

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 30TH DAY OF NOVEMBER 2022

CONSUMER CASE No.174/2022

A. Lakshmi,
Lakshmi Complex,
Thiruvannamalai Road,
Thirukkanur,
Puducherry.

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Complainant

Vs

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

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Respondents

This case in C.C. No.174/2022 came up before this Forum for final hearing on 24/11/2022. 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 A. Lakshmi on 03/11/2022. In the complaint, the Complainant had stated that she had applied for name transfer in respect of 19 numbers of residential and commercial services on 01/06/2022. But, till date the application has not been processed. Due to which, she was not able to register in the online portal for installing rooftop solar in one of the residences. Along with the application she had enclosed a copy of Patta in her name, Settlement copy of the property, registered property documents, Certificate of encumbrance and other relevant documents in proof of ownership. Further, she had taken over the premises from Thiru A. Murthy, the previous owner who settled the property in her name by way of settlement deed. She had stated that the last date for registering the roof top solar service for claiming subsidy / financial assistance for successful installation of Roof Top Solar Project is 31/12/2022. Therefore the Complainant prayed this Forum to issue directions to the Respondents to process the name transfer application. Hence, the Complaint.

2. The complaint was registered as C.C. No.174/2022 on 04/11/2022 and copy of the complaint was sent to the Executive Engineer, Rural-North O&M and others to furnish reply by 14/11/2022. Reply received from the Respondents on 18/11/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 24/11/2022.

3. In the Affidavit dated 18/11/2022, the Assistant Engineer, Thethampakkam S.S/ Respondent No.2 for himself and on behalf of Respondent No.1 and 3 had stated that, one application was received from the Complainant for name transfer of service connection (code No39-96-01-0080A) from the name of Thiru A. Moorthy to Tmt. A. Lakshmi vide application dated 20/05/2022. While processing the application, an objection was received from Thiru A. Moorthy, who is father of the Complainant (Service stands in his name) stating, not to change the service name, since his daughter Tmt. A. Lakshmi and her husband A. Arulraj are usurped his property by murderment threatening and his family dispute vide his letter dated 02/06/2022,08/07/2022 and

13/08/2022 respectively. Further a lawyer notice also received from Thiru N. Vinayagam Advocate-cum-Notary Public, Vanarapet, Puducherry stating not to change the name of service from the client name Thiru Moorthy to Tmt. A. Lakshmi vide his notice dated 29/10/2022. Under this circumstances the said name transfer process is kept pending. Further the Complainant not getting signature of Transferrer in the Name Transfer application.

5. Hearing was held on 24/11/2022. Both the Complainant and Respondents were present. During the hearing, the Complainant had stated that she had already in possession of the building and she had also issued rental receipts for all commercial services which are occupied. She was directed to file copies of receipts to ascertain whether the property is in her control. The Respondents stated that due to receipt of objection, the application was not processed and kept pending. He informed that one name transfer application was only registered and others are yet to be registered. This Forum expressed dissatisfaction for not processing the applications as per the Standards of Performance and not issued any reason for keeping the application pending for more than 5 months. The Respondent No.2 was also enquired whether any legal opinion was sought on the objection raised. The Respondents stated that ID note was sent to the Law Officer and based on the oral advice, notice are to be issued to both the Complainant as well as to the Objector. Till date no such notice was issued to either of them.

Observation: (i) It is understood that the Objector is working in the Respondent No.2's Office, due to which the Respondent No.2 had not taken any effective action in processing the application. Attention of the Respondent No.2 is also drawn to the Regulations 5.38 of JERC Supply Code 2018 which states that "*Provided that the Electricity bill shall be only for Electricity Supply to the premises occupied by the Consumer and shall not be treated as having title over the possession.*" The Respondents are acting to the whimsical attitude of the Objector who is working in the same Office.

(ii) Provisions related to name transfer of JERC Supply Code 2018 read with Second Amendment dated 25/06/2021 are reproduced below:

5.86: A connection may be transferred in the name of another person upon death of the consumer or in case of transfer of ownership or occupancy of the premises, upon filing an application form in the prescribed format given in either Annexure IV or V(as applicable) for change of name by the new owner or occupier:

Provided that such change of name shall not entitle the applicant to require shifting of the connection from the present location.

5.87: The Licensee shall deal with applications relating to change of consumer's name due to change in ownership / occupancy of property in accordance with the procedure detailed below:

(1) The Applicant shall apply for change of consumer's name in the format prescribed in Annexure IV to this Supply Code 2018, along with a copy of the latest bill duly paid. The request for transfer of connection shall not be accepted unless all dues recoverable against the concerned connection are settled. The application form shall be accepted on showing proof of ownership/ occupancy of property.

(2) The Security Deposit in the name of preceding consumer shall stand transferred in the name of applicant and no additional Security Deposit shall be taken if consumer continue with same load.

Provided further that in case if the property is being transferred in the name of multiple owners, the connection will be transferred in the name of first owner. Provided in case if connection is requested to be transferred in the name of second co-owner then the same shall be accepted on receipt of NOC from other co-owners. Provided also that if other co-owner, upto two, if the property want to add their name for electricity connection, they shall apply for name change.

(3) Change of consumer's name shall be effected within two billing cycles after acceptance of application form.

(iii) The documents to be enclosed along with Annexure IV are:

1. Copy of latest bill duly paid;
2. Proof of ownership / legal occupancy of premises;
3. No Objection Certificate from the existing consumer if available / possible;
4. Registered deed / Succession certificate/ if any other documents, specified;

(iv) The Complainant had produced all the documents except NOC from the existing consumer, which is required only if available / possible.

Since the Complainant had complied with the provisions of Supply Code, the Complainant is entitled to seek name transfer. However, in future, if there are any

orders from the Hon'ble Courts or Competent Authority, about the change of ownership of the property, the Department shall take action accordingly.

ORDER

- i. In view of the above observation, the Respondents are directed to process the application within 7 days from the date of this Order and ensure that the name is also changed in the billing register to enable the Complainant to register her name in the online portal of RTS Scheme. In all the name transfer orders the Respondents shall highlight the provision of Section 5.38 of the JERC Supply Code 2018 discussed in the observation (i).
- ii. The Respondents are directed to send a compliance report within 10 days thereafter to this Forum
- 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 30th day of November, 2022

Sd/-

Sd/-

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

(A.S. JITENDRA RAO)
LICENSEE MEMBER

(T. GOPALAKRISHNAN)
CHAIRMAN