

Accounts Officer Vs. Ismail

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Court : Andhra Pradesh State Consumer Disputes Redressal Commission
SCDRC Hyderabad

Decided On : Dec-16-2002

Judge : P. Ramakrishnam Raju, President & the Honourable Dr. (Mrs.)
Mamata Lakshmanna, Member

Appeal No. : F.A. No. 411 of 1998

Appellant : Accounts Officer

Respondent : ismail

Judgement :

Dr. (Mrs.) Mamata Lakshmanna, Member:

1. This appeal is filed by the opposite parties in C.D. No. 86/1992 on the file of District Forum, Nizamabad.
2. The complainant, a small businessman, has two telephones, one at his shop and the other telephone bearing No. 23178 is at his residence, which is provided with STD facility. He had been paying his telephone bills regularly which were never very high. He, however, received a bill dated 1.3.1992 for a sum of Rs. 9,407/- which was very high and as such he approached the opposite parties to rectify the same but since it was not done, he approached the District Forum. The opposite parties in their counter denied the allegation that the bill was excessive since the highest bill earlier paid by the complainant was Rs. 1,492/- and since the

complainant is a businessman and as per the M.L.O.E. record of the department, the complainant used the STD facility extensively and hence the bill issued was correct.

The complainant examined himself as P.W. 1 and marked Ex. A1 bill. On behalf of the opposite parties, R.W. 1 was examined and Ex. B1 was marked.

3. The District Forum after going through the records and hearing the arguments came to the conclusion that there was deficiency in service on the part of the opposite parties and accordingly directed the opposite parties to collect double the amount of the highest bill of the complainant, which comes to Rs. 2,984/- instead of Rs. 9,407/-.

Aggrieved by the said order, this appeal is filed.

4. We have carefully gone through the records and heard the arguments. On 26.8.1998 we noted as follows :

Post on 29.10.1998 at the request of the Counsel for the appellants for production of the entire record. The officer present states that if some time is given he will produce the entire records. Post on 29.10.1998.

However no such record is filed. Again on 30.10.1998 we noted as follows :

The learned Counsel for the appellants shall file an affidavit of the appellant or a responsible officer of the Telephone Department giving the details of the bills for 1992, 1993, 1994, 1995, 1996, 1997 and 1998 till date to show whether in any of the bills the amount demanded from the complainant exceeded Rs. 3,000/-. True copies of bills also to be filed. Counsel requests for 10 days after obtaining instructions from Mr. D. Viswanath, Section Supervisor, O/o Telecom, Nizamabad. Post on 3.12.1998.

5. However, no such document is filed. We find that R.W. 1 in his deposition admitted that he himself did not do M.L.O.E. observation but it was done by the concerned staff. He further admitted that one of the staff members was caught red-handed while he was tampering with the telephone of a subscriber but denied

that the telephone of the complainant could have been tampered. We do not understand the logic that a person who was caught red-handed while tampering would not have done the same thing in other cases also because he was not caught. Moreover, the complainant has been emphatically saying all the times that he only made a couple of calls to Bombay to his in-laws while most of the calls are outside calls beyond Bombay. Whenever there is a sudden spurt in the telephone usage, the Department is expected to make inquiry as to the cause i.e. whether there is any excess use by the consumer or misuse by some other party. As per the telephone numbers given by the appellants, many calls have been made on ISD-STD which the complainant denied but the appellants have not made any inquiry to ascertain as to where the calls were made. On these grounds, we agree with the finding of the District Forum that there is deficiency in service. However, Consumer Fora cannot decide the bill amount as such we direct the appellants to take into account the above facts and issue a revised bill as according to their own record the complainants highest bill never exceeded Rs. 1,492/-. The order of the District Forum is modified accordingly and the appeal is disposed of with costs of Rs. 1,000/-.

Appeal disposed of.

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