

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

FRIDAY, THE 16TH DAY OF APRIL 2021

CONSUMER CASE No.20/2021

J. Senthamaraiselvi,
No.74, Muthumariamman Koil Street,
Puducherry-605001.

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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 (Revenue-I),
Electricity Department,
Puducherry.
- 4) The Junior Engineer, Town-North ,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.20/2021 came up before this Forum for final hearing on 09/04/2021. After 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 has been received from J. Senthamaraiselvi initially on 11/03/2021 and with additional pleadings on 17/03/2021. In the complaint, the Complainant had stated that, she is residing at the above mentioned address with Policy No.03-15-06-0735. Due to health reason she relocated in the year 2012. Since then, nobody was residing therein and the house was in door lock condition. Since, the door was locked the meters were marked as MS and average charges are levied until now. She had made representations in the year 2014, 2017 and latest by 16/12/2020 to the Assistant Executive Engineer. Upon his instructions the meters were inspected by the authorities and they are working in good condition and the bill was revised based on the present meter reading. However, the revision was effected from 2017 instead of 2012 and the charges are calculated on average basis. The Complainant has requested to issue directions to the authorities to revise the bills with effect from 2012 instead of 2017. Further, the Complainant requested to waive the interest and penalty levied, since the delay in payment of the amount is neither wilful nor intentional but only because of her health condition and for the above reasons. Hence, the Complaint.
2. The Complainant has not enclosed any proof of occupancy and the Policy is still in the name of Soundarajan, erstwhile owner. Hence, the Complainant was asked to submit a copy of the ownership documents.
3. Again on 16/03/2021 the Complainant has stated that the property originally was owned by Soundarajan. Her father purchased the property along with the service connection and handed over the same to her. She has attached copies of receipts for the year 1993 and 2012 and copy of Epic card as proof of occupation.

4. The complaint has been registered as C.C. No.20/2021 on 17/03/2021 and notices were sent to the Respondents on 18/03/2021 for giving reply by 26/03/2021 and the case was posted for hearing on 09/04/2021.
5. The Respondent No.2 in his reply has stated that the Policy 03-15-06-0735 standing in the name of S. Soundarajan. Based on the complaint received, the premises was inspected and found that all the meters are in good working condition. Again the premises was inspected on 30/03/2021 as no one responded for inspection from 23/03/2021 to 29/03/2021 as they were in Chennai.
6. The Respondent No.2 has further stated that the premises was provided with a three phase service connection with a connected load of 7,185 W and the present connected load is only 2460W. The claim of the Complainant made in 2014 could not be ascertained due to lapse of time.
7. In the reply, the Respondent No.3 had stated that the total arrear amount as per ledger in January 2017 was Rs.30,036/- and after revision, the revised arrears amount as per ledger for February 2017 was 13,489/- payable by the Complainant. As the premises was in DL condition only minimum charges, fixed charges and BPSC were claimed. Even after the revision of bill the Complainant has not made any payment so far.
8. The Respondent No.3 has further stated that, bill revision was done again as per the check meter reading recorded by the Junior Engineer, Town Central O&M as on 24/12/2020. Again second revision of current consumption charges was done for the period from February 2017 to December 2020 for 47 months and the total arrear amount payable by the Complainant upto February 2021 is 25,158/-. The Complainant had not paid any payment for current consumption charges for the past 86 months as per records.

9. The Complainant had made the Complaint praying for revision of bills from 2012, but whereas as per the time limitation and pre-conditions for submission of grievances after two years after the date on which the cause of action has arisen the Forum can reject the claim as per Regulation 19 of the Consumer Grievances Redressal Forum and Ombudsman Regulations 2019. However, the Complaint has been admitted for hearing as no genuine complaint should go unattended, in case the representation, as stated by the Complainant, was made in 2014.

10. The Complaint was heard on 09/04/2021. The Complainant has not turned up for the hearing. The Complainant had not paid the arrears for more than 9 years. She has not produced any proof of the Complaint for the representation made in the year 2014 in her letter. The Department on enquiring in the hearing has also confirmed that they are not in receipt of any such complaint and only based on the complaint received in December 2020, the bill revision was made by the Department for the previous 36 months. The Respondent No.2 also expressed difficulty in carrying out disconnection of the underground cable service connection as the premises was always in door locked condition.

ORDER

i. It is the view of the Forum that as the Complainant could not give any substantial proof of making the representation in 2014, the claim could not be upheld. The Complainant had also then not bothered to follow-up the representation or escalated the matter for resolution. After lapse of nine years, the Complainant had prayed to waive the interest and penalty levied, stating the delay in payment is not wilful or intentional but only due to ill health. The casual approach of the Complainant is revealed by not attending the hearing as scheduled.

- ii. The Complainant had enjoyed power without paying any amount for the past nine years. The Licensee had also not taken any effective measures to collect the dues on the grounds that the premises was kept door locked. Therefore, the Department is directed to take action as per the provisions of the Supply Code Regulations 2018 and recover the arrears without any further lapse of time. A Compliance report on the action taken shall be filed to this Forum within 30 days from the date of receipt of this Order.
- iii. 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 Floor, Plot No. 55-56, Pathkind Lab Building, Service Lane, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015 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 April 2021.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN