

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

FRIDAY, THE 19TH DAY OF NOVEMBER 2021

CONSUMER CASE No.78/2021

R. Jayaprakash,
S/o Ramanujam,
No.13, Fourth Cross Street,
Ponne Nagar,
Reddiarpalayam,
Puducherry 605010.

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Complainant

Vs.

- 1) The Executive Engineer, Rural (North)O&M,
Electricity Department,
Puducherry.
- 2) The Assistant Engineer –Thathampakkam,
Electricity Department,
Puducherry.
- 3 The Junior Engineer, Thirukkanur,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.78/2021 came up before this Forum for final hearing on 09/11/2021. 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 has been received from the R. Jayaprakash S/o Ramanujam, on 12/10/2021. In the complaint the Complainant has stated that he is doing agricultural activities in Kunichampet Revenue Village in R.S.No.182/10 which is the ancestral property from his grandfather (Late) Subburayalu Reddiar who was doing agricultural activities. After his death, his father (Late) Ramanujam was continuing agricultural activities. Later, the Complainant was continuing the same agricultural activities. In the above said agricultural land there is one motor pump set with policy No.14068 /D. During 'Thane' cyclone the electrical lines to the motor pump set were damaged. He had given a complaint letter to the Department on this. Since the water table level had gone down he had not pursue his agricultural activities. Presently, the water table level had risen and on 10/12/2020 he had given a letter to the Assistant Engineer (Thethampakkam) for restoring the power supply. The Department had directed to clear the dues. Accordingly, he had cleared the dues to the tune of Rs.43,435/- on 17/02/2021. Even after clearing the dues, the Department had not restored the power supply. On oral enquiry with the Department on many occasions, they have not restored power supply to the Complaint. In order to resume the agricultural activities, the Complainant has prayed to restore power supply. Hence, the Complaint.

2. The complaint has been registered as C.C. No.78/2021 on 12/10/2021 and a copy of the same has been forwarded to the Executive Engineer, Rural (North) O&M, and others to furnish reply by 25/10/2021. The Respondent sought for additional time till 26/10/2021. The reply was received on 27/10/2021 and the same was forwarded to the Complainant and the case was posted for hearing on 09/11/2021.

3. Both the parties attended the hearing. In the Affidavit dated 26/10/2021 filed by the Assistant Engineer(Thethampakkam)/Respondent No.2 on behalf of himself and for other Respondents it has been stated that the service connection location has

been inspected and found that there is defunct well and no pump shed and agricultural activities. On enquiry, it has come to know, the LT line feeding power supply to the agricultural line was damaged during 'Thane' cyclone and the same was dismantled. Further, till date there is no agriculture activities in that place. Further, one objection letter was received from N. Santhi w/o A. Pavadaisamy, who is adjacent land owner of the Complainant, requesting not to erect any LT line through her land for the purpose of restoring supply to the Complainant's land.

4. The Complainant also met the Executive Engineer, Rural (North) / Respondent No.1 on 28/09/2021 and requested to restore power supply to his agricultural activities. The Complainant had been directed to furnish fresh ground water clearance from the Department to take further action, as the agriculture service is inoperative for more than 10 years.

5. The Respondent No.2 also stated that if the Complainant completed the construction of motor pump set shed, the service connection will be reconnected, as per regulation 5.43(2) and 9.13 of the JERC (Electricity Supply Code) Regulations, 2018.

6. During the hearing held on 09/11/2021 the Respondent was informed that the said Regulations are not applicable in this case and directed the Respondents to effect service connection and file additional Affidavit by 12/11/2021.

7. In the additional Affidavit dated 12/11/2021 filed by the Respondent No.2, it was stated that due to heavy rain at the site, transporting and erection of RCC poles for extending power supply to the agriculture service bearing Policy No.14068 for the connected load of 10 HP in the name of V.E. Subrayalu could not be carried out. The Respondent No.2 further stated that the erection of LT line will be completed by 25/11/2021 after the water stagnation in the field gets dried and supply to the Complainant agriculture service will be reconnected.

Observation: i. The Complainant has stated that the LT line got snapped during the 'Thane' cyclone and the matter was informed to the Respondent which was not denied by the Respondent. The 'Thane' cyclone hit Pondicherry coast between December 25th and December 30th 2011. The Respondent also removed the snapped wires, as there was no agricultural activities at that time. The Complainant on noticing the water level around well is raised due to rain, had given a letter for reconnection to the Department on 10/12/2020. The above service was not in existence for more than 10 years as no agricultural activities was carried out by the Complainant. The Department has not acted in a fair and reasonable manner to collect the arrears for non existing LT lines to the Complainant's service in respect of agriculture bore well.

ii. Even after collection of arrears, the Department has not acted with earnest attitude to extend power supply to the Complainant. Only after his meeting with the Respondent No.1 on 28/09/2021 he was directed to produce fresh ground water clearance certificate. In the Affidavit dated 26/10/2021 the Respondent assured to extend power supply as per Regulation 5.43 and 9.13 of the Supply Code which is reproduced below:

Regulation 5.43: "The applicant shall get all defects removed within 30 working days from receipt of intimation of defects as specified in Regulation 5 of this Supply Code, 2018 and inform the Licensee in writing under acknowledgement. In case the applicant fails to remove such defects or fails to inform the Licensee about removal of defects, the application form shall stand lapsed and the applicant will have to apply afresh. The Licensee may grant additional time to the applicant for completion of work, in case the applicant submits a written request for the same within 10 working days from receipt of intimation of defects".

The above regulation is only for extending new service connection, whereas this was an existing service where the low tension lines had been kept dismantled on the grounds of safety.

Regulation 9.13: “In case of consumer requests for reconnection after 6 months of disconnection, the connection shall be reconnected only after all the formalities as required in the case of a new connection are complied with by the consumer including payment of pending dues, services line charges, security deposit, etc., as applicable for that category of consumer”.

The above Regulations is only in case of disconnection carried out on request of the consumer and re-connection applied. Whereas, this case was disconnected for more than 10 years, due to natural calamities, when ‘Thane’ cyclone hit Pondicherry and its suburbs. In view of the above reasons, the amount collected as arrears for defunct connection bearing Policy No.14068 is not fair and the amount has to be adjusted in respect of the same service in future current consumption bills to be raised.

ORDER

- i. The Respondents are directed to erect RCC poles with low tension lines and complete the work before 25/11/2021. A compliance report shall be sent to this Forum within 15 days by 10/12/2021. The power supply shall be restored after construction of shed by the Complainant.
- ii. As the policy holder is no more, the Complainant is directed to apply fresh name transfer in his name.
- iii. The Respondents are directed to adjust the excess collected consumption amount in future bills.
- iv. Thus the Complaint is allowed.
- v. 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.

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 19th day of November 2021.

Sd/-

Sd/-

Sd/

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

(A.S. JITENDRA RAO)
LICENSEE MEMBER

(T. GOPALAKRISHNAN)
CHAIRMAN