
(2003) 01 PAT CK 0101
In the Patna High Court
Case No : L.P.A. No. 867/95

Union of India (UOI) and Others

APPELLANT

Vs

Bhuvaneshwar Sharma

RESPONDENT

Date of Decision : 27-01-2003

Acts Referred:

Telegraph Rules, 1951 — Rule 443

Citation : (2003) 2 PLJR 274

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : S.N. Pathak, for the Appellant;

Final Decision : Allowed

Judgement

1. On the matter being called, no one has appeared on behalf of Respondent. Learned Counsel for the Union of India submitted that at present he is not in a position to make statement to the effect that upon the order dated 21 July, 1995 (C.W.J.C. No. 3103/95) having been stayed, the Respondent may have paid the charges.

2. Notwithstanding, the above Rule 443 of the Indian Telegraph Rules, 1951, under notification no T-190/50, dated the 6th October 1951, referred to in the order of 14 August, 1996 is reproduced below:

443. Default of payment.-If, on or before the due date, the rent or other charges in respect of the telephone service provided are not paid by the subscriber in accordance with these rules, or bills for charges in respect of calls (local and trunk) or phonograms or other dues from the subscriber are not duly paid by him, any telephone or telephones or any telex service rented by him may be disconnected without notice. The telephone or telephones or the telex so disconnected may, if the Telegraph Authority thinks fit, be restored, if the defaulting subscriber pays the outstanding dues and the reconnection fee together with the rental for such portion of the intervening period (during which

the telephone or telex remains disconnected) as may be prescribed by the Telegraph Authority from time to time. The subscriber shall pay all the above charges within such period as may be prescribed by the Telegraph Authority from time to time.

3. There can hardly be any doubt that a subscriber cannot be permitted to make a bad practice out of a situation that a revenue on one telephone bill will not be paid and he arranges a state of circumstance to have the telephone connection dis-connected with unpaid bills and then applies for another connection to make use of the facility and this becomes a practice by leaving unpaid bills on a set of connections and keeping on taking fresh ones.

4. In the circumstances, the order of 14 August, 1996, specially with no one appearing in the appeal is made absolute.

5. The order impugned is quashed.

6. The appeal succeeds.