

Union of India Vs SINDHU PRINTING PRESS

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: Aug. 5, 1994

Citation: 1995 1 CPR 351 : 1995 2 CPJ 188

Hon'ble Judges: G.G.Sohani , M.L.Tiwari J.

Final Decision: Appeal allowed

Judgement

1. THIS appeal is directed against the order dated 28.2.1994 passed by the District Consumer Disputes Redressal Forum, Satna in Complaint

Case No. 28/93.

2. BRIEFLY, the Complainant/Respondent's case was that the Opposite Parties had sent a bill dated 1.12.1992 to the Complainant for a sum of

Rs. 1040/- but the bill was incorrect and that there was excess billing. The Complainant contended that earlier, when there was excess billing, the

Complainant had been given relief by the Opposite Parties. He prayed that a similar relief should have been given by the Opposite Parties to the

Complainant in respect of the bill dated 1.12.1992, but as the Opposite Parties had failed to do so, he filed a complaint before the District Forum.

The claim of the Respondent was resisted by the Opposite Parties inter alia on the ground that on checking it was found that there was no excess

billing. The District Forum found that the Complainant was entitled to a relief of Rs. 690/- on the basis of average of die calls made during die

earlier periods. The District Forum therefore, granted relief accordingly. Aggrieved by that order, the Opposite Parties have filed this appeal.

The learned Counsel for the Appellants contended that in the absence of any evidence to show that the metering equipment was defective or that

there had been tampering with the telephone connection by third parties, the Consumer Forum had erred in holding that there was excess billing.

Reliance was placed upon the decision of the National Consumer Disputes Redressal Commission in Union of India, Secretary, Department of

Telecom & Ors. v. Satya Narainlal reported in III (1993) CPJ 335 (NC). In reply it was contended on behalf of the Respondent that on an earlier

occasion the amount mentioned in a bill was found to be excessive and hence was reduced by the Department. It was therefore contended that the

Complainant was entitled to relief in the instant case also.

Having heard learned Counsel for the Parties, we have come to the conclusion that this appeal deserves to be allowed.
The National Commission

in Union of India, Secretary, Department of Telecom & Ors. v. Satya Narainlal (supra) has laid down that unless there is evidence to show that the

metering equipment is defective or that there has been tampering with the telephone connection by third parties, it would not be legally correct for

the Consumer Forum to determine the correctness of the bill on the basis of average of the calls made during the earlier periods. In the earlier case

pointed out by the Complainant, the Department had acceded to the request of the Complainant on verification of the correctness of the bill after

checking, but in respect of the disputed bill no mistake was discovered in billing, as stated by the Opposite Parties. Merely because on an earlier

occasion, the Opposite Parties had granted some relief to the Complainant would not be a precedent for granting relief to the Complainant

whenever excess billing was alleged. The case of the Department is after verification on checking, the bill dated 1.12.1992 for the sum of Rs.

1040/- was not found to be incorrect. In the absence of any evidence whatsoever to show that the metering equipment was defective or that there

had been tampering with the telephone connection by third parties, merely on the basis of average of the calls made during the earlier periods, the

District Forum could not have granted the relief prayed for by the Complainant. The order passed by the District Forum, Satna therefore cannot be

sustained. Consequently, this appeal is allowed. The order dated 28.2.1994 passed by the District Forum, Satna is set-aside. In the circumstances

of the case, parties shall bear their own costs throughout. Appeal allowed.