

Supreme Court of India

M/S. Raag Rang & Anr vs The General Manager Delhi ... on 3 April, 1997

Bench: K. Ramaswamy, D.P. Wadhwa

PETITIONER:

M/S. RAAG RANG & ANR.

Vs.

RESPONDENT:

THE GENERAL MANAGER DELHI TELEPHONES & ORS.

DATE OF JUDGMENT: 03/04/1997

BENCH:

K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

**O R D E R** The appellants claim that they have paid a sum of Rs. 5,370.35 together with reconnection charges of Rs.50/-, nonetheless, there is a threat of disconnection to the appellant. In the letter, Annexure-E at page 36 of the paper books, it is stated as under:

"Please refer to this letter of even No. dated 8.11.85 regarding payment of telephone dues pertaining to telephone No.386056. You may please recall your visit to Sh. K.K. Trikha Area Manager (Central) on 28.8.85 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, 79. Investigation 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;"

In view of this litter, 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 to the appellants either to make

payment of the bill or an application to the competent authority to adjudicate the dispute; on decision of the dispute, 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, with in 30 days from today, subject to such objections that may be raised.

The appeal is accordingly disposed of. No costs.