

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 17TH DAY OF MAY 2023

CONSUMER CASE No. 67/2023

S. Pazhani,
No.01/7, Salai Vinayagar Koil Street,
Puducherry.

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Complainant

Vs.

- 1) The Executive Engineer- Urban,
Electricity Department,
Puducherry.
- 2) The Assistant Executive Engineer –Town-I,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer – Rev.I,
Electricity Department,
Puducherry.
- 4) The Junior Engineer – Town-Central,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.67/2023 came up before this Forum for final hearing on 02/05/2023. After hearing both sides having stood over till this date for consideration this Forum has delivered the following:

The case of the complainant is as follows.

A Complaint was received from S. Pazhani on 05/04/2023. In the complaint, the Complainant had stated that he had requested for disconnection of policy code No.03-15-05-0618-AA-A1 in 2012. Subsequently, the Department Officials disconnected services and removed the meter and other materials from the premises. But the bill is still coming. He is prepared to pay arrears upto 2012. Therefore, the Complainant prayed this Forum to issue necessary directions to the Respondents for revision of bills. Hence the complaint.

2. The complaint has been registered as C.C. No.67/2023 on 10/04/2023 and copy of the complaint was sent to the Executive Engineer –Urban and others for giving reply by 21.04. 2023. Reply from the Respondents was received on 24/04/2023. The case was posted for hearing on 02/05/2023.

3. In the Affidavit dated 24/04/2023, the Assistant Executive Engineer Town-I, / Respondent No.2 for himself and on behalf of Respondent No.1 and 4 has stated that the Complainant has reported that a letter was given to the Department to disconnect the power supply of policy code 03-15-05-0618AA-A1. The above said service connection was disconnected on safety grounds during the month of March 2015 as per the field report. The complainant had given a letter and requested to reduce current consumption charges bill amount of the existing policy. Based on the request the field official had sent a report through AEE/Town-I on 04/01/2023 to the JAO /Rev-I.

4. In the Affidavit dated 25/04/2023 the Junior Accounts Officer-Rev.I / Respondent no.3 stated that as per the letter of the Complainant has stated that he had requested for Temporary disconnection of his service in 2012 itself and the meter had been removed from the premises by the Department. Moreover, as per letter dated 14/12/2022, addressed to the AEE/Town-I the Complainant has stated that his tenant had vacated the premises without any intimation and the service connection had been temporarily disconnected by the Department since 2012. After

effecting Temporary disconnection in 2012, only minimum charges were levied. But the Complainant had not remitted any amount from the month of Temporary disconnection of the service. As a result, due to non-payment of dues, BPSC had been levied which had accumulated as arrear amount. As per records / ledger, as on April 2014, the arrear amount was 9,644/-. The Complainant had not remitted since April 2014, and the total accumulated arrears due to the Department as on March 2015 was 19,099/-. As per letter dated 30/12/2022 received from AEE/Town-I, it was informed that the above said service connection was disconnected during the month of March 2015 under safety ground. Since the said policy was under Temporary disconnection condition for more than six months, it is deemed to be permanently disconnected and hence the current consumption bill of the Complainant was revised from April 2015 to February 2023 by claiming only BPSC and the total arrear amount payable upto February 2023 is 46,184/-

5. Hearing was held on 02/05/2023. Both the Complainant and the Respondents were present. During the hearing the Complainant had reiterated that he is ready to pay the arrears as per rules and wanted revised bills. The Respondent No.2 has agreed that since the service was disconnected in 2015 itself, they would revise the arrears bill by considering statutory notice period and furnish the revised Affidavit within 3 days. It was also pointed out to the Respondent No.3 that the arrears as on April 2014 is 9,644/- whereas on March 2015 is Rs.19,099/-. The reason for accumulation of arrears in the disconnected services has been sought from Respondent No.3. The Respondent No.3 had informed that there was a special category of tariff for lavish accumulation which attracts minimum tariff of Rs.500/- per month and accumulation of arrears are because of this fact. The Forum asked the Respondent No.3 to file a copy of the relevant orders in proof of their argument i.e., existence of special tariff category of lavish illumination.

6. The revised Affidavit was filed on 08/05/2023. The Respondent No.3 had furnished statement showing the arrears to be payable by the Complainant as on September 2015 as Rs.20,946/-. But the Respondent No.3 had not furnished any copy of Tariff Orders sought by this Forum.

Observation: i. The Orders of power Tariff issued by Government of Puducherry within the powers delegated by Indian Electricity Act 1910 and Supply Act 1948 are vide G.O.Ms No.53 dated 31/10/1994. In the said G.O. the lavish illumination exists only in the Temporary Supply and there is no special category for lavish illumination. The Government of Puducherry had last issued power tariff based on the Powers delegated to the Government, in 2002. All the Orders issued after 1994 are only amendments to the main Tariff Order issued vide G.O.Ms No.53 dated 31/10/1994.

ii. The next Tariff Order was the Tariff Order issued by Hon'ble JERC for the financial year 2009-10. Even in this Tariff Order the lavish illumination existing only in Temporary Service. The Foot Note under Commercial Tariff A1 in the said Order is reproduced below:

“Note: Separate services extended for Air-Conditioners, lifts and other power loads such as water motors are proposed to be merged into the existing service and billed as a single service within a period of three months”.

iii. It may be observed from the foot note that there is no category for lavish illumination. The service was disconnected in March 2015 and minimum charges levied upto September 2015 by Respondent No.3. From the statement of Respondent No.3 this minimum charges of Rs.500/- are considered from May 2014 to March 2015. In the Tariff Order of Hon'ble JERC for 2014-15, the lavish illumination is existing in Temporary service with provision of minimum charges of Rs.500/- per month. The extension of minimum charges of temporary service

to a regular supply is not in Order. The extract of Tariff Order 2014-15 of JERC for temporary supply is reproduced below:

S.No.	Category	Tariff Applicable	Minimum charges
(a)	Lights or combined installation of lights and fans, motive power, heating and others	Entire consumption: Rs.9.00/Kwh	Rs.200 per connection per month or part thereof
(b)	Special illumination	Entire consumption Rs.9.00/Kwh	Rs.500 per connection per month or part thereof
(c)	Construction and testing purpose for load exceeding 130HP or 97kw	Entire consumption RS.9.00/kwh	Rs.500 per connection per month or part thereof

Note: (1) The rate of special illumination shall apply to weddings, garden parties and other private / Government functions when the illumination is obtained through bulbs fastened in other surfaces of wall of buildings, on trees and poles inside the compound and in pandal etc., outside the main building

(2) In cases where such special illumination is done in the existing regular services the energy utilized for such illumination shall be metered separately and the consumption will be charged under Special illumination charge as levied under temporary supply.

(3) Wherever such special illumination is done unauthorisedly, a penal charge of Rs.500/- for service shall be levied in addition to the existing tariff of the installation.

(4) Other conditions for connection of line and service connection charges, dismantling security deposit etc., will be as per the rules now in force.

(5) For supply required at short notice that is within three days from the date of application for temporary service connection, an urgency charge of Rs.50/- shall be paid along with other normal tariff charges.

As per the note 2 after special illumination is provided from the existing regular service through a separate meter within the consumption is to be charged under special illumination charges as levied under Temporary service. The Respondent No.2 had denied during the hearing that no such extension was existing.

ORDER

i. In view of the above, the Respondents are directed to revise the arrear bill by considering only fixed service charges applicable for the commercial category (A1) as per the relevant Tariff Order and issue revised statement to the Complainant within

15 days as per provision of 7.26 of Supply Code 2018, by marking a copy to this Forum.

ii. The Complainant shall pay the amount within 15 days from the date of receipt of the notice from the Respondents.

iii. Thus the complaint is allowed.

iv. 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.

Dated at Puducherry on this the 17th day of May, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-
(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN