
(1998) 10 NCDRC CK 0001

In the National Consumer Disputes Redressal Commission

Y Suryanarayanacomplaina

APPELLANT

Vs

UNION OF INDIA

RESPONDENT

Date of Decision : 27-10-1998

Acts Referred:

Citation : 1999 1 CPJ 213

Hon'ble Judges : S.PARVATHA RAO , K.RANGA RAOS , MAMATA LAKSHMANNA J.

Judgement

1. THIS is a complaint filed under Section 17(a)(i) of the Consumer Protection Act, 1986 with the following allegations.

2. THE complainant is a practising Advocate at Hyderabad with more than 43 years standing at the Bar, commanding a large volume of work both in the High Court and in the Administrative Tribunals. A telephone No. 36504 was given to him long back and he has been using it by paying the bill amounts regularly. He received a bill dated 11.7.1992 for a sum of Rs. 2,761/- in respect of his telephone No. 36504 and he paid the said amount on 27.7.1992 in Humayunnagar Post Office under bill No. 5548 book No. 27 before due date i.e., 29.7.1992. The complainant found that his phone was not working on the morning of 14.9.1992. He could not contract anybody on phone on that day. He asked one of his friends who came to his house to inform the Telephone Department about the same on that day. After he went to the Court, he came to know through some of his Advocate friends that his phone was disconnected for non payment of the bill amounts. The complainant felt very much embarrassed as his clients obviously thought that his telephone was disconnected for non payment of bills and his reputation has come down in the estimate of his clients and Advocate friends. He requested Mr. C. Sadasiva Reddy his Advocate friend and a Member of Telephone Advisory Committee to look into the matter. On 15.9.1992 the said Sadasiva Reddy advised the complainant to speak to the Assistant General Manager, Public Relations, Hyderabad, Telephone and thereupon the complainant contacted the said officer but the said officer asked the complainant to contact the Accounts Officer and the complainant contacted

the Accounts Officer at about 5.15 p.m. on 15.9.1992. The complainant was informed that the payment made by him might not have been notified to the Accounts Department by the Post Office and hence disconnection would have been done wrongly and that the reconnection would be effected immediately. Accordingly by 6.00 p.m. on 15.9.1992 the complainants phone was restored. There was no explanation from the Department as to why the complainants phone was disconnected without notice. Because of abrupt disconnection of his telephone the complainant suffered hardship and inconvenience and his reputation has also come down in the estimation of his clients and his Advocate friends. Hence the complainant prays to direct the opposite parties (i) The Union of India represented by the Secretary, Ministry of Telecommunications, Central Secretariat, New Delhi; (ii) The General Manager, Hyderabad Telecom District, Suryalok Complex, Hyderabad and (iii) The Chief Accounts Officer, Hyderabad Telephones, Suryalok Complex, Hyderabad to pay a sum of Rs. 1,00,000/- as compensation for the loss of his reputation, Rs. 10,000/- as compensation for mental agony and anxiety and inconvenience and another sum of Rs. 10,000/- for his professional inconvenience, he suffered as Advocate, a sum of Rs. 50/- spent by him for the calls made from the outside and a sum of Rs. 50/- towards remission of rentals and altogether a total amount of Rs. 1,20,100/- as compensation. The opposite parties filed a counter denying the allegations made in the complaint and contending that since no payment was forthcoming in respect of the bill dated 11.7.1992 the telephone of the complainant was disconnected on 14.9.1992 that on coming to know that the said bill amount was paid by the complainant, the complainants phone was restored within 45 minutes after the information about the payment was received from the Accounts Officer, that the Accounts Officer promptly acted in restoring the service connection, that there was no deficiency in service on the part of opposite parties and that the complainant is not entitled to compensation.

3. NO evidence either oral or documentary was adduced by either party.

4. WE heard the Counsel for both parties. The point for consideration is whether there is any deficiency in service on the part of opposite parties and if so, to what compensation the complainant is entitled. The very case of the complainant is that on the morning of 14.9.1992 his phone was disconnected, that he paid the bill amount within the due date and that there was unreasonable and arbitrary disconnection of his phone. It is revealed from the allegations made in the complaint that the complainant paid the bill amount in a Post Office of Humayunnagar on 27.7.1992. The contention of the opposite parties is that because the payment of the bill amount made by the complainant in the Post Office was not notified to the Accounts Department of the Telephone Department before due date the opposite party No. 3 i.e. The Accounts Officer passed orders for disconnection of the complainants telephone and consequently there was disconnection despite the fact that the complainant paid the bill amount before the due date and that there was no deficiency in service on the part of opposite parties. We agree with this contention. Admittedly the complainant paid the

amount of the bill dated 11.7.1992 in a Post Office and not to the Department. It is quite likely that the payment made by the complainant could not be notified to the Accounts Department before the due date and consequently there was disconnection of the complainant's telephone. The telephone was disconnected on 14.9.1992 and it was restored by 6.00 p.m. on 15.9.1992, even according to the complainant. Of course the complainant was put to some inconvenience from the morning of 14.9.1992 till the evening of 15.9.1992. Keeping in view these circumstances we are of the opinion that a compensation of Rs. 500/- can be awarded to the complainant to meet the ends of justice. In the result, the complaint is partly allowed and the opposite parties are directed to pay a compensation of Rs. 500/- to the complainant. There shall be no order as to costs in this complaint. Complaint partly allowed.