

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 22ND DAY OF JUNE 2023

CONSUMER CASE No. 89/2023

K. Velmurugan,
S/o Krishnasamy,
No.333, Bharathiyar Road,
Thalatheru,
Karaikal.

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Complainant

Vs.

- 1) The Executive Engineer,
Electricity Department,
Karaikal.
- 2) The Assistant Engineer –Town-II,
Electricity Department,
Karaikal.
- 3) The Junior Engineer – Town-North
Electricity Department,
Karaikal.

....

Respondents

This case in C.C. No.89/2023 came up before this Forum for final hearing on 15/06/2023. 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 K. Velmurugan S/o Krishnasamy on 07.06.2023. In the complaint, the Complainant had stated that he is residing in the above mentioned address for the past four decades. During the first week of February 2023 the Electricity officials without any information suddenly disconnected his service connection. On enquiry, he came to know that they have disconnected as per Orders passed in EP No.20/1997 in OS No.215/1995. He has further stated that as per the Court direction it has to be executed only after accompanying court officials. But no court staff physically presented during the disconnection. The Complainant further stated that there is litigation between himself and one Kalavathy. While litigation is pending, without notice suddenly disconnected the service by the Electricity Department. Therefore the Complainant prayed this Forum to issue directions to the Respondents to restore the service connection without any further delay. Hence the complaint.

2. The complaint has been registered as C.C. No.89/2023 on 08/06/2023 and copy of the complaint was sent to the Executive Engineer – Karaikal for giving reply by 15.06.2023. Reply received from the Respondent No.2 on 19/06/2023 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 15/06/2023.

3. In the reply filed by the Second Respondent i.e. the Assistant Engineer, Town.II, Electricity Department, Karaikal, on behalf of himself and for Respondent No.1 and 3, had stated that Tmt. Kalavathy, Thalatheru, Karaikal had represented vide letter dated 07/11/2022 seeking cancellation of the LT service connection at Policy No.2688 and route order No.63-30-60-0575 and enclosed copies of legal paper / judgement. According to which Tmt. Kalavathy has sought for eviction and delivery of the possession of the property at T.S. No.A/6/64 at Thalathery in the Court of Principal District Munsif at Karaikal vide OS No.215/95. The same was decreed in her favour on 26/09/1996. The same

was appealed in the Additional Court, Pondicherry at Karaikal vide A.S.No.19/1999 by the Respondent and decreed dated 06/04/2000 in their favour. Tmt. Kalavathy had filed second Appeal vide S.A. No.1570/2000 in the High Court of Judicature at Madras and orders passed in their favour restoring the order passed in O.S.No.215/1995 and the Execution Petition No.20 of 1997. Based on the above, cancellation order issued vide Memorandum dated 28/11/2022. The Petitioner represented vide letter 28/11/2022 not to disconnect / cancel the service connection until Order received in the SLP No.15921/2022 filed by him in Supreme Court of India. However, the same was dismissed as withdrawn. Also the civil revision petition No.1019/2018 filed against the order dated 11/02/2016 in the O.S. No.215/1995 was also dismissed dated 03/09/2021 with the observation that the decree dated 26/09/1996 could not be executed for about two and half decades and the order passed for delivery of possession of the suit property within 4 weeks. Advocate notice dated 03/12/2022 was received on his behalf calling to restrain from disconnection of the service connection. Necessary legal opinion was sought from Additional Govt. Pleader, Karaikal vide letter dated 22/12/2022. The Additional Govt. Pleader has stated that the advocate notice has no relevance in the light of the Orders passed in O.S.No.215/1995 and in the Revision petition and he has opined that the Department is right in cancelling the service connection vide Policy No.2688/A2 standing in the name of Krishnamoorthy. The thatched hut in the said property is in a worn out and dilapidated condition and uninhabited roofing hut.

4. Hearing was held on 15/06/2023 at Karaikal. Both the Complainant and the Respondents were present. The Complainant has not produced any documents to prove his ownership over the property in dispute. The Complainant stated that there is a civil dispute pending before court of law and therefore this

Forum is not in a position to pass any Orders on this Complaint till the outcome of the verdict from the concerned court of law.

ORDER

- i. In view of the above, the Complaint is dismissed.
- 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; Phone 0124-4684708; email cgrfpon@gmail.com within 30 days from the date of this Order under intimation to this Forum and the Respondents.

Dated at Puducherry on this the 22nd day of June, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

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

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN