

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

MONDAY, THE 21st DAY OF FEBRUARY 2022

CONSUMER CASE No.120/2021

K.P. Sreedharan,
S/o Kunhikrishnan,
Kolaprath Thazha, Kuniyil,
Palloor P.O.
Mahe-673310

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Complainant

Vs.

- 1) The Executive Engineer, SPM & Buildings,
Electricity Department,
Puducherry.
- 2) The Assistant Engineer-(O&M),
Electricity Department,
Mahe.
- 3) The Junior Engineer,
Electricity Department,
Mahe.

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Respondents

This case in C.C. No.120/2021 came up before this Forum for final hearing on 08/02/2022. 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 has been received from K. P. Sreedharan, during the public hearing of this Forum held at Mahe on 15/12/2021. In the complaint, the Complainant had stated that, he is residing in above mentioned address. About 4 years back immediately after occupying his house he had applied for permanent power supply, as he was under the impression that power supply will be available immediately as three posts are standing in his compound at R S. No.123 /13. But the authorities refused permanent power supply for the reasons known to them and accordingly the Complainant made complaint before this Forum in 2018. The Authorities conducted enquiry and report submitted to Pondicherry Collectorate and whereabouts of the file is not known. Subsequently, in 2020 again a report was sent by another Deputy Tahsildar of Land Reforms, Mahe, to the Pondicherry Collectorate vide File No.750/SDM/C2/2020-21/2487 dated 02/02/2021 and despatched on 03/02/2021. This file was also pending before the Pondicherry Collectorate. In the first report the Deputy Tahsildar has not made any proper suggestion. But in the second report sent by the Deputy Tahsildar Land Reforms has clarified and suggested for the permanent power supply. The Complainant prayed for immediate remedy for his grievances. Hence, the Complaint.

2. The complaint was registered as C.C. No.120/2021 on 15/12/2021 and copy of the complaint was handed over the Respondents for giving reply by 26/12/2021. The reply of the Respondent No.2 was received on 13/01/2022 and the case was posted for hearing on 21/01/2022 through video conference.

3. The Assistant Engineer, Mahe / Respondent No.2 in his reply stated that a petition has been filed before the Hon'ble CGRF by Thiru Madhavan, Othayath house, Peringadi(PO) objecting extension of permanent supply to Thiru K.P. Sreedharan (Case No.59/2017). In this case, the Forum has directed this Department to get appropriate orders from District Muncif. Accordingly, the file was submitted to the

District Collector cum District Magistrate. But so far Orders in this regard has not been received by this Office. Hence, this Office is not in a position to effect permanent service connection to the Complainant.

4. The hearing was postponed to 01/02/2022 due to COVID-19 and again postponed to 08/02/2022 on the request of the Respondent. The hearing was held on 08/02/2022 through video conferencing which was attended by both the parties.

5. During the hearing, the Complainant stated that temporary power supply was extended to his house and it is extended for more than 3 years and he is subjected to pay higher tariff amount as applicable to temporary power supply. On perusal of records, it is learnt that poles had been erected in private property based on the consent given by the land owner. The land owner objected not to extend permanent power supply to the Complainant's house for reasons unknown. Effecting of permanent power supply, earlier this Forum has directed to seek opinion after enquiry at ground level by the Deputy Tahsildar (Revenue) before effecting regular power supply. But, so far the file was not cleared even after 3 years. Temporary power supply is extended for more than 3 years at applicable tariff and there is no objection to continue temporary supply. Further the poles erected in private land becomes the property of the Department both for effecting power supply and maintenance of the poles and electric lines even if it was erected on the deposit of necessary cost by the land owner and the Owner of the land cannot object effecting of permanent power supply to his whims and fancies. The Respondents cannot claim higher tariff for domestic usage at inappropriate tariff rates.

6. Further electricity is the basic amenity as enshrined in the Article 21 of the Indian Constitution and the Complainant cannot be deprived of his rights. Hence this Forum directs the Respondents to effect permanent power supply with tariff at par

with other domestic users as per existing tariff schedule within 15 days after obtaining fresh application from the Complainant.

ORDER

- i. The Complainant is directed to submit fresh application with required documents immediately.
- ii. After receipt of the application, the Respondents are directed to process permanent power supply application and effect regular supply within 15 days from the date hearing i.e., 08/02/2022. A compliance report shall be furnished to this Forum within 30 days from the date of this Order.
- iii. The Complaint is allowed.
- iv. 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.
- 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 21st day of February 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN