

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 25TH DAY OF APRIL 2023

CONSUMER CASE No.70/2023

Bongarala Venkata Kedarnath,
S/o Tmt. B. Chandravathi,
D.No.8-1-028,
Zacria 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.

....

Respondents

This case in C.C. No.70/2023 came up before this Forum for final hearing on 18/04/2023. 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 Bongarala Venkata Kedarnath, S/o Tmt. B. Chandravathi, on 11/04/2023. In the complaint, the Complainant had stated that

power supply to his portion of the house is being disconnected illegally by the Department based on the request of his brother who is staying in the same house. He is suffering without power supply for the last two months and school children going to the neighbour house for studies. The Complainant therefore prayed this Forum to issue necessary directions to the Respondents to for restoration of power supply. Hence, the Complaint.

2. The complaint was registered as C.C. No.70/2023 on 11/04/2023 and copy of the complaint was sent to the Executive Engineer, Cables & TTC and others. Since the case is for restoration of power supply, as provided in para 18(2) of CGRF Regulations 2019, the case has been prioritized and notice issued to the Respondents for filing reply and to attend hearing on 18/04/2023 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. In the Counter Affidavit the Respondents have informed that already Hon'ble High Court of Madras had issued an Order in the same subject matter and the Orders have also been received by the Department and action is being taken in consultation with the Government Pleader.

3. On perusal of the records it is observed that the Hon'ble High Court of Madras had issued Orders on 28/03/2023 in W.P.No.9113 of 2023 and W.M.P No.9251 of 2023. The Complainant Petition is dated 26/03/2023 and he did not mention about pending case in the Hon'ble High Court of Madras on the subject matter in the complaint made to this Forum.

4. Para 19(a) of CGRF and Ombudsman Regulation 2019 of Joint Electricity Regulatory Commission is reproduced below:

19. Limitations/ pre-conditions for submission of grievance: *The Forum may reject the grievance at any stage under any or more of the following circumstances:*

(a) *"in case where proceedings in respect of the same matter and between the same Complainant and the Licensee is pending before any court, tribunal, arbitrator or any*

other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority”

ORDER

- i. Since the Hon’ble High Court of Madras had already issued Orders in the subject matter this Forum cannot entertain the application again and as provided for in Section 19(a) of CGRF & Ombudsman Regulation 2019, the complaint is dismissed.
- ii. 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 25th day of April, 2023

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN