

(1996) 08 NCDRC CK 0017

In the National Consumer Disputes Redressal Commission

SURINDER SINGH

APPELLANT

Vs

ASHWANI KUMAR AGGARWAL

RESPONDENT

Date of Decision : 29-08-1996

Acts Referred:

Citation : 1996 3 CPJ 304

Hon'ble Judges : A.L.Bahri , R.L.Gupta , Gurkanwal Kaur J.

Final Decision : Appeal disposed of

Judgement

1. TWICE notices were sent to the respondent-complainant but he has not appeared to prosecute the appeal.

2. WE have heard learned Counsel for the appellant Telephone department. This appeal is directed against the order of District Consumer Forum, Jalandhar dated April 17,1996. After holding deficiency in rendering service on the part of the Telephone Department, a sum of Rs. 1,500/- was awarded as compensation to the complainant as he was deprived of use of the telephone for two days.

Facts are not in dispute now, which may briefly be summarised. The complainant Ashwani Kumar Aggarwal is a consumer of Telephone No. 52689 subsequently changed to 225689. A bill dated November 1, 1992 for a sum of Rs. 200/- was issued by the department for payment. The payment having been not made, a registered notice was sent on 23.9.93 calling upon the complainant to deposit a sum of Rs. 200/- on or before 4/6.10.93. Since the consumer did not communicate to the telephone department regarding deposit of the amount, the telephone was disconnected on 12.10.93. It was restored on October 14,1993 when the consumer informed the Telephone department that the amount had been deposited on October 1,1993. It is in the set of these circumstances that it is to be decided whether there was deficiency on the Telephone department in disconnecting the telephone on October 12,1993 when the complainant-consumer did not inform the telephone department about deposit of the amount demanded, alleged to have been deposited on October 1, 1993. For non-payment of the telephone bill, the telephone could be disconnected. The present is a case

where sufficient time lapsed and the telephone department had to issue a registered notice on 23.9.93 informing the complainant that the bill for Rs. 200/- was not paid on the due date and allowing further time to deposit the same, and to communicate the deposit to the telephone department. Since, communication was not promptly made on the deposit of the amount, the telephone department disconnected the telephone on October 12, 1993.

3. WE are of the view that disconnection of telephone for non-communication of the deposit of amount did not amount to any deficiency on the part of the telephone department in rendering service. The position would have been different if initially the consumer had deposited the amount of Rs. 200/- in response to the bill dated 1.11.92 as he was not supposed to further communicate the same to the Telephone department of deposit of the amount. But in the present case, after lapse of sufficient time, almost 9 months, a registered notice was sent calling upon the consumer to deposit the same and to communicate. Since the complainant had failed to communicate the same, though he has deposited the amount within the further time allowed, there was no deficiency in the matter of rendering service to the complainant. Since the restoration charges have already been refunded by the Telephone department of its own, no further direction in this respect is called for. We set-aside the impugned Order granting compensation of Rs. 1,500/- to the complainant. There will be no order as to costs as the respondent has not put-in his appearance. Appeal is disposed of as above. Appeal disposed of.