

(1996) 04 NCDRC CK 0051

In the National Consumer Disputes Redressal Commission

TELECOM DISTRICT MANAGER, PALAKKAD

APPELLANT

Vs

K.MURALI, PROPRIETOR, KAIRALI PRINTERS

RESPONDENT

Date of Decision : 24-04-1996

Acts Referred:

Citation : 1997 1 CPJ 542

Hon'ble Judges : P.K.Shamsuddin , K.Balakrishnan Nair , K.M.Latha J.

Final Decision : Order modified

Judgement

1. THIS appeal is directed against the order passed by the District Forum, Palakkad, in O.P. No. 752 / 93. The opposite parties are the appellants.

2. SHORTLY stated the allegations in the complaint are as follows: The complainant purchased a printing press named Kairali Printers with S.S.I. Registration for Rs. 41,000/- on 5.2.92. According to the complainant the purchase includes the printing machinery, types and the telephone No. 27980. The press was shifted to another building with more convenience and the complainant applied to the opposite parties to shift the telephone to the new premises on 7.11.92. On 26.11.92 he was given a notice to deposit Rs. 6500/- on or before 8.12.92. The amount claimed is the charge for transferring the phone from one subscriber to another. The complainant was also directed to pay the amount covered by two bills which were issued in the name of previous subscriber and the other in the name of the complainant before 10.2.92. The complainant alleged he is entitled to get the telephone transferred to his name free as per the instructions 4, 5 and 7 in the telephone directory at page 63. The opposite party filed a version stating that the telephone is not in the name of the firm but in the name of one individual who is one of the partners and, therefore, the rules relied on by the complainant are not applicable and the rule applicable is one contained in Circular No. 2-8/ 78 November 1978 which is produced alongwith the appeal as Annexure. The District Forum held that it is the case of a telephone being transferred by firm to another person and, therefore, it is conditions No. 4, 5, 6 and 7 that would apply and, therefore, the complainant is

not liable to pay any amount as sale proceeds exceed Rs. 20,000/-. In that view an order was passed directing the opposite party to transfer the phone to the complainant on payment of Rs. 100/- only.

Feeling aggrieved by the said order this appeal has been preferred.

3. THE telephone directory was also produced before us. We find the telephone is only in the name of Saheera Beevi. THEREfore, it cannot be treated as a case of transfer of a telephone by a firm in favour of a person. Learned Counsel also submitted that it is the circular evidenced by Annexure (2) that would apply in the instant case and, therefore, the complainant is liable to pay the transfer charges. We find considerable force in the contention raised by learned Counsel for the appellant. THE phone stood in the name of Sahira Beevi alone. THE fact that it is used by the firm does not give any ownership to the firm. As such the complainant is liable to pay the necessary charges for transfer from one person to another. Learned Counsel appearing for the appellant submitted that the opposite party will give connection within a period of 3 weeks from the payment of necessary charges including the arrears if any. THE order passed by the District Forum is modified as above. Order modified.