

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL,
FORUM (CGRF), GOVERNMENT OF GOA,
ELECTRICITY DEPARTMENT, VIDYUT BHAVAN,
4TH FLOOR, VASCO, GOA.**

Complaint / Representation No. 02/2024 / 237

Shri. Rohan Harmalkar,
Resident of 412/1/B,
Sinquerim, North – Goa.

..... Complainant

V/S

1. The Chief Electrical Engineer,
Electricity Department,
Government of Goa,
Vidyut Bhavan, Panaji – Goa.

2. The Executive Engineer,
Electricity Department,
Div – VI, Mapusa A – Goa.

3. The Assistant Engineer,
Electricity Department,
Div –VI, S/D- III,
Mapusa (R) - Goa.

..... Respondents

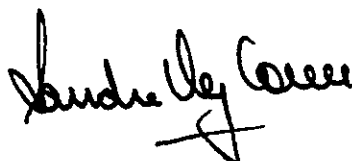
Dated : - 22/02/2024

ORDER

The complainant is a resident of Sinquerim, Divar, Goa. He is aggrieved by the third respondent's disconnection of electricity supply to his installation no. 5000775336 CA no. 60008622148.

Case of the Complainant.

In a nutshell, the complainant's case as culled from his representation is that he constructed a structure in the property known as "Devgan" or "Deusan" surveyed under no. 102/1 of village Arpora, Bardez based on a



power of attorney dated 03.10.2020 granted to him by one Mrs. Miniki alias Srimati Shrirang Naik. Further, on basis of the said power of attorney, he also applied to the local panchayat for an EHN house number and for NOCs for water and electricity connections. That one Uday S. Naik filed a complaint dated 27.06.2023 with the village panchayat, pursuant to which the panchayat issued him a show-cause notice dated 29.08.2023. The complainant responded to the show-cause notice on 03.10.2023. However, the panchayat vide a communication dated 07.11.2023 revoked the allotment of EHN numbers to the structure and withdrew the NOC for water and electricity connections. The complainant preferred an appeal before the Block Development Officer (BDO), Mapusa, and obtained a stay-order dated 07.11.2023. However, despite grant of stay on the revocation/withdrawal decision, the licensee Department disconnected the power supply to the structure.

Interim Order.

I heard the parties on the complainant's plea for interim relief of reconnection of electricity supply. In the interest of justice, the supply was directed to be re-connected pending disposal of this complaint.

Case of the Licensee Department.

The Department contested the complaint and entered its reply through the third respondent. Succinctly, it is their case that Mrs. Minika Naik alias Srimati Shrirang Naik applied for a service connection on 30.01.2023. (There is another online application form dated 03.02.2023). An amount of Rs. 133859/- was paid on 30.03.2023, and the service connection was released in the name of the complainant based on the documents submitted. A 100 KVA transformer center was also erected and energized on 17.04.2023 to facilitate the release of the service connection to the complainant. Supervision charges @ 15% was paid by the complainant.

On 27.06.2023, the third respondent received a complaint from one Uday S Naik, claiming to be the son of Mrs. Minika Naik alias Srimati Shrirang

Handwritten signature

Naik inter alia stating that his mother had expired on 08.09.2021 and that the power of attorney had been misused to obtain the electricity connection after her death, that the signature on the power of attorney was forged etc. Death certificate of said Mrs. Minika was produced. He requested the Department to disconnect the electricity supply.

The Department issued a notice to the complainant on 12.07.2023 to submit his say. The complainant responded by seeking a copy of the complaint, which was thereafter issued to him. The complainant submitted his say on 16.10.2023.

The reply/explanation was considered by the Superintending Engineer, O/o Chief Electrical Engineer. In his order dated 13.11.2023, the Superintending Engineer found the explanation/reply to be devoid of merit and not legally tenable for the reason that the power of attorney of Mrs. Minika alias Srimati Shrirang Naik was used to obtain electricity connection after her death. The office was instructed to proceed with permanent disconnection and termination of the agreement.

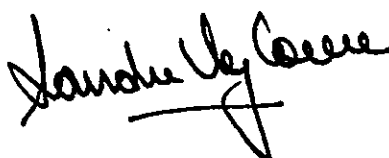
The complainant was informed of the decision to place his installation under permanent disconnection within 15 days. Accordingly, the connection was permanently disconnected on 15.01.2024 and updated on the SAP system.

Hearing.

I heard the parties at length on videoconference at which time Shri Sudesh Bhaskar Shirodkar represented the complainant while Shri Umesh Azgaonkar AE represented the Department.

Findings.

Fraud vitiates and nullifies everything. This is a clear case of fraud

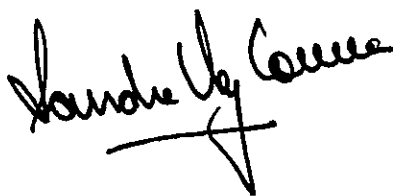


committed by the complainant on the Licensee Department. The application for service connection was made on 30.01.2023. It transpires from the death certificate appended to complaint letter of Uday S. Naik that Minika alias Srimati Shrirang Naik had expired on 08.09.2021. A power of attorney is automatically terminated on the principal's death. It ceases to exist. In this backdrop, the complainant's act of submitting it to the Licensee Department along with the applications for service connections knowing that the principal/grantor has expired is not only an act of fraud, but concealment of material facts. In his reply/say dated 16.10.2023 to the Department, the complainant was conspicuously silent on this crucial aspect. He has not explained this clear anomaly either in his reply/say nor in the complaint before this Forum.

In these facts and circumstances, I did not find any shortcomings in the Department's decision to permanently disconnect the electricity supply.

The complainant has extensively narrated the history of the proceedings before the village panchayat, BDO, etc. It is his contention that the disconnection ought not to have been done when the decision of the village panchayat to withdraw the NOC for electricity connection had been stayed by the BDO.

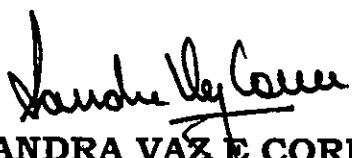
In my opinion, such a submission is misplaced. The fraud and concealment of material facts were committed on the Department. In such circumstances, the Department is well within its powers to take cognizance of the matter and disconnect the supply if it is satisfied that the allegations of fraud etc. committed on it are true. The records also indicate that sufficient opportunity was given to the complainant to explain his case.



Order.

In view of the foregoing discussion, I did not find any merit in the complaint. It is liable to be dismissed and is accordingly dismissed. The interim order shall stand vacated.

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 UTs, 3rd Floor, Plot No.55-56, Service Road, Udyog Vihar, Phase-IV, Sector-18, Gurugram-122015 (Haryana), Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in within one month from the date of receipt of this order.


SANDRA VAZ E CORREIA
(Member)