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

Complaint / Representation No. 03/2024/238

Smt. (Adv.) Veena Ghode,
2nd Floor, Block No. B,
Office No.207, Saldana Business Tower,
Mapusa, 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, Ansabhat, Mapusa
Bardez – Goa.

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

..... Respondents

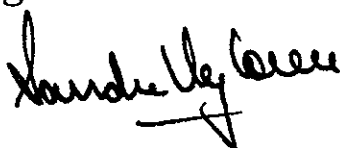
Dated : - 23/02/2024

ORDER

The complainant is an advocate occupying an office premises bearing no. 207, 2nd floor, Block no. B, Saldanha Business Tower, Mapusa Goa. She is aggrieved by the alleged arbitrary disconnection of electricity supply to the said office premises.

Case of the Complainant.

In a nutshell, the complainant's case as culled from her representation is that on 04.01.2024 evening she found that the electricity supply to her



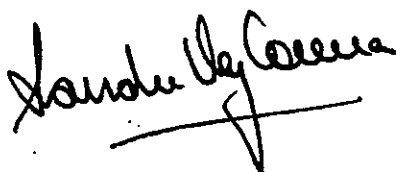
office had been disconnected and that the meter had been taken away. On inquiries with the Department officials the next day, she was informed that the disconnection was done on the instructions of the consumer/landlord Mr. Virupaksh Betagiri. However, after discussions, the officials assured that the supply would be reconnected by 2.30pm on that day (05.01.2024). But it did not happen. She was called to the Department's office on the next day at 10am. But nothing happened on 05.01.2024 either. She went back to the Department's office on 07.01.2024 but did not receive any cooperation from the Department officials and no sign of reconnection of the installation.

She then approached the Chief Electrical Engineer on 09.01.2024 along with an affidavit and supporting documents. The officers were kind enough to hear her case and issued directions to the Executive Engineer by email at 5.38pm to reconnect the supply immediately. The connection was not restored despite the email from the CEE's office. It was restored only on the following day i.e., 10.01.2024 at 5pm after a call from the CEE's office.

The complainant seeks a direction to the Department not to disconnect the connection.

Case of the Department.

Upon being noticed, Department filed its reply. Succinctly, it is their case that on 27.12.2023, the consumer Virupaksh Betagiri requested temporary disconnection of his premises under no. B-207 at Dattawadi, Mapusa. After verification whether the premises was being occupied and being a bonafide consumer, the supply was disconnected on 04.01.2024. The third respondent received a letter dated 05.01.2024 from the complainant stating that she was the occupant of the office and requested reconnection. She was informed that the disconnection had been done on instructions of the consumer Virupaksh Betigiri.



The third respondent received an email from the Office of Chief Electrical Engineer on 09.01.2024 to reconnect the supply and give 15 days' time to the complainant to submit directives from the competent authority to maintain supply failing which the supply was to be disconnected without further notice. The supply was restored around 5pm on 10.01.2024. Thereafter, the complainant was issued a disconnection notice on 10.01.2024 to get an order from the competent authority.

As the complainant failed to get any directives from the competent authority, the supply was again disconnected on 29.01.2024, and reconnected on the following day after directions from the Chief Electrical Engineer.

The Department had received a legal notice from the consumer who has threatened legal action if the supply is not disconnected.

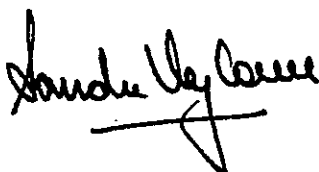
Hearing.

I heard the parties at length on videoconference at which time the complainant appeared in person while Shri Savio Fernandes represented the Department.

Findings.

I perused the records and gave due consideration to the submissions of the parties.

This is a classic case where the Department is being used as a pawn in a dispute between the landlord/owner and the lessee/occupant. The Department must be vigilant in such situations and process requests for disconnection with a pinch of salt when the premises are occupied by a third party and/or the bills have been paid up to date. Deprivation of electricity is a convenient way for some to intimidate occupants to vacate the premises. The legal notice received by the Department refers to the complainant as an "illegal occupier"; whether the complainant's



occupation of the office premises is lawful or unlawful is for the appropriate court or authority to decide.

The complainant was directed by the third respondent to “*submit directives from the competent authority within 15 days to maintain the supply*” in the letter dated 10.01.2024. Ironically, the identity of this so-called competent authority is not disclosed.

It cannot be over-emphasized that electricity being a basic necessity, is an integral part of right to life as enshrined under Article 21 of the Constitution of India. In addition to being an essential service. Thus, the complainant cannot be deprived of electricity, as long as she is in possession of the office premises and the charges are paid.

While on the subject, it would be worthwhile to note the judgment of the Hon’ble Supreme Court in *Dilip (Dead) through LR’s vs. Satish and others* (2022 INSC 570), where it held as follows:

“It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.”

In other words, when the occupant of a premises approaches the supply licensee for an electricity connection, it cannot be refused merely on ground of non-availability of consent of the landlord.

The complainant has prayed for a direction to the Department officers not to disconnect the electricity connection. This Forum cannot issue such *carte blanche* directions, as continuation of supply by the Department is dependent on several factors.

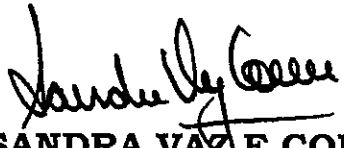


However, the Department is directed to be diligent in this and all similar cases of disconnection requests received in respect of premises occupied by lessees/third parties; disconnection should not be effected unless 15-day prior notice is given to the occupant.

Order.

The complaint stands disposed in terms of directions in the foregoing paragraph. Proceedings closed.

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 VAZE CORREIA
(Member)