

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 27TH DAY OF JULY 2023

CONSUMER CASE No. 93/2023

S. Gunasekaran,
Nedungadu Main Road,
Pillaitheruvasal
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.93/2023 came up before this Forum for final hearing on 19/07/2023. After 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 S. Gunasekaran during the public hearing held by this Forum at Karaikal on 15.06.2023. In the complaint, the Complainant had stated that he is using a commercial service connection in the Policy No.20802/A1. The Assistant Engineer, Town-II O&M had informed that more power has been utilised for said policy and instructed to meet him in the Office. But he has not met him as directed. After that the Lineman, Junior Engineer have disturbed continuously for the past 3 years. Due to this he is having lot of hardship and mental agony. Therefore, the Complainant prays this Forum to issue necessary directions to the Respondents to pay compensation. Hence the complaint.

2. The complaint has been registered as C.C. No.93/2023 and copy of the complaint was handed over to the Executive Engineer – Karaikal for giving reply by 26.06.2023. Reply received from Respondent No.2 on 05.07.2023 and the same was communicated to the Complainant. The case was posted for hearing on 19/07/2023 at Karaikal.

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 informed that power supply was extended to one number of commercial service in favour of G. Janaki vide policy No.20802/A1. The routine inspection has been carried out by the Department officials on 05/06/2023. During the inspection, it was observed that the above commercial service is used for industrial purpose. In view of the above, action will be taken as per JERC Regulation 2018. It is informed that the repeated inspection by the Department officials as stated in the petition is false one.

5. Hearing was held on 19/07/2023 at Karaikal. The Complainant and the Respondents were present. During the hearing the Complainant informed that

the service connection is in the name of G. Janaki. The Respondents have submitted that the service connection was given for the purpose of commercial use. But the same was utilised for the industrial purpose/workshop. Therefore, this Forum has no jurisdiction to entertain this matter further and hence liable to be dismissed. The Respondents are at liberty to take action for the unauthorised use of power against the Complainant as per the provisions of Supply Code 2018.

Observation: i. An extract of the Tariff Orders of JERC for the Financial Year 2023-24 is reproduced below:

10.3(5) The power supplied to the consumer shall be utilised only for the purpose for which supply is taken and as provided for in Tariff. If energy supplied for specific purpose under a particular Tariff is used for different purpose and not contemplated in the context for supply and / or for which higher tariff is applicable, it will be deemed as unauthorised use of Electricity and shall be dealt for assessment under the Provisions of Section 126 of Electricity Act 2003 and the Supply Code Regulations notified by JERC.

ii. An extract of JERC Supply Code Regulation 2018 is reproduced below:

8.33 The following acts on the part of the consumer are to be considered as unauthorised use of Electricity for the purpose of assessment under the provisions of Section 126 of the Act:

- (1) By any artificial means; or*
- (2) By a means not authorized by the concerned person or authority or Licensee; or*
- (3) Through a tampered meter; or*
- (4) For the purpose other than for which the usage of electricity was authorized; or*
- (5) For the premises or areas other than those for which the supply of electricity was authorized.*

Since it is a case coming under Section 126 of Electricity Act 2003 and as per CGRF Regulations 2019 of the JERC, the Forum is barred from entertaining the application of the cases falling under Section 126 of the Electricity Act 2003.

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 27th day of July, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

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

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN