

Avs International Vs. Mahanagar Telephone Nigam Ltd. and ors.

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SooperKanoon Citation : sooperkanoon.com/694036

Court : Delhi

Decided On : May-26-2003

Reported in : 2003VAD(Delhi)163; 105(2003)DLT207; 2003(69)DRJ636

Judge : S.K. Mahajan, J.

Acts : Indian Telegraph Rules - Rule 443

Appeal No. : Civil Writ No. 4630/1993

Appellant : Avs International

Respondent : Mahanagar Telephone Nigam Ltd. and ors.

Advocate for Def. : Piyush Sharma, Adv.

Advocate for Pet/Ap. : R.K. Singh, Adv

Judgement :

S.K. Mahajan, J.

1. Acting under Rule 443 of the Indian Telegraph Rules, the respondent had given threat for disconnecting the telephone line of the petitioner for non-payment of dues by one Mr. R.L. Moria. On this threat being given the petitioner filed the present petition stating inter alias that the petitioner was not liable to make payment of the amount allegedly due to Mr. R.L. Moria and the respondent did not

have any right to disconnect the telephone line of the petitioner for non-payment of dues by Mr. Moria. Certain interim orders were passed by the Court from time to time in this petition. I am now informed that at the instance of Mr. R.L. Moria, the dispute as to whether or not any amount was due from him to the respondent in respect of telephone line for the non-payment of which dues the telephone line of the petitioner was threatened to be disconnected, have been referred to arbitration. I am also informed that the Arbitrator has issued notice to the parties for 8th May, 2003.

2. Since the bills which were the basis of the threat given to the petitioner for disconnecting its telephone lines are subject matter of arbitration. In my opinion, the respondents will not be justified to disconnect the telephone line of the petitioner for non-payment of the said dues. However, if the arbitrator ultimately holds the amount to be due from Mr. R.L. Moria, the question as to whether or not the respondents can disconnect the telephone line of the petitioner for non-payment of such dues can be agitated by the petitioner when such a threat is again received by it, I, accordingly, dispose of this writ petition with the direction to the respondents not to disconnect the telephone line of the petitioner for non-payment of dues allegedly due from Mr. R.L. Moria, till such time the matter is decided by the Arbitrator and even after arbitrator makes his award and if Mr. Moria is held liable for payment of the amount due in respect of the telephone line installed in his name, the respondent will not disconnect the telephone line of the petitioner without first giving a minimum of two weeks' notice to the petitioner for such purpose so that he may challenge the same on the grounds as may be permitted in law. I am informed that the matter before the Arbitrator is pending for the last about four years. It is hoped and expected that the Arbitrator will conclude the proceedings within a reasonable time not exceeding six months from the date of this order. In case the award is passed by the arbitrator in favor of Mr. R.L. Moria, the amount deposited by the petitioner would be refunded to him.