

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

PRESENT:

THIRU T. GOPALAKRISHNAN, B.E.,
CHAIRMAN

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

TUESDAY, THE 21st DAY OF SEPTEMBER 2021

CONSUMER CASE No.52/2021

A. Nithya D/o (Late) Arumugam),
No.4 A, Bridge Street Main,
Arundhadhipuram, Saram Post,
Puducherry - 605013

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Complainant

Vs.

- 1) The Executive Engineer, Urban O&M,
Electricity Department,
Puducherry.
- 2) The Assistant Engineer – Town - II,
Electricity Department,
Puducherry.
- 3) The Junior Engineer, Saram
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.52/2021 came up before this Forum for final hearing on 07/09/2021. 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 A. Nithya D/o (Late) Arumugam on 12/08/2021. In the complaint, the complainant had stated that the property mentioned above has been got by way of gift settlement made in 15/05/2000 to her father Arumugam and house had been constructed and residing in the above said property. This property was earlier owned by Rukmani @ Sengeni mother of Arumugam forefather Duraisamy by way of document dated 04/09/1904 with Patta Number 1334. Her father expired on 08/11/2017. The Complainant, her mother and brother, the legal heirs of Arumugam are residing in the above house from the year 2000 and paid property tax from 2000. The above said property had been enjoyed by the forefather of the Complainant by way of ancestral property. Earlier, the complainant had given application to the Department and got power supply with policy No.07-33-03-0382CE. On a sudden development, without giving notice, the Department had disconnected the power supply. On enquiry with the Department, it has been advised to give a separate application to give new service connection. Based on the above, the Complainant has applied for fresh service on 25/09/2020. But the same was not processed, as objection raised from one Subbulatchumy. The Complainant has stated that Subbulatchumy is no way connected to this property as the schedule of property is different in both cases and Subbulatchumy has no right to object her claim of ownership of the said property. The Department is supporting Subbulatchumy and service connection not effected till date. The Complainant prayed for giving service connection after examining the application. The Complainant has enclosed property document, gift settlement made in favour of Arumugam, declaration of legal heir of the deceased Arumugam and also property tax payment receipt from the year 2000. Hence the Complaint.

2. The complaint has been registered as C.C. No.52/2021 on 18/08/2021 and the same has been forwarded to the Executive Engineer, Urban O&M,

the Assistant Engineer, Town-II, the Junior Engineer (Saram), Electricity Department to furnish reply by 30/08/2021.

3. The reply was received from the Respondents on 30/08/2021 and the same was communicated to the Complainant. The case was posted for hearing on 07/09/2021. Both the parties attended the hearing.

4. In the Affidavit dated 27/08/2021 filed by the Respondent No.2 it has been stated that while converting OHOB service into metered services in urban area service connection was effected in favour of the Complainant. On verification of available documents, it was found that there was no OHOB service connection standing in the name of the Complainant. Hence, the service was disconnected and advised to apply for new service connection. Accordingly, Nithya submitted application for new service connection along with ownership documents and legal heir certificate and requested for domestic service connection. Further, while processing the application, an objection has been received from K. Subbulatchumy, stating that the place where the service connection is requested belongs to her by exhibiting copy of judgement issued by the Court of Principal District Munsif at Puducherry. Based on the objection, the site was inspected on 16/03/2021 and found that the Complainant's site exists behind the objector's house and orally instructed to furnish certificate from the Tahsildar earmarking the boundary and to furnish encumbrance certificate of the property. The Complainant has not furnished the requested certificate. On receipt of the required certificate, the Department will consider the new service connection application for effecting domestic service connection.

5. During the hearing, the Complainant stated that due to absence of electricity connection her family is affected and great hardship is caused to her mother who is a patient and pleaded for earlier effecting of service connection. The Respondent

conceded that while regulating OHOB services, connection was given mistakenly. But on examining the office records, it was found that there was no OHOB connection and metered connection given in the name of Nithya was disconnected. On producing the required additional documents from the Revenue Department, the service connection would be effected in favour of the Complainant.

6. On examining the copy of Court Order furnished by the Objector in O.S. No.940/2012 in the Court of Principal District Munsif at Puducherry and its schedule with that of the particulars it is seen that the extent of land 2432 sq.ft and 165 sq.ft and Patta No.2907 and 1334 are in variance. However, it is noted from the property tax paid by the Complainant's father is from 2000 which established the fact that the premises is under the possession and occupation of the Complainant and there is no pending of any Eviction Petition filed by the objector Subbulatchumy.

Observation: The Forum express displeasure for disconnecting the metered services without any notice to the occupant which has caused immense hardship to the occupant of the property. The attitude of the Respondent acting on a high handed manner is condemned. Further, the Complainant has been made to suffering without electricity for more than one year.

ORDER

- i. The Licensee is directed to effect service connection based on the application given as per the Supply Code 2018 for new service connection without any further delay within 15 days. A Compliance report shall be furnished to this Forum within 30 days from the date of this Order.
- ii. Thus the Complaint is allowed.
- 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, Haryana-122015 within 30 days from the date of this Order under intimation to this Forum and the Respondents.

iv. 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 21st day of September 2021.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN