

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

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PRESENT:

**THIRU A.S. JITENDRA RAO, B. Tech., M.B.A.,**  
CHAIRMAN I/C AND LICENSEE MEMBER

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

FRIDAY, THE 18TH DAY OF SEPTEMBER 2020

**CONSUMER CASE No.32/2020**

M/s Power Soaps Private Ltd.,  
Represented by Thiru Sanjay Madan,  
General Manager,  
No.5, Old No.3, Fifth Main Road,  
'W' Block, Anna Nagar West,  
Chennai 600040.

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Complainant

Vs.

- 1) The Executive Engineer- Rural North, O & M,  
Electricity Department,  
Puducherry.
- 2) The Assistant Engineer – Sedharapet,  
Electricity Department,  
Puducherry.
- 3) The Junior Accounts Officer, (Rev.II)  
Electricity Department,  
Puducherry.
- 4) The Junior Engineer, Sedharapet,  
Electricity Department,  
Puducherry.

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Respondents

This case in C.C. No.32/2020 came up before this Forum for final hearing on 14.09.2020. 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. A Complaint has been received from M/s Power Soaps Private Ltd., Represented by Thiru Sanjay Madan, General Manager, on 28/07/2020. In the Complaint he had mentioned that PIPDIC allotted land in Sedharapet Industrial Estate for starting their industry. On enquiry with the Electricity Department, he came to know that there were two industrial units in the said location which were having arrears to the Department as detailed below:

| S.No. | Name of the Industrial Unit     | Amount of Arrears<br>Rs. |
|-------|---------------------------------|--------------------------|
| 1.    | M/s Prima Pulverizers           | 11,85,189/-              |
| 2.    | M/s J.K. Paper Sacks Pvt. Ltd., | 2,50,336/-               |
| 3.    | M/s J.K. Paper Sacks Pvt. Ltd., | 43,655/-                 |

These units were closed long back in 2003 and hence requested to revise the arrears payable under JERC Rule 7(d) so that they could clear the arrears and obtain the NOC. Hence the complaint.

2. The complaint has been registered as C.C. No.32/2020 on 30/07/2020 and notices have been sent to the Respondents on 30/07/2020 to submit reply on or before 10/08/2020. The Respondent No.3 had requested for extension of time for giving reply due to some administrative reasons.

3. The reply was received on 20/08/2020. In the reply the Respondent No.3 informed the following: (i) The Junior Engineer, Sedharapet O&M, vide his letter dated 22/04/2016 stated that on inspection on 11/03/2013 it was found that the LT Industry, JK Paper Sacks Pvt. Ltd, in respect of Policies No.36-65-02-0182/C1 and 36-66-02-0183 /C1 are not functioning and there are no machineries and no other industrial items in the industry. The building is under damaged condition. The last reading of the meter for the said two policies are 1233.20 and 6233.80 respectively and furnished Cancellation Estimate for cancellation of the said services.

(ii) The Respondent No.3 further states that the Junior Engineer, Sedharapet vide letter dated 22/04/2016 has stated that on inspection of the service in respect of Policy No.36-66-02-0147/C1 (M/s Prima Pulverizers) on 11/03/2013, it was found that the LT Industry is not functioning and there are no machineries and no other industrial items in the industry, the building is under damaged condition. The LT CT Meter & CT Coils are under missing condition and furnished Cancellation Estimate in respect of the said electrical service.

(iii) The said electrical services vide Policy Nos.(i) 36-66-02-0147/C1 (ii) No.36-65-02-0182/C1 and (iii) No.36-66-02-0183 /C1 were cancelled vide Order No.6290/ED-EE-IV/F-ODC/16-17 dated 28/12/2016 of the Executive Engineer-IV.

(iv) The Respondent No.3 further states that the authorised person of M/s Power Soaps Pvt. Ltd., Puducherry in his letter dated 16/12/2019 requested to retrieve the services connection since they have been allotted the above said plots at Sedharapet Industrial Estate and they further mentioned in the letter to clear the outstanding arrears amount pertaining to the said policies immediately after retrieval. Based on the undertaking, a proposal for retrieval of the service connection was submitted to the Financial Controller of the Department through proper channel and approval has been accorded.

(v) In spite, the company has failed to remit the outstanding arrears and now sought for revision after the retrieval process is over. This is in deviation to the undertaking previously given by the said firm. However, a revision proposal has been submitted to the Superintending Engineer O&M wherein the S.E. has directed that as per the cancellation procedure, guidelines/ orders issued by the SE cum HOD for ODC LT services through Revenue Recovery Act, the arrear calculation is to be done at a certain cut off date during which the JERC supply code has been notified by the following terms and conditions of supply of Electricity. For all other cancellation

cases, upto date arrears is required to be collected as per present JERC Supply Code 2018 provisions.

(vi) The Respondent No. 3 further states that in terms of provision of Chapter 9.7 of the JERC for state of Goa and Union Territories (Electricity Supply Code) Regulations 2018, 'If the service of the consumer remains continuously disconnected for 180 days, not being a temporary disconnection upon request of the consumer, the Agreement shall be deemed to be terminated on the expiry of 15 days or after expiry of the initial period of the agreement, whichever is later without prejudice to the rights of this licensee or of the consumer under the Act for recovery of any amount due under the agreement'.

(vii) Based on the date of inspection and last meter reading furnished by the concerned Junior Engineer in the said Cancellation Estimate, a revision proposl for the said three policies are mentioned below:

1. M/s Prima Pulverizers, Policy No.36-66-02-0147/C1 - Rs.6,65,595/-
2. M/s J.K. Paper Sacks Pvt. Ltd.,Policy No.36-65-02-0182/C1 - Rs.89,802/- and
3. M/s J.K. Paper Sacks Pvt. Ltd.,Policy No.36-66-02-0183 /C1 - Rs.24,528/-

4. The case was posted for hearing on 10/09/2020. During the hearing, the Representative of the Complainant had agreed with the calculation done in respect of M/s J.K. Paper Sacks Pvt. Ltd., and agreed to pay the arrears as informed by the Department. In respect of M/s Prima Pulverizers he did not agree with the calculation on the grounds that the unit was under disconnection since 2004 and arrears needs to be revised as per the JERC Supply Code 2018. The Assistant Engineer Sedharapet had informed that the date of disconnection could not be ascertained as there is no meter, cut out in that place. From the ledger of Junior Accounts Officer- Rev.II it is observed that there is no consumption from the month of December 2004 which shows that the services was under disconnection even

before that. Hence the Junior Accounts Officer, Rev.II has been directed to revise the calculation of arrears to be paid in respect of M/s Prima Pulverizers as per the provision of Supply Code 2018 and furnish the details by 14/09/2020 forenoon. The case was posted for further hearing on 14/09/2020 afternoon.

5. During the hearing on 14/09/2020 afternoon, the Representative of the Complainant had agreed with the revised calculation furnished by the Junior Accounts Officer/ Rev.II and have given consent in writing to pay the arrears in respect of M/s Prima Pulverizers and M/s J.K. Paper Sacks Pvt. Ltd and the same was recorded.

6. OBSERVATION: The Complainant had given in writing to pay the arrears as detailed below:

1. M/s J.K. Paper Sacks Pvt. Ltd. Policy No.36-65-02-0182/C1 - Rs.89,802/-
2. M/s J.K. Paper Sacks Pvt. Ltd. Policy No.36-66-02-0183 /C1 - Rs.24,528/-
3. M/s Prima Pulverizers, Policy No.36-66-02-0147/C1 - Rs.1,58,900/-

#### ORDER

- (i) The Complainant shall pay the arrears as shown in the observation and as accepted by the Complainant within 10 days from the date of receipt of this Order.
- (ii) On receipt of payment, the Department shall issue NOC to him so that he can submit his application for new service. The Department shall also cancel the services.
- (iii) Thus the Complaint is allowed.
- (iv) A compliance report shall be furnished by the Respondent within 30 days from the date of this Order.

- (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 18<sup>th</sup> day of September 2020.

**Sd/-**

**(R. KRISHNAMURTHY)**  
**JERC NOMINATED MEMBER**

**Sd/-**

**(A.S. JITENDRA RAO)**  
**CHAIRMAN I/C &**  
**LICENSEE MEMBER**