

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 12TH DAY OF JANUARY 2021

CONSUMER CASE No.53/2020

G. Rajendiran,
S/o Govindasamy Nadar,
No.28, Subburaya Mudaliar Street,
Karaikal.

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Complainant

Vs.

- 1) The Executive Engineer,
Electricity Department,
Karaikal.
- 2) The Assistant Engineer – Rural,
Electricity Department,
Karaikal.
- 3) The Junior Engineer, Thirunallar,
Electricity Department,
Karaikal.

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Respondents

This case in C.C. No.53/2020 came up before this Forum for final hearing on 08.01.2021. 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 Thiru G. Rajendiran during the Camp of CGRF held on 07/12/2020 at Karaikal. In the Complaint, the Complainant had informed that one old service AN-34 was in his premises. To replace the meter he has paid Rs.1,210/- on 29/06/2017 and also paid Rs.700/- in the office of the Junior Engineer. Further another service AN-40 was transferred in the name of Mahesh Kumar after paying Rs.700/- the single phase was converted to three phase and is being used. The service which is in the name of Tmt. Meena Rajendiran was not in use from the year 2005 to 2020 and a bill for Rs. 9,501/- was issued on 02/12/2020. Another bill in the name of Thiru Panneerselvam PK-28 has been issued to him for an amount of Rs.6,529/-. He had requested for rectification of bill and directions to cancel the non-existent services. Hence the complaint.

2. The complaint has been registered as case C.C. No.53/2020 and copy of the petition given to the Executive Engineer, Karaikal to furnish reply by 24/12/2020. The reply from the Respondent was received on 24/12/2020.

3. In the reply the Respondent stated that:

(i) Three number of service connections were existing in the name of Tmt. Meena Rajendiran (AN34/A1 and AN40/A2) and Thiru T. Panneerselvam(PK28/A2). Thiru Mahesh Kumar S/o Thiru G. Rajendiran has constructed a house behind the existing building during the year 2017. Based on the application received from Thiru R. Mahesh kumar, name transfer had been carried out for the policy No.AN40/A2 vide letter No.102/EDK/AE(R)/F.41/2017-18 dated 29/06/2017 from Tmt. Meena Rajendiran to Mahesh Kumar after making payment of Rs.700/- vide receipt No.K-13 /0423 dated 29/06/2017. Also it was observed that meter was in burnt out condition. Charges of Rs.1,210/- has been collected vide receipt No.K13/0422 dated 29/06/2017 for the Policy No.AN40/A2 and not for AN 34/A1 as claimed by the

petitioner. Also the service connection AN 40/A2 has been converted from 1 Phase to 3 phase service based on the application No.9/AE-R dated 20/11/2018 and bills are being served for this service connection.

(ii) During the inspection of site for the name transfer of service connection of policy No.40/A2, it was informed to Thiru R. Mahesh Kumar to cancel the other two service connections existing in the premises who has said that it will be cancelled in future. But as the above service connections have not been cancelled so far by Thiru R. Mahesh Kumar, bills are being generated for the above two service connections. Now based on the complaint furnished action will be taken to cancel the above two service connections.

4. The case was heard on 08/01/2021 at Karaikal. During the hearing the Complainant had argued that there was only one service in the name of Meena Rajendiran and there is no second service. But the Department produced records from the original policy file which shows that the application in the name of Meena Rajendiran was submitted for availing a commercial service on 04/10/1993 and the service was effected on 29/11/1993. The Department have furnished a copy of the application and receipt of payment in proof of the claim. Meena Rajendiran had also submitted another application on 11/01/1995 for availing domestic service connection and necessary payment for the services was made on 01/03/1995. The Service AN40/A2 was subsequently transferred in the name of Mahesh kumar which is in use now. Whereas the service AN34/A1 is still in existence as per the records of the Department and yet to be cancelled.

5. During the hearing, the Official had informed that there is only a shed existing and no service connection materials are available and the exact date of disconnection was not known to them. However, from the ledger details, it was informed that the

last payment was made for the service AN34/A1 on 05/04/2016 for Rs.106/- and subsequently there was no consumption in the meter and minimum charges are levied. The Department further informed that the bill served in the name of Panneerselvam PK28 for an amount of Rs.6,529/- does not belong to the location of Rajendiran and will be separated and deleted from his claim.

6. Observation: Out of the three services disputed by the Complainant one service is under regular use and one service deleted from his account thereby leaving the service AN34/A1 which is under long disconnection. Since the last payment was made only in the month of April 2016 there is no further consumption in the service and there is no service connection materials available in the site, the service is deemed to have been disconnected in April 2016. Since this is a case of 2016, it has to be dealt in accordance with the provisions of JERC Supply Code 2010. The extracts of para 6.9(1) and 6.9(2) are reproduced below:

6.9(1) The agreement shall remain in force even after completion of the initial period of agreement until it is terminated. Domestic and single phase Non domestic category of consumers may terminate the agreement after giving one month's notice. Consumers other than domestic and single phase non domestic LT category can terminate the agreement on giving three month's notice. In case of HT and EHT category six month's notice is required.

6.9(2) If power supply to a consumer remains disconnected for a period more than notice period for non-payment of charges or dues or non-compliance of any directions issued under these regulations, the licensee shall issue a show cause notice, to be replied within seven days, to the consumer for termination of the agreement. In case no effective steps are taken by the consumer for removing the cause of disconnection and for restoration of power supply, the agreement of the licensee with the consumer for power supply shall be terminated on expiry of the period of seven days, provided the initial period of agreement is over.

7. Hence, the service connection shall be terminated after calculating minimum charges for the next three months i.e., May, June and July 2016 along with cancellation charges. The arrears bill issued for Rs.9,096/- upto August 2020 shall be withdrawn.

ORDER

- i. As pointed out in the observation the minimum charges for three months from May 2016 to July 2016 shall be collected along with the cancellation charges and the services shall be cancelled with immediate effect. Arrears in the name of Panneerselvam shall be collected from the appropriate person.
- ii. Thus the Complaint is allowed to the extent indicated.
- iii. A Compliance report shall be sent after cancellation of service within 20 days from the date of receipt of this Order.
- iv. 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.
- 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 12th day of January 2021.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

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