

(2002) 02 MAD CK 0120

Madras High Court

Case No: Writ Petition No. 19693 of 1994 and W.M.P. No's. 30025 to 30027 of 1994

Rajasekaran Cabs

APPELLANT

Vs

The General Manager,
Madras Telephones,
Greaves Road, Madras
and Divisional Engineer
(Planes), Mambalam (I
and II), Telephone
Exchanges, Madras
Telephones, Madras

RESPONDENT

Date of Decision: Feb. 15, 2002

Acts Referred:

- Telegraph Act, 1885 - Section 7B

Citation: (2002) 02 MAD CK 0120

Hon'ble Judges: A.K. Rajan, J

Bench: Single Bench

Advocate: Rita Chandrasekaran, for Aiyar and Dolia, for the Appellant; No representation, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

A.K. Rajan, J.

This writ petition is for writ of certiorarified mandamus to call for the records of the second respondent, dated 16.11.1994 and quash the same and consequently issue the revised bill for the actual calls made for the period from 1.6.1993 to 15.6.1993.

2. Petitioner is the subscriber of Telephone No.4340025. Petitioner is a self-employed person and purchased Intellitrac STD P.C.O., with software programming and booth displaying on 13.2.1991. On the same day, the instrument was installed at T. Nagar. The special feature of the instrument is that it can record the charges for the calls and that can

be seen in the instrument itself. Therefore, the bill for the call charges comes to the instrument and the same is collected from the customer and the bills are paid. While so, the petitioner received a bill for a sum of Rs.22,575/- instead of Rs.3,656/-. When this was pointed out to the respondents, subsequently, the petitioner received a bill for an amount of Rs.19,195/-, dated 18.6.1993, whereas the actual chargeable amount is Rs.3,737/-. The petitioner pointed out this again and paid Rs.7,024/- under protest fearing disconnection. Once again, a bill was issued for Rs.12,117/- on 2.12.1993. These bills are erroneous and they are not disclosing the actual charges. The authorities refused to rectify this and rejected the claim by letter, dated 16.11.1994 and also directed the petitioner to remit the entire amount as found in the bills. As per Section 7-B of the Indian Telegraph Act, 1885 when any dispute arises in this regard, it has to be referred to the arbitration.

3. In the circumstances, as per the Act, the matter has to be referred to the arbitration. Therefore, there will be an order directing the first respondent to refer the matter for arbitration within a period of 30 days from the date of receipt of this order. Petition is disposed of accordingly. No costs. Consequently, W.M.P.30025 to 30027 of 1994 are closed.