

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 18th DAY OF JUNE, 2020

CONSUMER CASE No.20/2020

T. Devaki,
A.03, Third Floor,
Jeno Sugumaran Apartment,
Azeez Nagar,
Puducherry - 10

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Complainant

Vs.

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

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Respondents

This case in C.C. No.20/2020 came up before this Forum for hearing on 09.06.2020. 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. T. Devaki has filed a complaint before this Forum on 06/03/2020. In the Complaint she had mentioned that she had obtained permanent commercial service connection bearing No.21-41-01-0060B at the address mentioned in the Complaint. Since her service connection was disconnected on safety grounds, she is not able to carry out business. She has obtained GST, Trade Licensee etc., for doing business at the same location. There is no condition for production of PPA approval for obtaining service connection. Hence, she has requested to issue orders to the Department to reconnect the disconnected service connection. Hence the complaint.
2. The complaint has been registered as C.C. No.20/2020 and notices have been sent to the Respondents on 09/03/2020 to reply on or before 19/03/2020. On receipt of the reply on 18/03/2020 received from the Respondents, initially the case has been posted for hearing on 31/03/2020. But, hearing could not be conducted due to restriction in working due to 'COVID 19 Lock Down' condition imposed by the Government.
3. The Respondents in their reply have stated that the service connection was disconnected as the PPA has demolished the building, as a safety precaution and the same was intimated to the Complainant on 12/08/2013.
4. The hearing was held on 02/06/2020. Since the reply of the Assistant Engineer, Lawspet has not mentioned whether the service connection of the disconnected service can be reconnected or not, the Assistant Engineer, Lawspet has been directed to submit a revised affidavit by 08/06/2020 and the case was adjourned to 09/06/2020.
5. The revised affidavit from the Assistant Engineer, Lawspet has been received on 08/06/2020. In the reply he has mentioned that as per Section 9.2 of the Supply Code 2010, the service was disconnected based on the request of the PPA which is a legal authority. It is further mentioned in the affidavit that since the service was under disconnection for more than 6 months, the service connection was cancelled

and till date the Complainant has not furnished clearance from PPA for reconnection under Section 9.3 of the Supply Code 2010.

6. During the hearing on 09/06/2020 the Complainant was given a copy of the reply of the Assistant Engineer, Lawspet and requested to furnish her remarks if any. The Complainant has raised the following issues for consideration

(a) No notice was served to her before disconnection of power supply.

(b) When the Department not insisted for PPA approval while giving regular power supply, how the Department disconnected the power supply based on the request of the PPA.

7. From the Respondents side, the Assistant Engineer, Lawspet had informed that since the disconnection of services was done in August 2013, the Complainant had not made any request to the Department for reconnection of the disconnected services.

Observation:

(i) Along with the additional affidavit, the Assistant Engineer, Lawspet had submitted a copy of the letter dated 20/06/2013 which is sent to Tmt. Devaki's address by Registered post and in the letter the Department had informed that the PPA had requested the Department to cancel the services as the building is constructed unauthorisedly. The Department in the letter had requested the Complainant to furnish the reply within 7 days failing which power supply will be disconnected without any further notice. It is informed by the Assistant Engineer, Lawspet that till date no reply has been received. Hence, the argument of the Complainant, that no notice was given to her for power disconnection is not correct.

(ii) Service connection was not disconnected based on mere request of PPA. But, when the PPA started demolishing the building, the service connection was disconnected on safety grounds. It is also informed to the Complainant on 12/08/2013.

ORDER

- i. The extract of the JERC Supply Code Regulations are reproduced below:

Section 9.2 (2) Mandated the Licensee to do so by a person with legal authority to issue such notice.

Section 9.3(e) In other cases, the applicant shall apply for reconnection after removal of the causes along with

- (i) Receipt of payment of disconnection / reconnection fee.*
- (ii) Test report by a Licensed Electrical Contractor.*
- (iii) Documentary evidence of removal of cause for disconnection under Regulation 9.2 above.*

The Licensee shall inspect the premises on intimation of removal of cause of disconnection by the consumer and if he is satisfied that the cause of disconnection has been removed, the supply shall be reconnected as specified in Standards of Performance of Distribution Licensee Regulations.

It may be seen from the above section that the Department had disconnected the power supply as per the provision of Section 9.2(2). It is the Complainant who had to take action, as per Section 9.3(e) but had failed to do so for reconnection.

- ii. Section 9.3(a) of Supply Code 2010 is reproduced below:

Section 9.3(a) A connection which is disconnected permanently, shall not be reconnected and the consumer shall have to apply for a new connection.

- iii. Since, the Department had disconnected service connection permanently, it is not possible to reconnect the disconnected services. Hence the complaint is dismissed.

- iv. The Complainant is at liberty to prefer an appeal against this Order before the Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd and 4th 3Floor, Plot No. 55-56, Pathkind Lab Building, Sector -18, Udyog Vihar, Phase IV Gurugram, (122015) Haryana within 30 days from the date of this Order under intimation to this Forum and the Respondents.

Dated at Puducherry on this the 18th day of June 2020.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER