

Telecom Sector

| S. NO. | LINK | FACT OF THE CASES | CITATION | FORUM | CASE NO. | DATE OF JUDGEMENT | JUDGEMENT WITH THEME |
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| 1. | http://164.100.72.12/ncdrcprep/judgement/00140422121841859RP418412.htm | Brief facts of the case are that complainant/respondent applied for a site developed by OP/petitioner and deposited Rs.1, 10,244/- by the end of 1999. In spite of several requests, possession of site was not given to the complainant. Alleging deficiency on the part of OP, complainant filed complaint before District forum. OP/petitioner resisted complaint and submitted that site allotted to the complainant was not approved by the Government of Karnataka vide letter dated 7.9.2004. Intimation was given to the complainant vide letter dated 27.9.2006. It was further submitted that OP issued letter to receive refund of the amount and prayed for dismissal of complaint. | <p>Sri Namadev Krishna Hiremani (Complainant /Petitioner) Versus The Commissioner, City Corporation (Respondent)</p> <p>The Commissioner, City Corporation (Appellant/Petitioner) Versus Sri Namadev Krishna Hiremani (Respondent)</p> <p>The Commissioner, City Corporation (Petitioner) Versus Sri Namadev Krishna Hiremani (Respondent)</p> | <p>DISTRICT FORUM</p> <p>SCDRC Bangalore</p> <p>NCDRC</p> | <p><i>Complaint no.</i></p> <p><i>First appeal no.1357/2007</i></p> <p><i>Revision petition no.4184 of 2012</i></p> | <p>22.05.2008</p> <p>21.04.2014</p> | <p>Allowed complaint and directed OP to deliver possession of plot and execute sale deed and further awarded Rs.2,000/- as compensation and Rs.1000/- as costs alleging deficiency in service on the part of OP.</p> <p>Dismissed the appeal and upheld the order of District Forum on the same ground.</p> <p>National commission dismissed the application for condonation of delay, therefore, dismissed the revision petition as barred by limitation at admission stage with no order as to costs.</p> |
| 2. | http://164.100.72.12/ncdrcprep/judgement/00140421085347559RP31132010.htm | The brief facts of the case as per Petitioners/Complainants are that the petitioner had sent application no.19108 and 19109 along with Bank Draft dated 25.6.1999 of Rs.37,298/- and 37,298/- respectively to the Respondent no.3/Opposite Party no.3 for allotment of residential plot in Sector – 9/9A. The name of petitioners was not in the draw of plots and as such the respondent no.3 has sent the said amount of Rs.37,298/- and Rs.37,298/- vide receipt no.2447 dated 12.6.2000 and no.2433 dated 12.6.2000 to the petitioners through respondent no.2 under respondent no.1 but till today the said drafts have not been received by the petitioners. On 3.8.2000, the | <p>Chetan Dass Batra (now deceased) and anr. (Complainant/petitioner) Versus Union of India and ors. (respondent)</p> | District forum | 26/08/2003 | | District Forum after going through the record carefully and hearing the parties had come to the conclusion that there was deficiency in service on the part of respondent nos. 1 and 2 and hence, they were liable to pay the alleged amount to the petitioners and had ordered that the amount of Rs.37,298/- be paid with interest @ 9 % p.a. from the date of dispatch of registered cover by respondent no.3 i.e., from 31.5.2000 till realization to each of the petitioners. It also awarded Rs.5,000/- to the petitioners |

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| | | <p>petitioners went to respondent no.2 along with letter dated 28.7.2000 written by respondent no.3 but the respondent no.2 stated that there are no registered envelope in their possession sent by respondent no.3. The said envelope containing cheque of the above said amount were sent by respondent no.3 on the expenses of petitioner but the same were illegally delivered to some other person by respondent no.2. The petitioners have not received the said letters. The petitioners sent a notice to the respondent through their counsel but the respondents have not replied the same nor has the respondent no.3 issued duplicate drafts. The petitioners have suffered great mental tension as the said letters have been illegally delivered by respondent no.2 to some other person and the respondents are well in knowledge of the same. The said act on the part of respondents amounts to deficiency in service.</p> | <p>Union of India and ors. (appellant) Versus Chetan Dass Batra(now deceased) and anr. (respondent)</p> <p>Chetan Dass Batra (now deceased)& anr. (petitioner/ complainant) Versus Union of India and ors. (respondent</p> | <p>SCDRC PANCHKUL A</p> <p>NCDRC</p> | <p><i>First Appeal No.2261 of 2003.</i></p> <p><i>Revision Petition No. 3113 of 2010</i></p> | <p>15/04/2010</p> <p>03/03/2014</p> | <p>and Rs.1,000/- as litigation charges.</p> <p>The state commission allowed the appeal and Set aside the above order of District Forum relying upon the facts and circumstances of the present case are fully attracted to the case law cited above and as such the impugned order under challenge is not sustainable in the eyes of law. There is no cogent, convincing and corroborating evidence on record to establish any willful act or default for not delivering the postal articles at the destination and as such the impugned order under challenge is not sustainable in the eyes of law. The District Forum has not given due consideration to the factual position on record.</p> <p>The revision petition is allowed and the order of the state commission is set aside and the order of district forum is upheld. On the ground that an enquiry is meant also to fix responsibility for failure and deficiency of service in non-delivery of the letters to the addressee and to safeguard the property entrusted to them and their safe delivery.</p> |
| <p>3.</p> | <p>http://164.100.72.12/ncdrcprep/judgement/00140728131917779295929602013.htm</p> | <p>Briefly stated, the facts of this case are that the revision petitioner herein who is the original complainant had entrusted the work of constructing a residential building with a</p> | <p>G.Subramania pillay (complainant) Versus M.Unnikrishan & anr. (Respondents)</p> | <p>District forum Palakkad</p> | <p><i>Complainant case no. 252/2012 & 608/2012</i></p> | <p>28.1.2012</p> | <p>The District Forum vide its order partly accepted the complaint in terms of the following reliefs: - “We direct the opposite</p> |

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| | | <p>plinth area of 600 sq. ft. @ Rs.750/- per sq. ft. to the respondents/opposite parties on 23.6.2008. As per the agreement between the parties, the construction of the building was to be completed by January, 2009. The opposite parties had also agreed to construct a compound wall at a cost of Rs.20,000/-. The period of construction was extended for another six months in February, 2009. As per the allegation in the complaint, the complainant had paid Rs.6.2 Lakhs against the cost of construction which came to Rs.4.55 Lakhs. Since there was delay in the completion of the construction within the stipulated time, the complainant filed a consumer complaint claiming Rs.1,65,000/- being the excess payment to the opposite parties and Rs.20,000/- for the depreciation of the building and Rs.45,000/- as rental value for 15 months and Rs.60,000/- by way of compensation for the damages with interest.</p> | <p>G.Subramania pillay (appellants) Vers M.Unnikrishan &anr. (Respondent)</p> | <p>SCDRC Thiruvananthapuram</p> | <p><i>Appeal no.252&6 08/2012</i></p> | <p>17.4.2013</p> | <p>parties jointly and severally liable to pay to the complainant an amount of Rs.50,000/- as compensation for mental agony and pay Rs.3, 000/- as cost of the proceedings. Order shall be complied within one month from the date of receipt of order, failing which the complainant is entitled for 9% interest per annum for the whole amount from the date of order till realization".</p> <p>Appellant /complainant had appealed against the order of the District Forum and prayed for higher compensation. State Commission reduced the amount of compensation awarded by the District Forum in favour of the complainant/petitioner from Rs.50,000/- to Rs.30,000/- but confirmed the rest of the order.</p> <p>NCDRC did not find any merit and any such instance which would justify interference with the impugned order in this revision petition which is liable for dismissal. The revision petition was therefore, dismissed but with no order as to cost.</p> |
| | | | <p>G.Subramania pillay (petitioner) Versus M.Unnikrishan &anr. (respondent)</p> | <p>NCDRC</p> | <p><i>Revision petition no. 2959-2960 /2013</i></p> | <p>24.7.2014</p> | |