

District Engineer Telecom Vs. Meena Agrawal and Others.

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Court : Bihar State Consumer Disputes Redressal Commission SCDRC Patna

Decided On : Sep-16-1992

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

Appeal No. : Revision Petition No. 17 of 1992, 18 of 1992, 19 of 1992 & 20 of 1992

Appellant : District Engineer Telecom

Respondent : Meena Agrawal and Others.

Judgement :

B.N. Sinha, President:

1. Revision Nos. 17, 18, 19 and 20 of 1992 have been heard together because there is common point of law and they are being disposed of with the consent of the learned Counsels by a common order. In all these revision applications petitioner is Telecom District Engineer, Muzaffarpur. Of course the respondents are different. The District Forum have directed the petitioners before this Commission in all these cases before the District Forum not to disconnect the telephones belonging to the opposite party of these different revision petitions who were complainant before the District Forum.

2. It appears that the respondents in these cases filed complaints before the District Forum complaining against the disputed bills. Prayer was made on behalf of the complainants in these cases to direct the opposite parties there not to

disconnect their respective telephone connections and consequently these impugned orders were passed by the telephone department. By all these orders the telephone department has been directed not to disconnect the telephone connection of the complainants there till the disposal of their complaint cases.

3. The Telephone Department has in Revision Applications before us assailed these orders, alleging that the orders are illegal as they are not in keeping with Section 14(1) of the Consumer Protection Act, 1986 which is the only section in the Act laying down the relief which can be given to the consumers.

4. We find substance in the point being taken on behalf of the Revision petitioners. The reliefs which can be granted by the Consumer Courts under this Act to a consumer are mentioned in Section 14(1) of the Act. No relief beyond that section can be granted to a consumer under the Act. The National Commission in A.P. State Electricity Board v. A.P. State Electricity Consumer Association I (1992) CPJ 148 (NC)=(1991) Consumer Cases 266, has very clearly said that no Consumer Court can grant any relief to a consumer beyond the provisions of Section 14(1) of the Act and that the Consumer Court cannot pass any order directing to do something or to desist from doing something. Since the impugned orders in these Revision petitions are beyond the power given to the Consumer Court, the impugned orders cannot be sustained.

5. These applications in Revision are consequently being allowed and the impugned orders are being set aside.

6. The District Forum, however, is directed to proceed further without any loss of time with all the connected complaints cases pending there and dispose of the cases within two months from the date of receipt of this order. Let a copy of this order be given to the learned Counsel for the Revision petitioners.

Revision allowed.

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