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(1994) 08 NCDRC CK 0022

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

Union of India	APPELLANT
Vs	
SINDHU PRINTING PRESS	RESPONDENT

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 oh 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 acceeded 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 die 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.