

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 28TH DAY OF SEPTEMBER 2022

CONSUMER CASE No.153/2022

S. Katchirayar Christopher,
No.27, V.G. Nagar,
Kovilpathu,
Karaikal.

....

Complainant

Vs.

- 1) The Executive Engineer,
Electricity Department,
Karaikal.
- 2) The Assistant Engineer –Town II,
Electricity Department,
Karaikal.
- 3) The Junior Accounts Officer, Revenue,
Electricity Department,
Karaikal.
- 4) The Junior Engineer- Town-North,
Electricity Department,
Karaikal.

....

Respondents

This case in C.C. No.153/2022 came up before this Forum for final hearing on 19/09/2022. 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 S. Katchirayar Christopher, on 26/08/2022. In the complaint, the Complainant had stated that he is residing in the above mentioned address. He has purchased the house from one Sharmila Infanta who is presently residing in abroad. The name transfer application in respect of the policies 1. 63-34-01-0066 and 2. 63-34-01-0067 were submitted at Pillaitheru vassal Sub-station and the same were under process. The Department had instructed to pay an amount of Rs.18,000/- without taking into account the amount paid by the erstwhile owner of the house. Since the previous owner residing in abroad she is not able to come in person and therefore, the Complainant prayed this Forum to issue necessary directions to the Respondents to deduct the amount paid by the previous owner and inform the balance amount to be paid for making payment. Hence, the Complaint.

2. The complaint was registered as C.C. No.153/2022 on 25/08/2022 and copy of the complaint was sent to the Executive Engineer, Karaikal and others to furnish reply by 06/09/2022. Reply received from the Respondents on 12/09/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 19/09/2022.

3. In the Affidavit dated 30/08/2022, the Assistant Engineer, Town -II / Respondent No.2 for himself and on behalf of Respondent No.1 and 3 had stated that, a petition has been received from S. Katchirayar Christopher requesting to adjust existing security deposit during name transfer. Since the original consumer was Mary Infanta Sharmila, the security deposit can be refunded only to her.

4. Hearing was held on 19/09/2022 at Karaikal. Both the Complainant and the Respondents were present. The Respondents attending were drawn to the Electricity Supply Code Regulation 2018 of JERC read with the sub-clause 4.9 and 4.10 of the Second Amendment Regulations 2021 and the Respondents were directed to take action accordingly.

Observation: The second Amendment in Electricity Supply Code Regulations 2021 is reproduced below:

“In Clause 5.87 sub-clause (1), the line, “A No Objection Certificate” from the registered consumer / authorised person / previous occupant of the premises shall be required for cases involving transfer of security deposit in the name of the applicant. The Licensee shall process the application form in accordance with the Regulations 5.80 to 5.83 of the Supply Code, 2018” stands deleted.

Therefore, the Complainant is entitled to get relief as prayed for in the complaint.

ORDER

- i. In view of the above observation, the Respondents are directed to adjust the Security Deposit paid by the erstwhile owner while processing the name transfer application of the present owner / Complainant.
- ii. Thus the complaint is allowed.
- iii. 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.
- iv. 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 28th day of September, 2022

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN