

References are being received regarding Telecom Consumers' agitation throughout the country against ousting the jurisdiction of Consumer Fora since 2009 as a consequence to the judgment passed by Hon'ble Supreme Court of India, decided on 1.9.2009, wherein it has been inter-alia observed "...In our opinion, where there is a special remedy provided in S.7-B of the Indian Telegraph Act regarding disputes in respect of telephone bills, then the remedy under the Consumer Protection Act is by implication barred...." ..

2. The matter has been examined in this Department. It is mentioned that the matter referred to in the Hon'ble Supreme Court involved a dispute between Department of Telecommunications (DoT) as a service provider prior to the hiving off of telecom services into a separate company namely Bharat Sanchar Nigam Limited (BSNL). Since DoT was also the telegraph authority, reference was made by the Hon'ble Supreme Court to the provisions of section 7B. However, powers of the telegraph authority have neither been vested nor are available to private telecom service providers and BSNL. Therefore, recourse to section 7B in case of disputes between consumers and private service providers and BSNL would not be available. The Hon'ble Supreme Court's judgement is sui generis in its application and has to be read with reference to the particular facts and circumstances of the case before it.

3. Further, while commenting on the implementation of provisions of National Telecom Policy-2012, related to amendment of Indian Telegraph Act to bring disputes between telecom consumers and service providers within the jurisdiction of District Consumer Dispute Redressal Forum (District Forum) established under Consumer Protection Act, Legal Advisor, DoT opined that District Forums are already having jurisdiction and promulgation of ordinance is apparently not required.

4. The District Consumer Forums are competent to deal with the disputes between individual telecom consumers and telecom service providers.

5. The above position has been brought to the notice of Secretary, Department of Consumer Affairs, Government of India and Chief Secretaries/Administrators of States/Union Territories for taking the matter up with District Consumer Dispute Redressal Fora and the State Consumer Disputes Redressal Commission in the States/UTs.

  
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