

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 02ND DAY OF JUNE 2022

CONSUMER CASE No.83/2022

K. Arunan,
S/o P. Kulasekaran,
No.61, Mariamman Koil Street,
Navarkulam,
Lawspet,
Puducherry 605008.

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Complainant

Vs.

- 1) The Executive Engineer Rural-North (O&M),
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.83/2022 came up before this Forum for final hearing on 27/05/2022. 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 was received from K. Arunan S/o P. Kulasekaran on 11/05/2022. In the complaint, the Complainant had stated that a land situated in Cadastre No.235, R.S. No.96/2 at First cross, Thiagupliai Nagar, Village No.36, Reddiarpalayam Revenue, Oulgaret Municipality to the extent of 78 $\frac{1}{4}$ Santhiar i.e., 1 Kuzhi 7 $\frac{1}{2}$ veesam or 846 square feet vacant land is belonging to his mother K. Gunasundari W/o P. Kulasekaran. He further stated that in the above vacant plot one Arokiadoss Bernard who is residing at no.35C, First Cross, Thiagu Pillai Nagar got electricity connection without any valid documents in the plot belonging to his mother K. Gunasundari. Therefore, he gave a letter to the Executive Engineer, Rural (North) on 04/10/2021 requesting to disconnect the said service connection. The said letter was duly acknowledged by Office of the Respondent No.1. But till date no action was taken on the representation. Therefore, the Complainant prayed this Forum to direct the Respondents to disconnect the service connection. Hence, the Complaint.

2. The complaint was registered as C.C. No.83/2022 on 12/05/2022 and copy of the Complaint forwarded to the Executive Engineer, Rural(North) and others to furnish reply by 23/05/2022. The Respondents furnished reply on 19/05/2022 and a copy of the same communicated to the Complainant The case was posted for hearing on 27/05/2022.

3. In the Affidavit dated 19/05/2022, the Assistant Engineer-Boomianpet / Respondent No.2 on behalf of others had stated that, after inspection of the site by along with Junior Engineer, Boomianpet, and the Executive Engineer, Rural (North), a letter was served to the Consumer Tmt. Aroquiamalle Benard to furnish the documents in support of her claim vide No.2246/ED/AE/BMPT/F.6/21-22 dated 09/11/2021 and Pennar Albert S/o Aroquiammalle Benard has produced the copies of Ration card, Aadhar Card, Voter ID, temporary water supply connection, receipt for payment of water connection and death certificate of Aroquiammalle Benard.

Subsequently, this Office obtained the policy file from Revenue Section and observed that only the following copies of documents, certificates were present in the policy file. i. Copy of Ration card with address as 35-c, Vayalveli Nagar, ii. Copy of Aadhar card with address as 35-C Vayalveli Nagar, iii. The service connection was effected on 18/04/2018. Based on the self-attested copy of any one document and proof of ownership self-attested copy of any one documents mentioned in the application form Sl.No.7 & 8 respectively, the copy of Ration card and Aadhar Card had been obtained from the consumer Tmt. Aroquiamalle Benard for proof of occupancy, the service connection was effected on 18/04/2018 with double the security deposit of total connected load 2KW against the normal security deposit since the consumer is having proof of occupancy only.

4. Further, the Respondent No.2 stated that during the camp service connection conducted by the sub-division as per Sl.No.7 & 8 of the new service connection application form, No. of service connections had been effected with double the security deposit of the total connected load in order to avoid the hook service connection as well as to prevent revenue loss. Thiru K. Arunan, S/o P. Kulasegaran has given a representation to disconnect the above said domestic service connection with copy of the document in favour of his mother K. Gunasundari to the same place where the service connection was effected. As per JERC Supply Code 2018 clause 5.30(8), if any service connection had been effected with proof of occupancy of Ration card it would be only the purpose of releasing electricity connection and not for any other purpose. Further, the electricity bill shall be only for electricity supply to the premises occupied by the consumer and shall not be treated as having rights or title over the premises. It is learned that, the above said dispute case is under process at Revenue Department, Puducherry to vacate the occupier from the premises by filing a petition in the Collectorate of Puducherry and based on the outcome of the dispute of the case, the Department will take further action in this regard in connection with the disconnection of the above said service.

5. Hearing was held on 27/05/2022. Both the Complainant and Respondents were present. During the hearing the Complainant submitted that he has filed a case against Occupier before the land grabbing cell, Revenue Department, Puducherry and awaiting for the outcome of the said petition.

Observation: Chapter I, Section 3(f)(ii) of CGRF & Ombudsman Regulation 2019 says that the folloing shall not be considered as the Complaint:

“any matter pending before, or decided by any court of law, or authority (except an authority under the control of the licensee) or the Forum”

Initially, the Complainant had not stated anything in the complaint about the pending of any petition before any court of law / authority. Therefore, the Complaint was taken on file for adjudication. But, during enquiry, the Complainant himself admitted that a petition is pending for disposal before the Revenue Authority and hence this Forum has no jurisdiction to pass any orders. Therefore, the Complainant is not entitled to get any relief as prayed for in the Complaint at this stage and the complaint is liable to be dismissed.

ORDER

- i. In view of the above observation, the Complaint is not allowed.
- ii. 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; 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, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/--

(T. GOPALAKRISHNAN)
CHAIRMAN