

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

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

TUESDAY, THE 5TH DAY OF JANUARY 2021

CONSUMER CASE No.50/2020

IGNACE,
42, Saint Therese Street,
Pondicherry -605 001.

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Complainant

Vs.

- 1) The Executive Engineer- Urban (O & M),
Electricity Department,
Puducherry.
- 2) The Assistant Executive Engineer – I,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer – Rev.I
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.50/2020 came up before this Forum for final hearing on 29.12.2020. 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 Ignace, on 18/11/2020. In the Complaint, the Complainant had informed that Tmt. B. Maidily has trespassed in the land owned by him and had given an application to the Electricity Department for availing new service connection in her name. In spite of repeated petitions given to the Department, against provision of new service connection, there is no proper response from the Department and hence requested for orders to direct the Department to follow the provisions of Supply Code. Hence the Complaint.

2. The complaint has been registered as C.C. No.50/2020 on 23/11/2020 and notices have been sent to the Respondents on 23/11/2020 for giving reply by 04/12/2020.

3. In the reply the Respondent No.2 has stated that:

i. Tmt. B. Maidily W/o P. Damodaran had filed an application on 23/07/2020 for domestic service connection and registered vide TC-27/A2 at Door No.2/87, Needarajapaiyer Street, Puducherry.

ii. While processing the application, an objection was received from petitioner Thiru Ignace in this case on 04/08/2020, 17/08/2020 and 20/08/2020. Based on the objection, an inspection was made and found that Tmt. B. Maidily was in possession of the property on the back side. In the letter from the petitioner dated 20/08/2020 he had stated that the shed/ premises was given to one Thiru Kanna @ Bakthavachalam who is father of Tmt. Maidily had changed the location and residing there without paying any rent or electric charges.

iii. The applicant has enclosed only Ration card & Voter ID card along with indemnity bonds as documents with the application.

- iv. On 26/08/2020 the Respondent No.2 had addressed the applicant to furnish Aadhar card, lease deed or rent receipt and also sought clarification how she is living without power supply from long period and why now she sought separate service connection. The applicant has also been requested to furnish the details of any court case / dispute pending at court regarding her occupation.
- v. In response, on 09/09/2020 the applicant Tmt. B. Maidily has furnished letter enclosing Aadhar Card, Ration card, Voter ID card and old rent receipts in her father's name. Also stated that no court case is against the landlord by her family. The applicant has also stated that they were using the power from the front portion service connection which was disconnected by the landlord.
- vi. A notice was also issued to the objecting landlord on 04/11/2020 to ascertain the fact whether any court case was filed by the land lord against the applicant in order to proceed further on the issue.
- vii. In response, the petitioner replied on 9/11/2020 and 11/11/2020 citing the provisions of Supply Code.
- viii. On careful perusal of the averments made by both applicant Tmt. Maidily and the petitioner it is noted that there is a civil dispute between both the parties and as on date, both the parties have not furnished any proof of taking the dispute to the court of law.
- ix. The petitioner has also filed an application on 23/11/2020 requesting reconnection of the Policy Code:03-10-06-0712/A2 which was temporarily disconnected on the request of the petitioner on the front side of the building which was in damaged condition. As the status-quo of the building at present is in damaged condition, the application is kept pending.
- x. Tmt. Maidily has erected separate service connection board on the back side portion and laid LT UG cable on the common passage so as to get connected with the distribution main.

4. Hearing was conducted on 29/12/2020. During the hearing the Complainant had filed a rejoinder to the Counter Affidavit filed by the Respondent No.2. The Complainant was informed that he has raised several issues such as trespassing; providing false documents; non compliance of the Supply Code by the Department etc., in his complaint. All the issues except non compliance of the Supply Code are out of the purview of CGRF. Hence, Forum cannot issue any orders on these issues. The Respondent No.2 has been directed to strictly adhere to the provisions of the Supply Code and scrutinize the applications as per the provisions of 5.29 and 5.30 of the Supply Code for deciding eligibility to obtain service connection. Any deviation from the Supply Code will have to be answered by the officials concerned.

Observation: The case concerned more of the civil dispute which have to be solved by the competent authority and this Forum can issue directions only for complying Supply Code of JERC for effecting of power supply.

ORDER

- i. The Respondent No.2 has been directed to strictly follow provision of 5.29 and 5.30 of the Supply Code in processing the applications and take appropriate action as deemed fit.
- ii. Thus the Complaint is allowed to the extent indicated.
- iii. 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, (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 5th day of January 2021.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

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