

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

TUESDAY, THE 23rd DAY OF JUNE, 2020

CONSUMER CASE No.22/2020

S. Vanitha, W/o
Subramanian,
No.19, Mettu Street,
Veema Goundanpalayam,
Puducherry - 9

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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.22/2020 came up before this Forum for hearing on 04.06.2020. 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. S. Vanitha has filed a complaint before this Forum on 10/03/2020. The Complainant states she and her family is residing in the said address for the past 20 years. Further she has stated that she had applied for Electricity service connection. The Department has not taken any action. She further stated that on 28/01/2020 she gave another application for service connection. For that the Assistant Engineer, Lawspet given reply by stating that one Tmt.Gomathi W/o Murugan, filed a case in Additional District Munsif Court vide O.S. No.181/2009 dated 19/04/2016 and the same was pending before Court.

2. The Complainant further stated that Tmt. Gomathi has not filed any case against her and as well as she had not filed any case against said Gomathi and hence there is no case pending before court of law. She further stated that she leads the family without electricity for the past 20 years and electricity is the basic need for running the family and prays for electricity connection. Hence the complaint.

3. The complaint has been registered as C.C. No.22/2020 and notices have been sent to the Respondents 10/03/2020 to reply on or before 20/03/2020. On receipt of the reply on 19/03/2020 received from the Respondents, the case was posted for hearing on 04/06/2020

4. The Respondent No.2 filed the affidavit on behalf of first and third Respondent by stating that the Complainant has applied for new connection on 27/01/2020. without ownership documents but apply with Aadhar Card, Family Ration Card and Voter ID and affidavit as per Appendix-II of JERC Code and the same was registered as 395.D dated 28/01/2020.

5. The Respondent further stated that an objection letter dated 10/05/2019 has been received from Tmt. Gomathi stating that the entire extent of property situated at No.19, Mettu Street, Veema Nagar, Thilaspeth, Puducherry belong to her and requested not to effect electricity services to the illegally occupied person by enclosing (i) copy of judgement in respect of O.S. No.181/2009 (ii) current consumption charges bill in the name of Tmt. Gomathi. (iii) Property tax receipt issued by Oulgaret Municipality.

6. The Junior Engineer, Gorimedu further stated that it is reported vide letter No.391/ED/JE-G O&M/F.11/2019-20 dated 14/02/2020, that the site was inspected and observed that the portion of the Complainant is situated back side of the house of Tmt. Gomathi and there is no adequate right of way straining the service main from the Department distribution line. Accordingly, notice was issued to the Complainant on 27/02/2020 that her application will be processed only based on outcome of the judgement of the O.S.No.181/2009.

7. As directed by this Forum, on 08/06/2020 the Respondent No.2 filed an additional affidavit on behalf of Respondent 1 and 3 stating that the applicant has tied up the service connection wires on the wall of the neighbour house. There is no easy access to the house of Tmt. S. Vanitha and it will be very difficult to record the monthly reading by the meter reader and also difficult for the Department staff to attend breakdown in attending repairs in the service connection wires. Further the Respondent No.3 states that “on inspection it is found that the SC wires are fixed in the wall of the neighbouring house for service connection”.

8. I.A.1/2020: Meanwhile on 10/06/2020, one Tmt. Gomathi W/o Murugan has filed a Petition under Rule 7 of Electricity Rules 2005 read with Order I Rule 10, read with Section 151 of CPC praying this Forum to implead her as one of the Respondent

in this No.CC.22/2020. The Petition was numbered as I.A.NO.1/2020 and issued Notice for her appearance to decide the maintainability of the petition and posted to 19/06/2020 for hearing the Petitioner.

9. The petitioner was heard on 19/06/2020. The Petitioner argued that she is the owner of the entire property and filed documents and the Complainant in C.C.No.22/20 was in illegal possession of the property and not entitled to get electric service connection and the same shall not be considered by this Forum. Further the averments and pleadings contained in the petition was purely a civil dispute and hence the petitioner was ordered to seek remedy before the appropriate Court of Law under its jurisdiction.

Therefore, since the reliefs sought for by the Petitioner was not maintainable before this Forum the Petition is dismissed today (23/06/2020) without costs.

Observation:

(i) On perusal of the documents filed by the Complainant and Respondents it is observed that the Complainant is residing in the said address and to evidence she has filed Aadhar Card, Family Ration Card and Voter ID as proof of identity.

(ii) The Case No.OS.181/2009 was disposed on 19/04/2016 itself and hence averments contained in the Affidavit and notice dated 27/02/2020 which is contrary in nature were not acceptable. The said case was filed by Tmt. Gomathi has sought for permanent injunction against some third party and not against the Complainant.

(iii) Under the provision of 5.30 of JERC Supply Code 2018 requires:

Any of the following documents shall be considered as acceptable proof of ownership or occupancy of premises:

- (1) *Copy of the registered sale deed or lease deed or rent agreement and in the case of agricultural connections, a copy of Khasra / Khatauni/ Khata nakal.*
- (2) *Registered General Power of Attorney.*
- (3) *Municipal / Panchayat Tax receipt or Demand notice or any other related document.*
- (4) *Letter of allotment*
- (5) *Copy of the house registration certificate issued by the Panchayat / ownership certificate issued by Revenue Authorities.*
- (6) *Any ownership related documents issued by local Government Authority.*
- (7) *An applicant who is not an owner but an occupier of the premises shall, along with any one of the documents listed at (1) to (6) above, also furnish a No Objection Certificate from the owner of the premises. Provided that where an applicant who is lawful occupier of the premises is a tenant or a leaseholder and to unable to produce the No Objection Certificate from owner for obtaining a connection, a separate Indemnity Bond shall be executed in favour of the Distribution Licensee in the form prescribed by the Distribution Licensee.*
- (8) *For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises only for the purpose of releasing electricity connection and not for any other purpose.*

Provided further that the electricity bill shall be only for electricity supply to the premises occupied by the consumer and shall not be treated as having rights or title over the premises

(iv) But the Complainant has not produced any documents listed from S.No.1 to 7 in para (iii) to show the proof of ownership (or) occupancy of the premises and filed documents to prove her identity alone. Sl.No.8 of para (iii) is not applicable to the Complainant as the premises where service connection is sought has a specific municipal address and hence, she is not entitled to get service connection.

ORDER

- i. Therefore, in view of the above observations, the Complaint is not allowed.
- ii. 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 Floor, 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 23rd day of June 2020.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER