
(2003) 09 MAD CK 0099

Madras High Court

Case No: Writ Petition No. 5822 to 5826 of 2000

Darling T.V. Centre and
Others

APPELLANT

Vs

The General Manager,
Chennai Telephones
and Others

RESPONDENT

Date of Decision: Sept. 8, 2003

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2003) 09 MAD CK 0099

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

Bench: Single Bench

Advocate: A. Anbarasu, for the Appellant; S. Udayakumar, ACGSC for R1 to R4, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

A.K. Rajan, J.

The petitioners filed the above writ petitions praying to issue a writ of Certiorarified Mandamus to call for the records of the fourth respondent in Ref.Bill No. 9518041, 951195, 9518036, 9517886 and 95178915, respectively, dated 20.08.1999, in consumer No. 814782, 814513, 814778, 814621 and 814621, respectively pertaining to PWR Nos. 745, 708, 744, 719, and 719, respectively, quash the same and forbear the respondents from collecting the amount as demanded in bill Nos. from the petitioners.

2. In the affidavits filed in support of the writ petitions, it is stated that the petitioner in all the writ petitions is a consumer having telephone connections in his premises. He also availed PWR facility. While so, he received bills on 20.08.1999 for Rs. 26, 360/-, Rs. 24, 785/-, Rs. 26, 360/-, 26, 360/- and 26, 360, respectively as rent; that before that no other information or communication was received by the petitioners in this regard. 3 The above

said amount is for the period 01.04.1999 to 30.04.2000 is without any basis. The petitioners made representations before the respondents stating that the demand is illegal and arbitrary and requested them to consider their explanation.

3. It appears that the respondents demand the amounts stated supra on the revised tariff which is arbitrary and illegal as the petitioner was not informed earlier about the revised tariff and the proposed increase in charge is without any basis is not sustainable and no opportunity was given to the petitioners. In the circumstances, the writ petitions have been filed by the petitioners for the relief stated supra.

4. Respondents filed common counter affidavit stating that subsequent to the order passed by the Government, revising the tariff u/s 480 ITR, 1951, the individual disagreement cannot make the order as a dispute. Further, on the reverse of the Telephone Bill, which was sent to the subscribers, would clearly indicates the notice under ITR 443, cautioning the subscribers regarding disconnection due to non-payment. The department incurred huge expenses on maintenance and establishment of the line provided for the exclusive use of the subscriber and the rental charges and hence charges are revised. IRT authority may revise the amount at any time. Therefore, this order is not a valid one.

5. Further it is brought to the notice of this Court that in similar matters a batch of writ petitions were disposed of by K. Govindarajan, J. on 28.01.2003 where the following order has been passed:.

"But the fact remains in view of the above said order dispensing with such publication, this Court cannot go into the said question. In view of Clause VIII of the Telecommunication Tariff Order, 1999 the Telecom Regulatory Authority of India who fixes the tariff can go into the difficulties of the consumers and review or modify the tariff fixed by it. Hence, with a view to give an opportunity to the petitioners to get redress before the said authority, the petitioners are at liberty to make appropriate representation to the Telecom Regulatory Authority of India within four weeks from today.

The petitioners while sending the representation to the authority they also should send a copy of the said representation to the Chief General Manager, Tamil Nadu Circle, Telecommunication.

The Telecom Regulatory Authority is directed to pass orders after considering the reasons mentioned in the representation within three months from the date of the receipt of the representation.

Till the disposal of the said representation of the petitioner by the authority within the time prescribed the respondents are directed to maintain the status-quo. But the respondents can proceed further against the petitioners, who have not filed any such representation within the said period".

6. The above decision is squarely applicable to the facts of the present case and hence, the same order is passed in this writ petition.

7. The Telephone Regulatory Authority is directed to pass orders after considering the reasons mentioned in the representation within three months from the date of receipt of the representation.

8. With the above observation, the writ petitions are disposed of.