

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 2ND DAY OF JUNE 2023

CONSUMER CASE No. 79/2023

Motcharagini W/o David,
No.80, Old No.68, Bajanai Madathu Street,
Oulgaret,
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 Engineer- Boomianpet,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.79/2023 came up before this Forum for final hearing on 29/05/2023. 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 Motcharagini W/o David on 08/05/2023.

In the complaint, the Complainant had stated that she is residing in the above

mentioned address in her ancestral property. Two numbers of families were residing in the premises. One of his relatives in the front side and she is residing in the back portion. The Complainant stated that service connection existing in the name of her grandfather. The above service connection was transferred by her relative living in the front portion without her knowledge. She came to know the fact in the year 2022. As such she intended to get a new service connection in her name and submitted an application vide No.B-22D dated 12/07/2022. It is stated by the Department that one objection was received from her relative not to extend service connection. Hence, the application for new service connection is kept pending. Therefore, the Complainant prayed this Forum to issue necessary directions to the Respondents effect new service connection. Hence the complaint.

2. The complaint has been registered as C.C. No.79/2023 on 09/05/2023 and copy of the complaint was sent to the Executive Engineer –Rural (North) and others for giving reply by 22/05/ 2023. Reply from the Respondents was received on 19/05/2023 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 29/05/2023.

3. In the Affidavit dated 18/05/2023, the Assistant Engineer, Boomianpet / Respondent No.2 for himself and on behalf of Respondent No.1 and 3 has stated that while the application under process an objection letter was received from Thiru P. Victor, not to give new electricity service connection to Tmt. Motcharagini as the property is undivided share and joint patta and the property at which Motcharagini requested extension of power supply is belonging to him. The objector has also produced a copy of part ownership released deed which is enclosed. The premises was inspected along with Junior Engineer, and it was observed that Tmt Motcharagini and Thiru Victor family are residing in the same premises segregated

with brick wall and separate access with common passage. An electric service connection bearing policy code 31-60-02-0192 held in the name of Thiru Pethilier is existing in the portion of Thiru P. Victor. The electric service connection is commonly used by both the families. A legal opinion on the subject matter was sought from the Law Officer vide letter dated 21/11/2022. The Law Officer opined that the Division may require the applicant to have an amicable settlement and to furnish the written consent from the objectors or the Division may require the applicant obtained by afresh documents / orders to be provided by the applicant obtained by her from the appropriate Revenue Authority / Forum / Court, if any providing / substantiating her absolute ownership of the existing dwelling portion, her request for new separate domestic power supply, after intimating the same to the Objector, Victor, brother of the applicant and another one Pisco David, may be considered by the Division accordingly. A notice was issued to Motcharagini to produce written consent letter from the Objector Victor and Pisco Davit or to produce afresh documents / orders to be provided by the applicant obtained by her from the appropriate Revenue Authority / Forum / Court, if any providing / substantiating her absolute ownership of the existing dwelling portion and submit the same at the Office of the undersigned within 7 days of this letter in order to extend power supply to her premises. However, the Complainant has not furnished any of the requisite document.

4. Hearing was held on 24/05/2023. Both the Complainant and the Respondents were present. During the hearing the Complainant submitted that she is residing in the portion wherein the service connection was sought for to prove the same. She had filed a copy of family ration card, Aadhar card, Voter ID card, Legal heir certificate and release deed etc., Further, she submitted that it is an undivided property and she is having separate entrance to her portion. Further there is no order from any Court of Law prohibiting to give service connection to the Complainant by the Respondents. The Respondents have also

admitted the same. Therefore, the Complainant is entitled for new service connection under the category as an 'Occupier'.

Observation: The applicant filed application for separate new service connection in the month of July 2022. It was stated that objections were raised by P. Victor on 04/10/2022 and 26/10/2022 on same ownership grounds for name transfer of the existing service connection in the name of Pethilier and having policy Code 31-60-02-0192, who is no more. This service is being jointly utilised by the Objector Victor and the Complainant Motcharagini living in separate adjacent portion. Due to some misunderstanding between the two, Motcharagini seeks separate service connection. The field officer even after confirming that the portion is occupied by her, had not processed the application in time. In the hearing Respondent No.2 was not able to take a decision based on existing Supply Code Regulation 2018 but merely wants Respondent No.1 to assist which is not proper.

ORDER

- i. The Respondents are directed to process the application and give new service connection in the name of the Complainant within 15 days from the date of this Order.
- ii. The Complainant is directed to pay the prescribed charges for getting the service connection on demand by the Respondents.
- iii. The Respondents are also directed to obtain an undertaking with suitable conditions to proceed as per the law in future, if needed.
- iv. Thus, the complaint is allowed.
- v. 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 2nd day of June, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

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

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN