

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 11TH DAY OF NOVEMBER 2021

CONSUMER CASE No.74/2021

V. Shankara Murugan,
No.7, Fourth Main,
Selva Nagar,
Uruvaiyar,
Puducherry-605110.

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Complainant

Vs.

- 1) The Executive Engineer –Rural(South),
Electricity Department,
Puducherry.
- 2) The Assistant Executive Engineer – Rural(South),
Electricity Department,
Puducherry.
- 3) The Junior Engineer –Vadamangalam,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.74/2021 came up before this Forum for final hearing on 02/11/2021 at Puducherry. After 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 Shankara Murugan through email on 05/10/2021. In the complaint, the Complainant has stated that his wife is the owner of the property located at Achariyapuram, Sriram Nagar, which has been rented out for commercial purpose with policy No.46-54-06-0750/A1 in the name of his wife S.

Jyothikiruthika . The Complainant had further stated that there is an outstanding amount of current consumption charges in the above said service connection to the tune of Rs.29,657/- which shows that the amount outstanding is for more than two years. Normally, if a consumer has not paid bill for more than two or three months, the supply will be disconnected. But, the staff are in collusion with the tenant and not disconnected the service. The Complainant has prayed for disconnection of service. Hence the complaint.

2. The complaint has been registered as C.C. No.74/2021 on 08/10/2021 and the copy of the complaint was sent to the Executive Engineer –Rural (South) and other Respondents to furnish reply by 20.10.2021. The Assistant Executive Engineer, Rural (South)/ Respondent No2 sought time for furnishing reply by 22/10/2021 due to preoccupation. The reply has been received from the Assistant Executive Engineer, Rural (South) on 22/10/2021 and copy of the same has been communicated to the Complainant. The case was posted for hearing on 02.11.2021.

3. In the Affidavit dated 22/10/2021 the Assistant Executive Engineer-Rural (South) / Respondent No.2 has stated that electricity dues are statutory nature and the consumer is oblige to remit the dues as per the terms and conditions of JERC (Electricity Supply Code) Regulations 2018 and cannot be allowed to evade payment of electricity dues approved to the Government exchequer after enjoying the power supply. The Complainant has stated that the shop was rented to someone and hence the current consumption charges bill is to be collected from the tenant. In this regard, it is stated that the electricity service connection agreement has been executed by the policy holder only and not by the tenant, till date the ownership of the service connection remains in the name of the policy holder and hence the policy holder is to pay the electricity bill, but, the Complainant informing the Department to collect the electricity bill from the tenant after enjoying the power supply, is against the JERC (Electricity Supply Code) Regulation 2018, since, the policy holder has rented out the shop out of his own and change of occupant of the shop has not been intimated to the department. As for as the Department is concerned, the policy holder is the consumer and the consumer has to pay the current consumption charges.

4. The Respondent No.2 further stated that in view of COVID-19 pandemic the Government has ordered for lock down in all the sector from the beginning of 2020 and the same has been relaxed step by step in the past two years. The jurisdictional officials / Engineers are acting as per the instruction of the Government. Considering the public health, the Department officials are mostly concentrated in maintaining the uninterrupted power supply even though most of the field staff of the Department are affected by COVID positive. Further it is stated that in view of the lock down the meter reading also not taken for the months between April 2020 to June 2020 and the consumers were requested through daily newspaper to pay the electricity bill by utilizing online facility, but, the policy holder has not paid electricity bills. It is the responsibility of the policy holder to pay the electricity bills every month. It is further stated that the dues pending since November 2019 and in view of COVID-19 pandemic lenient approach was taken and based on the request to pay the dues in instalment was considered mainly on the grounds of continuous lock-down due to COVID-19. Necessary enforcement is being conducted recently to collect the dues from the LT / HT consumers and the Complainant is taking advantage of the leniency showed to the policy holder in respect of the dues and blanketly trying to evade payment of dues and still wants to extend power supply without remitting dues. Hence there is no mala fide intention on the part of Department officials.

5. The hearing was conducted on 02/11/2021. The Complainant was absent, even after reminding over phone to appear for hearing. The Respondents were present.

6. On perusal of the outstanding amount of the policy, an amount of Rs.18,155/- was outstanding as on 02/11/2021. On 12/10/2021 an amount of Rs.10,000/- had been remitted and the balance outstanding has to be settled in due course.

Observation: Agreement is between policy holder and Department only and it is duty of the policy holder to remit the amount due to the Department within the due date. In this case, even though the premises is let out for rental purpose, the responsibility to monitor the monthly dues and arrange to clear the dues rest with the policy holder. The Department, due to COVID-19 pandemic, has not carried out disconnection regularly and the bill amount had accumulated.

The Complainant had also alleged that there is wide spread of corruption charges on the staff of Vadamangalam Section Office. The Forum does not have scope to go into such allegations. The Complainant is at liberty to take up the alleged corruption charges with appropriate authorities as deemed fit.

ORDER

- i. In view of the above, the policy holder is directed to arrange to clear the dues within the due date and a copy of the receipt shall be forwarded to this Forum within 15 days.
- ii. The complaint is not 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.

Dated at Puducherry on this the 11th day of November 2021

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN

C.C. No.74/ 2021

Date:11.11.2021

ORDER

Order Pronounced

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Dated at Puducherry on this the 11th day of November 2021

(T. GOPALAKRISHNAN)
CHAIRMAN