

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5290 of 1996

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Krishna Kumar Boobna son of late Ram Ballabh Prasad Boobna, resident of Mohalla-Pokhra, PO-Hajipur, PS-Hajipur Town, District-Vaishali.

.... Petitioner/s

Versus

1. The Union of India.
2. The General Manager, Department of Telecommunication, Patna, District-Patna
3. The Director, Finance Department of Telecommunication, Patna, District-Patna
4. The Accounts Officer(Revenue), Department of Telecommunication, Patna, District-Patna
5. The Deputy General Manager, (Admn.), Department of Telecommunication, Patna, District-Patna

.... Respondent/s

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Appearance :

For the Petitioner/s

For the Union of India : Mr. Ravindra Kumar Sharma, CGC.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-02-2015

No one appears either on behalf of the petitioner or from the side of the BSNL. The counsel for the Union of India is present.

As the matter is of 1996 and the parties are not coming forward to press this application, this Court is deciding the matter on the basis of materials available on record.

In the present case, the petitioner highlights his grievance with respect to exorbitant billing in respect to his telephone no. 224105 installed in Flat No. 301, Udaigiri Apartment premises which is said to have not been in use and lying locked for the past three years. Claim has been made that STD facility had not been supplied nor provided in respect of the said telephone and, as such, even in the normal course of things the three bi-monthly bills aggregate about Rs. 66,000/-, are even prima facie not tenable only on the basis of local calls and the enquiry report supports the case of the petitioner is that even distant

end parties to whom test calls were made by the Enquiry Officer did not confirm their acquaintance with the petitioner.

In this case, a counter affidavit has been filed in which it has been stated that the telephone connection was given to the petitioner with the STD facility right from the beginning. When the petitioner had no requirement of the telephone, he could have very well placed it under safe custody or might have kept it under temporary closure after due information of the telephone department.

In rejoinder, the petitioner has disputed the claim of the respondent and stated that the telephone bill that has been levied upon the petitioner is a huge amount which is quite impossible and, as such, liable to be quashed.

As the parties are not coming forward, this Court is of the view that the petitioner, if so desired, may file an application before the General Manger, Department of Telecommunication, Patna.

If such application is filed, the authority will be obliged to hear the petitioner and pass a reasoned order in accordance with law.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

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