

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

MONDAY, THE 29ST DAY OF AUGUST 2022

CONSUMER CASE No.140/2022

J. Vijaya Samundeeswari,
No.290 Bharathiar Road,
Karaikal.

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Complainant

Vs.

- 1) The Executive Engineer,
Electricity Department,
Karaikal.
- 2) The Assistant Engineer –Town I,
Electricity Department,
Karaikal.
- 3) The Junior Engineer-Town,
Electricity Department,
Karaikal.

....

Respondents

This case in C.C. No.140/2022 came up before this Forum for final hearing on 24/08/2022. 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 J. Vijaya Samundeeswari, during the monthly routine camp hearing of this Forum held at Karaikal on 15/07/2022. In the complaint, the Complainant had stated that in the Policy Code No.61-22-06-0499 in the above address has been disconnected two years back for non payment of charges

by the tenant, who did not pay rent for the past 2 years and kept arrears of current consumption charges. Now, the Complainant requested to consider waiving of charges and interest from the date of disconnection. She is ready to pay the arrears on behalf of the tenant. The Complainant prayed for passing necessary Orders to the Respondents. Hence, the Complaint.

2. The complaint was registered as C.C. No.140/2022 on 15/07/2022 and copy of the complaint was handed over to the Executive Engineer, Karaikal and others to furnish reply by 25/07/2022. Reply received from the Respondents on 01/08/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 09/08/2022.

3. In the Affidavit dated 25/07/2022, the Assistant Engineer, Town -I / Respondent No.2 for himself and on behalf of Respondent No.1 and 3 had stated that, the site has been inspected and found that the above service comes under the commercial activity. It has been disconnected due to non payment of current consumption charges. The consumer has not paid the amount till date. The arrears upto June 2022 is Rs.81,211/-. During the enquiry the representation of the Complainant, it is ascertained that there is some dispute regarding the above premises between the tenant and the owner on the above said policy and the building is under door locked condition and under the custody of the tenant. Since there is a dispute between the owner and the tenant, this Department cannot cancel the service without proper orders from any authority.

4. Hearing was initially posted on 09/08/2022. As it was declared public holiday by the Government due to Muharram, hearing was postponed to 24/08/2022 at Karaikal. The Complainant authorised her husband Thiru L. Janarthanan to represent the case on her behalf. The Respondents were also present. During the hearing, the Complainant confirmed to pay arrears after disconnection and requested to revise the BPSC and minimum charges levied for more than 2 years. The Respondent had not furnished the actual date of disconnection, but confirmed that it

was under disconnection for more than one year. The Respondents were directed to take action for permanent cancellation of service which is more than 180 days as per the Regulation 9.1 and 9.7 of Supply Code 2018 which is reproduced below for settlement of arrears:

9.1 The supply may be disconnected temporarily or on a permanent basis as per the procedure described below: The Licensee shall remove service line, meter, etc., after permanent disconnection. However, the Licensee may not remove service line, meter etc., in case of temporary disconnection.

9.7 The supply shall be disconnected permanently in following cases:

1. On the termination of Agreement;

2. If the cause for which the supply was temporarily disconnected is not removed within the notice period.

Provided that if the service of the consumer remains continuously disconnected for 180 days being a temporary disconnection upon request of the consumer, the Agreement shall be deemed to be terminated on the expiry of 15 days or after expiry of the initial period of agreement whichever is later without prejudice to the rights of the Licensee or of the consumer under the Act for recovery of any amount due under the Agreement.

The Complainant's building is under locked condition since the tenant taken the key and there is no access to the rented premises.

Observation: The Complainant stated that action under Rent Control Act was taken separately, but the same is pending disposal. There is no injunction Order restraining the Respondent to recover the arrears from the policy holder under Section 56 of the Indian Electricity Act, 2003 and accordingly the Respondents had acted. Since the service connection is under disconnection for more than 180 days, permanent cancellation of the service connection to be done. Further action to restore supply, be initiated as a new case of service connection in accordance with the outcome of the dispute between the owner and tenant.

ORDER

i. In view of the above observation, the Complainant is directed to settle the revised bill on receipt along with the cancellation charges of the permanent service within 10 days.

- ii. The Respondents are directed to claim the charges of the meter as per the procedure of the Department
- 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.

Dated at Puducherry on this the 29th day of August, 2022

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN