

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

TUESDAY, THE 12<sup>TH</sup> DAY OF SEPTEMBER 2023

**CONSUMER CASE No. 118/2023**

K. Lavanya,  
No.5, Fourth Cross Street,  
Natesan Nagar,  
Nellithope S.O,  
Puducherry-605005.

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Complainant

Vs.

- 1) The Executive Engineer- Urban,  
Electricity Department,  
Puducherry.
- 2) The Assistant Engineer –Marapalam  
Electricity Department,  
Puducherry.
- 3) The Junior Accounts Officer – Rev.I,  
Electricity Department,  
Puducherry.
- 4) The Junior Engineer –Town West,  
Electricity Department,  
Puducherry.

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Respondents

This case in C.C. No.118/2023 came up before this Forum for final hearing on 21/08/2023. After hearing both sides having stood over till this date for consideration this Forum has delivered the following:

The case of the complainant is as follows.

A Complaint was received from K. Lavanya, on 28/07/2023. In the complaint, the Complainant had stated that She had registered an online application on 07/07/2023 for tariff category change from A1 to A2 for Policy No.08-41-01-0062. In this regard she has received SMS demanding additional security deposit of Rs.5,916/- on 14/07/2023 with insufficient details. The premises was converted to residential from mid 2020 and she is not familiar with the terms A1, A2 etc., The person who came for inspection was not transparent and noted some details in the back side of the application and asked her to sign. The Complainant has quoted provisions of Section 5.135, 5.131 and 5.136 of JERC Supply Code Regulations 2018 regarding payment of Interest on Security Deposit. Therefore, the Complainant prayed this Forum to issue necessary directions to the Respondents to quash the additional demand raised vide letter dated 24/07/2023; to issue necessary orders to complete the tariff change in a time bound manner; to keep the online application in abeyance with cancelling. Hence the complaint.

2. The complaint has been registered as C.C. No.118/2023 on 28/07/2023 and copy of the complaint was sent to the Executive Engineer –Urban and others for giving reply by 08/08/2023. Reply from the Respondents was received on 10/08/2023. The case was posted for hearing on 21/08/2023.

3. In the Affidavit dated 10/08/2023, the Assistant Engineer -Marapalam/ Respondent No.2 for himself and on behalf of Respondent No.1 and 4 has stated that, one change of tariff application was received through online from the Complainant on 07/07/2023. After field inspection, the Complainant had advised to remit Rs.5,916/- as ASD towards change of tariff based on the supply Code Annexure XVIII. One letter was received on 21/07/2023 from the Complainant requesting to waive of ASD demanded. Accordingly, one notice was served to the

Complainant vide letter dated 24/07/2023 based on the guidelines of Supply Code Clause 5.48. The interest payment of security deposit is made periodically at Revenue Section and same could not be continued due to paucity of funds in the respective head of account and also due to shortage of man power. The checking of adequacy of Security Deposit are being carried out annually, but since implication of fixed charges on connected load, the Security Deposit is being collected at time of consumer applying for any of the electricity obligations.

4. In the Affidavit dated 07/08/2023 the Junior Accounts Officer-Rev.I / Respondent No.3 has stated that the tariff would be converted from A1 to A2 after receipt of field report from the concerned O&M.

5. Hearing was held on 21/08/2023. The Complainant was represented by her husband and the Respondents were present. During the hearing the Complainant reiterated his stand that he need not pay additional Security Deposit because of the reasons cited by him. The Forum also asked Respondent No.3 whether the interest on deposit held by the Complainant has been paid. The Forum directed the Respondent No.3 to file additional Affidavit. The Complainant was also told to go through the provisions of 5.95 which is exclusively meant for change of category which is comprehensively covering collection of additional Security Deposit which is contended by the Complainant.

6. The Respondent No.3 through the additional Affidavit on 25/08/2023 stated that an amount of Rs.972/- has been arrived as Security Deposit interest amount during the period from 2012 to 2022 as detailed below:

S.No.	Year	Security Deposit amount	Rate of interest	SD Interest amount
1.	2012-2013	1470	8.50	124.95
2.	2013-2014	1470	8.75	128.63
3.	2014-2015	1470	8.50	124.95
4.	2015-2016	1470	7.75	113.93
5.	2016-2017	1470	6.75	99.23

6.	2017-2018	1470	6.25	91.88
7.	2018-2019	1470	6.50	95.55
8.	2019-2020	1470	4.65	68.36
9.	2020-2021	1470	4.25	62.48
10.	2021-2022	1470	4.25	62.48
				972.44

7. Mean while the Complainant also submitted another reply on 30/08/2023 stating that the interest calculation seems to be a work in progress and this shows that collection of Security Deposits adds to the work load of the department because they are unable to maintain records or meet the obligation that is to be done based on Supply Code. Filing of a simple RTI will bring to light the category change which was done without collecting additional Security Deposit.

Observation: i. The Respondent No.2 through additional Affidavit filed on 20/08/2023 had enclosed copies of Orders for payment of Security Deposit to the consumers of Revenue-I for the year 2020-2021 and 2021-2022. The said Orders shows the interest paid by the Revenue-I for all its consumers. But it is not specified whether the Complainant has been paid or not. The Respondent No.3 through additional Affidavit dated 25/08/2023 had furnished the details of Security Deposit amount of the Complainant right from 2012-13 to 2021-22 totalling Rs.972-44. But the additional Affidavit is silent whether the said amount is paid or not. If not already paid, the Respondent should pay interest on Security Deposit within 30 days from the date of Order and furnish proof of payment to this Forum.

ii. After hearing on 21/08/2023 the Complainant had filed certain additional points on 30/08/2023. The Complainant in his reply stated that Right to Information will bring to light the category change and the amount collected as additional Security Deposit. Even if the Department given 100 such conversion earlier without collecting additional Security Deposit, it is a violation of Supply

Code. The Complainant cannot expect either the Department to commit the same mistake again or expect the Forum to give such Orders to the Department in violation of Supply Code. The Consumer had been requested during the hearing to go through all the provisions of Section 5.95 of the Supply Code 2018 which gives a comprehensive idea about the procedure in such conversion of category. Even after this, the stand of the Complainant that the additional Security Deposit need not be paid for change of category is not well taken by this Forum.

iii. Review of Security Deposit is the job to be done by the Revenue Section and not by the Assistant Engineer. Non-refund of interest on the Security Deposit cannot be a reason for non payment of additional Security Deposit in the present case.

#### ORDER

i. As observed in the previous para, the Respondents are directed to pay interest on Security Deposit if not paid earlier to the Complainant, within 30 days from the date of this Order. If already paid, they should confirm within 7 days from the date of this Order accordingly. .

ii. As per the provisions Section 5.47(3) mentioned in the Supply Code 2018 the Complainant have to make payment of additional Security Deposit and as per Section 5.48, payment needs to be paid within 15 days on receipt of demand notice.

iii. The Complaint is allowed to the extent indicated.

iv. 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: [cgrfpon@gmail.com](mailto:cgrfpon@gmail.com) within 30 days from the date of this Order under intimation to this Forum and the Respondents.

- v. 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 12<sup>th</sup> day of September, 2023

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

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

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