

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 8TH DAY OF JUNE 2023

CONSUMER CASE No.83/2023

D. Selvi
D/o N. Duraisamy (Late),
No.42, Bangalow Street,
Bahour
Puducherry 605 502.

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Complainant

Vs.

- 1) The Executive Engineer, Rural-South O&M,
Electricity Department,
Puducherry
- 2) The Assistant Engineer –Bahour,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer-Rev.III,
Electricity Department,
Puducherry.
- 4) The Junior Engineer-Bahour,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.83/2023 came up before this Forum for final hearing on 02/06/2023. 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:

1. A Complaint was received from D. Selvi on 12/05/2023. In the complaint, the Complainant had stated that she is residing with her husband at Ariyankuppam. His ancestral house at Bahour was in the name of her father N. Duraisamy. The said house was damaged fully during 'Thane' cyclone and the Department staff had disconnected the power and released the meter box. There is no service connection in the premises. After the death of her father Thiru N. Duraisamy, she proposed to construct a house during the year 2021. She has approached the Office at Bahour for new service connection. The Officials had informed that old dues amounting to Rs.15,611/- in the name of her deceased father N. Duraisamy has to be cleared for getting the new service connection. However, while the data was checked in the Computer by the Department it was shown that the policy in the name of (Late) Duraisamy was transferred in the name of Ganesan S/o Manavalan who is one of the neighbour. Since, she has to perform house warming function, she has remitted the old dues amounting to Rs.15, 611/- in 2022. It is surprised to note that receipt was issued in the name of Ganesan S/o Manavalan. After long argument, receipt was issued in the name of her father N. Duraisamy. New service connection was effected on 04/04/2023. Current consumption Bill for the period from 04/04/2023 to 25/04/2023 was raised by the Department for Rs.10,227 with BPSC for Rs.205/- . When enquired with the Bahour Office no proper reply was given and asked to contact head office. The Complainant therefore prayed this Forum to issue necessary directions to the Respondents i. to communicate the old policy details in the name of her deceased father ii. To refund the amount paid for the disconnected service. Hence, the Complaint.

2. The complaint was registered as C.C. No.83/2023 on 17/05/2023 and copy of the complaint was sent to the Executive Engineer, Rural (South) and others to furnish reply by 29/05/2023. Reply from the Respondent No.3 was received on

26/05/2023 and from Respondent No.2 on 02/06/2023 and copy of the same were communicated to the Complainant. The case was posted for hearing on 02/06/2023.

3. In the Affidavit dated 01/06/2023, the Assistant Engineer, Bahour/ Respondent No.2 filed for himself and on behalf of Respondent 1 and 4 had stated that, a service connection with policy No.47017/A2 Policy Code No.43-31-03-0320A bearing in the name of N. Duraisamy, cancelled due to non-payment of current consumption charges under ODC cancellation guidelines vide Order dated 15/03/2019. At the time of cancellation, the service had an outstanding balance of Rs.14,470/-. Meanwhile on 05/03/2020 a new service connection has been effected in the name of A. Ganesan with policy No.260664/A2 which comes between the code 44-31-03-320 and 44-31-03-321. So the new service connection is assigned with the code No. 44-31-03-321A, since the above said Duraisamy's house was demolished and empty. The Complainant has requested the meter reader for reconnection and the meter reader informed to meet the JAO-Rev.III for clear arrear amount. The Petitioner approached and retrieved the database of the policy 47017 in JAO-Rev.III itself and paid the amount as shown in the system on 28/03/2023 vide receipt No.RS22440031096. Based on the payment for the code No. 44-31-03-320A the reconnection was made. But in the receipt the consumer name was mentioned as A. Ganesal instead of N. Duraisamy. The name and code number is corrected in the data base as follows: Code No. 44-31-03-320A; Policy No.47017/A2 Name and address N. Duraisamy, PWD Street, Bahour, Puducherry. Further the consumption charges will be verified with the ledger and corrected if required.

4. In the Affidavit dated 25/05/2023 the Junior Accounts Officer-Rev.III / Respondent No.3 had stated that the service connection bearing policy No.47017/A2 code No. 44-31-03-320A standing in the name of N. Duraisamy had been cancelled under Revenue Recovery Act vide Order dated 15/03/2019. The Complainant has requested to retrieval of the above service to get reconnection. The computer code

44-31-03-320A has been reassigned as 44-31-03-320AA to the new consumer one A. Ganesan. Copy of intimation letter dated 14/02/2023 addressed to Thiru A. Genesan. The service connection bearing code 44-31-03-320A standing in the name of N. Duraisamy has been retrieved from archive and added to live data base on 10/03/2023 by Computer section along with the old arrears of Rs.8,138/- & BPSC Rs.6,830/-. The minimum charges and BPSC had been calculated upto date and intimated to the Complainant vide letter dated 03/04/2023 for early payment after adjusting the payment made on 28/03/2023 for Rs.15,611/- as per the guidelines for cancellation of ODC issued by the Department.

5. Hearing was held on 02/06/2023. Both the Complainant and the Respondents were present. On hearing both the parties, it is found that the service connection was cancelled under ODC in June 2012 itself. The Respondents admitted their mistake that they have issued Receipt dated 28/03/2023 for Rs.15,611/- in the name as one A. Ganesan who is the policy holder 44-31-03-320AA instead of N. Duraisamy who is the father of the Complainant. Further the Respondent have submitted that they have corrected the said mistake in the billing section and will not occur in future. Since the service connection was cancelled in June 2012 itself it could not be revived. Therefore, the Complainant was advised to give fresh application for new service connection and the Complainant has also agreed for the same.

Observation: i. The property is an LGR Patta issued in the name of N. Duraisamy by the Government of Puducherry. The said Duraisamy executed a registered will in 19/07/2011 vide No.243/2011 before the Sub-Registrar, Registration Department, Puducherry in the name of his daughter A. Selvi, Chandra @ Lakshmi and his son Saravanan @ Narayanasamy. Therefore all legal heirs have equal shares over the said property. Therefore the Complainant has to get No objection letter from the other legal heirs that they have no objection to give new service connection to the Complainant. Further the Complainant has to get the legal heir certificate from the concerned authority and to produce the same at the time of applying for new service

connection. The Respondents have to adhere the supply Code Regulations to cancel the policy existing in the name of the deceased N. Duraisamy and to adjust the excess amount collected from the Complainant.

ii. The Complainant in the complaint had mentioned that the house is completely destroyed in the Thane cyclone in 2011 and subsequently Department Officials taken away the meter and other materials from the site. The Respondents had also accepted the statement of the Complainant that the house completely collapsed in the Thane Cyclone and no reconnection made after that. It is informed that the service connection deemed to have been disconnected in December 2011 and after considering notice period of 6 months, the Department should have cancelled the service connection in June 2012 itself and restrict the arrears calculation upto June 2012.

ORDER

i. The Respondents are directed to revise the arrears statement as indicated in the observation and serve the notice to the Complainant within 15 days from the date of this Order with a copy to this Forum. The excess payment made by the Complainant should be clearly indicated.

ii. The Complainant is directed to submit a fresh application for getting new service connection along with NOC from the other legal heirs. The Complainant is also directed to pay the prescribed fee for the said new service connection on demand by the Respondents without fail.

iii. The Respondents are directed to process the application for new service connection and give service within 15 days from the date of receipt of application with required documents in full fledged manner and send a compliance report to this Forum. The Respondents are also directed to adjust the excess amount collected from the Complainant.

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 8th day of June, 2023

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN