NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI
REVISION PETITION NO. NC/RP/915/2026

(Against the Order dated 30th October 2025 in Appeal No. SC/5/A/242/2018 of the State Consumer Disputes Redressal Commission Uttarakhand)

WITH

NC/IA/9983/2026 (CONDONATION OF DELAY)
NC/IA/9984/2026 (CONDONATION OF DELAY)
NC/IA/9982/2026 (EXCEMPTION OF ANNEXURES)

SANJAY DUTT SHARMA S/o. CAPT SURENDER DUTT SHARMA ....Petitioner(s)
PRESENT ADDRESS - S/O CAP. SURENDER DUTT SHARMA R/O SRI RAM KUTI, NEAR SHIV MANDIR, MAIN MARKET, LAKSAR, HARIDWARHARIDWAR,UTTARAKHAND.

Versus

IDEA CELLULAR LTD. ....Respondent(s)
PRESENT ADDRESS - IST FLOOR, A-68, SEC-64, NOIDA,UPGAUTAM BUDDHA NAGAR,UTTAR PRADESH.
IDEA MOBILE COMMUNICATION LTD.
PRESENT ADDRESS - 182 VIDYA LUXMI COMPLEX ABU LANE, MEERUT, UPMEERUT,UTTAR PRADESH.
IDEA CELLULAR LTD.
PRESENT ADDRESS - NEAR TYAGI MARKET , ROORKEE, HARIDWAR.HARIDWAR,UTTARAKHAND.

BEFORE:

HON'BLE MR. JUSTICE A. P. SAHI , PRESIDENT
HON'BLE MR. BHARATKUMAR PANDYA , MEMBER

FOR THE PETITIONER: APPEARED AT THE TIME OF ARGUMENTS: FOR THE PETITIONER : MR. KULDIP BABBAR, ADVOCATE

DATED: 10/09/2026

ORDER

1. The Petitioner filed a complaint before the DCDRC, Hardiwar, alleging deficiency in service against the respondents that he had purchased a mobile, the facilities whereof were converted for life long as assured by the respondent. According to him, the mobile worked efficiently till 31.10.2007, but it started declining after 01.11.2007. Many complaints were filed, and in the absence of any response, CC No. 143 of 2009 was filed before the District Commission. The complainant states that he is a practicing lawyer and had obtained the benefits of a lifelong validity scheme of the company by paying a sum of Rs. 975/-. However, the said validity failed and on contact it was revealed that the connection had been permanently terminated. Legal notices were sent, and in spite of the request to reactivate his mobile number 9837326939, the same was allotted to some other person. The complaint was filed with a relief for a compensation of Rs. 20 lakhs before the District Forum. Needless to point out that that was the maximum pecuniary limit of the District Commission.

2. The respondents filed their reply with a preliminary objection that the claim was frivolous and has been filed without disclosing correct facts. It was explained that the Lifetime Validity Scheme is for 999 days, and thereafter the subscriber needs to recharge again. The complainant did not get his number recharged as per the scheme and consequently there was no deficiency. The respondents relied on Clause 6 of the Telecommunication Tariff Order 1999.

3. It was also the stand of the respondents that beyond the period of 999 days, the complainant had also obtained the validity for 78 extra days, but when he failed to get his number recharged, the same was disconnected. It was explained that the number was activated on 18.11.2004 and continued till 31.01.2007, which had a total lifetime of 1077 days. Rest of the allegations were also denied. The District Forum, after having assessed the allegations and counter-allegations, dismissed the complaint on 29.06.2010. Against the said decision, F.A. No. 237 of 2010 was filed before the State Commission, that was also dismissed on 02.03.2012, whereafter Revision Petition No. 1238 of 2012 was filed before this Commission. It was observed that the State Commission had dismissed the Appeal on account of non-appearance and the application seeking restoration was also incorrectly dismissed and therefore the order passed by the State Commission was set aside and the appeal was restored to be heard on merits. The order passed by this Commission is extracted hereinunder:

> *Order dated 23.08.2011 passed by the Uttrakhand State Consumer Disputes Redressal Commission (for short the State Commission in FA No. 237/2010 and later order dated 9.12.2011 in Application No. 139 of 2011 in FA No. 237/2010 and order dated 2.3.2012 in MA No. 7/2012 in FA No. 237/2010 is under challenge in these*

> *proceedings. By the impugned order, the* ***State Commission has dismissed the appeal due to the non-appearance on behalf of the appellant at the time of the hearing of the appeal and by the*** *second order the State Commission* ***dismissed the application which was filed seeking restoration of the appeal on the*** *ground that the petitioner has himself withdrawn the application filed by him.*
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> *2. We have heard the petitioner in person and the counsel for the respondents and have considered their respective submissions. The petitioner submits that the non-appearance of the counsel for the appellant before the State Commission at the time of hearing of the appeal was not intentional but it was due to his inability to reach the State Commission in time as there was heavy raining in the area and the transportation system not being properly in existence. On the other hand, counsel for the respondents submits that the petitioner having himself withdrawn the application seeking restoration of the appeal, cannot now be allowed to take the above plea.*
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> *3. Having considered the matter and that the petitioner was not represented before the State Commission and the appeal filed by the appellant has not been decided on merits,* ***we deem it expedient in the interest of justice to allow the revision petition and set aside the dismissal order of the appeal and restore the appeal on its original number on the board of the State Commission to be decided on merits in*** *accordance with law. Ordered accordingly.*
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> *4. Parties are directed to appear before the State Commission on 22.11.2012 for further directions. Needless to mention that we have not bestowed any consideration to the merits of the appeal and the State Commission will be free to decide the appeal in accordance with law.*

4. After remand, the State Commission vide order dated 26.04.2017 set aside the order of the District Commission dated 29.06.2010 and remanded the matter back to the District Commission.

5. The District Commission vide order dated 30.11.2018 came to the conclusion that there is no dispute that there was a consumer service-provider relationship between the petitioner and respondent and that the mobile connection had been acquired from the respondent on 18.11.2004. The District Commission also observed that the mobile number does not seem to have been allotted to anyone else. The Commission then went on to hold that the only objection taken by the OP was with regard to the jurisdiction of the District Commission which could not be established and therefore the complaint was liable to be allowed. The complaint was accordingly allowed directing the respondents to restore the mobile connection of the complainant and to pay Rs. 5000/- as damages.

6. Aggrieved, the complainant went up in appeal, urging that the District Commission had granted a meagre compensation and therefore enhancement was sought to the maximum limit of the pecuniary jurisdiction of the Commission. The complainant appeared in person before the State Commission and after having heard him and having perused the relevant records observed in paragraph 11 as follows:

> *11. On perusal of the record available before us,* ***we observed that the appellant complainant has not produced any evidence to show that the disconnection of the mobile connection was carried out arbitrarily or that the terms and conditions of the plan were violated by the respondents. The appellant has also failed to submit any documentary proof or receipt to establish that he had purchased a lifetime validity scheme from respondents. Moreover, the appellant has not furnished any documentary evidence to substantiate the alleged loss or damage*** *alleged to have been caused due to non-availability of the mobile phone connection.* ***The prayer for enhancement of compensation*** *up to maximum pecuniary limit of the State Commission under Consumer Protection Act,* ***is vague and unsubstantiated. In absence of specific and credible grounds, such claim cannot be entertained and is liable to be rejected****.*

7. On the issue of compensation enhancement, the matter was examined in the light of certain decisions that have been referred to in paragraph 12 of the impugned order and it was held that there was no proof or any material to establish a loss, the compensation whereof could be extended to a sum of Rs. 20 lakhs. Finding the decisions cited on behalf of the respondents to be applicable, the appeal was dismissed affirming the order of the District Commission.

8. It is assailing the said order that the present revision petition has been filed and Mr. Babbar, who has appeared on behalf of the appellant has advanced his submissions contending that the District Commission was not justified in awarding only a sum of Rs. 5,000/- as compensation keeping in view the fact that the petitioner being an Advocate had been subjected to mental agony and harassment due to the disruption of his mobile connection. The jurisdiction was therefore not properly exercised in tune with the Consumer Protection Act, 1986 and consequently, the order deserved to be modified by the State Commission, but the appeal had also been erroneously dismissed.

9. It has been urged that the quantum of compensation has to be adjudged keeping in view the nature of the injury caused and therefore once the deficiency was established, the compensation should have been proportionate. It has also submitted that the respondents did not file any appeal challenging the order of the District Commission and therefore the impugned order of the State Commission deserves to be set aside and the order of the District Commission also deserves modification.

10. On a perusal of the facts and the findings recorded by the State Commission, we are entirely in agreement with the observations made in paragraph 11 of the order of the State Commission quoted above. We have not been able to locate any material or valid reason so as to disagree with the findings of fact recorded by the fora below, much less any material irregularity or illegality, so as to exercise the revisional jurisdiction of this Commission. The scope and ambit of a revision petition has been explained by the Apex Court in the case of ***Rubi (Chandra) Dutta Vs. United India Insurance Company Ltd. reported in (2011) 11 SCC 269*** and followed in the recent decisions of the Apex Court in the cases of ***Sunil Kumar Maity vs. SBI, 2022 SCC OnLine SC 77*** and ***Rajiv Shukla vs. Gold Rush Sales and Services Ltd. and Ors. (2022) 9 SCC 31.***

11. Applying the ratio thereof and the findings so recorded, we see no reason or any ground made out for interference of the impugned orders. The revision petition lacks merit and is accordingly rejected.

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A. P. SAHI
PRESIDENT

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BHARATKUMAR PANDYA
MEMBER

PRAMOD SINGH MEHTA/Court-1/A