

Dr. K.E. Moses Vs. Mahak Cable Network

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Aug-06-1998

Judge : A.P. Chowdhri, President & Desh Bandhu, Member

Appeal No. : Case No. A-81 of 1998

Appellant : Dr. K.E. Moses

Respondent : Mahak Cable Network

Judgement :

A.P. Chowdhri, President:

1. Brief facts of the case are that complainant obtained cable connection from the opposite party's Cable T.V. Network. According to the complainant, in January, 1996, the said cable remained disconnected for four days in a row and again in December, 1996 the cable gave away and was not set-right for days together in spite of the matter having been reported to the opposite party. Lastly, according to the complainant, the charges made by the opposite party were enhanced from Rs. 100/- to Rs. 150/- in January, 1997 without any justification.
2. The opposite party failed to appear before the District Forum and contest the claim. The District Forum held that the question of charges for cable service were not regulated by law and raising of charges could not, therefore, be gone into in the present proceedings. With regard to the other averments of the complainant, it

was observed that the complainant must have normally lodged a complaint in writing with the cable operator in case there was any deficiency in service. In the absence of such a complaint, the case of the complainant was not credible. With these observations, the complaint was dismissed. Hence this appeal.

The respondent failed to appear inspite of service in the appeal.

3. We find no infirmity in the order of the District Forum insofar as it relates to increase in charges from Rs. 100/- to Rs. 150/- as these are not regulated by law. With regard to the other part of the case, we are unable to agree with the District Forum. It is not expected that a person would lodge a report in writing to his cable operator. What is more natural is to ring up the cable operator and bring the fault to his notice. There is no reason for the District Forum for not accepting the affidavit of the complainant especially when the same had not been controverted. We, therefore, allow the appeal and keeping in view the facts and circumstances of the case, direct the respondent to pay Rs. 1,500/- as compensation to the complainant/ appellant within 4 weeks of the receipt of a copy of this order failing which he will be liable to be proceeded against u/Sec. 27 of the Act. A copy of the order be conveyed to the parties as well as District Forum-III.

Appeal disposed of.

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