

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 28TH DAY OF APRIL 2022

CONSUMER CASE No.32/2022

R. Gangadevi,
No.56, (Old No.60),
Mariamman Koil Street,
Thattanchavady,
Puducherry 605009

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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 Accounts Officer-Rev-II
Electricity Department,
Puducherry.
- 4) The Junior Engineer- Gorimedu,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.32/2022 came up before this Forum for final hearing on 13/04/2022. 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 R. Gangadevi on 23/03/2022. In the complaint, the Complainant had stated that she is having a service connection Policy with Code No.21-41-06-0558/A2 which was in use 12 years ago. Long back, one Tenant N. Dhandabani availed power connection in his name in her plot. Due to aging and for taking treatment she left the house and the service connection was not utilized for long time. There is no legal relations between the land owner and the Tenant. The service was not in use and requested for revision of last bill received for an amount of Rs.1,09,980/- during August 2011. The service connection also be arranged to be permanently disconnected on settlement of the bill amount. Hence, the Complaint.

2. The complaint was registered as C.C. No.32/2022 on 24/03/2022 and notices issued to the Executive Engineer, Rural(North) and others to furnish reply by 04.04.2022. The Junior Accounts Officer-Rev.II filed his reply on 04/04/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 13/04/2022.

3. In the Affidavit dated 01/04/2022, the Junior Accounts Officer-Rev-II/ Respondent No.3 on behalf of Respondent No.1,2 and 4 had stated that, the Assistant Engineer, Lawspet has furnished a report for revision of current consumption bill in respect of the Policy Code No.21-41-06-0558 which was under disconnection since August 2011 as per clause 7(d) for calculating arrears of old disconnected cases. Final reading at the time of disconnection was 6820Kwh. Since the service was permanently disconnected long time back, the case was referred for recovery of dues under Revenue Recovery Act on 27/07/2018. An amount of Rs.2,50,658/- has to be paid by the consumer towards arrears of current consumption charges. Based on the report of the Assistant Engineer (Lawspet) the bill was revised to Rs.1,17,694/- and it is to be paid by the Consumer.

4. Hearing was held on 21/04/2022. Both the Complainant and Respondents were present. On perusal of the working sheet submitted by the Respondent No.3 it is noted that before August 2011 the opening arrears amount of current consumption charges was Rs.84,534/- and BPSC Rs.25,426/-. The Forum directed the Respondents to check the arrears amount and the date of last payment made and file additional Affidavit by 20/04/2022. The Respondents are also directed to trace the Policy file so as to confirm the grounds under which the service connection was extended to the Tenant Dhandapani. In the hearing, the Complainant made it clear that the house was in her possession and service used by her long back.

5. In the additional Affidavit dated 20/04/2022 the Respondent No.3 stated that the original policy file in respect of the said service connection is not traceable despite thorough search. Further, the ledger details in respect of the policy from August 2010 was enclosed. On perusal, it is seen that there was no ledger data prior to this date and discrepancy was found as initial reading was 6828 Kwh and final reading was 6820Kwh. As a result, the computer section computed the consumption as 9992 units. Accordingly, calculated as Rs.19699/- as the current consumption charges for November 2011. As this was unlikely, revision was made from October 2010 to January 2012. As per the proposed revision statement the revised amount is Rs.90,050/- which is inclusive of arrears amount of Rs.50,084/- and BPSC at Rs.39,966/-for the above service.

6. The Forum examined the working sheet. The opening arrears was Rs.49,764/- and BPSC was Rs.27,982/- in September 2010. For January 2012 the total arrears shown as Rs.50,084/- and BPSC Rs.39,966/-. The amount of BPSC for the arrears amount is not proportionate. Further, the Respondent is directed to check the consumption for September 2010 since the consumption of 1270 units was abnormal in one month. The Respondent was also directed to furnish ledger details prior to September 2010 to confirm whether the consumer had paid any remittances and to assess the amount of arrears and BPSC amount accumulated after the last payment.

7. The Respondent No.1 was called to this Office and conveyed that filing of Affidavit in respect of the Respondent No.3 both on behalf of Technical and Revenue Wing is not fair. A separate Affidavit are to be filed by Revenue and Technical Wing in future. It was conveyed to the Respondent No.1 that the amount of arrears and BPSC are not proportionate and noted some discrepancy in working of the above calculation. The Respondent No.1 was directed to file additional Affidavit within 3 days. Whereas till 27/04/2022, the same was not received

Observation: i. The Respondents have not applied their mind while working out the outstanding arrears. While calculating arrears and BPSC levied and not produced the records to confirm the date on which the last amount was paid by the consumer and the arrears and BPSC accumulated since last payment. The Respondent No.3 had replied in a casual manner that the reading are mismatching as the initial and final reading are interchanged. The Respondents are directed to revise the bill properly from the month the meter was doubted to have become defective.

ORDER

- i. The Respondents are directed to revise the bill without levying any BPSC within 7 days from the date of this Order.
- ii. The Complainant is directed to remit the amount as per the revised working.
- iii. The Respondent on receipt of the remittance, are directed to cancel the service connection permanently from records within 7 days thereafter.
- iv. The Respondents are directed to furnish a compliance report on the above and also action taken after remittances of outstanding dues by the Complainant.
- v. Thus, the Complaint is allowed.
- vi. 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; email

ombudsman.jercuts@gov.in within 30 days from the date of this Order under intimation to this Forum and the Respondents.

vii. 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 28th day of April, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN