

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

PRESENT:

THIRU T. GOPALAKRISHNAN, B.E.,
CHAIRMAN

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

WEDNESDAY, THE 3RD DAY OF AUGUST 2022

CONSUMER CASE No.134/2022

B. Nandini,
T.R. Palayam Road,
Madukarai,
Puducherry.

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Complainant

Vs.

- 1) The Executive Engineer, Rural-South,
Electricity Department,
Puducherry
- 2) The Assistant Engineer – Eripakkam,O&M,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer – Rev.III
Electricity Department,
Puducherry.
- 4) The Junior Engineer-Kariammanickam,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.134/2022 came up before this Forum for final hearing on 27/07/2022. 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 B. Nandini on 11/07/2022. In the complaint, the Complainant had stated that she has written a letter to the Assistant Engineer, Eripakkam on 23/09/2018 to cancel the service connection bearing policy code 49-78-01-0058 since the service was under no use condition and there is no connection. She had reminded vide letter dated 23/05/2019 to cancel the above service. The Complainant further stated that bills were paid by her till December 2018 and not paid any amount further as cancellation was applied. Due to COVID-19 she was not able to contact for more than one and half years. However, the policy was not cancelled till date and she is getting bill. She had not received any response from the Department towards cancellation, for no fault on her. Therefore, the Complainant has prayed for passing necessary directions to the Respondents to cancel the service connection as there was no response till date. Hence, the Complaint.

2. The complaint was registered as C.C. No.134/2022 on 11/07/2022 and notice for giving reply sent to the Executive Engineer, Rural (South) and others to furnish reply by 11/07/2022. Reply from the Junior Accounts Officer-Rev.III/ Respondent No.3 was received on 20/07/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 27/07/2022.

3. In the Affidavit, the Junior Accounts Officer-Rev.III/ Respondent No.3 had stated that, the Complainant had requested for cancellation of service connection vide letters dated 28/09/2018 and 23/05/2019. The same has not been received by the Revenue Section. The proposal for cancellation of service connection bearing policy No.36342/A1 (49-78-01-0058) standing in the name of Tmt. B. Nandini has been received from the Junior Engineer, Kariamamickam, through the Assistant Engineer, Eripakkam on 03/02/2022. The fact has been intimated to the Executive Engineer, Rural-South for issue of necessary instructions / guidelines for collection of arrears and cancellation charges on 15/02/2022. The same has been returned to the Revenue Section on 13/07/2022 with instruction to issue notice to the

Consumer to remit the due amount. As instructed, intimation letter has been sent to the consumer on 14/07/2022. Further, the consumer has to pay the upto date arrears of current consumption charges and cancellation charges. If agreed, the cancellation order will be issued in due course. The Respondent No1,2 and 4 have not filed their Affidavit.

4. Hearing was held on 27/07/2022. The Complainant authorised Thiru S. Baskaran to appear for hearing. The Respondent No.3 and Respondent No.4 were present.

Observation: On perusal of the notice issued to the Complainant on 14/07/2022, it is seen that the Respondent No.3 demanded to pay current consumption charges immediately and also cancellation charges for Rs.403/-. In this regard, it has come to know that the request of the Complainant to cancel during September 2018, was kept pending all these days eventhough the Complainant cleared the bill amount of Rs.177/- of November 2018 in December 2018. But the matter was kept pending for more than 3 years in the Revenue Section without taking any action for cancellation of service and the fictious arrears had accumulated to Rs.34,893/- till May 2022. But, whereas the Respondent No.3 had directed the Complainant to pay the arrears as on date which is very much shocking. As per Regulation 9.8 of the Electricity Supply Code 2018 which is reproduced below:

“9.8 In case a consumer desires his meter to be permanently disconnected, the consumer shall apply for the same in the format prescribed in Annexure XV to this Supply Code 2018. The Licensee shall give a written acknowledgement of receipt of such request, on the spot”.

“9.9 The Licensee shall carry out a special reading and prepare a final bill including all arrears upto the date of such billing within 5 days from receipt of the request. Upon payment, the Licensee shall issue a receipt with ‘Final Bill’ stamped on it. This receipt shall be treated as a No Dues Certificate”

The Department had not taken any action in line with the above Regulation which state that within 5 days of the request made by the Complainant. It is also not known whether the Complainant made request for cancellation in proper application

as per the Regulation. But the Respondent had not stated any thing on this matter. Notwithstanding the above, the Department had directed the Complainant to remit the current consumption charges upto date.

Hearing was not attended by the Respondent No.1 and 2 which is highly regretted. Respondent No.1, 2 and 4 have not filed Affidavit in respect of the technical facts on the above case which shows serious lapse on the part of the Respondents. The Respondent No.3 is directed to withdraw the notice issued to the Complainant and effect cancellation of service on payment of necessary cancellation charges with effect from December 2018.

ORDER

- i. The Respondents are directed to effect cancellation of service connection of Policy code 49-78-01-0058 with effect from December 2018 without demanding arrears accumulated as on date.
- ii. The Complainant is directed to remit necessary cancellation charges only as per the advice given by the Respondents.
- iii. The Respondents are directed to file a compliance report within 15 days from the date of this Order after effecting cancellation of the above service connection.
- iii. Thus, the complaint is allowed.
- 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 ombudsman.jercuts@gov.in 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 3rd day of August, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN