

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

WEDNESDAY, THE 2ND DAY OF NOVEMBER 2022

CONSUMER CASE No.165/2022

S. Sivaprasath,
S/o Subburayan,
R.S.No.50 / 1,
Main Road,
Sedharapet,
Puducherry.

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Complainant

Vs.

- 1) The Executive Engineer, Rural-North,
Electricity Department,
Puducherry
- 2) The Assistant Engineer –Sedharapet- SS.
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer-Rev.II,
Electricity Department,
Puducherry.
- 4) The Junior Engineer-Sedharapet,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.165/2022 came up before this Forum for final hearing on 28/10/2022. 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 S. Sivaprasath S/o Subburayan on 23/09/2022. In the complaint, the Complainant had stated that after getting allotment of the Excise Department he has obtained temporary connection for the period from 01/08/2021 to 30/06/2022. But due to his personnel problem he was not able to run the shop. Hence, the Excise Department had reallocated the same shop from 23/02/2022 to 30/06/2022 to one Thiru Vaithialingam. But the Department has asked the Complainant to pay the charges for the entire period upto 30/06/2022 instead of calculating upto 22/02/2022. Apart from this he has not received any receipt for the amount of Rs.28,000/- paid by him earlier. Hence, the Complaint.
2. The complaint was registered as C.C. No.165/2022 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 12/10/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 28/10/2022.
3. In the Affidavit dated 07/10/2022, the Assistant Engineer, Sedharapet/ Respondent No.2 for himself and on behalf of Respondent No.1 and 3 had stated that, the consumer has paid Rs.28,000/- for current consumption charges on 02/09/2021. The consumer has informed in the petition that even though permission has been obtained to run the arrack shop from 01/08/2021 to 30/06/2022 and due to difficulty to run, the Department of Revenue and Disaster Management has re-allocated to Thiru Vaithialingam to run the arrack shop from 23/02/2022 to 30/06/2022. It is the responsibility of the consumer to inform to the Electricity Department regarding re-allocation of the arrack shop and due to lack of timely information, the current consumption charges from 23/02/2022 could not be

collected from the new allottee and as requested by the application, the Complainant has to pay the entire current consumption charges for the permitted period for an amount of Rs.60,974/-

4. In the Affidavit dated 06/10/2022, the Junior Accounts Officer, Rev-II / Respondent No.3 had stated that, the subject matter does not pertain to Revenue-II section. The responsibility and execution of the works viz., provision of temporary electrical supply, extension of period of temporary supply, collection of relevant current consumption and other charges, disconnection of temporary supply, are vested with and being carried out by the respective Office of the Junior Engineer O&M and Office of the Assistant Engineer concerned of the Department.

5. Hearing was held on 28/10/2022. Both the Complainant and Respondents were present. The Respondent No.1 was on permission. During the hearing, the Complainant informed that he is ready to pay the current consumption charges upto 22/02/2022. Whereas the Department is not giving working details for the amount. The Forum asked the Complainant whether he has informed the termination of order to the Department. The Complainant informed that he had informed orally to the Department staff on roads, but not given in writing to the Department. When the Complainant had obtained temporary supply by submitting application in writing, it is bounded duty of the Complainant to inform the Department about the change in the allotment order so that the Department would have collected the amount from the new allottee. Since the Complainant failed to inform, he is bound to pay the charges upto 30/06/2022. The Respondent was asked to furnish the working sheet for Rs.28,000/- which they have collected at the time of effecting temporary service connection and the Respondents could not produce the same. Attention of the Respondents was drawn to the provisions 5.63 and 5.70 of JERC Supply Code Regulations 2018 and questioned why the provisions were not followed in collecting charges for effecting temporary supply. The original application of the Complainant

produced by the Respondent during the hearing, shows that the Complainant had filled up only address of the arrack shop in the application and the other parts of the application are blank and had simply enclosed allotment order and no other documents are enclosed as required in the Supply Code. Further the Complainant had agreed to pay the arrears as claimed by the Department, but he had requested for three months instalments. The Complainant has been informed orally during the proceedings that the first instalment of Rs.20947 shall be paid before 31/10/2022 without waiting for Orders.

Observation: i. Section 5.63 of the Supply Code specified that the application is to be collected as per the format in Annexure 1 or 2 of the Supply Code alongwith the documents prescribed by Regulations 5.29 and 5.34 of the Supply Code 2018, while No Objection Certificate from local authority for the place as owned by the local authority alongwith advance amount as approved by the Commission as a part of miscellaneous charges. This advance shall be adjusted alongwith the estimated cost of the work. As per Section 5.70 of Supply Code, after deposit of estimated cost of advance charges for temporary supply by the applicant and satisfactory testing of consumer installation, the temporary supply shall be released by the date of requirement as indicated in the application form.

ii. It clearly shows the negligence on the part of the Respondent in processing the application, collection of Security Deposit. Review of security deposit with the current consumption in temporary supply and are supposed to continue with temporary service connection after collection of advance current consumption charges. Any reason for allowing the Complainant to enjoy electricity even after the consumption exceeded the security deposit could not be accepted. The Department should take ultimate care in processing the applications in future.

ORDER

- i. As per the statement given by the Respondents the Complainant is liable to pay Rs.60,974/- upto 30/06/2022. Since, the Complainant requested for 3 instalments, as a special case, the Complainant is permitted to pay in 3 instalments and first instalment amount of Rs.20,974/- should be paid by 31/10/2022 and the remaining amount of Rs.40,000/- shall be paid in 2 equal instalments of Rs.20,000/- each on 30/11/2022 and 31/12/2022 respectively.
- ii. In the event of any failure on the part of Complainant to clear instalment the Respondents should take action to recover the arrears as per provision available to the Department.
- iii. Thus, the complaint is not 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 2nd day of November, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN