

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

THURSDAY, THE 22ND DAY OF DECEMBER 2022

CONSUMER CASE No.183/2022

C. Rajavelu
S/o Chinnaiyan,
No.6, Saint Francis Xavier Street,
Nethaji Nagar-I,
Uppalam,
Puducherry.

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Complainant

Vs.

- 1) The Executive Engineer, Urban O&M,
Electricity Department,
Puducherry
- 2) The Assistant Executive Engineer – Town-I,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer-Rev.I,
Electricity Department,
Puducherry.
- 4) The Junior Engineer-Town-South,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.183/2022 came up before this Forum for final hearing on 02/12/2022. 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 C. Rajavelu S/o Chinnaiyan on 18/11/2022. In the complaint, the Complainant had stated that he had purchased a house property in the name of his wife Tmt. Loganayaguy Bigote by way of auction conducted by the State Bank of India on 01/09/2022. He had given a letter to the Electricity Department for extending electricity service connection for the above said house. He has enclosed a copy of the Registered Sale Certificate of the said property along with the complaint. However, the Department had not extended the service connection and not responded to his letter. Therefore, the Complainant prayed this Forum for issue of necessary directions to the Respondents for taking necessary action in this regard. Hence, the Complaint.
2. The complaint was registered as C.C. No.183/2022 on 21/11/2022 and copy of the complaint was handed over to the Executive Engineer, Urban O&M and others to furnish reply by 01/12/2022. Reply received from the Respondent No.3 on 25/11/2022 and from the Respondent No.2 on 01/12/2022. A copy of the same was communicated to the Complainant. The case was posted for hearing on 02/12/2022.
3. In the Affidavit dated 01/12/2022, the Assistant Executive Engineer, Town-I/ Respondent No.2 for himself and on behalf of Respondent No.1 and 4 had stated that, Tmt. M. Loganayaguy Bigote has given one representation on 22/09/2022 to reconnect the service connect bearing Policy code 01-05-01-0005B/A2 standing in the name of Tmt Mangalorne. Based on the representation the Junior Engineer/Town South Central has inspected the site on 22/11/2022, the above said service connection was disconnected due to non-payment of current consumption charges on 09/04/2022 and the service connection arrears accumulated to Rs.3,60,004/-. Further a notice has been sent to Tmt. Loganayaguy Bigote on 24/11/2022 to pay all

the dues upto October 2022 Rs.3,65,317/- and to apply for name transfer in the existing service connection.

4. In the Affidavit dated 24/11/2022, the Junior Accounts Officer-Rev-I/ Respondent No.3 had stated that, as per the JERC Supply Code 2018, it is the bounden duty of the buyer to obtain NOC from the Electricity Department, Puducherry before acquiring any property. The Policy has been in disconnection condition and the purchaser has also not approached the department for NOC before acquiring the above property. Hence, the outstanding arrears as on date has to be borne by the present owner of the property. The synopsis of the relevant JERC Supply code Regulations 2018 Chapter-5 under procedure for Release of new connection and modification in existing connection is reproduced below:

5.20: Where the applicant has purchased an existing property whose electricity connection has been disconnected, it shall be the applicant's duty to verify the previous owner has paid all dues to the Licensee and obtained a no-dues certificate from him. In case where no-dues certificate has not been obtained by the previous owner before change in ownership of property, the new owner may approach the Licensee for such a certificate. The Licensee shall acknowledge receipt of such request and shall either intimate in writing the dues outstanding on the premises, if any, or issue a no-dues certificate within 1 month from the date of receipt of such application.

5. Hearing was held on 02/12/2022. Both the Complainant and the Respondents were present. During the hearing, the Complainant had stated that he was not aware about the outstanding electricity charges kept arrears by the previous owner of the property. The Vendor Bank also not informed neither orally nor mentioned in the sale certificate about the pending arrears of current consumption charges of the previous owner. The Complainant further submitted to this Forum that the arrears of electricity charges should be collected from the previous owner and he is not liable to pay the same. The Respondent have submitted that as per the provisions in Section 5.20 of Supply Code 2018 by JERC, it is the responsibility of the Auction purchaser to verify that the previous owner has paid all the dues to the Licensee and obtained a

No Due Certificate from them. This Forum feels that the pleading of the Complainant is not acceptable and justifiable on the eye of law. Therefore, the Complainant is not entitled to get any relief as prayed for in the complaint. The Respondent No.3 is directed to file additional Affidavit on month on month basis.

6. As per the directions of this Forum, the Respondent No.3 filed additional Affidavit on 06/12/2022. In the Affidavit the Respondent No.3 stated that the policy bearing No.01-05-01-0005B/A2 is having an arrears of Rs.3,65,317 upto October 2022. Since the average units claimed during the DL period, has been split up and accordingly the current consumption charges are revised and a statement of revision is submitted. As such the arrear amount payable is Rs.3,61,109/- as against Rs.3,65,317/-

Case Law: Hon'ble Supreme Court of India, Telengana State Southern Power V/s Srighda Beverages dated 01/06/2020.

In the above case, Hon'ble Supreme Court of India has observed that "It is the duty of the Auction Purchaser to inspect the premises and make discrete enquiries about the dues in all respects and also opined that the arrears due of the previous owner should be recovered from the Auction Purchaser"

Observation: On perusal of the Affidavit filed by the Respondent No.3, for the period from 10/2016 to 10/2022 it is observed that during the month of October 2016 itself there was an arrears of Rs.2,67,856/- which accumulated to Rs.3,51,461/- as on August 2022. Further, the Respondent had not explored to obtain the address of the defaulted consumer from the bank officials to take action under the Revenue Recovery Act. The Respondent also not taken steps to include the outstanding amount, under the electricity service connection to the concerned Bank for recovery before auctioning the premises. Thus the Respondents have not taken any effective steps to recover the sum from the policy holder. This Forum vehemently condemns the lethargic attitude on the part of the Respondent to recover the arrears. It is

further observed that the Complainant has not made any discrete enquiry regarding the electricity dues from the Vendor Bank or from the Respondents. Therefore, in accordance with the Regulation 5.20 of the Electricity Supply Code 2018, the Complainant is liable to pay the electricity arrears claimed by the Respondent to avail reconnection.

ORDER

- i. The Complainant is directed to pay the arrears of current consumption charges claimed by the Respondent immediately. The Complainant is directed to approach the Respondent for availing instalment if required.
- ii. Thus the complaint is not allowed.
- iii. 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 22nd day of December, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN