

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

TUESDAY, THE 2ND DAY OF MAY 2023

CONSUMER CASE No.66/2023

Vegesna Bhaskara Raju,
S/o V. Satyanarayana Raju,
D.No.1-14-021, First Street,
Gandhi Nagar, Near Gopal Nagar,
Yanam-533464.

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Complainant

Vs.

- 1) The Executive Engineer, Cables & TTC,
Electricity Department,
Puducherry
- 2) The Assistant Engineer,
Electricity Department,
Yanam.
- 3) The Junior Engineer,
Electricity Department,
Yanam.

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Respondents

This case in C.C. No.66/2023 came up before this Forum for final hearing on 17/04/2023. 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 was received from Vegesna Bhaskara Raju, S/o V. Satyanarayana Raju, on 03/04/2023. In the complaint, the Complainant had stated that he had

constructed A/c shed shopping complex bearing door No.7-15-124/1/2/3/4/5/6/7/8/9/10/11/12/13/14(for 12 connections situated at NH-216 adjacent to National Highway Road, Yanam for commercial purpose and obtained certificate along with Trade License for the above shopping complex. Thereafter he had applied for service connection in the Office of Assistant Engineer, Yanam and he had approached several times to the officials of Department but no action was taken. On 23/03/2023 he had received a notice from the Assistant Engineer, Yanam wherein the Yanam Planning Authority has raised objection stating “as for a flood prone area and effecting electricity service connection is not justified”. The Complainant has furnished a reply to the above said notice and enclosed photograph of the shopping complex. Further, the Complainant stated that in the above said area there are many buildings constructed and got electrical connection for commercial business and the same is running. The Complainant therefore prayed this Forum to issue necessary directions to the Respondents for providing new service connection to the shopping complex for livelihood. Hence, the Complaint.

2. The complaint was registered as C.C. No.66/2023 on 03/04/2023 and copy of the complaint was sent to the Executive Engineer, Cables & TTC and others. Since the case is for new service connection, the case has been prioritized and notice issued to the Respondents for filing reply and to attend hearing on 17/04/2023 at 4PM during the visit of the CGRF to Yanam. The Complainant was also asked to attend the hearing on that date. The Respondent had filed his counter during the hearing.

3. In the Counter Affidavit the Respondent dated 06/04/2023 the Assistant Engineer, Yanam have stated that the field inspection of the location at Francetippa area was conducted and it was observed that, the Office has received 12 No.s of application seeking power connections for the individual shops constructed by the applicant at T.S.No.D/1/12/68Pt NH 216 road Kanakalpetta Yanam. The Yanam

Planning Authority, has requested the Department not to effect electricity service connection to the unauthorised constructions of building (shed) vide letter dated 18/10/2022. Since the Yanam Planning Authority is a statutory body headed by the Regional Administrator, Yanam, objecting for power supply extension to the multi shopping at TS No.D/1/12/68Pt NH 216 road Kanakkalpetta, Yanam this Department could not processed the applications. Accordingly, a report has been sent to the Executive Engineer, Cables & TTC, Puducherry seeking guidelines towards processing the new service connection applications given by Thiru Vegesna Bhaskara Raju vide letter dated 16/03/2023. A notice has been given to Thiru Vegesna Bhaskara Raju requesting him to reply for the objection raised by Yanam Planning Authority. The applicant has not communicated any reply resolving the issue raised by the Yanam Planning Authority so far but requested certain clarifications from this Department vide letter dated 03/04/2023.

3. Hearing was held on 17/04/2023 at 4 PM at Yanam. Both the Complainant and the Respondents were present. On perusal of the documents and on hearing the parties, it is observed that Notice dated 17/03/2023 sent by the Assistant Engineer, Yanam to the Complainant by quoting the provisions of Supply Code 2010 become infructuous, since non-existence of Supply code 2010 on the date of issue of said notice. The Respondent No.2 have received 12 applications from the Complainant during December 2022 and did not taken any steps to process the same till date and kept pending which entails compensation as per Standard of Performance. The Respondents were keeping the application pending just based on the objection raised by Member Secretary, Yanam Planning Authority as the building is unauthorised construction. It is the duty of the Yanam Planning authority to initiate legal proceedings for demolishing the same. But till date no legal action has been taken by the Yanam Planning Authority, instead they have sent a request letter to the Respondents not to give service connection to the Complainant. It is further observed

that no Court Order has been passed against the Respondents by prohibiting them to provide service connection to the consumer. During the hearing the Complainant has produced the sale deed and Encumbrance certificate issued by the Sub-Registrar Yanam, confirms the ownership of the property belongs to the Complainant. Further no case is pending before any Court of Law regarding ownership of the property. The Complainant further produced a copy of the electricity consumption bill in his name at No.7-15-124, Ferry Road, Yanam. The Complainant prays that the shops were constructed adjacent to the National Highways. Further, this Forum has already passed Order in Consumer case No.83/2012 to 106/2012 dated 30/10/2012 wherein they have clearly stated that the Yanam Planning Authority has no locustandi to give instructions to the Respondents not to effect the service connection to the consumer. It clearly shows the negligence on the part of the Respondents that they have not followed the earlier Orders given by this Forum in the year 2012 itself. The Complainant in his complaint mentioned that he had constructed 12 shops to be given for rental purpose. Accordingly, the Commissioner of Yanam Municipality also authorised to carry out the business and also issued Licensee to the respective tenants. Therefore, the Complainant is entitled to avail service connection as prayed for in the complaint.

Observation: i. Meanwhile an objection has been received from Shri Kondamuri Kusuma Nagendra Prasad of Yanam for providing electricity connection to the Complainant. He had enclosed copies of several acts for prohibiting the action in flood prone area under any Act, Officers with required power are appointed to take care of proper implementation of the said acts. The Electricity Department is bound to act only with the provision of Electricity Act 2003 and the Supply Code Regulations issued by Hon'ble JERC.

ii. In the above stretch of the National Highway 216, there are numerous shops, petrol bunks, Hotel buildings with electricity connections. Objection to this 12 Nos. of shops above is not reasonable. If the Town and Country Planning initiates

demolition action as per their provisions under Act and Rules, the Respondents shall co-operate following the due procedure of disconnection of supply after issue of notice to the Applicants / Complainants.

iii. In future, the Respondents are directed to register and process new service connection applications following the time line as stipulated in the Electricity Supply Code, failing which action shall be initiated in enforcing provisions of the Standards of Performance.

ORDER

i. The Respondents are directed to issue a revised demand notice to the Complainant as per the provisions of Supply Code 2018 within 5 days from the date of this Order by mail. The Respondents are also directed to obtain undertaking from the Complainant with suitable conditions to proceed further as per law in future, if needed.

ii. On receipt of the Demand, the Complainant is directed to pay the prescribed fees within the stipulated time mentioned thereon without fail.

iii. The Respondents are directed to take action immediately on receipt of the demand amount from the Complainant provide service connection within 5 days thereafter and send a compliance report to this Forum within 7 days afterwards.

iv. Thus the complaint is allowed.

v. The Complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF Order by the Licensee, may make an Appeal in prescribed Annexure-IV to the Electricity Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Pathkind Lab Building, Service Road, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015; Phone 0124-4684708; email ombudsman.jercuts@gov.in 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 2nd day of May, 2023

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

(A.S. JITENDRA RAO)
LICENSEE MEMBER

(T. GOPALAKRISHNAN)
CHAIRMAN