

(2004) 05 NCDRC CK 0036

In the National Consumer Disputes Redressal Commission

TELECOM DEPARTMENT

APPELLANT

Vs

Mohammed Kutty

RESPONDENT

Date of Decision : 28-05-2004

Acts Referred:

Citation : 2005 2 CPJ 628

Hon'ble Judges : A.Raman , R.Vanaroja J.

Final Decision : Appeal dismissed

Judgement

1. WE do not see any merit in this appeal. Admittedly the complainant paid the telephone bill with surcharge on 23.9.1997 viz., a day earlier to the pay-by date. But in spite of it, the opposite parties have disconnected the telephone. There are no valid reasons stated by the opposite parties for effecting disconnection. It is their duty to verify if the payment had been made or not and then proceed to disconnect. Their defence is quite vague. It is stated that the Junior Engineer asked over the phone whether the subscriber had paid the bill or not and as there was no proper reply it was presumed that the bill was not paid and hence it was disconnected. This is only an irresponsible stand taken by them. Where is the necessity for the Department to ask over the phone? When was the phone call made, who answered it, what was the answer, what was the nature of question put to them, nothing is stated. It is incumbent upon the opposite parties to verify the records pertaining the telephone bills and the payment details and then think about disconnection. Where is the necessity for them to ask over the phone? Suppose, somebody on the phone had replied that the amount had been paid, will they accept it and keep quiet? Therefore, the mere defence put forward is not only baffling but also pathetically wanting in truth. Therefore, the lower Forum was justified in holding that the disconnection was improper and thus there was deficiency in service. WE do not see any reason to take a different view.

2. IN the result, this appeal is dismissed with cost of Rs. 250/- confirming the order passed by the lower Forum. Time : 2 months. Appeal dismissed.