

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
SOUTH WEST
CONSUMER COMPLAINT NO. DC/84/CC/19/265**

GAURAV TIWARI

PRESENT ADDRESS - SHRI KAILASESHWAR MAHADEV MANDIR, SANT NAGAR, EAST OF
KAILASH, NEW DELHI-65SOUTH WEST, DELHI.

.....Complainant(s)

Versus

M/S BHARTI AIRTEL LTD & ORS

PRESENT ADDRESS - BHARTI CRESCENT 1, NELSON MANDELA ROAD, VASANT KUNJ,
PHASE-II, NEW DELHI-70SOUTH WEST, DELHI.

.....Opposite Party(s)

BEFORE:

HON'BLE MR. SURESH KUMAR GUPTA , PRESIDENT
HON'BLE MS. HARSHALI KAUR , MEMBER

FOR THE COMPLAINANT:

NONE.

DATED: 03/10/2025

ORDER

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-VII DISTRICT -
SOUTH-WEST**

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

FLOOR, PANDIT DEEP CHAND SHARMA SAHKAR BHAWAN

FIRST

SECTOR-20,

DWARKA, NEW DELHI-110077

Case No.CC/265/2019

Date of Institution: - 21.06.2019

Order Reserved on: - 25.04.2025

Date of Order: - 03.10.2025

IN THE MATTER OF:

Sh. Gaurav Tiwari

R/o Shri Kailaseshwar Mahadev Mandir,

Sant Nagar, East of Kailash,

New Delhi – 110065.

.....Complainant

Versus

1. M/s Bharti Airtel Limited

Through Its Director,

Having its registered office at:

Bharti Crescent 1,

Nelson Mandela Road,

Vasant Kunj, Phase-II,

New Delhi – 110070.

2. Balaji Traders

Through its Proprietor,

Plot No. 57A, Neelam Bata Road,

N.I.T., Faridabad – 121001.

.....Opposite Parties

ORDER

SURESH KUMAR GUPTA, PRESIDENT

1. The complainant has filed the complaint under section 12 Consumer Protection Act, 1986 (hereinafter referred to as 'Act') with averments that OP-1 is

authorized channel partner of Airtel. On 23.11.2016, Sh. Ajeet Solanki of OP-1 approached him with the offer of portability of his mobile number 9868305852 from MTNL Dolphin to Airtel. He accepted his offer. Sh. Ajeet Solanki took Rs.3,000/- in cash from him on behalf of OP-1 and issued receipt no. 7710 dated 23.11.2016. He has requested OP-1 for the portability of the number and even contacted on the customer help line number 9871768899 to do the needful but in vain. No action was taken by the OP-1 for two years and thereafter he demanded of Rs.3,000/- from OP-1 but his request was declined. A legal notice dated 09.02.2019 was issued to OPs but in vain. Hence, this complaint.

2. The OP-1 has filed the reply with the averment that Amit Bhatia is authorized representative of OP-1 who has been authorized to file reply vide power of attorney 10.04.2019 . It is denied that Rs.3,000/- was collected by the representative of OP-1. OP-2 at one point of time was associated with OP-1 on principal to principal basis. The relationship was terminated in 2017 as OP-1 was receiving complaints from customer and public and there are acts of omission and commission on part of OP-2. The disputed transaction is of the period when OP-1 was having relationship with OP-2 so OP-2 is responsible for acts of omission and commission. It is admitted position that Ajeet Solanki of OP-2 approached the complainant for porting the mobile number MTNL to Airtel with which OP-1 has no connection. OP-2 appears to have represented that he is AR of OP-2 and allured the complainant to pay the amount The process for portability was never adhered to by the said AR. There was no request with OP-1 for the portability of number. The OP-1 has duly informed the complainant vide reply dated 25.04.2019. The complainant should have filed complaint with the police against Ajeet Solanki. There is no deficiency in service on the part of OP-1.
3. The OP-2 did not appear despite due service and accordingly proceeded ex-parte.
4. The complainant has filed rejoinder wherein averments of the WS are denied and reiterated the stand taken in the complaint.

5. The parties were directed to lead evidence.
6. The complainant has filed his own affidavit in evidence and corroborated the version of the complaint as set out in the beginning while briefing the facts and placed reliance on the documents annexed with the complaint.
7. The OP-1 has filed affidavit of Sh. Amit Bhatia in evidence and corroborated the version of the WS as set out in the beginning while briefing the facts.
8. We have heard Ld. Counsel for the parties and perused the entire material on record.
9. It is clear from the material on record that complainant is the subscriber of MTNL Dolphin having mobile number 9868305852.
10. One Ajeet Solanki i.e. representative of OP-1 approached complainant for the portability of mobile number from MTNL Dolphin to Airtel and accordingly took Rs.3000 from the complainant as charges to do the needful. The receipt is dated 23.11.2020 Annexure C-1. The receipt bears the particulars of OP-1. The plea of OP-1 that Ajeet Solanki is not the representative of OP-2 does not inspire confidence as no document has been placed on record by OP-1 to controvert the receipt Annexure C-1. Mere bald assertion is not enough. The OP-1 has failed to explain how the receipt Annexure C-1 belongs to OP-1 has come in the possession of Sh. Ajeet Solanki. There is no document on record to controvert Annexure C-1 which clearly shows that a sum of Rs.3,000/- was taken by representative of OP-1 from the complainant for the portability of mobile number.
11. OP-1 has admitted that it was authorized channel partner of OP-2 at the time when sum of Rs.3,000/- was given by the complainant as charges for the portability of the number. In view of this fact, OP-1 is liable for the acts of its agents/representatives.
12. The charges were taken by the representative of OP-1, so it was the duty of OP-1 to go for the portability of number failing which the amount should have been refunded to the complainant which was not even done after receipt of

legal notice Annexure C-2.

13. OP-1 has neither done the portability of the number from MTNL Dolphin to Airtel nor refunded the amount of Rs.3,000/- to the complainant which clearly is a deficiency of service on the part of OP-1.
14. Hence, the complaint of the complainant is allowed to the effect that OP-1 & 2 shall jointly or severally pay a sum of Rs.3,000/- alongwith interest @ 6% p.a. from date of the payment i.e. 23.11.2016 till realization. The complainant is entitled for compensation of Rs.5,000/- for mental harassment, agony and litigation expenses. The order shall be complied by the OP within 45 days from the date of receipt of order failing which the complainant shall be entitled for interest @ 6% p.a. on the amount of compensation and litigation from date of order till realization.
 - Copy of the order be given/sent to the parties as per rule.
 - The file be consigned to Record Room.
 - Announced in the open Court on 03.10.2025.

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SURESH KUMAR GUPTA
PRESIDENT

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HARSHALI KAUR
MEMBER