

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

MONDAY, THE 29TH DAY OF MAY 2023

CONSUMER CASE No. 78/2023

K. Kumarappan,
No.2, Fourth Cross Street,
Jawahar Nagar,
Puducherry- 605010.

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Complainant

Vs.

- 1) The Executive Engineer-Rural(North),
Electricity Department,
Puducherry.
- 2) The Assistant Engineer –Boomianpet,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer – Rev.II,
Electricity Department,
Puducherry.
- 4) The Junior Engineer- Boomianpet,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.78/2023 came up before this Forum for final hearing on 24/05/2023. 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.

A Complaint was received from K. Kumarappan on 04/05/2023. In the complaint, the Complainant had stated that he had applied for name transfer for seven numbers of service connections on acquiring the property. The Department told to pay full security deposit even though it was not a new service connection. Since no other option available, he complied with the Department directions. Therefore, the Complainant prayed this Forum to issue necessary directions to the Respondents to refund the old security deposit along with interest at 18% upto the date of name transfer. Hence the complaint.

2. The complaint has been registered as C.C. No.78/2023 on 05/05/2023 and copy of the complaint was sent to the Executive Engineer –Rural (North) and others for giving reply by 16.05. 2023. Reply from the Respondents was received on 17/05/2023. The case was posted for hearing on 24/05/2023.

3. In the Affidavit dated 16/05/2023, the Assistant Engineer, Boomianpet / Respondent No.2 for himself and on behalf of Respondent No.1 and 4 has stated that the name transfer applications for transfer of electricity service connections standing in the name of K. Revathy to the name of T. Kumarappan was received for the following service connections.

- i. Policy code No.31-63-02-0260/A2
- ii. Policy code No.31-63-02-0260A/A2
- iii. Policy code No.31-63-02-0260AA/A2
- iv. Policy code No.31-63-02-0261/A2
- v. Policy code No.31-63-02-0261A/A2
- vi. Policy code No.31-63-02-0261AA/A2
- vii. Policy code No.31-63-02-0261AB/A2

The name transfer Order was issued on receipt of the field report and payment of security deposit as per present tariff order as detailed below:

Policy Code No.	Present C/L	S.D. Amount paid
31-63-02-0260/A2	6280 watts	Rs.5005/-
31-63-02-0260A/A2	6280 watts	Rs.5005/-
31-63-02-0260AA/A2	6280 watts	Rs.5005/-
31-63-02-0261/A2	6280 watts	Rs.5005/-
31-63-02-0261A/A2	6280 watts	Rs.5005/-
31-63-02-0261AA/A2	6280 watts	Rs.5005/-
31-63-02-0261AB/A2	1555 watts	Rs.1,348/-

As per the JERC Supply Code Regulations 2021 Clause 4.11 *“the Security Deposit in the name of preceding consumer shall stand transferred in the name of the applicant and no additional security deposit shall be taken if the consumer with the same load.”*

However, as per the present Tariff Order the security Deposit is required to be revised for the present connected load for issue of name transfer order. As such the Security Deposit is collected afresh for the present connected load and the name transfer order is issued with a copy to the JAO-Rev-II with a request to refund the security Deposit lying in the name of the preceding consumer on request. There is no provision in the Supply Code Regulations 2018 to pay interest @ 18% for the security deposit amount not refunded from the date of the name transfer issued until refund is made.

4. In the Affidavit dated 16/05/2023 the Junior Accounts Officer-Rev.II / Respondent no.3 stated that the process of collection of fresh security deposit on assessing the present connected load of the concerned premises and issuing name transfer order for transfer of electrical connection in case of transfer of ownership of occupancy are being dealt with by the Office of the concerned Assistant Engineer O&M in respect of the Division. The original security Deposit is refunded to the claimant as and when the claim is preferred by the concerned. As per the relevant ledger records, the Security Deposit / Additional Security Deposit / Meter Security Deposit held by the preceding consumer in respect of the 7 domestic electrical services are mentioned below:

Policy Code No.	S.D. Amount paid by K. Revathy
31-63-02-0260/A2	Rs.2,374/-
31-63-02-0260A/A2	Rs.2,098/-
31-63-02-0260AA/A2	Rs.2,098/-
31-63-02-0261/A2	Rs.2,374/-
31-63-02-0261A/A2	Rs.2,098/-
31-63-02-0261AA/A2	Rs.2,098/-
31-63-02-0261AB/A2	Rs. 240/-

5. On receipt of the reply from the Respondents the Complainant has filed a Rejoinder at the time of hearing.

6. Hearing was held on 24/05/2023. Both the Complainant and the Respondents were present. During the hearing the Complainant submitted in the Rejoinder that he had acquired the property through E-Auction from Bank and the Respondent No.3 should refund the security deposit amount of Rs.13,380/- with interest @ 18% from the date of name transfer. In the hearing the Complainant stated that he had not given any letter for refund of Security Deposit to the Department, but approached this Forum directly through the complaint. The Complainant had also not approached this Forum before paying the security Deposit in order to effect name transfer in his name. The Complainant was asked whether he insisted refund with 18% interest, but the Complainant stated that he wanted a definite time frame without insistence of interest at 18%. The Respondent No.2 on effecting the name transfer had marked a copy to the Respondent No.3 to arrange to issue Refund Order, but even though 3 months lapsed, the Respondent No.3 had not taken any action for refund of Security Deposit. The Respondent No.3 also confirmed after checking the records that the connected load is only less than actual sanctioned load at the time of service connection. The Respondent No.3 prayed for 45 days time for refund of security deposit as it involves different offices for taking action on this matter. The Complainant was satisfied and accepted to the time frame of 45 days, from the date of this Order.

Observation: From the statement of the Respondent No.2 it is understood that all the applications for name transfer are being directed to pay fresh deposit which is in violation of Electricity Supply Code Regulations 2018 read with Amendment 4.11(ii). The Respondents are to comply with the Regulations strictly, in future. Further as per Regulation 5.133 of the Joint Electricity Regulatory Commission for the State of Goa and UTs (Electricity Supply Code) Regulations, 2018, “*The*

Security deposit shall be returned to consumer upon termination of Agreement within 30 days of adjustment of all dues. In case of delay, interest equivalent to the State Bank of India Base Rate on the 1st of April of that year shall be payable to the consumer.” Though the Supply code stipulates 30 days time, the Respondents have requested for 45 days time to refund the Security Deposit and the complainant has agreed for the same.

ORDER

- i. As committed by the Respondents, the Security Deposit should be refunded within 45 days from the date of this Order, failing which along with interest over the above amount at the rate of interest payable on security deposit as per Regulation 5.133 of the Electricity Supply Code Regulations 2018.
- ii. Thus the complaint is allowed to the extent indicated.
- 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 29th day of May, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

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

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN