

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

FRIDAY, THE 24TH DAY OF SEPTEMBER 2021

CONSUMER CASE No.58/2021

Antonyysamy,
Represented by
Power of Attorney
M. Martin Lizar Chinnappan,
No.186, Villianur Road,
Murungapakkam,
Puducherry 605004.

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Complainant

Vs.

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

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Respondents

This case in C.C. No.58/2021 came up before this Forum for final hearing on 22/09/2021. 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 the Antonisamy represented by the Power of Attorney M. Martin Lizar Chinnappan on 30/08/2021. In the complaint the Complainant has stated that he has applied for temporary power supply on 02/03/2021 in the plot No.305 and 306 situated at Velrampet. Till date the Department has not given the power supply in the said locations. The Complainant therefore prays for temporary power supply. Hence, the Complaint.
2. The complaint has been registered as C.C. No.58/2021 on 01/09/2021 and the same has been forwarded to the Executive Engineer, Urban O&M, the Assistant Engineer, Marapalam, the Junior Engineer, Mudaliarpeta, Electricity Department to furnish reply by 10/09/2021. On receipt of the reply from the Respondents on 13/09/2021, the same was forwarded to the Complainant and the case was posted for hearing on 22/09/2021. Both the parties have attended the hearing.
3. In the Affidavit filed by the Respondent No.2 on behalf of himself and other Respondents it has been stated that Antonisamy has applied for a temporary power supply on 02/03/2021 at plot No.305, 306 in a newly formed layout at Jayamourthy Raja Nagar Extension. Upon the field inspection and report from the Respondent No.3, objection was received from 1. R. Santhi W/o Ravichandiran, stating that the plot No.305 purchased by Antonisamy is belonging to her and requested not to effect the power supply to that plot. 2. Baskaran S/o Annamalainathan, has given a letter in favour of his wife Buvaneshwari, stating that Plot No.306 purchased by Antonisamy belongs to her and requested not to effect power supply.
4. The Respondent No.2 further stated that, upon verification of produced documents, Antonisamy, Santhy and Buvaneshwari seemed to have purchased same plot from different people. Orally informed both of them to obtain sufficient valid proof document from the Competent Authority either Judicial or Revenue Department for consideration of their request. In view of the above, it is a civil

dispute, hence temporary supply requested by the Complainant will be considered after settlement of the civil dispute.

5. On perusal of the documents, the Complainant Antonisamy has purchased the plot No.305, 306 from one Anbalagan who is the power agent of Tmt. Suriyapraha on 27/02/2000 and the same was registered vide document No.3650 of 2000 at Registration Department, Puducherry. The objectors namely Santhi has purchased Plot No.305 from one Kaliasammal on 13/08/2003 and another objector namely Buvaneswari has purchased Plot No.306 from one Kaliasammal on 11/03/2002. Both parties and executants were also different persons purchased the property subsequent to the purchase of plots by the Complainant Antonisamy. Therefore, it is the responsibility of the subsequent purchasers to prove their ownership on the said plots.

6. In the reply filed by the Respondent No.2 stated that he has informed both the parties to obtain sufficient valid proof documents from the Competent Authority either Judicial or Revenue Department for consideration of their request. But till date they have not produced the relevant proof of documents to the Department.

7. Further on perusal of the Certificate of Encumbrance filed by the Complainant for the period from 01/01/1986 to 22/06/2021 issued by the Registration Department, Puducherry reveals that Antonisamy is the owner of the said plots. Further, the Complainant has raised compound wall over the property which clearly shows that the property is in possession of the Complainant.

8. During the hearing the Complainant admitted that there is no civil case filed or pending before any Court of Law relating to this property. Therefore, the Complainant is entitled to get temporary power supply as prayed for as an Occupier.

9. Observation: On perusal of the documents and on hearing the parties it is observed that the Complainant is in possession of plot No.305, 306 and entitled for service connection as an Occupier. The unreasonable / unjustifiable delay caused to

the Complainant by the Licensee is highly condemned. In future, if delay in processing of application is found, all the Respondents concerned are liable to pay compensation to the consumer jointly and severally as per the provisions laid down in the Standard of Performance for Distribution Licensee Regulations 2015. Oral communication to the applicant/objector to produce valid document should be avoided.

ORDER

- i. The Respondents are directed to give temporary power supply as prayed for by the Complainant within 7 days from the date of this Order and a compliance report shall be submitted to this Forum within 30 days of this Order.
- ii. The Respondents are also directed to intimate the Complainant the necessary charges to be paid and obtain proper undertakings from the Complainant.
- iii. The Complainant is directed to pay the charges immediately on receipt of the intimation from the Respondent to avail Temporary power supply.
- iv. Thus the Complaint is allowed.
- v. 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.
- vi. 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 24th day of September 2021.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN