

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 16TH DAY OF NOVEMBER 2022

CONSUMER CASE No.168/2022

R.V. Pazhaniraja,
Proprietor: Sriram Chemicals,
C-17, Industrial Estate,
Thattanchavady,
Puducherry – 605009.

Vs.

- 1) The Executive Engineer, Rural (North)O&M,
Electricity Department,
Puducherry
- 2) The Assistant Engineer –Lawspet, O&M,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer-Rev-II,
Electricity Department,
Puducherry.
- 4) The Junior Engineer-Gorimedu,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.168/2022 came up before this Forum for final hearing on 08/11/2022. 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. V. Pazhaniraja, Proprietor Sriram Chemicals, Thattanchavady on 11/10/2022. In the complaint, the Complainant had requested for issue of revised bill for a period of six months from the last date of electricity consumption. He enclosed a copy of the bill received in May 2017 and also enclosed a letter addressed to the Executive Engineer dated 09/08/2021. In the letter the Complainant had stated that the policy code 21-41-03-0263 with a sanctioned load of 20 HP was disconnected in June 2013 and requested to issue revised bill for settlement. The bill for May 2017 reveals that the meter was in MS condition and accumulated arrears to Rs.9,41,546/- was claimed. The Complainant prayed to issue revised bill for settlement of arrears from the date of disconnection. Hence, the Complaint.

2. The complaint was registered as C.C. No.168/2022 on 12/10/2022 and copy of the complaint was sent to the Executive Engineer, Rural-North O&M and others to furnish reply by 25/10/2022. Reply received from the Respondent No.2 on 27/10/2022. The Junior Accounts Officer / Respondent No.3 requested for extension of time till 28/10/2022. Reply from the Respondent No.3 received on 31/10/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 08/11/2022.

3. In the Affidavit dated 24/10/2022, the Assistant Engineer, Lawspet / Respondent No.2 for himself and on behalf of Respondent No.1 and 4 had stated that, a letter received from the Junior Accounts Officer/Rev.II dated 31/12/2021 seeking clarification about the permanent cancellation of the service connection with policy code 21-41-03-0263/C. The detailed clarification was sent to Junior Accounts Officer/Rev.II on 20/01/2022 for further action.

4. In the Affidavit dated 28/10/2022, the Junior Accounts Officer Rev-II / Respondent No.3 had stated that as per the field report dated 20/01/2022 furnished

by the Junior Engineer, Gorimedu through the Assistant Engineer, Lawspet, the service connection bearing policy code 21-41-03-0263/C was disconnected on 12/06/2013 due to non-payment of arrears. The said service connection materials was dismantled from the premises. The said service connection was cancelled as Old Disconnected Case (ODC) under Revenue Recovery Act. It has been reported in the field report that the service connection may be arranged to be cancelled as per Clause 7(d) of JERC Regulations. The Respondent No.3 further stated that an amount of Rs.10,64, 620/- was shown as arrear of current consumption charges due in respect of the said service as on the date of issue of the above cited ODC cancellation order dated 22/06/2018. Due to calculation of MS average arrears made by system the amount accumulated to Rs.10,64,620/-. Based on the request of the Consumer vide letter dated 09/08/2021, Field Report of the Junior Engineer and relevant ledger records, bill revision dated 18/11/2021 and 26/10/2022 had been prepared in respect of the said service connection bearing policy code 21-41-03-0263/C under Clause 7(d) of guidelines for ODC issued by Head of Department. As per the bill revision approved on 27/10/2022, an amount of Rs.25,093/- is due to be paid by the consumer towards arrears of current consumption charges in respect of the said service. Accordingly, the accumulated arrears amount of current consumption charges of Rs.10,64,620/- shown in the above said ODC cancellation order dated 22/06/2018 in respect of the said service connection may be treated as 'fictitious'.

5. Hearing was held on 08/11/2022. Both the Complainant and Respondents were present. During the hearing, the Complainant was convinced with the reply given by the Respondents and assured to clear the dues. The Respondents were directed to furnish documentary evidence for the pending arrears shown in the statement filed with the Affidavit for the month of June 2013 as Rs.21,267/-. The Respondents agreed to furnish immediately the required documentary evidence.

Observation: From the documents furnished by the Respondents, it is seen that the service was disconnected on 12/06/2013 due to non-payment of current consumption charges, the service connection materials was also dismantled and finally the service connection was cancelled on 22/06/2018 based on the Orders of the Executive Engineer, Rural (North) . Therein the service connection of Sriram Chemicals with accumulated arrears of Rs.10,64,622/- was ordered to be cancelled alongwith other 32 members of various similar disconnected services which had been under disconnection for long time and outstanding dues ordered to be recovered under Revenue Recovery Act. The Respondents had not scrupulously followed the Regulation 9.7 of the Electricity (Supply Code) 2018 as detailed below:

The supply shall be disconnected permanently in following cases:

- (1) On the termination of the Agreement*
- (2) If the case 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, not being temporary disconnection upon request of the consumer, the Agreement shall be deemed to be terminated on 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 and also not pursued the matter further as per Clause 71 of the Terms and Conditions of Supply of Electricity 1992 vide G.O.Ms No.28 dated 19/04/1993 which states that "TERMINATION OF AGREEMENT FOR L.T. CONSUMERS WHERE SUPPLY OF ELECTRICITY REMAINS DISCONNECTED:

Where any consumer whose supply is disconnected for non-payment of any amount due to the Department on any account fails to pay such dues and regularize his account within three months from the date of disconnection, the Department may terminate the agreement after giving three month's notice. Such termination shall be without prejudice to the rights and obligations incurred or accrued prior to such termination. The amount due under any special guarantee shall be recoverable notwithstanding such termination as liquidated damages." which was in force at the time of cancellation of Revenue Recovery Act.

Had they followed the Regulations, fictitious amount of arrears would not have mounted to such extent. The Respondents should ensure that on payment of arrears as revised by the Respondent No.3, should ensure from withdrawal of action from the Revenue Recovery Act, as contemplated.

ORDER

- i. As directed above, the Respondents are directed to issue a revised bill within one week from the date of this Order and the Complainant is directed to settle the arrears as furnished in the revised statement, within one week from the date of the bill.
- ii. On receipt of the payment, the Respondents should ensure that the action is withdrawn from the Revenue Recovery Act as contemplated. A compliance report shall be sent to this Forum within a week from the date of payment of outstanding arrears by the Complainant.
- 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.
- v. 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 16th day of November, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN