

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 31st DAY OF OCTOBER 2022

CONSUMER CASE No.164/2022

R. Valarmathy,
W/o S. Ravikumar,
No.7, Alamara Theru,
Chinna Kalapet,
Puducherry 605014.

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Complainant

Vs.

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

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Respondents

This case in C.C. No.164/2022 came up before this Forum for final hearing on 20/10/2022. 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 R. Valarmathy W/o S. Ravikumar on 19/09/2022. In the complaint, the Complainant had stated that she is residing in the above mentioned address. Since the house was in dilapidated condition, she had decided to construct a house and purchased a plot at AJP Nagar, Periakalpet viz., Plot No.15,16,17. After verifying the documents, she had approached Electricity Department, Kalapet Office for temporary service and paid an amount of Rs.566/- towards supervision charges. The Department had informed that for providing Temporary service two numbers of poles and wiring is needed at an estimated cost of Rs.60,000/-. Therefore, she had requested for a permanent service. In the mean time, the Assistant Engineer had informed that the service could not be extended as a Notice from advocate has been received by him not to extend service for which opinion was sought from the Law Officer. In turn, she had submitted all relevant documents along with updated Certificate of Encumbrance to the Law Officer. After verification of documents and inspection by the Assistant Engineer, has informed to construct the house for extending power supply. Now, after constructing the house, till date the power supply was not extended and she has to run from pillar to post for service connection. The Complainant prayed this forum for issue of necessary directions to the Respondents for providing permanent power supply. Hence, the Complaint.

2. The complaint was registered as C.C. No.164/2022 on 27/09/2022 and copy of the complaint was forwarded to the Executive Engineer, Rural (North) and others to furnish reply by 10/10/2022. Reply received from the Respondents on 07/10/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 20/10/2022.

3. In the Affidavit dated 07/10/2022, the Assistant Engineer, Kalapet / Respondent No.2 for himself and on behalf of Respondent No.1 and 3 had stated that, new service connection applications were received from Tmt. R. Valarmathi and

Tmt. S. Mouniamballe for availing temporary power connection to construct house building in their respective own plots at 15,16,17 and 39,40 in AJP Nagar Extension, Periakalapet, Puducherry. As per the site condition, necessary estimate have been evolved for erection of new LT over head line for providing temporary power supply to both applicants. They have paid necessary supervision charges of Rs.566/- to the Electricity Department vide Receipt dated 06/05/2022 and accepted to execute the work through the authorised electrical contractor. In this regard, one objection letter was received from Advocate S. Sivariram on behalf of his clients Thiru K. Murugesane @ Kuppan and K. Eaganathan wherein he has objecting to provide temporary or permanent power supply in favour of Tmt. R. Valarmathi in a portion of land at RS.No.113/3 Kalapet Revenue Village, Puducherry. The Petitioner have furnished a copy of Order of Hon'ble Principala District Judge, Puducherry dated 21/01/2020 for claiming the legal rights of his clients in the property. In view of the objection, a notice was sent to Tmt. R. Valarmathi, and requested to furnish the explanation / particulars vide letter dated 26/05/2022. After getting reply from the applicant, the file was sent to the Law Officer, Electricity Department seeking legal opinion vide I.D.Note dated 27/06/2022. Subsequently, the Law Officer had advised to clarify and obtain additional supporting documents from both applicants and petitioner for issuing legal opinion. Accordingly, notice have been sent to Advocate and the applicant and requested to furnish the details. On receipt of clarification and additional legal documents, the file re-submitted to the Law Officer. Now the file is under process in the Department. The temporary power supply in favour of Tmt. S. Valarmathi at Plot No.15,16,17 in AJP Nagar will be considered after getting the legal opinion of the Law Officer.

4. Hearing was held on 20/10/2022. Both the Complainant and Respondents were present. During the hearing, Respondent No.2 had stated that the site of the Complainant was inspected and found that the property is in the possession of Tmt. Valarmathi and she has executed construction work in the said property. This

Forum has directed the Complainant to furnish relevant documents to prove her ownership to which the Temporary service connection was sought for. Similarly, the Respondents were directed to file additional Affidavit on or before 26/10/2022 along with the opinion obtained from the Law Officer, Electricity Department, Puducherry.

5. As directed by this Forum, the Complainant had filed necessary documents to prove her ownership. The Respondents furnished additional Affidavit along with the opinion from the Law Officer on 21/10/2022.

Observation: On perusal of the documents and on hearing both the parties, it is observed that the Complainant is in possession of the plots and she has constructed her house. Further the Complainant has produced the receipt for payment of vacant land tax in her name. As per the notice issued by the Advocate on behalf of the Objector, there is no court order against the Complainant regarding ownership of the title or no stay order against the Complainant regarding construction of the said house obtained by the Objector and also no land grabbing case has been filed by the Objector with competent authority. It is rightly pointed out by the Law Officer in his opinion that *“it has been upheld by the Hon’ble Supreme Court of India and various High Courts that the owner / Tenant / Occupant of a premises is certainly entitled for the electricity connection which forms part of the right to live under Article 21 of the Constitution of India”*. Further the Complainant is also ready to give undertaking to the Department while getting temporary service connection. Therefore, the Complainant is entitled to get temporary service connection at this stage for constructing her house.

ORDER

- i. In view of the above, the Respondents are directed to complete the low tension line extension work as agreed and on completion, the Respondent is to extend the power supply within one day after payment of necessary charges.
- ii. The Respondents are also directed to obtain undertaking from the Complainant alongwith adequate conditions as required by 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 31st day of October, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN