

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 17TH DAY OF JULY 2023

CONSUMER CASE No. 86/2023

B. Sasirekha,
No.11, Third Cross,
Shanthi Nagar,
Puducherry- 605011.

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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.86/2023 came up before this Forum for final hearing on 20/06/2023. 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.

A Complaint was received from B. Sasirekha through email on 15/05/2023. In the complaint, the Complainant had stated that she is the

owner of the commercial complex viz Vasavi Mall in A-Block in Srinivas Towers, Oulgaret and purchased two properties from UCO Bank through e-auction under SARFESI Act. She had applied for load enhancement for the main building(15032 Sqfeet) on 02/12/2022 vide application No.B-32-EL-A1, but the Electricity Department is denying the process by stating the reasons of PPA. In spite of approaching the Department several times, the load enhancement application is pending for the past 6 months. This has put her commercial tenant lot of inconvenience and loss. Therefore, the Complainant prayed this Forum to issue necessary directions to the Respondents to effect load enhancement. Hence the complaint.

2. The complaint has been registered as C.C. No.86/2023 on 17/05/2023 and copy of the complaint was sent to the Executive Engineer –Rural (North) and others for giving reply by 29/05/2023. Reply from the Respondents was received on 30/05/2023 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 08/06/2023.

3. In the Affidavit dated 29/05/2023, the Assistant Engineer, Boomianpet / Respondent No.2 for himself and on behalf of Respondent No.1 and 3 has stated that an application for load enhancement to commercial service bearing policy code 31-83-04-0583B for a load of 84.5KW existing in the name of Tmt. B. Sasirekha at 'A' Block Srinivas Tower, Oulgaret was received. While processing the application a demolition notice was received from PPA with regard to alteration works carried out at basement floor, ground floor and first floor, front and side setbacks in Block-A of 6 storied residential flats with stilt floor and unauthorised deviation / violation made from the sanctioned plan and requested not to extend power supply to the Ground and First Floor of Block-A. If power supply already extended, same may be disconnected. Subsequent refusal-cum-demolition notice was received from PPA for unauthorisedly constructed a single storied commercial building in the said site

which was shown as front and side setbacks in the building permit dated 22/09/2000 and requested not to extend power supply to the unauthorisedly constructed building in the front set back. A writ No.5357 of 2023 filed by Srinivasa Towers flat owner's association at Madras High Court has also been received. The premises was inspected along with Junior Engineer, Boomianpet and noticed that the modification of entire wiring / electrical installation was going on to suit their new activity in the existing service connection bearing policy code 31-83-04-0583B for which enhancement of load applied. Since the work is not completed the requirement of enhancement of load could not be assessed. As the reply furnished by Tmt. B. Sasirekha for the PPA demolition notice dated 24/02/2023 has been refused and not issued building plan approval and not revoked the demolition notice and subsequent issue of refusal and demolition notice and in addition to receipt of Writ Petition from Chennai High Court a notice was issued to the Complainant dated 05/04/2023 requested to respond for violation notice issued by PPA and furnish building plan approval within 15 days of the notice and informed that their application will be treated as cancelled if the building plan approval from PPA is not furnished. As the Complainant has not furnished requisite approval of PPA within 15 days the application was cancelled.

4. Hearing was held on 08/06/2023. Both the Complainant and the Respondents were present. During the hearing both the parties have not filed copy of the Writ Petition No.5357 of 2023 filed by the Residents of Srinivas Towers Welfare Association, Puducherry before Hon'ble High Court of Madras seeking directions to execute demolition notice dated 16/11/2022 issued by Pondicherry Planning Authority. In the said Writ Petition, the Complainant has been arrayed as 7th Respondent. On perusal of records and on hearing both parties, it is understood that the Complainant has submitted an application for enhancement of load to the policy already existing vide No.31-83-04-0583B. The Respondents have stated that they have not initiated any action on the

application file by the Complainant by merely requesting the Respondent not to enhance power supply to the ground floor of Block –A., and if power supply already extended, the same may be disconnected by the PPA. They have not filed any other Affidavit whether the said demolition notice binding on them not to enhancing power supply to the Complainant. Further there is no Court Order from any court of law preventing the Respondent to enhance the load as prayed by the Complainant.

5. In the additional Affidavit dated 19/06/2023 filed by the Assistant Engineer, Boomianpet / Respondent No.2 has stated that there are 6 No.s of service connections held in the name of Tmt. Sasirekha at the premises as detailed below:

Policy No.	Sanctioned connected load
31-83-04-0583D	32.21KW
31-83-04-0583B	17.4 KW
31-83-04-0583A	25.15 KW
31-83-04-0583E	14.76 KW
31-83-04-0583C	3.45 KW
31-83-04-0583EA	<u>9.34 KW</u>
Total	102.31 KW
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The distribution transformer 315KVA (Balaji Nagar SS.II) is catering the above load including 82 No.s of domestic service connections of Block-A building of Srinivas Towers and domestic consumers in the Salai Theru. The tong test reading of Balaji Nagar SS.II 315 KVA was taken in the peak hours on 14/06/2023 and detailed below:

R Phase	- 290A
Y Phase	- 283A
B Phase	- 287A

The wiring of enhancement requested in respect of policy No. 31-83-04-0583B is altered completely and new electrical loads are installed to suit their activity as per detailed enclosure of electrical installation. The actual connected load of the service connection 31-83-04-0583B comes to 140.9 KW in total. It has been

noticed that 2 Nos. of DG sets each 160 KVA and 100 KVA are installed at the site and found using in an alternate manner without approval of the Department. As per the JERC (Electricity Supply Code) Regulation 2018 clause 4.3 the supply shall be given at High tension to the applicant as their connected load exceeding 100 KVA. As per the connected load of the connection is projected more than 100KVA a separate transformer of adequate capacity shall be installed at the consumer's cost. The space / room required for housing the transformer sub-station, switchgears, meters and panels shall be provided by the consumer free of cost which is easily accessible to the licensee as per JERC Supply Code 2018. As per JERC Supply Code 2018, clause 9.3(2) the supply may be disconnected if the conduct / continuance of any business / industry / activity being carried out in any premises becomes unlawful due to lack of necessary permission or withdrawal of permission from the competent authority. Thus a notice was issued to the Complainant to respond the violation notice issued by PPA. The Additional Government Pleader has appeared for the case hearing for the Respondent No.1 to 6 and the Court made the Order that the Respondents No.1 to 5 will initiate further proceedings based on the Order dated 24/02/2023 and post the matter after three weeks. Therefore the subject matter is sub-judice. Further proceeding will be made based on the outcome of the Court Order.

Observation: i. It is true that there is a dispute between the Complainant and the Residents of Srinivas Towers Welfare Association and Resident Association had filed objection to the Pondicherry Planning Authority(PPA). Later a Writ is also filed against PPA in the Hon'ble High Court of Madras seeking some relief. As per the deposition of the Respondent No.2, Government leader is representing the Department in this Case. But the Assistant Engineer is not aware of the stand taken, which is very much surprising. Further, the property for which the

enhancement of load sought for by the Complainant is different from the said disputed property. The property for which the enhancement of load sought for by the Complainant was purchased through Bank e-Auction and registered on 17/08/2020 vide document No.25476 of 2020 before the Sub-Registrar, Oulgaret. The Pondicherry Planning Authority also gave approval 22 years back. Therefore the Complainant is entitled to get enhancement of load as prayed for in the complaint for the Policy No.31-83-04-0583B.

(ii) On perusal of documents filed by the Complainant and Affidavit filed by the Respondents and on hearing both parties it is observed that the Complainant has applied for enhancement of load for Policy Code No.31-83-04-0583B for a connected load of 84.5 KVA at A-Block, Srinivas Towers, Oulgaret, Puducherry. The Respondents stand that they have received demolition notice dated 24/02/2023 from the PPA with a request not to extend power supply to the unauthorisedly constructed building in the front set back. Further they have submitted that the Srinivas Towers Flat Owners Welfare Association have filed a writ petition No.5357 of 2023 before the Hon'ble High Court of Madras to initiate necessary action based on the demolition notice issued by PPA and the same is still pending. Therefore, the Respondents were not in a position to process the application for enhancement of load of the Complainant. But the statement of the Respondent No.2 is not tenable, as the application has not been returned on the grounds of the technical aspects as the load enhancement exceeds the limit of the Low Tension limit of 100 KVA as per Regulation 5.98 of the Electricity (Supply Code) 2018. Similarly the deposition of the Complainant that eventhough the connected load is 140.9KW and it would be restricted to 85KW is not in accordance with the Regulation. The Respondent No.2 should properly guide the consumer in such cases.

(iii) The Complainant vide her letter dated 22/06/2023 has informed that the actual connected load is revised to 85KW and has requested that the Transformer be erected at Department cost. The Forum can direct the Department to follow Supply Code provision and has no authority to relax Supply Code

(iv) On 23/06/2023 the Respondents have received a copy of withdrawal notice No.1248/PPA/Z(Oul)/SB(R)/2000-2003/1981 dated 24/02/2023 issued by PPA and filed additional Affidavit to this Forum which narrates as follows:

“In response to this Authority’s demolition notices with copies marked to the Electricity Department, Puducherry & Public Health Division, PWD, Puducherry for disconnection of services / not to extend services, Tmt. Sasireka has submitted a representation to the Secretary to Government(Town Planning). The matter was examined and the disconnection of the services to the above buildings may be taken up at the time of final demolition process and therefore the request for disconnection / not to extend service notice to the above building may be treated as withdrawn at present. Further action on the unauthorised construction at the above site will be taken after issue of Final Demolition Order and as per the outcome of the Hon’ble High Court of Madras in the above Writ Petition.”

Therefore the Complainant is entitled to get enhancement of load as requested.

ORDER

- i. The Respondents are directed to release the available load in the existing transformer to the Complainant premises wherein it was sought for within 15 days from the date of this Order.
- ii. The Respondents are also directed to send written intimation to the Complainant as per the Provision 5.100 of the Supply Code 2018. The Respondents are directed to adhere the provisions of 5.102 for the supply of enhanced load if feasible.
- iii. The Respondent and the Complainant were directed to execute an agreement as per provisions of 5.119 of Supply Code 2018.
- iv. The Complainant is directed to pay the prescribed fee on demand by the Respondents within the stipulated time mentioned there on to get the power supply without any delay.

- v. Thus, the complaint is allowed.
- vi. 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 17th day of July, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

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

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN