

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM  
(Under the Electricity Act, 2003)  
PUDUCHERRY

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PRESENT:

**THIRU T. GOPALAKRISHNAN, B.E.,  
CHAIRMAN**

**THIRU A.S. JITENDRA RAO, B. Tech., M.B.A.,  
LICENSEE MEMBER**

**THIRU R. KRISHNAMURTHY, B.Com., LLB., PGDFL.,  
JERC NOMINATED MEMBER**

MONDAY, THE 27<sup>TH</sup> DAY OF FEBRUARY 2023

CONSUMER CASE No.07/2023

Joseline Canon,  
W/o (Late) Arokyanathan Canon,  
No.27, Bharathiar Street,  
Nethaji Nagar-II, Uppalam,  
Puducherry -605001

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Complainant

Vs.

- 1) The Executive Engineer, Urban O&M,  
Electricity Department,  
Puducherry
- 2) The Assistant Executive Engineer –Town-I,  
Electricity Department,  
Puducherry.
- 3) The Junior Accounts Officer-Rev.I  
Electricity Department,  
Puducherry.
- 4) The Junior Engineer-Town-South-Central,  
Electricity Department,  
Puducherry.

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Respondents

This case in C.C. No.07/2023 came up before this Forum for final hearing on 13/02/2023. After hearing both sides and having stood over till this date for consideration this Forum has delivered the following:

The case of the Complainant is as follows:

1. A Complaint was received from Tmt. Joseline Canon W/o Arokiyanathan Canon on 18/01/2023. In the complaint, the Complainant has mentioned that she is living separately in the above mentioned address. Four families were residing in the same property sharing the electricity connection. Electricity connection was in the name of her mother-in-law Tmt. A Noela Marie Canon. Meanwhile, two additional services were obtained in the same address and now there are three services altogether. When there was a joint family, nobody has paid the current consumption charges resulting accumulation of arrears. When the others got two new services they have not paid any old arrears. After death of her husband, the Complainant is staying with her three children. Now she had applied for new service connection in her name. But the Department insisted payment of old arrears which were accumulated when it was common service. The Complainant prayed this Forum for issue of necessary directions to the Respondents for extending new service connection in her name. Hence, the Complaint.

2. The complaint was registered as C.C. No.07/2023 on 18/01/2023 and copy of the complaint was sent to the Executive Engineer, Urban O&M and others to furnish reply by 30/01/2023. Reply received from the Respondents on 27/01/2023 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 06/02/2023.

3. In the Affidavit dated 25/01/2023, the Assistant Executive Engineer, Town-I/ Respondent No.2 for himself and on behalf of Respondent No.1 and 4 had stated that, based on the request, the Junior Engineer-Town South Central has inspected and reported that in the same location already one service connection was disconnected in May 2016 due to non-payment of current consumption charges and also cancelled the above said service connection under Revenue Recovery Act vide letter dated 24/12/2018 bearing policy code No.01-05-03-0304/A2 standing in the

name of Thiru Duraikannou Gnanadicon. The same was intimated to the applicant by the Respondent No.2 to pay the dues and apply for cancellation of the already existing service connection vide letter dated 21/10/2022 and again one notice has been sent to the applicant to complete the wiring, to produce a copy of ownership proof documents in the proposed service connection location and to pay the dues for the above said cancelled policy vide letter dated 28/12/2022. But no response received from the Complainant side as on date on that issue. Further the location was partitioned in six portions. Two numbers of service connections were already effected in the above said location. One service connection was effected on 18/12/2015 bearing policy code 01-05-03-0304/A2 standing in the name of Sugiyamary Gnanathickam and another one service effected on 25/02/2016 bearing policy code No.01-05-03-0304AA/A2 standing in the name of Velankanni Gnanadicam.

4. In the Affidavit dated 25/01/2023, the Junior Accounts Officer-Rev.III / Respondent No.3 had stated that the policy bearing No.01-05-03-0304A/A2 is having an arrears of Rs.35,743/- upto December 2022. The other policy 01-05-03-0304/A2 is in ODC which is also existing in the same address and having arrears. The Assistant Executive Engineer-Town-I vide his letter dated 28/12/2022 addressed to the Complainant has pointed out certain discrepancies, such as incomplete wiring and civil work, to produce the copy of the partition deed and to pay the upto date current consumption charges for the Policy 01-05-03-0304/A2 and requested to complete the above work within 15 days on receipt of the letter for providing new service connection. But the Complainant without fulfilling the above defects, has approached the Hon'ble Forum.

5. Hearing was held on 06/02/2023. Both the Complainant and Respondents were present. During the hearing, the Complainant was asked whether she had given any reply to the notice issued by the Assistant Executive Engineer-Town-I

pointing out some discrepancy in the application. The Complainant informed that she had not given the reply. The Complainant was advised to give reply at the first instance. The Complainant reiterated that she was not in a position to clear the arrears as claimed by the Department now, since the arrears got accumulated over the years. The Respondent No.2 was asked to clarify the status of the service connection cancelled on 24/12/2018 and referred to the Revenue Recovery Act. The Respondent No.2 also asked to clarify whether the old arrears were collected while effecting new policy in the year 2015 and another new service in 2016. The Respondent was also asked to clarify what were the documents given by those two applicants for availing service in the year 2015 and 2016. Since the details are not readily available, the Respondent No.2 was directed to file additional Affidavit by 10/02/2023. The Respondent No.3 was also directed to clarify whether the arrears have been paid in 2015 while effecting new service. The case was posted for further hearing on 13/02/2023.

6. In the Affidavit filed by the Respondent No.3 it has been indicated that there are arrears of Rs.54,407/- in December 2015 and Rs.58,003/- in February 2016 which clearly shows that the Department had not collected any arrears while effecting additional service in 2015 and 2016. The Assistant Executive Engineer-Town-I in his Affidavit stated that for collecting old arrears, notice has been served to all the consumers staying in that house. It was also pointed out that wiring work was not completed by the Complainant. Further the Complainant was asked to furnish the Partition Deed and other documents for considering the application.

7. The second Hearing was held on 13/02/2023. Both the Complainant and the Respondents were present. During the hearing the Complainant had informed that she has brought the reply for notice issued by the Respondent No.2. She was advised to give the reply to the Respondent No.2 who had issued the notice. The Complainant

had clarified that she had completed the wiring for inspection by the Department. The Complainant was advised to give the test report along with the details of connected load to the Assistant Executive Engineer-Town-I for further consideration. The Assistant Executive Engineer-Town-I, had informed that the document copies of services given in 2015 and 2016 could not be produced as policy files are not traceable.

Observation: (i) The Department had failed to collect the old arrears while giving two new service in the year 2015 and 2016 and there is no logic in insisting / demanding the present applicant to clear the old arrears of the service which was used by 4 families. Since the Department had already cancelled the service and referred to the Revenue Recovery Act, the Department has to follow up vigorously to collect the old arrears. (ii) The Reply of Respondent No.2 is inconsistent and they are not clear what are the documents required for effecting this category of service connection in spite of details available in Supply Code 2018 and Consumer Protection Rules 2020.

#### ORDER

- i. The Respondents are directed to collect the old arrears referred under Revenue Recovery Act by following up with the Revenue Department. The Complainant should not be insisted to pay the old combined service connection arrears.
- ii. The Complainant is directed to submit the test report issued by the registered electrical contractor for having completed wiring work and also reply to the notice issued by the Assistant Executive Engineer-Town-I.
- iii. The Respondents are directed to process the application as per the provisions available in Consumer Protection Rules 2020 and also based on the guidelines issued by the Department for effecting such services. The Respondent should furnish action taken report within 15 days from the date of this Order.
- iv. Thus the Complaint is allowed to the extent indicated.

v. The Complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF Order by the Licensee, may make an Appeal in prescribed Annexure-IV to the Electricity Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Pathkind Lab Building, Service Road, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015; Phone 0124-4684708; email [ombudsman.jercuts@gov.in](mailto:ombudsman.jercuts@gov.in) within 30 days from the date of this Order under intimation to this Forum and the Respondents.

vi. Non-compliance with the directions of Forum by the Licensee shall attract remedial action under Sections 142 and 146, of the Electricity Act 2003.

Dated at Puducherry on this the 27<sup>th</sup> day of February, 2023

**Sd/-**  
**(R. KRISHNAMURTHY)**  
**JERC NOMINATED MEMBER**

**Sd/-**  
**(A.S. JITENDRA RAO)**  
**LICENSEE MEMBER**

**Sd/-**  
**(T. GOPALAKRISHNAN)**  
**CHAIRMAN**