

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

FRIDAY, THE 5TH DAY OF AUGUST 2022

CONSUMER CASE No.135/2022

B. Ramalingam,
S/o Balakichena Pillai,
Flat No.008, B-Block,
Srinavas Appartment,
Ariyankuppam,
Puducherry.

....

Complainant

Vs.

- 1) The Executive Engineer, Rural-South,
Electricity Department,
Puducherry
- 2) The Assistant Executive Engineer –(Rural South)O&M,
Electricity Department,
Puducherry.
- 3) The Junior Engineer-Ariyankuppam,
Electricity Department,
Puducherry.

....

Respondents

This case in C.C. No.135/2022 came up before this Forum for final hearing on 03/08/2022. 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. Ramalingam on 11/07/2022. In the complaint, the Complainant had stated that he is aged 77 years and a retired Government Teacher. He purchased a flat No.008 at the ground floor in the B-Block of the Srinivas apartment at Ariyankuppam vide sale agreement dated 12/03/2014 and the property was delivered to the Complainant in the mid of 2017 by the flat promoter. He further stated that he has paid the entire sale consideration of Rs.35,80,500/- to the Promoter. However, the promoter has failed to register the sale deed and provide permanent made electricity connection in the name of the Complainant. The Complainant further stated that he is senior citizen and his wife also is heart patient and sustaining mental agony without electricity for the past 4 years. He approached the Respondents several times with application for permanent service connection. He was sent back by the Respondent for want of property documents registered in his name. The Complainant stated that as per the JERC Supply Code 2018, make it clear that ownership of the property is not a condition for obtaining electricity connection. Even a lawful occupier of the property shall have the right to obtain the electricity connection. The Complainant had produced Aadhar card along with the application which is a proof of his identity. Further, he has stated that as per Clause 5.30 of the JERC (Supply Code 2018) when an occupier is not able to get an NOC from the registered owner of the property, an indemnity can be obtained for giving electricity to the property in his occupation. The Complainant stated that he is in physical possession of the property and living a miserable life without basic essential need of electricity connection. He had further stated that he is willing to indemnify Respondents against any claim and requested to adopt humanitarian approach to his problem. The Complainant had sent a legal notice to the Respondent on 01/02/2022 seeking permanent connection. However, the papers are not returned to him giving any reasons. Therefore, the Complainant has prayed for passing necessary directions to the Respondents to extend permanent electricity connection. Hence, the Complaint.

2. The complaint was registered as C.C. No.135/2022 on 11/07/2022 and notice for giving reply sent to the Executive Engineer, Rural (South) and others to furnish reply by 22/07/2022. Reply from the Assistant Executive Engineer, Rural South/ Respondent No.2 was received on 26/07/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 03/08/2022.

3. In the Affidavit dated 26/07/2022 filed by the Assistant Executive Engineer, Rural-South/ Respondent No.2 for himself and on behalf of Respondent No.1 and 3 had stated that, when the Complainant approached the Respondent's Office it was informed that copy of Aadhar card is only for identification proof and therefore requested to apply with the application for along with the copy of registered sale deed or such other document as mentioned in Rule 5.30 of JERC as proof of occupancy. In the legal notice, the issues has been described from the year 2016 and hence, this Office was in a deed of verifying the facts and also it took time to verify whether the Complainant is in possession of the premises. The Complainant has to clarify whether any court case / Bank attachment is pending over the premises seeking service connection. The Complainant had enclosed copy of Aadhar card for the proof of identity, copy of the unregistered agreement made between the promoter and the Complainant and copy of receipt for payment and copy of medical certificates for taken treatment in the hospital. The Complainant had stated that he is the Occupier of the premises since 2017 and ready to indemnify the Department against any claim that may be lodged against the Department by anyone in the event of the Department extend the service connection in favour of the Complainant. The Respondent No.2 further stated that the premises was inspected along with Respondent No.3 on 22/07/2022 and known that the premises is in the possession of the Complainant from the year 2017 and the same is confirmed with the neighbours.

4. Hearing was held on 03/08/2022. Both the Complainant and Respondents were present. During the hearing the Respondent stated that the Complainant had not given any application for new service connection and the same was admitted by

the Complainant. The Complainant stated that he is not having any required documents as specified in Supply Code 2018 and he is having only Aadhar card to substantiate his occupancy in the premises. As per the Supply Code 2018, Aadhar card is only proof of identity and not a proof of ownership or occupier of the premises.

Observation: On perusal of the documents and on hearing both the parties, it is observed that the Complainant is not having any valid documents for proof of ownership as laid down in Section 5.29 and 5.30 of the Electricity Supply Code 2018 which are reproduced below:

“5.29: Any of the following documents shall be considered as acceptable proof of identity if the applicant is an individual

- 1. Electoral Identity Card*
- 2. Passport*
- 3. Driving Licence*
- 4. Photo Identity card issued by Government agency*
- 5. PAN Card*
- 6. Photo certificate from village Pradhan or any village level Government functionary like Patwari / Lekhpal village level worker / Village Chowkidar / Primary school teacher / in-charge of primary health centre etc.*
- 7. Aadhar Card.*

“5.30: Any of the following documents shall be considered as acceptable proof of ownership or occupancy of premises:

- 1. Copy of registered sale deed or lease deed or rent agreement and in the case of agricultural connections, a copy of Khasra / Khatauni / Khata Nakal;*
- 2. Registered General Power of Attorney;*
- 3. Municipal / Panchayat Tax receipt or Demand Notice or any other related documents*
- 4. Letter of allotment;*
- 5. Copy of the house registration certificate issued by the Panchayat / ownership certificate issue by Revenue Authorities*
- 6. Any other ownership related documents issued by local Government Authority.*
- 7. An applicant who is not an owner but an occupier of the premises shall, along with any one of the documents listed at (1) to (6) above, also furnish a No Objection Certificate from the owner of the premises.*

Provided that where an applicant, who is lawful occupier of the premises, is a tenant or a lease holder and is unable to produce the No Objection Certificate from owner for obtaining a connection, a separate Indemnity Bond shall be executed in favour of the Distribution Licensee in the form prescribed by the Licensee.

It is understood that the Complainant is in occupation of the premises since 2017 based on the inspection of the premises of the Complainant by Respondent No.2 and 3 on 22/07/2022, but he is not having any valid documents for provision of new electricity service connection. The Complainant alleged that the Respondents have refused to receive the letter given along with the documents were not established and hence the pleading is not accepted by this Forum. Further the Complainant has not given any application in proper format for new service connection to the Respondents. The Complainant had not produced valid documentary evidence as per the Electricity Supply Code 2018. The Department had also not refused that the premises is under the occupancy of the Complainant since 2017. In view of the hardship faced by the senior citizen, the Department may consider the provision in 4(9) of the Electricity (Rights of Consumers) Rules 2020 to set right the grievances. Therefore, the Complainant is not entitled to get any reliefs as prayed for in the complaint.

ORDER

- i. Since the Complainant had not fulfilled the Regulation 5.30 of the Electricity Supply Code 2018, the Complaint is not allowed.
- ii. 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.

Dated at Puducherry on this the 5th day of August, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN