
(1993) 03 NCDRC CK 0010

In the National Consumer Disputes Redressal Commission

TELECOM DISTT.MANAGER, BHUBANESHWAR

APPELLANT

Vs

UMESH CHANDRA PATNAIK

RESPONDENT

Date of Decision : 15-03-1993

Acts Referred:

Citation : 1993 0 CPC 455 : 1993 0 NCDRC 14 : 1993 1 CPJ 118 : 1993 1 CPR 703 : 1995 2 CLT 464

Hon'ble Judges : V.BALAKRISHNA ERADI , A.S.VIJAYAKAR , Y.KRISHAN , B.S.YADAV J.

Judgement

1. IN this appeal filed against the order of the State Consumer disputes Redressal Commission, Orissa at Cuttack, we are concerned only about one direction issued by the State Commission to the present appellants who were the opposite parties in the complaint filed before it by the present respondent. In addition to other reliefs granted by the State Commission to the complainant, it directed the opposite parties (now appellants) to send telephone bills to the complainant by registered post at his (i.e. complainant's) cost. The appellants are aggrieved of the said direction and have filed this appeal on the ground that the Telegraph Act/ Rules/Instructions issued by the Dot from time to time do not provide for sending telephone bills to the subscribers by registered post.

2. IN the absence of any provision in the Telegraph set the rules requiring that telephone bill should be despatched by registered post the department cannot be said to have committed any deficiency in service in sending the bills by ordinary post. We are of the opinion that the order of the State Commission issuing the said direction cannot be upheld. Though in the complaint the complainant had alleged that he was not receiving telephone bills regularly, and therefore, on account of non-payment of some bills his telephone had been disconnected but the question that arises is whether the above direction could have been issued under the Consumer Protection Act, 1986. Section 14 of the said Act provides the reliefs that can be granted to the complainant in a consumer dispute. Those reliefs are only as follows: (a) to remove the defect pointed out by the appropriate laboratory from the goods in question; (b) to replace the goods with

new goods of similar description which shall be free from any defect; (c) to return to the complainant the price, or, as the case may be, the charges paid by the complainant; (d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party.

Consequently, we accept the present appeal and set aside the order of the State Commission so far as the above direction is concerned. Remaining operative part of its order maintained as it has not been agitated before us. We make no order as to costs.