 16.8.1999, passed in Complaint Case No. 979/1998 - entitled Shri Sukhbir Singh Bahl v. THE Managing Director, Mahanagar Telephone Nigam Limited & Anr.

2. BRIEFLY stated, the relevant facts, leading to the filing of the present appeal are, that the appellant had filed a complaint under Section 12 of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act") before the District Forum averring therein that the appellant had applied for a new telephone connection, to the respondent, on the basis of the advertisement published in the newspapers and announcement made in the FM Channel of Radio, that persons applying for a telephone connection on or before 11.3.1998 and depositing Rs. 3,000/- would get telephone connection by 31.3.1998. Accordingly, the appellant deposited the requisite amount on 10.3.1998 but the respondent failed to release the connection to the appellant by 31.3.1998 as assured and in fact the telephone connection was energised only on 17.4.1998. As such the appellant had filed a complaint before the District Forum claiming financial loss of Rs. 500/- per day suffered during the period 1.4.1998 to 17.4.1998 on account of non-release of the telephone connection. The appellant had also claimed a compensation of Rs. 500/- per day and a sum of Rs. 1,100/- as cost of litigation. The respondents were duly served by the District Forum and since none appeared on behalf of the respondents the respondents were proceeded ex parte

in the proceedings before the District Forum.

On the basis of material on record, it has held by the learned District Forum, vide impugned order, that 16 days" delay in energising the telephone connection was a procedural delay and did not constitute deficiency in service on the part of the respondent and accordingly the complaint filed by the appellant, was dismissed as being devoid of force.

3. AGGRIEVED by the aforesaid order, the appellant has approached this Commission by filing the present appeal. We have carefully perused the documents/material placed on record, as well as, have heard the arguments advanced on behalf of both the parties. The short point involved in the present appeal is as to whether the delay of about 16 days in energising the telephone connection of the appellant, in the circumstances of the case, amounted to deficiency in service on the part of the respondents, for which the appellant was entitled to be compensated in terms of the provisions of the Act. During the course of arguments it was admitted on behalf of the respondents that though the telephone instrument in question was installed at the premises of the appellant on 4.4.1998 but the same could be energised only on 17.4.1998. Thus the fact remains that as per the advertisement issued by the respondent/MTNL it was promised that the telephone connection booked prior to 11.3.1998 would be released by 31.3.1998. However in the instant case the same could be energised only after a delay of about 16 days. In fact during the course of arguments in all fairness it was conceded on the part of the respondent/MTNL that it was prepared to grant a rental rebate to the appellant for the said period.

4. THE appellant had however prayed for the grant of compensation as well. Though the appellant has failed to place on record any documents or evidence to show that he had suffered financial loss of Rs. 500/- per day as alleged. THE fact remains that the appellant must have undergone inconvenience and harassment on account of delay in the release of his telephone connection. Accordingly, the appellant is entitled to a sum of Rs. 1,000/- as compensation as well. Therefore, in view of the above discussion, the present appeal, filed by the appellant, is allowed to the extent that the respondent is directed to grant rental rebate to the appellant for the period 1.4.1998 to 16.4.1998, as well as, pay compensation amounting to Rs. 1,000/- together with cost of litigation of Rs. 500/- to the appellant. The respondent is directed to comply with the above said directions within 30 days of the receipt of this order. The present appeal, filed by the appellant, stands disposed of in above terms. Appeal disposed of.