

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
(Under the Electricity Act, 2003)
PUDUCHERRY

PRESENT:

THIRU A.S. JITENDRA RAO, B. Tech., M.B.A.,
LICENSEE MEMBER

THIRU R. KRISHNAMURTHY, B.Com., LLB., PGDFL.,
JERC NOMINATED MEMBER

TUESDAY, THE 23RD DAY OF JUNE, 2020

I.A. No.1/2020
in
C.C.No.22/2020

M. Gomathi W/o Murugan,
No.19, Mettu Street,
Veema Nagar, Thilaspeth,
Puducherry – 605 009

- Petitioner / Third Party

Vs

1. Vanitha W/o Subramanian,
No.19, Mettu Street,
Veema Nagar, Thilaspeth,
Puducherry – 605 009

- Respondent / Complainant

2. The Executive Engineer, Rural North (O&M),
Electricity Department, Puducherry

3. The Assistant Engineer, Lawspeth
Electricity Department, Puducherry

4. The Junior Engineer, Gorimedu,
Electricity Department, Puducherry

- Respondents / Respondents

This Petition came up before this Forum for hearing on 19/06/2020.
After hearing the Petitioner, this Forum has delivered the following:

2. Tmt. M. Gomathi, W/o Subramanian filed this Petition on 10/06/2020 under Rule “Petition filed under Rule 7 of Electricity Rules 2005, Read with Order 1 Rule 10, Read with Section 151 of Civil Procedure Code, praying this Forum to implead her as one of the Respondents in C.C. No.22/2020.

3. The Petitioner states that she is the owner of the property situated at No.19, Mettu Street, Veema Nagar, Thilaspeth, Puducherry-9, through a donation deed executed by her husband Murugan. The said Murugan has obtained the title to the property through Court Order .

4. She further states that till date she is in possession of the said property. One Subramanian S/o (Late) Kothandapani was permitted to stay for few days since, the house of said Subramanian was collapsed. As they were residing for quite long time and did not vacate the premises, she asked them to vacate the premises. Instead the said Subramanian claimed title for the property and issued legal notice for partition of the property.

5. She further states that in the mean time she came to know that one Vanitha W/o Subramanian has given a complaint before this Forum against Electricity Department for electricity connection vide CC No.22/2020.

6. She further states that without her permission, in her property, illegally the said Vanitha is trying to get electricity connection. She had already given objection letter and also sent notice dated 03/03/2020 to the Junior Engineer, Gorimedu. Therefore, the Petitioner prays to implead her as one of the Respondents in CC No.22/2020. Hence the Petition.

7. The Petition was numbered as I.A. No.1/2020 and ordered notice to Petitioner for her appearance and hearing to decide maintainability of the Petition and posted to 19/06/2020. Notice was served to the Petitioner through her son on 11/06/2020.

8. Today, the Petitioner appeared before this Forum and filed the following additional documents:

(i) Xerox copy of donation deed dated 05/05/2003 executed by one Murugan in favour of the Petitioner Tmt. Gomathi.

(ii) Xerox copy of Judgement and decree in O.S. No.181/2009 relating to permanent injunction dated 19/04/2016.

(iii) Xerox copy of Lawyer Notice dated 24/01/2020 issued by Tmt. Vanitha against the petitioner Tmt. Gomathi.

(iv) Xerox copy of Supply Code 2018 issued by JERC.

She argued that she is the owner of the entire property and the Complainant in CC 22/2020 was in illegal possession of the property and not entitled to get electricity connection and the same shall not be considered by this Forum and pleaded to implead her as one of the Respondents to file her objection in CC No.22/2020 before deciding the case.

9. On perusal of the documents filed by Tmt. Vanitha in C.C.22/2020 and also the averments and pleadings contained in the petition reveals that she is a permissive occupier and staying in the property for longer period. To prove her identity she has filed her Family Ration Card, Aadhar Card and Election ID Card of her husband Subramanian, as defined in the Supply Code.

10. On perusal of the judgement filed by the Petitioner it is clear that the husband of the Petitioner Murugan was the absolute owner of the property. Further the Petitioner has filed a copy of the Lawyer Notice dated 24/01/2020 issued by Tmt. Vanitha against the Petitioner shows that there is a property dispute between them.

11. Further, if the said Tmt.Vanitha is in illegal possession of the property, the Petitioner herein has to seek remedy before the appropriate Court of Law under its jurisdiction.

12. Therefore, the relief sought for by the Petitioner to implead her as a third party in Consumer Case No.22/2020 is not maintainable at this stage before this Forum and hence, the petition is dismissed without cost.

Dated at Puducherry on this the 23rd day of June 2020.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER