

Before the Electricity Ombudsman

(Appointed by the Joint Electricity Regulatory Commission
for the State of Goa and UTs, under Section 42 (6) of the Electricity Act, 2003)
Second Floor, HSIIDC Office Complex, Vanijya Nikunj, Udyog Vihar, Phase-V, Gurgaon (Haryana)
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Appeal No. 23/2013

Representation/ Appeal Before the Electricity Ombudsman for JERC for the State of Goa and UTs against the order dated 04.11.2013 of CGRF, Puducherry by Thiru K. Boovaragasamy , No. 52, Dharga Street, Bahour, requesting for the provision of power connection to the premises to a load of 50 H.P as provided earlier to start the functioning of the Unit M/s Swamy Pet bottles

Thiru K. Boovaragasamy,
S/o V. Kanagasababathi,
No. 52, Dharga Street,
Bahour- 607402.

Appellant

V/s

The Executive Engineer- IX,
Electricity Department,
No. 137, NSC Bose Salai,
Puducherry- 605 001.

On behalf of Licensee

Respondent

The Assistant Engineer (Bahour)
Electricity Department, Puducherry

The Junior Account Officer, Revenue-III
Electricity Department, Puducherry

The Executive Engineer-IV
Electricity Department, Puducherry

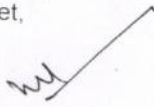
The Assistant Engineer (Boomianpet)
Electricity Department, Puducherry

Hearing on Monday, the 10th March, 2014

Present: Mr. R. K. Kaul, Electricity Ombudsman for JERC for Goa and UTS.

On behalf of the Appellant:

1. Thiru K. Boovaragasamy,
S/o V. Kanagasababathi,
No. 52, Dharga Street,
Bahour- 607402.



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On behalf of the Respondent:

1. Shri T. Prasanna Kuma
Executive Engineer- IX
ED- Puducherry
2. Shri R. Sanchivisekaran
Incharge of Junior Accounts officer-III
ED-Puducherry
3. Shri R. Kumaravelavan
Assistant Engineer
Bahour Substation

Date 12.03.2014

ORDER/ Recommendation

(Settlement through mediation and conciliation)

1. The appeal/ representation cited above received in the Office of Electricity Ombudsman for the State of Goa and UTs was admitted on 16.01.2014. A copy of the same as received was forwarded to the Respondent on the same day with the direction to submit their remarks/ counterstatement on each of the points relating to the matter of this representation supported by copies of relevant documents, latest by 5th February, 2014 with a copy to the Appellant. The point wise reply of the Respondent has been received in the Office of Ombudsman on 05.02.2014

Brief Facts of the Case

2. A Low Tension Industrial service connection had been effected for a load of 46 H. P. bearing Policy No. 168789/CI (44-31-02-0194) in the name of M/s Sun Pet Bottles at R.S No. 51/9 & 51/10A, west street, Bahour, Puducherry. The building housing the the industry was taken on lease from Thiru. Boovaragasamy by Tmt. Amutha Udayakumar, Managing Director of M/s Sun Pet Bottles, who closed their unit without paying the consumption bill amounting to Rs. 16,96,690/- for the period from Feb, 2010 to April, 2012 and the service connection was disconnected on 05.08.2013 when the outstanding arrears stood at Rs. 17,64,609/- as of September 2013.
3. The owner of the premises, Thiru Boovaragasamy, approached the Consumer Grievance Redressal Forum, Puducherry, (CGRF) with the prayer to direct the Electricity Department to collect the outstanding amount from the lessee, M/s Sun Pet Bottles, so as to enable him to lease out the building to a fresh lessee. He also informed the CGRF that the Managing Director of M/s Sun Pet Bottles, Tmt. Amudha Udayakumar was one of the Director of M/s Star Pet Bottles located at Villianur Commune of Puducherry.

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4. The CGRF after hearing both the Electricity Department and the Complainant, passed an order dated 04.11.2013 directing the Electricity Department to disconnect the following services citing provisions under Regulation 9.2 (10) of the JERC (Electricity Supply Code), Regulations, 2003 read with section 2(c) and Section 149(1) of the Electricity Act,2003.
- a) Policy no. 189183 (LT Industrial service), standing in the name of M/s Starpet Bottles, Othavadai Street, Arriyapalayam, Villianur, Puducherry, wherein Tmt. Amudha Udayakumar is one of the managing partners.
 - b) Policy No. 161134 & 161135 (Domestic services) standing in the name of Tmt. Lakshmi, Partner in M/s Sun Pet Bottles.
 - c) To identify any other services in existence in the name of the Partner of M/s Sun Pet Bottles.
5. In response to the order of the CGRF, the Department issued notice dated 21.10.2013 to Tmt. Amudha Udayakumar and notice dated 22.10.2013 to Tmt. Lakshmi to clear the arrears of M/s Sun Pet Bottles failing which their service connection would be liable for disconnection. The notice issued to Tmt Amudha Udayakumar was returned without being served. Another notice dated 01.11.2013 was served to Tmt. Amudha Udayakumar in person. Tmt. Amudha Udayakumar responded to the notice vide letter dated 13.11.2013 objecting to the disconnection notice. Tmt G. Mahalakshmi another partner of Star Pet Bottles also objected to the disconnection notice vide letter date 13.11.2013. The service connections bearing policy nos. 161134 & 161135 were disconnected on 08.11.2013. The service connection of M/s Star Pet Bottles was disconnected on 30.12.2013 after issuing a third notice dated 20.11.2013. Tmt. Lakshmi responded to the notice dated 22.10.2013 vide her letter dated 16.11.2013, wherein she requested reconnection of the disconnected domestic service connection. The request was rejected vide letter dated 03.12.2013. Further in response to the above order of the CGRF, the department had identified another service connection standing in the name of Tmt. Lakshmi in Policy No. 156797 (Domestic Service) and after issuing a 15 day notice dated 29.11.2013, disconnected the service on 17.01.2014.
6. Aggrieved by the action of the Department, Tmt. Mahalkshmi w/o Ganapathy, one of the partner in M/s Starpet Bottles Plot No. 35, Othavadai street, Ariyapalayam, Villianur, Puducherry filed a Writ of Certiorarified manadamus challenging the order no. 488/ED/EEIV/TECH/F-53/13-14 dated 27.12.2013 for disconnection of power supply of M/s Starpet Bottles, bearing Policy No. 189183 passed by the 2nd Respondent therein and seeking to set aside the same, and directing the 2nd Respondent therein to restore the power supply to M/s Starpet Bottles, which was disconnected on 30.12.2013 by the 2nd Respondent therein.

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7. The High Court of Madras was pleased to pass an interim order dated 10.01.2014 in W.P No. 1144 of 2014 directing the Petitioner to remit 50% of the outstanding dues of Rs. 10,64,609/- within a period of 4 weeks and directed the department to restore power supply on compliance of the Order.
8. The Firm M/s Sun Pet Bottles, West Street, Bahour, who had already remitted an amount of Rs. 3,30,000/- on 03.02.2014 and Rs. 3,70,000/- on 06.01.2014, against an outstanding due of Rs. 17,64,609/- up to October 2013, paid a further sum of Rs. 5,32,500/- on 22.01.2014 as per the direction of the Hon'ble High Court of Madras, following which the L.T Industrial service of M/s Star Pet Bottles, Othavadai Street, Ariyalayam was reconnected on 22.01.2014. The balance 50% of the outstanding arrears plus BPSC is pending to be cleared against M/s Sun Pet Bottles.
9. The Petitioner Thiru. Boovagarasamy has applied for a new service connection vide his application dated 20.12.2013 and registered on 13.01.2014 for a proposed LT industrial service in the name and style M/s Samy Pet Bottles, in the same building that has housed M/s Sun Pet Bottles. A notice was sent to the applicant on 13.01.2014 by the Licensee, directing the applicant to apply for cancellation of the existing service connection in the said premises and directed him to produce the complete document of the Partition Deed enclosed by him which did not contain page 2 to 6 and the Permission issued by the Commune Panchayat for running the Industry, the formalities necessary for the release of connection.

Prayer

A new service connection to a load of 50 H.P in the name M/s Samy Pet Bottles, in the same building that has housed M/ s Sun Pet Bottles

Settlement by Agreement

10. Both the parties under this appeal/ representation, were informed on 28.02.2014 to appear before the Ombudsman for the hearing on 10.03.2014 at 10:30 AM Court Room in the Office of CGRF of Puducherry Electricity Department at No. 4, 3rd Cross Street, Sathya Nagar, New Saram, Puducherry- 605013. It was indicated to them to put forth and explain their position in person or by an authorised representative and produce documentary evidence relating to all the points on the matter of this representation. It was also informed through the notice that the Ombudsman's efforts, in the first instance, during the hearing would be to facilitate settlement through mediation and conciliation.

Both the parties appeared before the Ombudsman as scheduled and were heard. The Applicant responded vide his letter dated 20.01.2014 reiterating its request for a new service connection.

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12. The Petitioner Thiru. Boovagarasamy kept on reiterating that he has been suffering for no fault of his and his service connection is getting delayed unnecessarily.
13. After having heard both the Appellant and the Respondent on the matter as, it was ascertained as to whether at this stage they were willing for any settlement mutually agreeable to both of them.

Recommendation on Mutually Agreeable Settlement:

On the initiation of the Electricity Ombudsman, Shri T. Prasanna Kuma, Executive Engineer-IX representing Electricity Department, Puducherry being the Respondent gave an undertaking in writing that the Electricity Department Puducherry accepts the compromise with Appellant provided the Appellant (Thiru K. Boovaragasamy) furnishes the following documents:

- a) Ownership document.
- b) Commune Panchayat Permission
- c) Request for cancellation of existing service connection in the name of M/s Sun Pet Bottles.

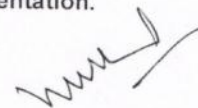
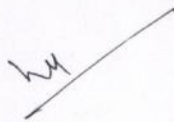
The electricity connection will be released immediately by the licensee on the submission of the above stated documents.

However, recovery of the disputed arrears amount will be subject to decision of the Hon'ble High Court of Madras in Writ Petition no. 1144 of 2014.

Copies of the Undertakings/ submissions made to the Ombudsman in writing both by the Appellant and the Respondent at the hearing on 10.03.2014 at Puducherry, are attached.

Both the Appellant and the Respondent, shall confirm in writing within 15 days of the date of the above recommendations, confirm their acceptance and stating clearly that the settlement communicated is acceptable to them, in totality, and in full and final settlement of this complaint/ representation.

Dated : 12th Day of March, 2014



(R. K. Kaul)

Electricity Ombudsman for JERC
for the State of Goa and UTS

Ref. No. 1/32/2013- EO

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Forwarded to:

1. Thiru K. Boovaragasamy,
S/o V. Kanagasababathi,
No. 52, Dharga Street,
Bahour- 607402.
2. The Executive Engineer- IX,
Electricity Department,
No. 137, NSC Bose Salai,
Puducherry- 605 001.

Copy to:

1. The Secretary, Joint Electricity Regulatory Commission for the State of Goa and UTs.
2. The Secretary (Power), Govt. Of Puducherry, Secretariat, Puducherry- 605 001
3. The Chairman, CGRF, Electricity Department, No. 4, 3rd Cross Street, Sathya Nagar,
New Saram, Puducherry- 605 013.

Copy also to:

1. Shri R. Sanchivisekaran, Incharge of Junior Accounts officer-III, ED-Puducherry
2. Shri R. Kumaravelavan, Assistant Engineer, Bahour Substation

WY

Submitted to Hon'ble OMBUDSMAN, Sir,
 The Electricity department - will effect a
 service connection under C- tariff category for his
 proposed industry M/s. Srinoy Pet-Bottles, at Baharu
 having projected load 50 HP, on his furnishing
 of full set of ownership document, Consent
Panchayat Permission and request for
existing service connection, in the name of
M/s. SUREET BOTTLES, in the same premises; as
 the lease agreement expired.

Pranab
 10.3.14
 Executive Engineer
 Electricity Department
 Andhra Pradesh.

10.3.14
 Incharge of
 JUMMA ALTERNATE OFFICE
 -REV III

I will submit the necessary papers,
 1. Partnership deed with the partner names.
 2.

10.3.2014