

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

WEDNESDAY, THE 28TH DAY OF OCTOBER 2021

CONSUMER CASE No.66/2021

P. Murugaiyan,
S/o. V. PalaniPillai,
No.5, 6th Cross Street,
Bharathi Nagar,
Karuvadikuppam,
Lawspet,
Puducherry

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Complainant

Vs.

- 1) The Executive Engineer- Rural North,
Electricity Department,
Puducherry.
- 2) The Assistant Engineer – Lawspet,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer (Revenue-II),
Electricity Department,
Puducherry.
- 4) The Junior Engineer - Lawspet,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.66/2021 came up before this Forum for final hearing on 22/10/2021. 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 filed by Thiru. P. Murugaiyan S/o. V. PalaniPillai, No.5, 6th Cross Street, Bharathi Nagar, Karuvadikuppam, Lawspet, Puducherry through his advocate, Thiru. M.G. Ganesan, Pondicherry, on 27.09.2021. In the complaint he has stated that he is residing at No.5, 6th cross street, Bharathi Nagar, Karuvadikuppam, Lawspet, Puducherry for the past 25 years and continuous in possession and enjoyment without any disturbance. He further stated that the original owner of the property was one Tmt.Yamuna Siva (deceased) and a close relative of his family. He further stated that the said Yamuna (deceased) was unmarried and lived an inmate of Sri Aurobindo Ashram, at Puducherry. She was a Philanthropist and very affectionate towards him and due to the reason of the same she allowed him to reside in the property from the year 1995 and in reciprocation of the same, he had assisted her in times of her medical emergency and helped her in arranging foods and necessities as and when she required the same. He further stated that at the time of her later ages, she has told him her intention of selling the property to him and on his expression of willingness to purchase the same, the property was sold to him for a sum of Rs.97,000/- (Rupees Ninety seven thousand only) and the connected documents in this respect was detained by herself. Later on the said Yamuna Siva died in the Ashram itself and the said documents could not be retrieved from her living place.

2. Further he stated that in the circumstances above, one, Tmt. Ushabhai claiming to be the purchaser of the property had approached the Respondents for effecting 'Name Transfer' in favour of her name in the electricity connection. When this matter came to his knowledge, he raised his objection before the concerned authorities of the Electricity Department, through oral, writing and email. He further stated that the Respondent No.2 and No.3 with an ulterior motive and in a biased manner for their known reasons, had effected the name transfer in favour of the said

Ushabai without considering the objections above. To prove the bias and motive of the Respondent No.2 and others, he submit to bring before this forum that the Respondent No.2 in a camouflage way has acted in favour of the said Tmt. Ushabai and effected the change of Name in her favour in a hasty manner. With a predetermination to favour the said Ushabai in the matter of Name Transfer, the Respondent No.2 had avoided receiving his objection letter which was submitted on 13/09/2021. When he submitted the objection letter, the Respondent No.2 after reading the letter returned the same with an advice to him to resubmit with certain corrections. When he came back to resubmit the letter next day the Respondent No.2 and his office again refused to receive the same and this has happened continuously on the successive working days. He further stated that the Respondent No.2 had received his objection letter only on 24.09.2021 and in the mean time the Respondent No.2 knowingly and wantonly effected the name transfer already and thereafter chosen to receive his objection letter belatedly to create an alibi in this matter. The act of the Respondent No.2 is absolutely against the conduct rules prescribed for the purpose and liable for the legal action under appropriate provisions of Law. He further stated that he is the claimant for the schedule mentioned property and the action in effecting the name change without entertaining his objection is nothing but showing the undue favouritism against another party for vested interest, liable for appropriate disciplinary proceedings. He further stated that the Civil court has taken cognizance of the dispute on the title for the property and a case in O.S. No.2464/2021 was also pending before the Hon'ble IInd Additional District Munsif Court at Puducherry and while the matter is subjudice, any process of effecting 'Name change' in favour of Tmt. Ushabhai who is a party in the said case, amounts to contempt of court and liable for legal action. Therefore he prays before this Forum to call for the records and direct the opposite parties to revoke the name transfer order

effected in the name of Tmt. Ushabai and maintain the anti-status quo stage, till the disposal of the said case and render justice. Hence, the Complaint.

2. Even though the above complaint was filed through an advocate, in the interest of justice and for the benefit of the consumer, the complaint was taken on file after informing that an advocate cannot represent the Complainant before the Forum on 28.09.2021 and registered as C.C. No.66/2021 and copy of the complaint has been forwarded to the respondents to file their reply on or before 08/10/2021.

3. The reply from the Respondents were received on 07/10/2021 and the same was sent to the complainant through registered post and the case was posted for hearing on 22/10/2021.

4. The notice sent to the complainant was returned as 'unclaimed'.

5. The hearing was conducted on 22/10/2021. Both the parties were present. The counsel for the complainant was also present in the court hall and observing the proceedings. The Complainant was only presenting the case.

6. During enquiry with the complainant, the counsel for the complainant suddenly intervened and submitted that since he is on record he want to argue the case on behalf of the complainant, but the same was refused by this Forum by citing the Regulations that the appearance through an advocate is barred as per the provisions laid down in 'Consumer Grievances Redressal Forum and Ombudsman Regulation, 2019' by the Hon'ble JERC. In spite of that, the counsel for the complainant adamantly insisted this Forum to allow him to argue the case. Therefore this Forum feels that there is no possibility of continuing the hearing and hence posted for orders. An extract of Consumer Grievances Redressal Forum and Ombudsman Regulations 2019 is reproduced below:

"24. Appearance through an Advocate: A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorise any person other than an Advocate (within the meaning of

Advocates Act 1963) to present his case before the Forum and to do all or any of acts for the purpose”

ORDER

- i. In view of the above circumstances, the complaint is dismissed accordingly.
- ii. Any how the complainant is at liberty to file a fresh complaint on the same cause of action either appear in person or authorise any person, other than an Advocate.

(or)

- 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.

Dated at Puducherry on this the 28th day of October 2021

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN