

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18
Gurugram (Haryana) 122015,
Email ID: ombudsman.jercuts@gov.in
Phone No.:0124-4684708

Case No 224 of 2024

In the matter of A.V.Sathiyaaa Versus Superintending Engineer-Cum-HOD, Government of Puducherry, Electricity Department, Puducherry.

Appeal No-224 of 2024

**Date of Video Conferencing:
22.10.2024, 8.11.2024, 20.11.2024.**

Date of Order: 09.12.2024

Ms A V Sathiyaaa W/o Mr K Gopinathan,
Old No 30, New No 17
Second Cross Street, Samipillai Thottam,
Land Mark Manimandabam Back Side,
Karuvadikuppam, Puducherry

.... Appellant

Versus

Superintending Engineer-Cum-HOD
Government of Puducherry,
Electricity Department, Puducherry.

.... Respondent 1

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

.... Respondent 2

Parties present:

Appellant(s)

Ms A V Sathiyaaa
Mr G Alaigiri AR for Appellant.



Respondent(s)

Mr Kaniyamuthan Govindrajan,
Superintending Engineer,
Electricity Department, Puducherry.

Mr T S Pandiya,
Assistant Engineer, Lawspet
Electricity Department, Puducherry

ORDER

The Appellant has preferred an Appeal No-224/2024 against CGRF order in Complaint No. 86/2024 dated 03.09.2024 filed by Ms. A. V. Sathiyaaa W/o Mr K Gopinathan, Old No 30, New No 17, Second Cross Street, Samipillai Thottam, Land Mark Manimandabam Back Side, Karuvadikuppam, Puducherry. The Appeal was admitted on 4.10.2024, as Appeal No.224 of 2024. Copy of the same as received was forwarded to the Respondents with a direction to submit their remarks/ counter reply on each of the points.

The Respondent 2 Executive Engineer, vide his Email dated 14th October, 2024, invited the Appellant for a meeting scheduled on 09.10.2024 to explore a mutual resolution of the complaint. The meeting was held at the office of the Executive Engineer Rural (North) O&M Electricity Department, Puducherry. However, the parties could not reach any mutual settlement. As per the Minutes of Meeting dated 09.10.2024, Executive Engineer explained the details of all the amount collected from Appellant and action taken for the refund of security amount. The Appellant submitted that she is not satisfied with the resolution and refused for any settlement (Exhibit 1).

The Respondent Executive Engineer Rural (North) O&M, Electricity Department, Puducherry has also submitted his affidavit vide letter No 4070/ED/EE-R(N)/TECH/F.Omb (A V SATHIYAAA)/24-25 dated 25.10.2024. The affidavit is taken on record as Exhibit 2.

Submissions by the Appellant

The Appellant has purchased the house property located at the aforementioned address from Thiru Ramkumar and obtained possession of the property after due registration. She requested him to hand over the house keys. However, Ramkumar stated that he had already collected Rent from the tenants and requested one month's time for them to vacate the premises.

In the meantime, the Appellant approached the Junior Engineer, Lawspet, Electricity Department, Puducherry, to affect the name transfer of the electricity service from the name of Tmt. Rajeswari to Tmt. A.V.Sathiyaaa (Appellant). The name transfer application details are as under: -

Sr No	Name Transfer order issued by AE/Lawspet	Policy Code
1	238/(L)AE-L/F 28/23-24 Dt 07-11-2023	23-31-01-0036/A2
2	No.206/(L)AE L/T 28/23-24 Dt. 07-11-2023	23-31-01-0037/A2
3	No.205/(L)AE L/T 28/23-24 Dt. 07-11-2023	23-31-01-0038/A2
4	No.207/(L)AE L/T 28/23-24 Dt. 07-11-2023	23-31-01-0039/A2
5	No.204/(L)AE L/T 28/23-24 Dt. 07-11-2023	23-31-01-0040/A2

The Junior Engineer informed the Appellant that the transfer of the service connection could only be processed once all outstanding consumption charges were settled. It was further communicated that failure to clear any arrears, particularly if the service had been disconnected, would complicate the restoration of the connection. Consequently, the Appellant was compelled to pay Rs. 14,121/- to settle the dues in the name of Tmt. Rajeswari. Upon payment, the name transfer was successfully completed.

Subsequently, the Appellant applied for the disconnection of the electricity service on 01.07.2023 (Exhibit 3) to facilitate necessary maintenance work. However, the Department insisted for an additional payment of Rs. 19,007/-, which the Appellant had no involvement in accumulating. Under duress, the Appellant paid the full amount of Rs. 33,128/- to settle all outstanding charges.

The Appellant further noted that the illegal occupiers continued to consume electricity without making any payments. When she approached the Electricity Department's



office with a formal complaint letter, the officials not only refused to accept the letter but also denied her access to the complaint book, indicating bias in favor of the illegal occupiers.

Additionally, the Revenue-II Section demanded a disconnection charge of Rs. 590/- (@Rs 118 per connection), which the Appellant paid. Despite fulfilling all payment obligations, the Department failed to disconnect the service.

The Appellant contends that the Department misled her into paying for electricity consumption that she did not consumed. Even after submitting a formal request for disconnection, the service remained active, suggesting a deliberate attempt to obstruct the disconnection. It appears the officials may be acting in collusion with the tenants to retain control over the property, causing the Appellant undue mental distress and financial hardship.

The Appellant filed a complaint (No. 86/2024) with the Consumer Grievances Redressal Forum (CGRF). The CGRF, in its order dated 03.09.2024, directed as follows:

1. The Respondents are directed to cancel the service connection in the Appellant's name within 15 days from the date of this Order, and no further billing should occur. The service connection should be closed with the final reading as provided by Respondent Nos. 2 and 3.
2. The Respondents are instructed to advise the tenants to apply for a service connection in their own name as occupiers, in accordance with the relevant documents under the Supply Code 2018.

The Appellant further stated that she has not granted any No Objection Certificate (NOC) for a new electricity connection to the illegal occupiers. She intends to renovate her property and no longer wishes to allow the occupiers to remain. If the occupiers manage to secure a new electricity connection with the Department's assistance, it will result in further financial loss to her.

The Appellant claims that the Assistant Engineer (AE) and Junior Engineer (JE) have misused the CGRF order, collaborating with the illegal occupiers to deny her rightful access to her property. This conduct has caused her severe financial loss, including



missed loan repayments and other expenses, for which the Department is directly responsible.

On 11th November 2024, the Appellant submitted via email a translated version of the Lease Agreement, which the Department had relied upon to grant a new electricity connection to the occupiers. The discrepancies identified are as follows:

Sr No	Agreement of Lease between	Discrepancies observed
1	<u>Applicant:</u> Tmt. A. Rajalakshmi <u>Agreement of Lease</u> Thiru.Ramkumar S/o Chakkaravarthi @ Ramalingam and Tmt A.Rajlakshmi	The connection is applied on 12.09.2024 based only on Indemnity Bond stating that the applicant of connection is staying there for the last 10 years and the Appellant has submitted the copy of Agreement of lease executed on May 2 nd , 2019 for eleven months from 02.05.2019. This implies that applicant has made false submission. In the Application form at point 11(c) Proof of ownership or occupancy of premise for which connection required is mentioned as "OTHERS"
2	<u>Applicant:</u> Thiru..Anagamuthu <u>Agreement of Lease:</u> Thiru.Ramkumar S/o Chakkaravarthi @ Ramalingam and Thiru. Gunasekaran S/o Thiru. Angamuthu	The connection is applied on 12.09.2024 on the bases of Indemnity Bond stating that the applicant is staying there for the last 15 years and the Appellant has submitted a copy of Agreement of lease executed on 05.02.2022 for one year. This implies that applicant has made false submission. In the Application form at point 11(c) Proof of ownership or occupancy of premise for which connection required is mentioned as "BLANK"
3	<u>Applicant:</u> Tmt. J.Valli W/o N. Jagdeeshan	The connection is applied on 12.09.2024 on the bases of Indemnity



	<u>Agreement of Lease:</u> Thiru Sakkarvarthy @Ramalingam and Tmt Valli	Bond stating that the applicant is staying there for the last 10 years and the Appellant has submitted a copy of Agreement of lease executed on 01.05.2017 for one year. This implies that applicant has made false submission. In the Application form at point 11(c) Proof of ownership or occupancy of premise for which connection required is mentioned as "BLANK"
4	<u>Applicant:</u> Sivakamasundari W/o Thiru Elangovan <u>Agreement of Lease:</u> Thiru Sakkarvarthy @Ramalingam and Thiru Illangovan	The connection is applied on 12.09.2024 on the bases of Indemnity Bond stating that the applicant is staying there for the last 15 years and the Appellant has submitted a copy of Agreement of lease executed on 01.05.2017 for one year. This implies that applicant has made false submission. In the Application form at point 11(c) Proof of ownership or occupancy of premise for which connection required is mentioned as "BLANK"
5	<u>Applicant:</u> S.SARASU W/o Thiru Santhanam <u>Agreement of Lease:</u> N.A	The connection is applied on 12.09.2024 on the bases of Indemnity Bond stating that the applicant is staying there for the last 15 years In the Application form at point 11(c) Proof of



		ownership or occupancy of premise for which connection required is mentioned as "OTHERS"
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Accordingly, the Appellant prayed for:

- a) **Initiate appropriate action** against the concerned officials for their misconduct.
- b) **Refund the sum of Rs. 33,128/-**, which was paid by the Appellant under duress for charges she did not consume.
- c) **Ensure the immediate disconnection** of the electricity service granted to the occupants of premise based on Indemnity Bond only without any supporting documents and without NOC from the Appellant as she was the owner of premise on the date of Application i.e. 12.09.2024

Submission on Behalf of the Respondent Electricity Department:

The Respondent wishes to state that name transfer applications for five connections were received from Tmt. AV Sathiyaaa, recorded as Application Reg No NT (L) 238 dated 24-10-2023, and 206, 205, 207, and 204, all dated 21-09-2023 (Exhibit-2). All the applications were processed by AE-Lawspet. It is essential to note that clearing any outstanding arrears is mandatory prior to effecting a name transfer. Consequently, an amount of Rs 14,121 has been collected from the Appellant, negating any claims of coercion for payment.

- a) The Respondent asserts that, in accordance with clause 5.76 of the JERC Supply Code Regulation 2018, the name transfer order was issued by AE-Lawspet from Tmt. S. Rajeswari to Tmt. AV Sathiyaaa for the address at Old No. 30, New No. 17, 2nd Cross Street, Samipillaithottam, Lawspet, Puducherry, following the remittance of the applicable charges by the Appellant.
- b) The Appellant submitted a request to AE-Lawspet via Letter No. Nil dated 01-07-2024 for the permanent disconnection of the specified electrical service connections and for a refund of the security deposit. In response, the service connections were disconnected on 03-07-2024, and final meter readings were



recorded. A cancellation proposal was sent by the Junior Engineer (JE) of Lawspet (O&M) through the Assistant Engineer (AE) to the Executive Engineer Rural North (O&M), which was forwarded to the Junior Accounts Officer (JAO) for processing on 05-07-2024.

It should be noted that while the service connections were disconnected, the meters were not physically removed pending further orders from the JAO and the Executive Engineer (Rural North O&M).

- c) The Respondent reports that on 11-07-2024, the Junior Engineer observed that the power supply to the aforementioned service connections had been reconnected by the current occupants. Upon inspection, it was confirmed that all five houses were occupied. The occupants objected to the disconnection, stating their residency, and were advised to apply for separate service connections.
- d) Given that power was extended unauthorizedly through the meters existing at site after disconnection of connections in the name of Appellant, necessary actions against the occupants was not initiated by the department under the pretext that there was Law and order problem at site.
- e) The Appellant subsequently filed a complaint with the Hon'ble CGRF, Case No. 86/2024 dated 22-07-2024. Following this, the Ld. CGRF issued a hearing notice to the Respondent (Executive Engineer) on 19-08-2024, requesting attendance on 29-08-2024. Upon receiving this notice, the process of cancellation of the service connections was halted. The Assistant Engineer, Junior Engineer (O&M), and Junior Accounts Officer attended the hearing. The Hon'ble CGRF issued an order on 03-09-2024 (Exhibit-4), which states:
 - a. The Respondents are directed to cancel the service connection in the Appellant's name within 15 days and ensure no further billing occurs, closing accounts with final readings.
 - b. The Respondents are directed to advise the tenants to apply for new service connections as occupiers, with relevant documentation per the Supply Code 2018.



- f) Following the Hon'ble CGRF's directive, the Executive Engineer (Rural North O&M) issued a cancellation order (Lr. No. 2077/ED/EE-R(N)/F51/24-25 dated 12-09-2024, Exhibit-6) after the collection of CC charges totaling Rs 19,007 for the service connections. The meters were removed on 16-09-2024.
- g) Occupants, including Tmt. A Rajalakshmi, Tmt. Sarasu, Tmt. J. Valli, Thiru Angamuthu, and Tmt. S. Sivagamasundari, applied for new service connections online on 13-09-2024 (Exhibit-6), providing proof of identity, occupancy, and lease agreements. These individuals are not tenants but leaseholders, with lease deeds executed for the years 2017, 2019, and 2022 (Exhibit-7). Their new service connections were processed, and security deposits and service connection charges were collected on 18-09-2024, in accordance with the Hon'ble CGRF's directive.
- h) The Respondent submits that this case is civil in nature, and the underlying motive of the Appellant appears to be the eviction of the occupants from her property.
- i) The Junior Engineer (Lawspet O&M) has sent a letter via the Assistant Engineer to the JAO (Rev-II) (Lr. No. 2118/AE-L/24-25 dated 24-09-2024, Exhibit-8) to include CC bill amounts for the service connections during the disconnection period from 03-07-2024 to 16-09-2024, details of which are provided below.

Sr No	Existing Consumer Code No	KWh Reading		Utilised KWh by present consumer	Present Consumer Code No
		Disconn ected Date on 03.07.20 24 (Initial reading)	Meter Removal date on 16.09.2024 (Final Reading)		
1	23-31-01-0036/A2	3982	No display	-	23-31-01-0036A/A2
2	23-31-01-0037/A2	1672	2110	438	23-31-01-0037A/A2
3	23-31-01-0038/A2	1400	1908	508	23-31-01-0038A/A2
4	23-31-01-0039/A2	1328	1908	580	23-31-01-0039A/A2
5	23-31-01-0040/A2	16670	16959	289	23-31-01-0040A/A2

The Respondent further notes that per the Hon'ble Electricity Ombudsman's direction, a mutual agreement was sought on 09-10-2024. Following discussions, the Appellant

remained unsatisfied with the explanations provided by the Executive Engineer (Rural North O&M), as documented in the enclosed minutes (Exhibit-9).

Finally, the Respondent confirms that no further billing during the disconnected period from 03-07-2024 to 16-09-2024 was claimed.

Proceedings:

Hearing on 22.10.2024

Tmt. A.V. Sathiyaaa

Appellant in person

Thiru. G. Alaigiri

for Appellant

Mr Kaniyamuthon Govindrajan -

SE for Respondent ED

Mr T.S. Pandiya AE Lawspet

for Respondent ED

Thiru. Alaigiri representing the Appellant submitted that their 5 connections were Permanently disconnected inspite of the fact that they have Submitted request for temporary disconnection. Moreover, the Electricity Department has given 5 New Connections to the illegal occupants without their consent (NOC). Furthermore, they have Intimated that they have lodged a Police Complaint with local Police for illegal occupation of their premise.

It has been directed to file on record a Copy of the Police Complaint along with the request for temporary disconnection submitted to the Electricity Department

Mr. T.S. Pandiya representing the Electricity Department has submitted that the 5(Five) connections wee permanently disconnected on the request of Appellant and 5 New Connections have been granted to the occupants only after following due process for New Connections.

He has intimated that the old connections in the name of Mos A.V. Sathiyaaa were disconnected on 3/7/2024 and they have observed that the Power Supply to this premise was illegally restored by the occupants. The observation regarding illegal restoration is on record of Ld. CGRF. No action seems to have been taken by the Electricity Department. Mr.T.S. Pandiya (AE) Intimated that they have allowed the New Connections to the occupants on the directions of CGRF in its order dates 3.09.2024. The online application is submitted by the occupants on 13.09.2024 and new Connections has been sanctioned on the basis of Ration Card and Aadhaar Card. It is



almost 2^{1/2} months, direct supply (illegal connection) has been used by the occupants and no action is taken by the department.

It has also been submitted by the A.E Mr T.S. Pandiya that while executing the permanent disconnection the old meters have not been removed on 3/7/2024. The meters have been removed afterwards after obtaining the approval of Executive Engineer. This is a violation of Section 9.8 of Electricity Supply Code 2018 (JERC Supply Code). In view of the above it is directed that

Appellant should provide:

1. Shall submit the copy of Police complaint filed by them regarding illegal occupation of their premise.
2. Copy of the request submitted to Electricity Department for disconnection

Respondent Electricity Department, Puducherry to provide

1. Consumers request for disconnection be placed on record Why the Old meters have not been removed from the site at the time of permanent disconnection.
2. Complete case file of New connection granted to the occupants of the premise.
3. Any action for direct use of electricity by the occupants from 3.07 2024 till the new connection is energized.
4. How the energy consumed between 03 07 2024 and the date of energization of New Connection has been accounted for. SE (ED) is also directed to carry out the investigation and submit report within Seven days and ensure that A.E T.S. Pandiya, XEN concerned be present on NDOH

The Appellant has submitted the documents as directed them during the course of hearing on 22.10.2024. Although, the documents are in Tamil language and translated copy in English is not submitted but it is presumed that the documents submitted are as per the directions. All documents were taken on record.

Executive Engineer Rural North (O&M) has also filed his affidavit dated 25.10.2024 along with all the documents as per the directions dated 22.10.2024. The documents have been taken on record.

Superintending Engineer-O&M, Puducherry Region, Electricity Department, Puducherry vide his E mail dated 3rd November, 2024 has submitted that as directed



in the hearing held on 22-10-2024 in respect of Appeal No.224 of 2024 against CGRF, Puducherry order in CC No.86/2024 Dated 03-09-2024 filed by Tmt. A.V Sathiyaaa, separate summons has been issued to the AE Lawspet and the JE Lawspet O&M. Detailed enquiries were conducted and written submissions obtained.

The site was inspected by himself and enquiries made with the occupants. Detailed reports from them have also been obtained and requested for some time to file the report. Request allowed till 7.11.2024 to file the report.

Hearing on 08.11.2024

Tmt. A.V. Sathiyaaa	Appellant in person
Thiru. G. Alaigiri	for Appellant
Mr Kaniyamuthon Govindrajan -	SE for Respondent ED
Mr T.S. Pandiya AE Lawspet	for Respondent ED

The Appellant submitted that the Five connection given in the name of Occupants are without their consent and they have paid Rs 33118/- towards the energy consumed by the occupants and stressed on refund of this amount by the occupants.

The investigation report filed by the Superintending Engineer vide his Email dated 05.11.2024 is also taken on record.

The brief facts of the report submitted are as under:

The name transfer ordered by the Assistant Engineer in Lawspet is found in order, and the appellant's payment of up-to-date CC charges is in order for processing the transfer.

The request for permanent disconnection was processed, and the meters were removed following the Executive Engineer's order. However, the re-connection of services by the occupants/tenants after disconnection on 03-07-2024 was unauthorized, though it was later reconnected due to intervention by the Hon'ble MLA. The MLA instructed the Department to obtain a separate application and regularize the new service connections.

The appellant's right to vacate the tenants via permanent disconnection is not disputed, but any issues regarding this may be addressed through legal channels. The extension of new services falls under the Supply Code.



The CC charges of ₹19,017 paid by the appellant for the energy consumed by the tenants until 01-07-2024 are not justifiable since the tenants later obtained new service connections. The Department is awaiting instructions from the Ombudsman to determine whether these charges can be collected from the tenants in the new connection cycle or adjusted against the appellant's services.

The energy charges from 03-07-2024 (the date of disconnection) to 18-09-2024, including any penalties, should be assessed and paid by the new service connection holders.

The Respondents Electricity Department is directed to call for a meeting and make efforts to reconcile the reimbursement of Rs 33118/- paid by the Appellant towards the energy actually consumed by the occupants by way of mediation.

Hearing on 20.11.2024

Present

Tmt. A.V. Sathiyaaa

Appellant in person

Thiru. G. Alaigiri

for Appellant

Mr V Sridhar

- Executive Engineer for Respondent ED

Mr T.S. Pandiya AE Lawspet

for Respondent ED

The Appellant confirmed that during the course of meeting held in his office on 11.11.2024 the occupants agreed to pay back Rs 33118/- to the Appellant however, the direct transaction between the Appellant and the occupants is refused by the Appellant as they wanted this transaction to be channelized through Electricity Department.

Since the connections in the name of Tmt. A V Sathiyaa is already permanently disconnected as such, this transaction cannot be channelized through the Electricity Department.

The Appellant reiterated following issues in regard to the present appeal:

1. The amount of Rs 33118/- paid by the Appellant towards the energy charges, consumed by the occupants be refunded back to them.
2. The documents submitted by the occupants for the purpose of getting new connections sanctioned are not the correct documents on which the Electricity Department has relied upon.



3. Action on illegal reconnection by the occupants.
4. Cancellation of all Five New Connections installed in the name of occupants as the documents submitted by them are not correct documents.

The Respondent Executive Engineer is once again directed to make another effort for reconciliation of refund of Rs33118/- by the occupants to the Appellant.

Analysis and Findings: -

The Appellant had purchased the property No Old No 30, New No 17, Second Cross Street, Samipillai Thottam, Lawspet, Puducherry from Thiru Ramkumar on 31.08.2023. The Appellant requested to hand over the keys but Thiru Ramkumar submitted that he has sought one month's time to hand over the possession of the property to the Appellant.

The appellant applied for name transfer of 5 existing service connections and completed all the commercial formalities required as per JERC Electricity Supply Code 2018. The name transfer of all 5 Connections was affected on 07.11.2023. However, the premise in question was still occupied by the tenants of Thiru. Ramkumar (Occupants).

Since the Appellant intended to carry out maintenance/renovation of newly purchased property, she requested AE Lawspet for temporary disconnection vide her application dated 26.06.2024 (Exhibit4).

Thereafter, the Appellant submitted another application dated 01.07.2024 for cancellation of all 5 services connections. On July 3, 2023, the existing five service connections were disconnected, but the meter and service line remained on-site. The supply was not disconnected from the Pole because of which the occupants of the premises illegally reconnected the power supply using the existing meter at site. This unauthorized restoration was observed by the AE Lawspet on July 11, 2023, yet the department took no action.

On July 17, 2024, the Appellant filed a police complaint (Exhibit-5). Subsequently, on July 22, 2024, the Appellant submitted a petition to the Ld. CGRF under complaint No. 86/2024. The Electricity Department deferred all actions, claiming the matter is



pending with the Ld. CGRF, despite the fact that no interim stay had been granted against the disconnection of the illegally restored connections.

It was only after the Ld. CGRF issued an order in case No. 86/2024 on September 3, 2024, that the Executive Engineer, Rural North (O&M), initiated disconnection of the unauthorized connections via order Lr. No. 2077/ED/EE-R(N)/F51/24-25 dated September 12, 2024 (Exhibit-6). Following the remittance of CC charges by the Appellant totaling Rs 19,007 for the service connections, the energy meters were removed on September 16, 2024.

As of November 7, 2023, the Electricity Department, upon approval of the name transfer by the AE Lawspet, was aware that the ownership of the premises had changed nearly ten months back. Despite this, they permitted the occupants to avail New Connection without the owner's consent or a legal agreement. According to the Ld. CGRF's orders, tenants are required to apply for service connections in their own name, providing necessary documentation such as a rent agreement and a NOC from the new owner. However, the department inexplicably accepted an indemnity bond instead. On September 13, 2024, the occupants applied for Five new connections using the indemnity bond, which were energized on September 18, 2024. Even though, it is in the notice of the department that the occupancy is in dispute, what made them to rely on Indemnity bond and not seeking any approvals from any senior officer of the electricity department and ignoring the illegal usage of electricity by the occupants for the period 3.07.2024 till the date of removal of meters on 16.09.2024? Surprisingly, the occupants were not even asked to clear their financial liability for the illegal usage of electricity for the period 3.07.2024 till 16.09.2024.

On the contrary in an affidavit dated October 25, 2024 (Exhibit-2), the Executive Engineer (North) O&M admitted on Page 4, Point 4, that no billing was claimed for the disconnected period from July 3, 2024, to September 16, 2024. The department has not clarified who approved this waiver of energy charges or why it occurred.

It is documented that the premises were occupied by tenants of Thiru. Ram Kumar, from whom Tmt. A V Sathiyaaa purchased the property. At no point were the occupants asked to settle their dues. Typically, it is the user who consumes the energy

that bears the responsibility for payment. However, to facilitate the name transfer and disconnection of the five electricity connections, the new owner, Tmt. A V Sathiyaaa, cleared the financial liabilities. The department's leniency allowed electricity consumption from July 3, 2024, to September 16, 2024, without any charge to the users. Which provision of Electricity Act 2003, Tariff order, Rules have been applied by the department is not understood? As per the facts on the record the user should have been booked for violation of 138 (b) of I.E Act 2003.

It is also submitted in the affidavit submitted by the Executive Engineer on Page 4 at point j

j) The respondent respectfully submitted that the Junior Engineer / Lawspet O&M has sent a letter through Assistant Engineer/Lawspet to JAO/Rev-II vide Lr no 2118/AE-L/24-25/Dt.24-09-2024 to add the CC bill amount for the above service connections during the disconnected period from 03-07-2024 to 16-09-2024 the details of the billing are furnished below:

Sr No	Existing Consumer Code No	KWh Reading		Utilised KWh by present consumer	Present Consumer Code No
		Disconnected Date on 03.07.2024 (Initial reading)	Meter Removal date on 16.09.2024 (Final Reading)		
1	23-31-01-0036/A2	3982	No display	-	23-31-01-0036A/A2
2	23-31-01-0037/A2	1672	2110	438	23-31-01-0037A/A2
3	23-31-01-0038/A2	1400	1908	508	23-31-01-0038A/A2
4	23-31-01-0039/A2	1328	1908	580	23-31-01-0039A/A2
5	23-31-01-0040/A2	16670	16959	289	23-31-01-0040A/A2

Now once the connection is permanently disconnected and final bill charged from the registered consumer how this energy bill will be charged is beyond the understanding and why the registered consumer who has cleared the financial liabilities will bear the additional burden of theft of electricity which some other person has committed without their consent. How the department is going to sustain these charges is not explained?

As per the Appellant's letter dated 20.11.2024, it has been confirmed that they have received an amount of Rs 33,118/- paid by the occupants in the meeting held on 20.11.2024 in the O/o Executive Engineer.

As such it is ordered that

- A. The Appellant's application is hereby allowed to the extent.
- B. The orders issued by the Learned Consumer Grievance Redressal Forum (CGRF) are set aside.
- C. The Superintending Engineer cum Head of the Electricity Department is directed to forward the case to the Vigilance Department of the Electricity Department, Puducherry, for a thorough investigation. Should any dereliction of duty be identified against any official, appropriate action shall be initiated in accordance with the relevant departmental Rules/Laws regarding the following points:
 - I. The failure of the Assistant Engineer (AE) of Lawspet to take action under Section 138(b) of the I.E. Act, 2003, despite having observed that the occupants of the house illegally restored the power supply.
 - II. The disconnection of supply from meter terminal and retention of electricity meters & service lines at the site after the connections were permanently disconnected on July 3, 2024.
 - III. The status of the service line that remained active from the pole. If at all it was disconnected from Pole at the time of permanent disconnection, an investigation is warranted to determine who reconnected it.
 - IV. Acknowledgment that the AE of Lawspet noted illegal reconnection, yet advised the occupants to apply for a new connection on July 11, 2024, without initiating any action for electricity theft under Section 138(b) of the I.E. Act.
 - V. Reference to an affidavit dated October 25, 2024, which states that the occupants objected to the disconnection of power on July 11, 2024. It remains unclear why this representation was not documented and under what circumstances it was accepted.

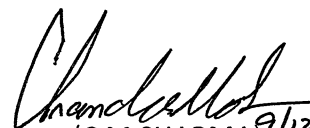


- VI. Assertion in the affidavit that the occupants were without power only for one day i.e. from September 17, 2024, to September 18, 2024 indicates that the AE's claim of disconnection on July 3, 2024, is false.
- VII. Clarification is required regarding the legal basis under the I.E. Act, 2003, the JERC Electricity Supply Code 2018, and the Tariff Order for the approval or waiver of recovery for energy consumed from July 3, 2024, to September 16, 2024.
- VIII. Justification for relying on an Indemnity Bond as proof of occupancy when it is known that the property ownership was transferred to the Appellant, Tmt. A V Sathiyaa, who has repeatedly informed the department of the illegal occupancy.
- IX. The officer handling the request for a new connection failed to examine the lease/rent agreement in detail, which clearly indicated that the lease agreements were expired. Additionally, the application for the new connection did not clearly specify the "proof of occupancy." The lease agreement documents submitted by the applicants for New Connections along with the Indemnity Bond are all lapsed or incorrect documents but still the AE considered them for the grant of electricity connection is not a correct way of dealing the case of New Connection.

In view of the above discussions, it hereby ordered that: -

1. A complete inquiry report must be submitted within one month from the date of this order.
2. All timelines for action are effective from the date of this order.
3. A bill for assessment shall be issued for violations of Section 138(b) of the I.E. Act and Sections 1.2(3), 8.25, and 8.26 of the JERC Electricity Supply Code 2018 to the occupants for all five connections through which they illegally used electricity from July 3, 2024, to September 16, 2024.
4. Should the occupants fail to pay the assessment bill as specified, appropriate legal action shall be initiated.

5. A 15-day notice for disconnection shall be issued to the current occupants on account of false submission of the Indemnity Bond and expired lease documents. Power supply shall be disconnected, and meters and service lines removed after the notice period expires unless a reply is received from the occupants. If a reply is filed, further action will be taken in accordance with the relevant provisions of the JERC Electricity Supply Code 2018.
6. The energy bill paid by the Appellant during the name transfer on November 7, 2024, and the permanent disconnection on July 3, 2024, has been refunded back to the Appellant by the occupants on 20.11.2024.
7. As far as the eviction of premise is concerned, it is a matter of Civil Court's jurisdiction. The Appellant may pursue any available legal remedies for eviction of premise.
8. A certified copy of this order shall be provided to the Learned CGRF, Puducherry.
9. A certified copy of this order shall also be provided to the Executive Engineer, Rural North (O&M), Electricity Department, Puducherry.
10. The appeal is hereby disposed of as outlined above.


(C M SHARMA) 9/12/24

Electricity Ombudsman

For Goa & UTs (except Delhi)

Dated: 09.12.2024