

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 6TH DAY OF JUNE 2023

CONSUMER CASE No. 77/2023

Aamir Manzoor,
S/o Manzoor Ahmed,
Manager – Indian Boutique,
No.1 – Chetty Street,
Puducherry-605001.

....

Complainant

Vs.

- 1) The Executive Engineer- Urban,
Electricity Department,
Puducherry.
- 2) The Assistant Executive Engineer –Town-I,
Electricity Department,
Puducherry.
- 3) The Junior Engineer – Town-South,
Electricity Department,
Puducherry.

....

Respondents

This case in C.C. No.77/2023 came up before this Forum for final hearing on 25/05/2023. 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 Aamir Manzoor, S/o Manzoor Ahmed on 04/05/2023. In the complaint, the Complainant had stated that after the demise of Ganesan, the proprietor Abdul Quayam Bazaz is paying the rent properly to his Son M.G. Ragavendar whereas the said M.G. Ragavendar with an ulterior motive is always creating problem and making hurdles to run the business by way of disconnecting the water connection, disconnected 3 phase electricity connection and also locked the electricity main board room which shattered the business and the same is running loss due the act of M.G.. Ragavendar, for which Abdul Quayam Bazaz, is to initiate legal proceedings. There is also dispute on fixation of monthly rent and with ulterior motive, disconnection of 3 phase service could not be attended which consequently diminished the business. The facts are being so though back door method initiated legal proceedings without serving summons and Abdul Quayam Bazaz knowing the knowledge has filed petitions and defending the same before court of law and the litigations are pending for adjudications. Meanwhile, on 24/04/2023 around 10.00 AM the said MG Ragavendar and his henchmen has disconnected the entire electricity supply to the premises of Indian Boutique. Then, he contacted MG Ragavendar to restore power supply, whereas he denied for the same and immediately approached the Department and required room key of the Electricity main board, whereas M.G. Ragavendar refused to open the room of the main board which is illegal. Therefore, the Complainant prayed this Forum to issue necessary directions to the Respondents to take action against M.G. Ragavendar for illegal disconnection and to restore the service. Hence the complaint.

2. The complaint has been registered as C.C. No.77/2023 on 04/05/2023 and copy of the complaint was sent to the Executive Engineer –Urban and others for

giving reply by 15/05/2023. Reply from the Respondents was received on 15/05/2023. The case was posted for hearing on 25/05/2023.

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 3 has stated that the Complainant has given a complaint to this Office on 27/04/2023 and stated that the owner of the building Thiru M.G. Ragavender is disconnected the existing 2 Nos. of service connection power supply of the above said building. Moreover the tenant of the building intimated one court case is still pending in the Court of the Hon'ble Rent Controller-cum-Principal District Munsif at Puducherry vide EA No.67/2023 in EP No.109/2022 in HRCOP No.42/2021. Based on the complaint, the field officer has inspected the premises on 03/05/2023 and reported that totally four numbers of service connections are existed and all the metering panel board room under locked condition. The tenant of the building utilised only two Nos of the service connection bearing policy code 03-13-05-0710/A1 and 03-13-05-0710A/A1 are standing in the name of Thiru M. Ganesan. At the time of inspection observed that the owner of the building is not in Puducherry and his son Thiru MG Ragavendar is in possession of the building and all the service connection metering panel board room shutter was locked by Thiru MG Ragavendar. The Junior Engineer/ Town Central has contacted present owner of the building over phone to open the shutter and M.G. Ragavendar refused and he has not opened the metering panel room as on date. Again the above said premises re-inspected by the field officer on various dates (08/05/2023 and 10/05/2023) and the same condition. In this connection the power supply of the building cannot be restored as on date. A notice also served to the policy holder and his son on 12/05/2023 to open the shutter failing which action will be taken as per the JERC guideline.

4. Hearing was held on 25/05/2023. Both the Complainant and the Respondents were present. At the outset the Forum asked the Complainant and

informed that he is yet to get re-connected and he is under dark. When asked about the status of the notice issued by the Respondent, the Respondent No.2 informed that the owner had opened the meter room but he did not allow the Department staff to work. When the Forum asked whether the Department maintained power upto point of supply, the Respondent No.2 informed that the fuse wire is removed from the cut-out. The Forum directed the Respondent No.1 immediately to provide proper fuse and extend power supply upto the point of supply. The Complainant was also informed that the issue is between him and the shop owner is due to rent and the Forum shall not intervene in such issue and the Forum can only direct the Respondent to maintain power supply upto the point of supply.

Observation: i. As per the Supply Code, the meter should be easily accessible to the Department staff at all times. The provision has been incorporated to attend any emergency and ensure that no mal practices are happening with the meter. The Department cannot be at the mercy of the owner for inspection of its own equipment, meter box, cut out etc.,

ii. The Department should immediately take action for shifting of meter to a place easily accessible to the Department and seal all meters and cut-out. The meter and cut-out are the property of the Department and the consumer should ensure safety of the equipments and the consumer cannot deny access to these equipments. If the Department finds any tampering of seals, the Department should take action immediately as per provisions available in the Electricity Act 2003 and Supply Code 2018 for such offences.

iii. The prime reason is due to dispute between the Tenant and the Owner. The Complainant also filed a case with the Competent Authority to get relief. The

Forum had no jurisdiction over such issues and cannot interfere in these matters.

ORDER

- i. The Respondents are directed to file a report within 5 days informing whether the power is being maintained upto the point of supply as per oral orders of the Forum during the hearing. The Respondents are directed to file a report within 30 days on the action taken to shift the meter and providing seals to the meter and cut-out etc.,
- ii. In view of the reasons explained in Para 3 in observation, the Complaint could not be entertained in total and dismissed.
- iii. 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 6th day of June, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

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

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN

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Dated at Puducherry on this the 6th day of June, 2023

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