

(1997) 08 NCDRC CK 0025

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

SUB-DIVISIONAL OFFICER,
TELEPHONES

APPELLANT

Vs

RAMA SHANKAR PANDEY

RESPONDENT

Date of Decision: Aug. 20, 1997

Citation: 1997 3 CPJ 267 : 1998 1 CPC 487 : 1998 1 CPR 310

Hon'ble Judges: V.K.Mehrotra , Banarsi Das J.

Final Decision: Appeal allowed

Judgement

1. THIS appeal is by the Telecom Department against order-dated 27.3.1993 of District Forum, Hardoi in Complaint Case No. 267/92. The complaint was allowed by this order with the direction that the disputed bills of the complainant should be revised on the basis of average consumption and a sum of Rs. 200/- be paid to the complainant as compensation.

2. MR. Sanjai Srivastava, Advocate is present on behalf of the appellant holding the brief of Kumari Asha Chaudhary. No. one is present on behalf of the complainant in spite of notice. We have looked into the matter ourselves.

A perusal of the order of the District Forum shows that not only is it cryptic in character but is also a non-speaking one in the sense that it has not disclosed any reasons for the decision recorded by the Forum. The Forum has mentioned the case of the complainant and has said that it had looked into the available material on the record and had heard parties from which it appeared that the case set up by the complain- ant was correct. After this the aforesaid operative portion of the order was recorded.

The order made by a Tribunal like the District Forum should be a speaking one in the sense that it should give out, howsoever briefly, the essential facts and the material considered by it as well as the reasons for recording the conclusion which is ultimately recorded by it. Else, the order becomes arbitrary in the eye of law.

3. HAVING regard to the nature of the order passed in the case we are unable to uphold it. We allow the appeal and set aside the order of the District Forum and send the case back to it for re-consideration in accordance with law after notice to the parties.

Cost on parties.

4. LET copies of the order be made available to the parties and also send to the District Forum to enable it to proceed further in the matter. Appeal allowed.