

**(1994) 08 GAU CK 0003**

**Gauhati High Court**

**Case No:** Civil Rule No. 1129 of 1994

Bhanwarlal Jain

APPELLANT

Vs

The Union of India (UOI) and  
Others

RESPONDENT

**Date of Decision:** Aug. 10, 1994

**Acts Referred:**

- Constitution of India, 1950 - Article 226
- Telegraph Act, 1885 - Section 7B

**Citation:** (1994) 2 GLR 449

**Hon'ble Judges:** V.D. Gyani, J; J. Sangma, J

**Bench:** Division Bench

**Advocate:** B.K. Jain, for the Appellant; K.N. Choudhury, Central-Govt. Standing Counsel, for the Respondent

### **Judgement**

V. Dutta Gyani, J.

This petition under Article 226 of the Constitution by a telephone subscriber ventilates grievance of excessive billing in the instant case filed as Annexure-I to the petition, It is the Petitioner's case that he had every reason to believe that his telephone was used someone else from outside illegally and unauthorisedly. He had STD looking facility which was not properly (sic) and about which a complaint was also made to the SDO. Telephones, These complaints are filed as Annexure-II and III to the petition. As a result of (sic) payment of bills the telephone No. 544031 was disconnected sometime in the month of November/December, 1993 by an interim order passed by this Court the same has now been restored subject to the fulfillment of condition as contained. In the order dated 8.4.94.

2. Since the nature of the dispute raised is relating to the user of telephone and its bills, which has been denounced as excessive the same cannot be (sic) by mere affidavits and counter affidavits. It requires adducing of evidence. The (sic) provides

for arbitration in such matters: Consumer Forum is yet another remedial measure available to the Petitioner. It is open to him to avail of the same, if so advised.

3. The interim order as passed shall remain operative for a period of three months from today. In the meanwhile the Petitioner to avail of the remedies indicated above. The dispute be referred to the arbitrator u/s 7B of the Indian Telegraphs Act, 1885 who shall dispose of the same expeditiously within a period of three months. The interim order as passed on 8.4.94 shall remain operative till the said period and subject to condition that the Petitioner shall continue to deposit the current bills.

4. With this direction the petition stands finally disposed. No order as to costs.