

**IN THE COURT OF EJAZ AHMAD BUTTAR
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,
DISTRICT CONSUMER COURT,
FAISALABAD.**

Complaint No	421/11
Date of institution	27-9-11
Date of decision	28-4-12

Dr. Tehseen Nusrat Chatha Vs. Telenor Pakistan (Pvt) Ltd etc.

Complaint under the Punjab Consumer Protection Act 2005.

EX-PARTE ORDER

Present: Petitioner in person. Respondents are ex-parte.

Brief facts of the case are that petitioner had been using Telenor mobile phone connection No.0345-8269183 since July 2009 when he intended to go out country, he requested respondent company to close the connection from 9-6-11 for two months but when he came back, he checked the connection and complained about non dis-connection of mobile phone line. In response to the claimant's complaint, respondent's representative promised to do the needful within 48 to 72 hours but to no effect and the petitioner kept on waiting. At last, the petitioner contacted the respondent company on 12-8-11 and 16-8-11 from cell No.0343-7668070 but each time respondent's representative satisfied the petitioner saying that their supervisor would contact him to resolve the matter. On 29-8-11, the petitioner lodged a second complaint with respondent No.2 but he could not be contacted since then. As a result, the petitioner had to pay the charges despite the fact that he did not using respondent company's service by reason of mobile phone being locked. On 12-9-11, the petitioner issued legal notice to the respondent for

redressal of his grievance but still to no effect, hence, this petition for withdrawal of impugned mobile phone bill and any other remedy as deemed appropriate by the court.

2. Petition was contested by the respondents and the same was fixed for parties' evidence after failing pre-trial conciliation proceedings. The petitioner filed his sworn affidavit on 14-12-11 to conduct cross-examination on the statement of petitioner but he failed to do so for one reason or the other. Today, the petitioner recorded his examination in chief and also produced documentary evidence. As nobody appeared on behalf of respondents despite waiting till the closing hours, therefore, they were proceeded ex-parte.

3. Petitioner appeared as PW-1 and also placed on record his sworn affidavit Ex-P-1, copy of legal notice Ex-P-2, post office receipts Mark 'P/A' & 'P/B', complaint/letter Mark 'P/C', customer tax certificate Mark 'P/D' & 'P/E' and application Mark 'P/F'.

4. Ex-parte arguments heard and record perused.

5. Since, neither petitioner's evidence has been rebutted by the respondents, respondent's objections stand substantiated due to ex-parte proceedings, therefore, petition is accepted ex-parte with the direction that respondents shall open petitioner's prepaid connection No.0345-8269183, and shall also refund impugned billing for two months from 9-6-11 to 8-8-11 which they wrongly claimed from petitioner. Besides this, respondents shall also pay Rs.20,000

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compensation / damages on account of mental / physical discomfort suffered by the petitioner and litigation expenses whereas petitioner's remaining claim is hereby dismissed. After due completion, file be consigned to record room.

Announced
28-4-12

Ejaz Ahmad Buttar,
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad.

Certified that this order consists of three pages which have been corrected and signed by me.

Announced
28-4-12.

Presiding Officer,
District Consumer Court, Faisalabad.