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C.A.No. 3593 OF 1999

ITEM No.102

Court No. 8

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 3593 of 1999

G.M., TELECOM DISTT. & ANR. Appellant (s)

VERSUS

M. BUHARI Respondent (s)

Date : 28/04/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s) Mr. P.P. Malhotra, Sr. Adv.
Mr. Tufail A. Khan, Adv.
Mr. S.N. Terdal, Adv.
for Mr. Arvind Kumar Sharma, Adv. (N/P)

For Respondent (s) Mr. B.V. Deepak, Adv.
Mr. Dilip Pillai, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard the learned counsel for the parties from 11.55 a.m. to 12.35 p.m.

The civil appeal is dismissed.

No costs.

[T.I. Rajput] [Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3593 OF 1999

G.M., Telecom Disttt. & Anr. ...Appellant(s)

Versus

M. Buhari . . . Respondent(s)

O R D E R

The order dated 21st July, 1998 made by the National Consumer Disputes Redressal Commission [for short, "the National Commission"] is under challenge in this appeal.

The respondent, aggrieved by the action of the appellants disconnecting his telephone, approached the Consumer Disputes Redressal Forum [for short, "the District Forum"] claiming re-connection and damages. The District Forum dismissed the complaint. The respondent approached the State Consumer Disputes Redressal Commission [for short, "the State Commission"] by filing an appeal against the order of the District Forum. The State Commission accepted the appeal and directed the appellants to re-connect the telephone and awarded costs of Rupees one thousand to be paid by the appellants to the respondent. The appellants, aggrieved by the order of the State Commission, filed a revision petition before the National Commission, which was dismissed by the impugned order.

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Before us, the learned counsel for the appellants, drawing our attention to Section 7-B of the Indian Telegraph Act, 1885, [for short, "the Act"] urged that the complaint filed by the respondent was not at all maintainable; in view of this specific provision contained in Section 7-B of the Act, the forum did not have jurisdiction to entertain the complaint.

On the other hand, the learned counsel for the respondent submitted that this point, urged by the learned counsel for the appellants, is covered by the decision of this Court in Secretary, Thirumurugan Cooperative Agricultural Credit Society vs. M. Lalitha (Dead) Thr. L.Rs. & Ors. (2004 (1) S.C.C. 305).

Having seen the judgement of this Court in Secretary, Thirumurugan Cooperative Agricultural Credit Society (supra), the learned counsel for the appellants was not in a position to pursue this appeal any further. The learned counsel, however, added that the appellants may be entitled to recover the dues from one S.A. Rasheed, who was the subscriber of Telephone No. 78807.

It is open to the appellants to proceed against the said S.A. Rasheed, if it is permissible in law.

Under the circumstances, the civil appeal is dismissed.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
April 28, 2004.