RESEARCH QUESTION

"How can a telecom or broadband customer in India dispute wrong bills or deficient service, what is the TRAI complaint escalation path including the appellate authority, and can telecom disputes be taken to consumer forums after the Supreme Court's clarification?"

Dispute Resolution and Consumer Commission Jurisdiction in Indian Telecom and Broadband Services

TL;DR

Telecom and broadband billing or service disputes must first be escalated through the carrier's internal grievance redressal mechanism, which includes the Nodal Officer and the operator's Appellate Authority under TRAI regulations. While statutory arbitration under Section 7-B of the Indian Telegraph Act, 1885 bars consumer forum jurisdiction for disputes involving public telecom operators (such as BSNL/MTNL), as affirmed in *A.P. State Consumer Disputes Redressal Commission v. Bharat Sanchar Nigam Limited* (2010), this jurisdictional bar does not extend to private telecom operators.

VERIFIED CASES	STATUTES	LATEST RULING
14	3	2025
10 *High Courts* · 4 *SC*		*High Court of Delhi*

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 Regulatory Framework and Internal Escalation

Under the TRAI Act, 1997, the telecommunication market is governed by strict licensing conditions and detailed quality of service regulations (*Competition Commission of India v. Bharti Airtel Limited and Others*, 2018). Under these regulations, subscribers must first seek redressal of billing and service quality complaints through designated Nodal Officers (*Kanpur Cable Communication v. Union of India*, 2019).

02 Scope of Section 7-B Arbitration

Section 7-B of the Indian Telegraph Act, 1885 provides a wide-amplitude statutory arbitration mechanism for resolving "any dispute concerning any telegraph line, appliance or apparatus," which includes disputes regarding the correctness or validity of bills issued for such apparatus (*Subaida Ashraf v. District General Manager, Kannur Telecom District*, 2009).

03 Requirement of Reasoned Arbitration Awards

Since statutory arbitration awards under Section 7-B are final and subject only to limited judicial review, the arbitrator is legally required to issue a speaking order with clear reasons to demonstrate proper application of mind (*Shri M.L. Jaggi v. Mahanagar Telephones Nigam Ltd.*, 1996).

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION ON PUBLIC OPERATORS	For public operators (like BSNL/MTNL), the statutory arbitration remedy under Section 7-B is exclusive and ousts both the jurisdiction of civil courts and consumer forums (*Bharat Sanchar Nigam Limited v. Wipro Net Ltd.*, 2011).
HIGH COURT VARIATIONS ON PRIVATE OPERATORS	High Courts have carved out a critical exception for private service providers (e.g., Bharti Airtel), holding that private licensees do not qualify as "telegraph authorities" under the Telegraph Act and therefore Section 7-B does not bar consumer commission jurisdiction over them (*J.K. Mittal v. Union of India*, 2012).

RECENT EVOLUTION REGARDING TRAI COMPLAINTS

The Delhi High Court recently clarified that TRAI is not a service provider or consumer under the Consumer Protection Act, meaning individual grievances against TRAI's actions or inactions must be pursued exclusively before the TDSAT (*Telecom Regulatory Authority of India v. Akshay Kumar Malhotra*, 2025).

UNSETTLED AREAS OR CAVEATS

Exclusion of Consumer Fora for Utilities

Some courts have applied the *M. Krishnan* principle broadly to bar consumer forum jurisdiction where separate statutory appeal mechanisms are active, even in non-telecom utility disputes (*Eastern Power Distribution Company of A.P. Ltd. v. Consumer*, 2010).

TDSAT's Broad Power vs. Consumer Rights

While TDSAT has extremely wide powers under Section 14 to adjudicate disputes involving service providers and groups of consumers, individual consumer complaints are explicitly carved out and saved where they remain maintainable in consumer forums (*Loop Telecom and Trading Limited v. Union of India*, 2022).

Attempted Mandamus for General Maintainability

High Courts have refused to issue general writs of mandamus to bypass Section 7-B for all consumers based on executive circulars, keeping the *M. Krishnan* bar intact for public entities (*Aadhar Sharma v. Union of India*, 2015).

Civil Court Ouster Enforcement

The ouster of civil courts in billing disputes is strictly enforced by courts once a statutory remedy exists, prioritizing public revenue and preventing litigation delays (*Mahanagar Telephone Nigam Ltd v. Euro Vista Trading Co Pvt Ltd*, 2010).

Interference with Demand Bills

Courts have emphasized that demand bills raised by public utility providers should not be lightly stayed or interfered with, and subscribers are expected to make payments subject to subsequent adjustment in arbitration (*Union of India v. Deep Chand Mehta*, 2015).

Non-derogation Principles

The argument that consumer protection remedies are "in addition to and not in derogation of" other laws is protected unless expressly barred, though special law supremacy often prevails (*Bar Council of India v. Union of India*, 2012).

II. Statutory Provisions

3 PROVISIONS

SECTION 14, TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997 — ESTABLISHMENT OF APPELLATE TRIBUNAL

This section establishes the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) to adjudicate disputes between licensors, service providers, and consumer groups, and to hear appeals against decisions made by the Telecom Regulatory Authority of India, while excluding individual consumer complaints maintainable before Consumer Forums.

> "The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Telecom Disputes Settlement and Appellate Tribunal to--
>
> (a) adjudicate any dispute--
>
> (i) between a licensor and a licensee;
>
> (ii) between two or more service providers;
>
> (iii) between a service provider and a group of consumers:
>
> Provided that nothing in this clause shall apply in respect of matters relating to--
>
> (B) the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission established under section 9 of the Consumer Protection Act, 1986 (68 of 1986);
>
> (b) hear and dispose of appeal against any direction, decision or order of the Authority under this Act." *Cited in*: (No direct citations in the provided case excerpts)

SECTION 14A, TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997 — APPLICATION FOR SETTLEMENT OF DISPUTES AND APPEALS TO APPELLATE TRIBUNAL

This section outlines the process and timelines for filing applications and appeals to the Telecom Disputes Settlement and Appellate Tribunal.

> "14A. Application for settlement of disputes and appeals to Appellate Tribunal.-- (1) The Central Government or a State Government or a local authority or any person may make an application to the Appellate Tribunal for adjudication of any dispute referred to in clause (a) of section 14.
>
> (2) The Central Government or a State Government or a local authority or any person aggrieved by any direction, decision or order made by the Authority may prefer an appeal to the Appellate Tribunal.
>
> (3) Every appeal under sub-section (2) shall be preferred within a period of thirty days from the date on which a copy of the direction or order or decision made by the Authority is received by the Central Government or the State Government or the local authority or the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:
>
> Provided that the Appellate Tribunal may entertain any appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period."
> *Cited in*: (No direct citations in the provided case excerpts)

SECTION 39, TELECOMMUNICATIONS ACT, 2023 — APPEALS ON MATTERS RELATING TO SECTION 32

This section provides that any person aggrieved by specified orders of the Designated Appeals Committee or the Central Government can appeal to the Telecom Disputes Settlement and Appellate Tribunal within thirty days.

> "Any person aggrieved by an order of the Designated Appeals Committee under section 36, in so far as it pertains to matters under sub-section (1) of section 32, or an order of the Central Government under sub-section (2) of section 32, may prefer an appeal to the Telecom Disputes Settlement and Appellate Tribunal constituted under section 14 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), within a period of thirty days from the date on which a copy of the order is received by such authorised entity or assignee." *Cited in*: (No direct citations in the provided case excerpts)

III. Cases Discussed

14 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	*Kanpur Cable Communication v. Union of India* UPHC012545182018	ALLAHABAD HIGH COURT	2019	Directs telecom subscribers to seek redressal of billing disputes via designated Nodal Officers.
02	*Telecom Regulatory Authority of India v. Akshay Kumar Malhotra* DLHC010469432015	HIGH COURT OF DELHI	2025	Escalates individual grievances to operator's Appellate Authority; challenges against TRAI must go to TDSAT.
03	*Loop Telecom and Trading Limited v. Union of India* ESCR010004142022	SUPREME COURT OF INDIA	2022	Affirms TDSAT's wide jurisdiction while saving individual consumer complaints maintainable before consumer forums.
04	*A.P. State Consumer Disputes Redressal Commission v. Bharat Sanchar Nigam Limited* HBHC010431002010	HIGH COURT FOR STATE OF TELANGANA	2010	Bars consumer forum jurisdiction for public telecom billing disputes under Section 7-B arbitration.
05	*Subaida Ashraf v. District General Manager, Kannur Telecom District* KLHC010420612003	HIGH COURT OF KERALA	2009	Ousts civil court jurisdiction over telecom billing disputes, classifying them as Section 7-B disputes.
06	*Mahanagar Telephone Nigam Ltd v. Euro Vista Trading Co Pvt Ltd* HCBM010082782007	BOMBAY HIGH COURT	2010	Applies Section 7-B arbitration to billing and disconnection disputes, barring civil court jurisdiction.
07	*Shri M.L. Jaggi v. Mahanagar Telephones Nigam Ltd.* ESCR010000561996	SUPREME COURT OF INDIA	1996	Mandates that Section 7-B arbitrators must provide reasoned speaking orders for billing disputes.
08	*Union of India v. Deep Chand Mehta* HPHC010049192005	HIGH COURT OF HIMACHAL PRADESH	2015	Restricts civil court interference in public utility billing demands, upholding alternative statutory remedies.
09	*Aadhar Sharma v. Union of India* MPHC020033622015	HIGH COURT OF MADHYA PRADESH	2015	Denies general mandamus to bypass Section 7-B arbitration for telecom billing complaints.
10	*Bharat Sanchar Nigam Limited v. Wipro Net Ltd.* HCMA011107412006	MADRAS HIGH COURT	2011	Upholds Section 7-B arbitration for public operator billing disputes, ousting civil court jurisdiction.
11	*J.K. Mittal v. Union of India* DLHC011797342010	HIGH COURT OF DELHI	2012	Permits consumer forum complaints against private telecom providers, who are not telegraph authorities.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
12	*Competition Commission of India v. Bharti Airtel Limited and Others* ESCR010003052018	SUPREME COURT OF INDIA	2018	Establishes TRAI's primacy in resolving telecom sector and licensing dispute mechanisms.
13	*Bar Council of India v. Union of India* ESCR010003922012	SUPREME COURT OF INDIA	2012	Protects jurisdiction of specialized consumer and telecom forums unless there is an express bar.
14	*Eastern Power Distribution Company of A.P. Ltd. v. Consumer* HBHC010549572005	HIGH COURT FOR STATE OF TELANGANA	2010	Bars consumer complaints where specialized statutory appeal mechanisms are actively pursued by consumers.

IV. Case Details 14 CASE FILES

01 Kanpur Cable Communication v. Union of India

ALLAHABAD HIGH COURT · 2019-03-13 · WRIC/43229/2018

The petitioner challenged a communication directing them to shift from a post-paid to a pre-paid billing model for television broadcasting services, arguing it violated the 2017 Telecom Regulatory Authority of India regulations. The respondents contended that the regulations permit distributors to choose between pre-paid, post-paid, or both options, and that the petitioner had alternative legal remedies available. The court declined to interfere, noting that the petitioner has statutory alternatives under the TRAI Act and the provided grievance redressal mechanisms. The writ petition was dismissed with liberty for the petitioner to approach the appropriate appellate authority or designated nodal officer for resolution of their grievance within a specified timeframe.

HELD The High Court declined to interfere under Article 226, holding that the petitioner had alternative statutory remedies under the TRAI Act and regulations. Specifically, the court highlighted that Regulation 28 of the 2017 Regulations provides for the redressal of subscribers' complaints by designated Nodal Officers.

> “Sri Nagar further refers to Regulation 28 of the Regulations, 2017 which provides for redressal of complaints of the subscriber as well as distributor by the nodal officers. He further submits that if the petitioner has any grievance in respect of the letter dated 3.12.2018 it may approach the nodal officer under Regulation 28 of the Regulations, 2017.”

ALLAHABAD HIGH COURT · 2019 | SOURCE UPHC012545182018

02 Telecom Regulatory Authority of India v. Akshay Kumar Malhotra

HIGH COURT OF DELHI · 2025-01-07 · W.P.(C)/3026/2015

This case concerns a dispute over a request filed under the Right to Information Act, 2005, where a consumer sought information from the Telecom Regulatory Authority of India (TRAI) regarding the status of complaints lodged against his service provider, Vodafone. The Central Information Commission had directed TRAI to collect this information from the provider and share it with the applicant. TRAI challenged this, arguing that it does not maintain records of individual consumer complaints, that the RTI Act does not mandate it to create or collate information it does not possess, and that its regulatory powers do not extend to acting as a clearinghouse for individual grievance resolution.

HELD The Delhi High Court held that TRAI is not a "service provider" or "consumer" under the Consumer Protection Act, meaning individual consumer grievances against TRAI's actions must be raised before the TDSAT, not consumer forums. The court noted that consumers must instead pursue remedies under the TCCCPR by filing complaints and appeals before the Appellate Authority of their specific telecom service provider.

> “The statutory remedy for grievances concerning TRAI’s actions or inactions lies exclusively with TDSAT, as provided under the TRAI Act. The CIC’s reference to the Consumer Disputes Redressal Forum not only disregards this specialized mechanism, but also undermines the legislative intent behind creating TDSAT as the forum for resolving such disputes.”

HIGH COURT OF DELHI · 2025 | SOURCE DLHC010469432015

03 Loop Telecom and Trading Limited v. Union of India

SUPREME COURT OF INDIA · 2022-03-03 · 2022 INSC 255

This case concerns the appellant's attempt to seek a refund of the entry fee paid for 2G spectrum licenses, which were previously declared illegal and quashed by the Supreme Court in a prior proceeding. The appellant argued that the licenses were void under the Indian Contract Act and that they were entitled to restitution. The court rejected this claim, holding that the appellant was in pari delicto (equally at fault) for participating in an arbitrary and unconstitutional allocation process designed to favor specific entities at the cost of the public exchequer. Consequently, the court held that a party complicit in such illegal activity cannot claim restitution or seek a refund of fees paid for obtaining those benefits.

HELD The Supreme Court noted that TDSAT was established under the TRAI Act to bring functional clarity and resolve disputes to protect the interests of service providers and consumers. Under Section 14(a), while TDSAT has wide powers to adjudicate disputes between service providers and consumer groups, Proviso (B) explicitly excludes individual consumer complaints that are maintainable before Consumer Forums.

> “Provided that nothing in this clause shall apply in respect of matters relating to— … (B) the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission established under Section 9 of the Consumer Protection Act, 1986”

SUPREME COURT OF INDIA · 2022 | SOURCE ESCR010004142022

04 A.P. State Consumer Disputes Redressal Commission v. Bharat Sanchar Nigam Limited

HIGH COURT FOR STATE OF TELANGANA · 2010-07-19 · WP/17192/2010

The petitioner challenged an order from the State Consumer Disputes Redressal Commission which dismissed their complaint against Bharat Sanchar Nigam Limited regarding disputed telephone bills. The lower authorities held that the Consumer Protection Act does not apply to such disputes because Section 7B of the Indian Telegraph Act provides a specific arbitration mechanism for resolving disagreements between consumers and the telegraph authority. The High Court upheld the dismissal, affirming that the Supreme Court's precedent in General Manager, Telecom v. M. Krishnan established that Section 7B of the Indian Telegraph Act creates an implied bar against pursuing such matters in consumer forums. Consequently, the court found no error in returning the complaint for resolution through the proper arbitration process.

HELD The High Court held that the District Consumer Forum does not have jurisdiction to entertain telecom billing disputes against BSNL. Following the Supreme Court's ruling in *M. Krishnan*, the court confirmed that the special arbitration remedy under Section 7-B of the Indian Telegraph Act, 1885 by necessary implication bars remedies under the general Consumer Protection Act.

> “In our opinion when there is a special remedy provided in Section 7B of the Indian Telegraph Act regarding disputes in respect of telephone bills, then the remedy under the Consumer Protection Act is by implication barred.”

HIGH COURT FOR STATE OF TELANGANA · 2010 | SOURCE HBHC010431002010

05 Subaida Ashraf v. District General Manager, Kannur Telecom District

HIGH COURT OF KERALA · 2009-11-13 · RSA/1008/2003

The appellant challenged the validity of telephone bills issued by the Telegraph Authority in civil court, seeking a declaration that the bills were null and void and an injunction against service disconnection. The court had to determine whether Section 7B of the Indian Telegraph (Amendment) Act, 1957, which mandates arbitration for disputes concerning telegraph lines or apparatus, ousted the jurisdiction of civil courts in billing disputes. The High Court held that the expression 'any dispute concerning any telegraph line, appliance or apparatus' is of wide amplitude and includes disputes regarding the correctness or validity of bills issued for such apparatus. Consequently, the court concluded that civil courts lack jurisdiction to entertain such suits, and the aggrieved party must instead pursue the arbitration mechanism provided under the Act.

HELD The High Court held that the expression "any dispute concerning any telegraph line, appliance or apparatus" in Section 7-B has a wide amplitude. It includes disputes regarding the correctness or validity of bills issued for such apparatus, thereby ousting civil court jurisdiction and requiring the customer to pursue statutory arbitration.

> “Section 7B of the Act reads, ... (1) Except as otherwise expressly provided in this Act, if any dispute concerning any telegraph line, appliance or apparatus arises between the telegraph authority and the person for whose benefit the line, appliance or apparatus is, or has been, provided, the dispute shall be determined by arbitration...”

HIGH COURT OF KERALA · 2009 | SOURCE KLHC010420612003

06 Mahanagar Telephone Nigam Ltd v. Euro Vista Trading Co Pvt Ltd

BOMBAY HIGH COURT · 2010-03-12 · WP/2820/2007

The dispute arose after the Mahanagar Telephone Nigam Ltd disconnected the respondent's telephone lines due to alleged unpaid dues linked to a different entity, Century Impex Pvt Ltd. The respondent sued for a mandatory injunction to restore the lines, while the petitioner filed a chamber summons to refer the matter to arbitration under Section 7-B of the Indian Telegraph Act, 1885. The trial court dismissed the summons, holding that the dispute was not governed by the Act. The High Court reversed this decision, ruling that Section 7-B broadly covers disputes between the telegraph authority and the subscriber regarding lines and apparatus. As the statute provides a special arbitration remedy, it excludes the jurisdiction of civil courts for such disputes.

HELD The High Court ruled that Section 7-B applies to any dispute concerning a telegraph authority and the person for whose benefit the apparatus has been provided, including billing disputes. By creating a specialized statutory remedy of arbitration, the Telegraph Act bars the jurisdiction of civil courts by necessary implication.

> “The section applies to all such dispute including dispute regarding billing. Thus, section 7-B creates a special remedy for determination of such disputes and hence the jurisdiction of the Civil Court to deal with such disputes is barred by necessary implication.”

BOMBAY HIGH COURT · 2010 | SOURCE HCBM010082782007

07 Shri M.L. Jaggi v. Mahanagar Telephones Nigam Ltd.

SUPREME COURT OF INDIA · 1996-01-02 · 1996 INSC 6

The dispute concerned the validity of a non-reasoned arbitration award issued under Section 7B of the Indian Telegraph Act. The Supreme Court of India held that since the arbitration award is final and conclusive, and subject only to limited judicial review under Article 226, the arbitrator is legally required to provide reasons in support of their decision. This ensures that the court can effectively assess whether the arbitrator applied their mind correctly to the disputed bill claims. The court clarified that while arbitrators must provide reasoned awards moving forward, this ruling is prospective and does not apply to awards finalized prior to this judgment.

HELD The Supreme Court held that since an arbitration award under Section 7-B is final, conclusive, and can only be subject to limited judicial review under Article 226, the arbitrator is legally bound to give reasons in support of the award. Providing a reasoned speaking order is crucial to ensure that the court can evaluate if the arbitrator properly applied their mind.

> “By operation of sub-section (2) thereof, the award of the arbitrator made under sub-section (1) shall be conclusive between the parties to the dispute and shall not be questioned in any court. The statutory remedy under the arbitration Act, 1940, thus, has been taken away.”

SUPREME COURT OF INDIA · 1996 | SOURCE ESCR010000561996

08 Union of India v. Deep Chand Mehta

HIGH COURT OF HIMACHAL PRADESH · 2015-12-04 · RSA/646/2005

The Union of India filed a suit to recover outstanding telephone charges for a connection that the defendant claimed to have requested to be disconnected years prior. The defendant argued that the business premises had been locked and they had officially communicated the request for disconnection to the department. The trial court and the first appellate court dismissed the suit, noting the failure of the department to act upon these requests and citing the lack of evidence for the debt. On appeal, the High Court of Himachal Pradesh upheld the dismissal. The court concluded that the authorities had failed to act upon valid notices to disconnect the service and found the lower courts' assessment of evidence to be correct, thereby affirming the dismissal of the recovery suit.

HELD The High Court observed that demands raised by public tax or utility authorities should not be lightly interfered with or stayed by courts. Subscribers disputing a bill should generally pay the demanded amount under protest, with the understanding that any excess will be adjusted in future bills if their grievance is upheld in Section 7-B arbitration.

> “Therefore, even a Civil suit challenging the correctness of the bills so raised would not be maintainable in a Civil Court. ... The proper exercise of the jurisdiction would be to see that the payment of the bill as demanded is made and if the grievance is upheld in Arbitration the excess amount paid can be adjusted in future bills...”

HIGH COURT OF HIMACHAL PRADESH · 2015 | SOURCE HPHC010049192005

09 Aadhar Sharma v. Union of India

HIGH COURT OF MADHYA PRADESH · 2015-02-11 · WP/921/2015

The petitioner sought a writ of mandamus to declare that private and public telecommunication service providers do not qualify as a 'Telegraph Authority' under the Indian Telegraph Act, 1885. The petitioner argued that consumer disputes involving these providers should be maintainable before Consumer Forums rather than subject to the arbitration process prescribed under Section 7-B of the Telegraph Act. The court dismissed the petition, citing the Supreme Court's precedent in General Manager, Telecom v. M. Krishnan. The court held that the special remedy provided under Section 7-B of the Telegraph Act excludes the jurisdiction of the Consumer Protection Act for disputes regarding telephone bills.

HELD The High Court dismissed the writ petition seeking a mandamus to declare that individual disputes with telecom providers lie before consumer forums rather than Section 7-B arbitration. The court held that the question was settled by the Supreme Court in *M. Krishnan*, which established that the special statutory remedy under Section 7-B bars consumer protection remedies.

> “In our opinion when there is a special remedy provided in Section 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.”

HIGH COURT OF MADHYA PRADESH · 2015 | SOURCE MPHC020033622015

10 Bharat Sanchar Nigam Limited v. Wipro Net Ltd.

MADRAS HIGH COURT · 2011-06-06 · CS/318/2006

This civil suit was filed by Bharat Sanchar Nigam Limited (BSNL) to recover outstanding rental charges from Wipro Net Ltd. for dedicated cable circuits used between 2000 and 2002. The defendant argued that the suit was barred by the law of limitation, asserting that the debt became due upon the closure of the service in 2002, while the suit was filed in 2006. BSNL contended that as a government undertaking, it was entitled to a thirty-year limitation period under Article 112 of the Limitation Act. The court evaluated whether the company qualified as the Central Government for the purposes of this extended limitation period.

HELD The High Court held that the civil court lacks jurisdiction to try billing and rental disputes between BSNL and subscribers, as they fall strictly within the purview of statutory arbitration under Section 7-B of the Telegraph Act. The statutory mechanism is exclusive, and the arbitrator has the sole authority to resolve such disputes.

> “In the light of specific bar under Section 7(B) of the Act and in view of Section 9 of CPC as well as explained by catena of decisions that in respect of any dispute relating to the matter specifically provided in sub-section (1), the only remedy for the affected person to resolve the same is by way of arbitration proceedings and the Civil Court has no jurisdiction to entertain the suit of this nature.”

MADRAS HIGH COURT · 2011 | SOURCE HCMA011107412006

11 J.K. Mittal v. Union of India

HIGH COURT OF DELHI · 2012-02-06 · W.P.(C)/8285/2010

The petitioner challenged an order by the State Consumer Commission, which had dismissed his consumer complaint on the grounds that Section 7B of the Indian Telegraph Act barred the jurisdiction of consumer forums in disputes involving telegraph service providers. The petitioner argued that the private service provider involved was not a 'telegraph authority' as defined by the Act. The Delhi High Court ruled that private licensees under the Indian Telegraph Act do not qualify as 'telegraph authority' under Section 3(6) of that Act. Consequently, the statutory arbitration mechanism under Section 7B does not apply to them. Furthermore, the court held that the Consumer Protection Act provides remedies in addition to, and not in derogation of, other laws, and set aside the dismissal.

HELD The Delhi High Court held that private licensees under the Indian Telegraph Act (such as Bharti Airtel) do not qualify as a "telegraph authority" under Section 3(6) of that Act. Consequently, the statutory arbitration bar under Section 7-B does not apply to private operators, and consumer forum complaints against them are fully maintainable.

> "Section 3 of the Consumer Protection Act provides that the provision of the said Act shall be in addition to and not in derogation of the provision of any other law for the time being in force. He, therefore, submits that even if it were to be assumed that the remedy under Section 7B by way of a statutory arbitration were available to the petitioner, the same would not bar the jurisdiction of the District Forum..."

HIGH COURT OF DELHI · 2012 | SOURCE DLHC011797342010

12 Competition Commission of India v. Bharti Airtel Limited and Others

SUPREME COURT OF INDIA · 2018-12-05 · 2018 INSC 1154

This case addressed a jurisdictional conflict between the Competition Commission of India (CCI) and the Telecom Regulatory Authority of India (TRAI). Reliance Jio (RJIL) alleged that incumbent telecom operators and COAI formed a cartel and denied it sufficient Points of Interconnection, causing network congestion and call failures. The Supreme Court held that the telecom sector is governed by the specialized TRAI Act. Consequently, issues regarding interconnection and contractual obligations fall under the exclusive jurisdiction of TRAI in the first instance. The CCI can only exercise its investigative powers under the Competition Act after TRAI has concluded its proceedings and returned findings regarding potential anti-competitive practices, rendering the initial CCI investigation premature.

HELD The Supreme Court held that the telecom market is strictly regulated by the statutory regime of the TRAI Act, 1997. Under this regime, TRAI is the specialized regulator responsible for supervising telecom companies, enforcing license conditions, and establishing quality of service (QoS) standards.

> "To protect the interest of the service providers and consumers of the telecom sector and to permit and ensure technical compatibility and effective inter-relationship between different service providers and for ensuring compliance of licence conditions by all the service providers, TRAI was constituted under the Telecom Regulatory Authority of India Act, 1997."

SUPREME COURT OF INDIA · 2018 | SOURCE ESCR010003052018

13 Bar Council of India v. Union of India

SUPREME COURT OF INDIA · 2012-08-03 · 2012 INSC 314

This case involved a constitutional challenge to Chapter VI-A of the Legal Services Authorities Act, 1987, specifically sections 22-A to 22-E, which established Permanent Lok Adalats to adjudicate disputes related to public utility services. The petitioner argued that these provisions were arbitrary, violated Article 14 of the Constitution, and undermined the rule of law. The Supreme Court dismissed the challenge, ruling that the legislature has the authority to create alternative, efficient institutional mechanisms for dispute resolution. The Court held that these provisions do not violate the Constitution, as they operate in accordance with principles of natural justice and provide a necessary, expeditious alternative to prolonged civil litigation, while still allowing access to High Court review under Articles 226 and 227.

HELD The Supreme Court noted that the Consumer Protection Act provides compensatory remedies that are in addition to and not in derogation of other laws. The jurisdiction of consumer commissions remains intact unless there is an express statutory bar that ousts their authority.

> “Particularly, with reference to the provisions contained in the Consumer Protection Act, it is submitted that compensatory remedies available under this law are in addition to and not in derogation of any other law and since Permanent Lok Adalats have no jurisdiction to grant compensatory relief, the jurisdiction of the consumer fora remains intact.”

SUPREME COURT OF INDIA · 2012 | SOURCE ESCR010003922012

14 Eastern Power Distribution Company of A.P. Ltd. v. Consumer

HIGH COURT FOR STATE OF TELANGANA · 2010-06-29 · WP/4388/2005

The electricity department filed a writ petition challenging a District Consumer Forum order that directed it to refund penalties collected from a consumer for alleged energy pilferage. The department argued that because the consumer had already invoked the statutory appeal process under the Electricity Act, they were barred from simultaneously pursuing a remedy under the Consumer Protection Act. The court agreed, citing the principle that special law overrides general law. Following the precedent that specific statutory mechanisms for resolving utility billing and theft disputes exclude the jurisdiction of consumer forums, the court set aside the order of the District Consumer Forum.

HELD The High Court held that when a statutory appeal remedy is actively provided and availed under a specialized enactment, the consumer cannot simultaneously invoke the jurisdiction of the consumer forums. The court applied the general principle that a special law overrides a general law to bar the consumer forum's jurisdiction.

> “From the above judgment of the Apex Court it is clear that when a remedy is provided under special law, the remedy under the general law, is by implication barred, since the special law overrides the general law.”

HIGH COURT FOR STATE OF TELANGANA · 2010 | SOURCE HBHC010549572005

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