
(1997) 08 NCDRC CK 0047

In the National Consumer Disputes Redressal Commission

SYAMSUNDAR AGRAWALLA

APPELLANT

Vs

ACCOUNTS OFFICER, BERHAMPUR (GANJAM) TELECOM

RESPONDENT

Date of Decision : 28-08-1997

Acts Referred:

Citation : 1998 3 CPJ 51 : 1999 1 CPR 36

Hon'ble Judges : P.C.Misra , Biswanath Rath , Mrinalini Padhi J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order of the District Forum, Ganjam, Berhampur in C.D. Case No. 42 of 1993. The complainant in the said case is the appellant before us. He filed the application before the District Forum alleging excess charges in his telephone bill dated 1.10.1991 and award of compensation of Rs. 5,000/- for disconnection of the complainant's telephone. In the complaint petition it was stated that he is a subscriber of Telephone No. 2768 at Berhampur and received the telephone bill dated 1.8.1990 for Rs. 3,157/- and another dated 1.10.1990 for Rs.9,626/- out of which he paid the former bill under protest. It is further alleged that on consideration of his protest he was allowed a rebate of Rs. 2,750/- as against the bill dated 1.10.1990 and the complainant was directed to deposit the rest amount of Rs. 6,876/-. The complainant preferred an appeal before the Chief General Manager, Telecommunication Department, Orissa Circle who further reduced the bill dated 1.10.1990 to Rs. 3,246/-. The complainant deposited the said amount on 24.1.1991. In the meantime the complainant was informed that there has been no abnormality in the billing in respect of the bill dated 1.10.1990 and disconnected his telephone on 19.12.1990 when his appeal before the Chief General Manager, Telecommunication Department was still pending. Ultimately his telephone was reconnected on 31.1.1991 on payment of the revised bill for Rs. 5,621/- including the reconnection charges.

2. IN the show cause filed by the opposite parties it was stated that he has been given a rebate even though there has been no defect in the metering system. It was further stated that the complainant was having S.T.D. facilities and therefore

his complaint for excess billing was misconceived. Before the District Forum, two questions arose for consideration as, (1) whether the disconnection was proper and justified or there has been any deficiency on the part of the Department in the matter of disconnection of the telephone, and (2) whether there has been excess billing in the bill dated 1.10.1990. The District Forum after hearing both parties, came to a conclusion that the metering system being in perfect order, the allegation that there has been excess billing does not deserve any attention. It, however, found that the telephone should not have been disconnected when his appeal was pending before the Appellate Authority and it was receiving proper consideration. The District Forum thereafter concluded that the disconnection having been made without notice to the complainant he is entitled to compensation of Rs. 2,000/- from the Telecommunication Department. In the present appeal, the complainant's grievance is two fold. Firstly he contends that the District Forum was not correct in holding his complaint regarding excess billing has no merit. His second grievance is that he had claimed compensation of Rs. 5,000/- for the deficiency in service and there was no justification for the District Forum to slash the same to Rs. 2,000/-.

After giving our anxious consideration to the facts and circumstances as available on record, we find that except making a bald statement that the bill dated 1.10.1990 was excessive, the complainant placed no further materials in support thereof. Admittedly he was once granted a rebate of Rs. 2,750/- by the present respondent No. 1 and then the bill was reduced by Rs. 3,246/-. In the result, the amount payable under the bill dated 1.10.1990 became Rs. 3,246/-. Admittedly the complainant was having S.T.D. facilities and from the nature of the amount demanded from him on different occasions, we do not find that there is any merit in the contention that the reduced amount against the bill dated 1.10.1990 was unjustified.

3. COMING to the second question urged by the appellant, we find that a compensation of Rs. 2,000/- has been awarded in his favour. He did not place any material to assess the suffering or loss in terms of money. The District Forum has taken a reasonable view in awarding compensation of Rs. 2,000/-. We therefore find no legal justification to interfere. The appeal . having no prima facie merit we dismiss the same. Appeal dismissed. _____