

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 7TH DAY OF OCTOBER 2021

CONSUMER CASE No.60/2021

J. Tamizhazhagan,
S/o Jayaraman,
No.16, Asokan Street,
Nethaji Nagar-I,
Uppalam,
Puducherry 605001.

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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.60/2021 came up before this Forum for final hearing on 23/09/2021. 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 J. Tamizhazhagan on 02/09/2021. In the complaint the Complainant has stated that he is residing in the above mentioned address. At present he is working in France. During last year, he came to India on leave. At that time he has cleared his plot number 26, 29 situated at LRGS layout, Jayamoorthyraja Nagar extension, Pondicherry Municipality. He further stated that, he has constructed a compound wall and a small room with shed inside the compound. On 29/10/2019, he has applied for electricity service connection. But service connection was not extended, after that, he has returned to France. Later on 05/03/2021, he came to know that electricity service connection was effected in his place in the name of one N. Sumathy W/o Natrajan of Mudaliarpur without giving service connection in favour of him. As a proof of ownership to the property the Complainant has enclosed copy of registered settlement deed from Queen Mary to her eldest son Tamizhazhagan, the Complainant vide Document No.12419 of 2015 Book-1 at Sub-Registrar, Puducherry. Therefore, he prays this Forum to direct the Respondents to disconnect the electricity connection given to his plot in favour of one N. Sumathy. Hence, the Complaint.

2. The complaint has been registered as C.C. No.60/2021 on 03/09/2021 and the same has been forwarded to the Executive Engineer, Urban O&M, the Assistant Engineer, Marapalam, the Junior Engineer, Mudaliarpur, Electricity Department to furnish reply by 13/09/2021. On receipt of the reply from the Respondents on 15/09/2021, the same was forwarded to the Complainant and the case was posted for hearing on 23/09/2021. Both the parties have attended the hearing.

3. Initially, the Complainant was asked to produce the copy of new service connection application on 29/09/2019, but he stated that he had not taken a copy of the same. The Respondent accepted that the Complainant had applied for new service connection. But the matter was kept pending as the applicant had left the country. In the Affidavit filed by the Respondent No.2 on behalf of himself and other Respondents it has been stated that one N. Sumathy W/o Natarajan had applied for domestic service connection at RS. No.178/1, plot No.1, Jayamoorthyraja Nagar Extension, Mudaliarpeta area. After paying the department charges, the service was effected on 05/03/2021.

4. On 08/03/2021, the Complainant J. Tamizhazhagan had given a petition stating that, the plot in which the service was effected belongs to him. Hence requested to disconnect the given service connection. Due to discrepancy in the document received, the case was referred to the legal cell of the Electricity Department for the opinion. As opined by the Law Officer, a letter was sent to 1. N. Sumathy and 2. J. Tamizhazhagan on 07/05/2021 to produce the demarking certificate obtained from the Survey and Land Department, Puducherry.

5. The Respondent further stated that, N. Sumathy, on 21/06/2021 has requested time extension to produce the demarking certificate, as the Revenue officials are involved in COVID pandemic work. Since, neither of them produced demarking certificate from the concerned, a letter was sent to the Tahsildar, Puducherry Taluk Office on 07/09/2021 by the Electricity Department with a request to verify the case and issue their views / remarks about the possession of plot. After getting the report from Taluk Office, necessary action will be taken as per norms.

6. On perusal of the documents, the Complainant has acquired possession of the property by way of settlement deed No.12419 of 2015 dated 08/07/2015 from his mother J. Queen Mary. The Encumbrance Certificate submitted by the Complainant for the period from 01/01/1991 to 16/03/2021 clearly evidenced that the property is in the possession of the Complainant. His mother Queen Mary has purchased the property from one Shanthi W/o Natarajan on 08/12/2009 vide document No.4368 of 2009 at Registration Department, Puducherry. The schedule of property along with the documents in respect of plot no.26, 29 to the extent of 2160 square feet in Ward N.

7. The Respondent No.2 has furnished document dated 27/11/2006 vide No.7154 of 2006 belongs to one Sumathy. The Schedule of property of the document pertains to the plot number 1 and part of plot No.2 to the extent of 1800 square feet in Ward N. But the lay out for document No.7514 has showed that it relates to Ward K instead of Ward N. Therefore, the property belongs to the Complainant and said Tmt Sumathy are different. Therefore, Tmt.Sumathy is not the lawful right over the property of the Complainant. Further, the Complainant has stated in the complaint that there is no legal dispute in respect of property before any civil court of law is filed or pending.

8. The Respondent No.2 has also furnished a letter submitted by Tmt. Sumathy dated 21/06/2021. In that letter she has sought for 3 months time to submit the certificate with clear demarcation of her plot. But, as assured by her, she has not produced the said certificate till date. The Complainant has also not produced the demarcation certificate till date.

Observation: i. The Department had not issued proper acknowledgement as per Supply Code 2018 to the Complainant on receipt of new service connection application. The reason for deferring the application was not communicated to the

Complainant and the Respondent had not processed the application as per the Regulation 5.52 which is a gross negligence on the part of the Respondent. Further having kept the Complainant application, the service connection was extended to the subsequent applicant without scrutiny and proper check of the documents in haste, which resulted this confusion and causing suspicion in the action of the Respondent.

ii. On perusal of the documents and on hearing the parties, it is observed that it is a clear ownership dispute case. Besides, the Respondents have already given power connection to one Tmt. Sumathy keeping complainant's application in abeyance and without checking under whose in possession the property is. Further both the Complainant and the said Tmt. Sumathy had not produced the demarcation certificates to identify their property till date as directed by the Respondents and this Forum feels that Tmt. Smathy seeking 3 months time on the ground of preoccupation of the Revenue Officials in COVID-19 work in 2021 appears to be unreasonable ground for extension of time. Even at the end of three months time on 20/09/2021, the Respondent had failed to take appropriate action. The Respondent had miserably failed to act without prejudice to the claims and counter claims on this matter.

ORDER

i. The Respondent is directed to take appropriate action on the notices issued to the Complainant and Tmt. Sumathy and at the end of the notice period to disconnect supply and maintain status quo as were on 29/10/2019 i.e., the date in which the Complainant filed his application for new service connection, till either party produce Revenue Department Certificate or Court Order on ownership in their favour. A Compliance report to be sent, to this Forum within 20 days on the action taken.

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 7th day of October 2021.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN