

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
(Under the Electricity Act, 2003)
PUDUCHERRY

PRESENT:

THIRU A.S. JITENDRA RAO, B. Tech., M.B.A.,
LICENSEE MEMBER

THIRU R. KRISHNAMURTHY, B.Com., LLB., PGDFL.,
JERC NOMINATED MEMBER

THURSDAY, THE 11th DAY OF JUNE, 2020

CONSUMER CASE No.18/2020

K. Kowsalya ,
No.173, Maraimalai Adigal Salai,
Orleanpet,
Puducherry.

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Complainant

Vs.

- 1) The Executive Engineer- Urban O & M,
Electricity Department,
Puducherry.
- 2) The Assistant Engineer – Marapalam,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Office – Revenue - I
Electricity Department,
Puducherry.
- 4) The Junior Engineer, Town West,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.18/2020 came up before this Forum for hearing on 01.06.2020. 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. Tmt. K. Kowsalya has filed a complaint before this Forum on 02/03/2020. She has stated that the present property they have purchased on 23/10/2019 and they have applied for the name transfer of the existing electricity Policy. The Department had informed that there is one more Policy existing in the name of Thiru A. Mymoodhin and the arrears of this Policy have to be cleared for considering name transfer.
2. The Complainant had further informed that the previous owner of the property has purchased a land on 11/12/2002 and he has paid an amount of Rs.13,474/- for Policy No.08-47-04-0381 as arrears on the date and also paid SCC and ASD etc., for conversion of the single phase Service connection to three phase on 03/12/2003. Regarding the service in Policy No. 08-47-04-0382 he had paid an amount of Rs.14,605/- as arrears on 21/04/2004 and sought cancellation of services. Hence the complaint.
3. The complaint has been registered as C.C. No.18/2020 and notices have been sent to the Respondents 03/03/2020 to reply on or before 13/03/2020. On receipt of the reply on 12/03/2020 received from the Respondents, initially the case has been posted for hearing on 24/03/2020. But, hearing could not be conducted due to 'COVID 19 Lock Down' condition imposed by the Government.
4. The Respondents in their reply have informed that no request from the Consumer is received so far for cancellation of the policy. The Junior Accounts Officer (Rev-I) further informed that the consumer has paid current consumption charges upto January 2006 and subsequently had stopped making payment for the policy.

Observation:

- i. From the copy of the bills produced by the Complainant for the month of September 2003 it is observed that the Meter Reader has clearly indicated that the service in ODC and 'service Nil' which shows that there is no proof of existence of service in the premises in 2003 itself.
- ii. The Complainant had informed that the previous owner had requested for disconnection in the month of January 2004, but as per the records produced by the Junior Accounts Officer (Rev-I) the previous owner had made payment upto December 2005. Had the owner requested for disconnection in January 2004 as claimed payment for the next two years i.e., upto December 2005 would not have been made by the previous owner. Hence, the Forum observes that there is no evidence that he had requested for cancellation.

ORDER

- i. In view of the observation in the previous paras the Complainant is liable to pay minimum charges for the cancellation of services for the Policy No. 08-47-04-0382. As per the terms and conditions prevailing in 2004, the Consumer has to make minimum charges though the services is under disconnection till he finally request the Department for cancellation of service.
- ii. But in the Supply Code issued by Hon'ble JERC in 2010 there is a provision that the service can be cancelled if the service under continuous disconnection for a period of 6 months. The Supply Code 2010 has come into operation in August 2010 and six months period ends in February 2011. Hence the Department shall collect minimum charges only upto February 2011.
- iii. As per the month-wise arrears list given by the Junior Accounts Officer (Rev-I), the arrears including BPSC as of February 2011 are Rs.3,642/- only. To this arrears the Complainant shall pay additionally the cancellation charges of Rs.120/-

- iv. The Complainant had also agreed to pay this amount and made endorsement to that effect in the Complainant.
- v. Hence the Junior Accounts Officer-Rev-I is directed to collect an amount of Rs.3,642/- and Rs.120/- from the Complainant within 5 days from the date of issue of this Order and give clearance to the Assistant Engineer-Town-I i/c for processing cancellation of service.
- vi. Pending issue of cancellation order, the Assistant Engineer-Town-I is also directed to process name transfer application in accordance with the rules.
- vii. The Complainant is allowed to the extent indicated
- viii. The Department shall send copies of Cancellation Order and name transfer order, to this Forum, within 30 days from the date of the receipt of Order.
- ix. Non-compliance with the directions of Forum by the Licensee shall attract remedial action under Sections 142 and 146, read with Section 149 of the Electricity Act 2003.

Dated at Puducherry on this the 11th day of June 2020.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER