

Raag Rang and Another

Vs

General Manager, Delhi Telephones and Others

Civil Appeal No. 3660 of 1986

(K. Ramaswamy, D. P. Wadhwa JJ)

03.04.1997

ORDER

1. The appellants claim that they have paid a sum of Rs. 5370.35 together with reconnection charges of Rs. 50, nonetheless, there is a threat of disconnection to the appellant. In the letter, Annexure-E at p. 36 of the paper-book, it is stated as under :

"Please refer to this letter of even no. dated 8-11-1985 regarding payment of telephone dues pertaining to Telephone No. 386056.

You may please recall your visit to Shri K. K. Trikha, Area Manager (Central) on 28-8-1985 in connection with payment of the dues against Telephone No. 386056. During the discussion you have intimated that the payment of the said bills were made in the 1st week of May, 1979. Investigations have been made by GMT office and records have been thoroughly checked. Payment of bills in question detailed below do not appear in the bonds of GMT office.

You are therefore again requested to arrange payment of the following bills and furnish payment particulars within 10 days from the date of issue of this letter; "

2. In view of this letter, the primary disputed question is of fact, viz., whether or not payment has been made. Under these circumstances, we cannot satisfactorily decide the dispute. Alternative arbitration under Section 11-A of the Telegraphs Act is available for adjudication of the dispute. It is open to the appellants either to make payment of the bill or submit an application to the competent authority to adjudicate the dispute and on such application being made appropriate decision would be taken. Until then, the interim stay granted by this Court would continue. The appellants shall make payment of an application, as the case may be, within 30 days from today, subject to such objections that may be raised.

3. The appeal is accordingly disposed of. No costs.