

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 13TH DAY OF APRIL 2023

CONSUMER CASE No.35/2023

M.I. Jalalutheen,
S/o Mohammed Ismail(Late),
No.26, Shaji Hussain Street,
Kottakuppam, Vanur,
Tamilnadu

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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-Lawspet,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.35/2023 came up before this Forum for final hearing on 09/03/2023. 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 M.I. Jalalutheen during the Public Interaction Programme of this Forum held at Lawspet on 02/02/2023. In the complaint, the

Complainant has stated that he is residing in the above mentioned address. He has applied for a temporary service connection to his property at Plot No.6&7 in RS No.119/2 of Saram Village. As per his request the Department has called for related documents and conducted field inspection. He has submitted the registered documents for the occupancy and the property is under his peaceful possession and enjoyment till date. The Complainant further clarified the Assistant Engineer, Lawspet regarding the illegal objection raised by someone. The application for Temporary service connection is kept pending by the Department for more than one month. The Complainant being a senior Citizen and due to old age and illness he was not in a position to walk more. Therefore, the Complainant prayed this Forum to issue directions to the Respondents to give temporary power supply to his plot at the earliest. Hence, the Complaint.

2. The complaint was registered as C.C. No.35/2023 on 02/02/2023 and copy of the complaint was handed over to the Executive Engineer, Rural (North) and others to furnish reply by 13/02/2023. The Respondent No.2 requested additional time to furnish reply till 17/02/2023. But no reply was filed as requested. The case was posted for hearing on 09/03/2023.

3. Hearing was held on 09/03/2023. The Complainant was represented by Thiru M. Dhanvanthiri and the Respondents were present. The Respondents have not filed any Affidavit till the date of hearing. The Respondents have requested further time to file their Affidavit, since, they have sent the file to the Law Officer to obtain his opinion. Since the time sought for to file Affidavit by the Respondent is reasonable they are permitted to file Affidavit to decide the case on merits in the interest of justice. The Complainant was also directed to file a copy of the complaint filed before the Magistrate Court and Land Grabbing unit if any and the case was posted for Orders.

4. As directed by this Forum, the Respondents have filed Affidavit alongwith legal opinion. The Complainant has not filed any copy of petition filed before the Magistrate Court and land grabbing unit as directed. The Complainant has filed photographs of the plots seeking for temporary service connection.

In the Affidavit dated 17/02/2023 filed before this Forum on 06/04/2023, the Assistant Engineer, Lawspet, / Respondent No.2 for himself and on behalf of Respondent 1 and 3 had stated that, an application for extension of temporary power supply to Thiru Jalaludeen with copy of the following documents was received:

- i. Copy of Registered Document No.760 dated 15/06/1979 in the Name of Thiru Mohammed Ismail
- ii. Copy of Registered Power of Attorney No.92 dated 16/04/2012 given to Thiru Jalaludeen.
- iii. Copy of Registered General Power of attorney No.3213 dated 21/11/2015 given to Thiru Jalaludeen.
- iv. Copy of Survey report issued by the Deputy Surveyor and signed Tahsildar, Taluk Office, Oulgaret.

An objection letter was received from Tmt. Vidhayane Cavoury, and informed that the property belongs to him and objected not to give temporary service connection to Thiru Jalaludeen. The objector has also produced the following documents.

- i. Copy of the registered ownership document No.1859 dated 03/07/1987 in the name of Tmt. Vidjayane Cavoury.
- ii. Copy of rectified schedule of property issued by the additional District Munsif, Puducherry.

Another applicant Tmt. R. Latha has also applied for extension of Temporary power to the same Plot No.6,7 in the above location and furnished the following documents.

- i. Copy of registered documents No.6293 dated 01/03/2022 in the name of R. Latha.
- ii. Copy of certificate of encumbrance on property
- iii. Copy of will No.12 dated 12/03/1980 in the name of M. Chitra.
- iv. Copy of patta in the name of Tmt. M. Chitra.
- v. Copy of property tax in the name of Tmt. M. Chitra.

On scrutiny of the application of Thiru Jalaluddeen, the site was inspected along with the Junior Engineer, Lawspet. It is observed that the possession of the premises is under the control of Thiru Jalaludeen, compounded with lock and key arrangement, The legal opinion sought from the Law Officer is submitted.

Observation: i. On perusal of the Affidavit filed by the Respondent it is observed that the site was inspected by the Respondent No.1 and 2 and found that the possession of the premises is under the control of the Complainant compounded with lock and key arrangement. Therefore, it is crystal clear that the premises for which temporary service connection is sought for is under the possession of the Complainant. The same was also confirmed by the Deputy Surveyor of Taluk Office, Oulgaret vide letter No.5593/TOO/DS(I)/2002 dated 22/07/2022. Further getting electricity supply to the premises will not confer any title over the ownership of the property. The photographs filed by the Complainant were also proved that the premises were under the possession of the Complainant. Eventhouth there is rival claim over the said property by different Claimants, there is no Orders / directions passed by any Court of Law against the Respondents by prohibiting to give temporary service connection to the Complainant. Therefore, the Complainant is entitled to get temporary service connection as per the provision 2.3(52) of Supply Code 2018 as detailed below:

“Occupier means the owner / tenant or person in occupation of the premises wehre energy is used or proposed to be used;

ii. Further on perusal of the records it is understood that there is a civil dispute with regard to the identification of the property. But this Forum has no jurisdiction to entertain the said issues. Therefore, this Forum inclined to suggest that if there is any dispute regarding the dispute over the ownership of the property, the concerned persons may approach the Court of Law to get reliefs accordingly.

iii. On perusal of the legal opinion it is opined that “the competent civil Court / Revenue Authority, as the case may be can only take an appropriate decision in this issue (same plots No.6&7 is claimed by all the three individuals” In future, if there is any adverse order passed by any Court of Law against the Complainant, the Respondents shall act accordingly.

iv. Due to abnormal delay in filing of Affidavit and additional Affidavit by Respondents and as the matter involved legal opinion sought by the Respondent, the pronouncement of this Order resulted delay. Such delays to be avoided in future by the Respondents.

ORDER

i. On perusal of the photographs filed by the Complainant, it is observed that one meter box, switch board and fuse were fixed on the plywood board and tied in the thatched roofed shed and wiring also through the shed which were not permitted as per the provisions of Supply Code 2018. Therefore, the Complainant is directed to build a brick wall with sufficient safety measures to provide temporary service connection in order to avoid untoward incidents.

ii. The Respondents are directed to inspect the premises and suggest the Complainant for a suitable place to build a brick wall and if satisfied, provide Temporary Service Connection.

iii. The Complainant is directed to inform the Respondents immediately after finishing the said work.

iv. The Respondents are directed to process the application and provide temporary service connection to the Complainant within 15 days from the date of intimation of finishing the work by the Complainant and forward a compliance report to this Forum within 7 days thereafter. The Respondents are also directed to obtain undertaking from the Complainant with suitable conditions to proceed further in future if needed as per law.

v. The Complainant is directed to pay the charges if any, on demand by the Respondent.

vi. Thus the complaint is allowed.

vii. The Complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF Order by the Licensee, may make an Appeal in prescribed Annexure-IV to the Electricity Ombudsman, Joint Electricity Regulatory

Commission for the state of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Pathkind Lab Building, Service Road, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015; Phone 0124-4684708; email ombudsman.jercuts@gov.in within 30 days from the date of this Order under intimation to this Forum and the Respondents.

viii. 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 13th day of April, 2023

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN