

Divisional Engineer Telegraphs Vs. Sunil Kumar Sinha

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Court : Bihar State Consumer Disputes Redressal Commission SCDRC Patna

Decided On : Mar-30-1995

Judge : B.N. Sinha, President & the Honourable Mrs. Kalpana Ashok, Member

Appeal No. : Appeal No. 258 of 1993

Appellant : Divisional Engineer Telegraphs

Respondent : Sunil Kumar Sinha

Judgement :

Mrs. Kalpana Ashok, Member:

1. This Appeal is directed against the order of the District Forum, Gaya in Complaint Case No. 94 of 92 by which order the District Forum has allowed a compensation of Rs. 200/- to the respondent (complainant before them) as also proportionate deduction in rent on account of the telephone being non-functional between 4.8.92 and 19.8.92.

2. The facts of the case in brief are that the complainant-respondent Shri Sunil Kumar Sinha, Advocate complained to the District Forum that his telephone No. 21646 was non-functional for over one fortnight since 4.8.92. He, therefore, sought a direction that the defects of telephone No. 21646 be removed and he be awarded a compensation of Rs. 15,000/- as he is a busy lawyer.

3. In his written statement filed by the opposite party (appellant) it was contended that the telephone No. 21646 of the complainant was out of order between 4.8.92 and 19.8.92 on account of underground cable fault which could be detected after vigorous efforts only on 19.8.2 and thereafter the defects were removed and the telephone connection was restored. It was also mentioned in para 7 of the written statement that since his telephone was out of order for seven days or more, the rental for this period would be adjustable against future bills.

4. We have perused the record of the learned District Forum, Gaya and also heard the learned Lawyer for the appellant. The respondent never appeared before us nor any reply to the appeal memo has been filed by him inspite of notices having regularly been sent to him intimating the various dates fixed in the proceedings.

5. Since the telephone of the complainant remained out of order due to cable defects as averred before the District Forum and was restored after a fortnight proportionate deduction in rental appears called for and there are departmental instructions also to this effect. This rebate in rental will be adjusted against the future bills. The defect was however on account of technical reasons viz. cable defect and therefore there was no deficiency of service which would entitle the complainant (respondent) to any compensation.

6. In the result, the appeal is allowed in the light of observation made above.

7. There is no order as to costs;

Appeal allowed.

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