

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

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

FRIDAY, THE 25TH DAY OF FEBRUARY 2022

CONSUMER CASE No.11/2022

N. Thulasingham,
No.19, Naallandi Mesthri Street,
Karamanikuppam
Puducherry.

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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 Engineer Town -Central
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.11/2022 came up before this Forum for final hearing on 17/02/2022. 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 N. Thulasingham on 11/01/2022. In the complaint, the Complainant had stated that he has acquired a house bearing Door

No. Old No.61/A and New No.91, Vysial Street, Puducherry from one Tmt. Manga on 09/11/2012 by means of lawful will and the same was registered on 15/02/2013 vide Registered will No.53 of 2013, at the Office of the District Registrar, Puducherry. Further, he has stated that the said Manga died 5 years back and hence he has applied for name transfer of service connection on 06/12/2021. But till date no action was taken by the Respondents. He has further stated that the service connection existing in the name of Manga is for domestic use. But the same was converted as commercial use without permission. He has further stated that it is false to say by the Respondents that the enclosed documents along with the name transfer application is not valid and prays this Forum to Order for effecting name transfer. Hence, the Complaint.

2. The complaint was registered as C.C. No.11/2022 on 12/01/2022 and the notice sent to the Executive Engineer, Urban and others to furnish reply by 31.01.2022. Reply from the Respondents was received on 08/02/2022. The case was posted for hearing on 17/02/2022.

3. In the Affidavit dated 03/02/2022, the Assistant Executive Engineer, Town-I/ Respondent No.2 on behalf of Respondent No.1 & 3 had stated that, the Complainant has requested for change of name bearing policy code 03-14-02-0160 /A1 standing in the name of Tmt. Manga to N. Thulasingham located at No.61/A(91) Vysial street, Puducherry along with will deed and parent documents. Based on the request the Junior Engineer, Town central has verified the documents and reported to clarify the following by the Complainant:

a) The minute No. mentioned in the will executed by Tmt Manga vide No.53 /2013 is 876, whereas the actual minute No. enclosed with application is 877 for the said transaction.

b) The property details furnished in the will by Tmt. Manga is covering the entire area instead of half share as shown in the will executed by Tmt. Mangalambal vide No.182/92 enclosed with application.

4. Based on the report a notice was issued to the Complainant vide letter No.659/ED/AEE/TI-U4/F.7/2021-22 dated 21/12/2021. But as on date no reply was received from the Complainant for further proceeding. Further, the Complainant has given a letter on 06/10/2021 to this Department in connection with the existing electricity service connection Policy Code No.03-14-02-0160/A2 and the same has utilized commercial purpose. Based on the complaint letter, the field official has inspected the premises on 06/10/2021. It was found that the domestic service Policy code 03-14-02-0160 is standing in the name of Tmt. Manga utilized for commercial purpose. Hence, the present occupier was advised to apply for change of Tariff from A2 to A1 in person. As there was no response from the present occupier, the premises has again inspected on 13/10/2021 and the inspection report also sent by the Field Official to this Office. Based on the report the same was sent to the Junior Accounts Officer, Revenue-I Section for change from A2 to A1 Tariff from the month of September 2021. Further the documents enclosed with the application for name transfer has been scrutinized and found some clarification needs to resolve by the applicant / Complainant and it is not intentional.

5. The case was heard on 17/02/2022 and attended by both the Complainant and Respondents. During the hearing the Complainant stated that he got an Order from the Collector to prove that he is the lawful owner of the said property. Therefore, the Complainant was directed to file the letter received from the Collector, upto date Certificate of Encumbrance and documents executed by Tmt. Mangalambal vide No.182 /92 in favour of Tmt. Manga, to prove his lawful ownership of the property on or before 23/02/2022.

6. As directed by this Forum, the Complainant had filed the Certificate of Encumbrance dated 01/06/2018 only for 7 years from 06/03/2012 to 06/04/2018 and some current consumption charges bills along with the lay out. During the hearing, the Complainant has admitted that he is not in possession of the said property and let out to some third person. Therefore, he was directed to produce a copy of the Lease /Rental Agreement to consider his lawful status.

Observation: On perusal of the documents and on hearing both sides, it is observed that the Respondents have sent notice on 21/12/2021 to the Complainant to produce the documents mentioned there on and clarify within 15 days, failing which, his name transfer application will be treated as cancelled without any further notice or intimation. It is clear that the Complainant has purposely neglected to respond to the said notice or failed to acknowledge the notice sent in person. Further, it is observed that the Complainant has not enclosed the upto date current consumption charges bill receipt as required by the Supply Code 2018 to process the name transfer application. The Certificate of Encumbrance filed by the Complainant reveals that still the property has not yet been transferred in the name of the Complainant. The Complainant has also not filed copy of Lease Deed / Rental Agreement to this Forum. The letter dated 06/10/2021 sent by the Complainant to the Respondent, has stated that in the Door No. 91/A, Vysial Street, Puducherry wherein the Service connection is standing in the name of Tmt. Manga and she died 5 years back. But, somebody is utilizing her service connection for commercial purpose in the name of the deceased Manga which was under Domestic Tariff. But somebody is utilizing the same for commercial purpose which is violation. Therefore, prays to take action accordingly. But in the complaint, the Complainant had stated that the Respondent have transferred the service connection from A2 to A1 without anybody's permission – which is contrary in nature. Therefore, the wilful intention of the Complainant is to shirk the responsibility on the Respondents. Therefore, this

Forum feels that the Complainant has not filed this Complaint with relevant documents to establish his lawful ownership of the said property beyond doubt and hence, he is not entitled to get any relief as prayed for in the Complaint at this stage and hence his complaint is liable to be dismissed.

ORDER

- i. In view of the above observation, the Complaint is not allowed.
- ii. The Complainant is at liberty to prefer an appeal against this Order before the Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Pathkind Lab Building, Service Lane, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015 within 30 days from the date of this Order under intimation to this Forum and the Respondents

Dated at Puducherry on this the 25th day of February, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN

C.C. No.11 / 2022

Date: 25.02.2022

ORDER

Order Pronounced

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Dated at Puducherry on this the 25th day of February, 2022

(T. GOPALAKRISHNAN)
CHAIRMAN