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

Complaint / Representation No. 21/2024/110

Shri. Mukesh Kumar Sharma,
R/o EHNo. 190, Khalchawada,
Arambol Pernem Goa-403524. **..... Complainant**

V/S

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

2. The Executive Engineer,
   Electricity Department,
   Div –XVII, Mapusa B– Goa.

3. The Assistant Engineer,
   Electricity Department,
   Div-XVII, SD –III,
   Agarwada - Goa. **..... Respondents**

Dated : - 25/07/2024

ORDER

1. This order shall dispose the complaint/representation dated 25.06.2024 filed by the complainant. He is aggrieved by the Department's refusal to transfer the electricity connection from the name of Anil Barde to his name.

Case of the Complainant.

2. Succinctly, the complainant's case as culled out from the complaint is that he is the owner in possession of a house structure standing in property in Khalchawada locality of Arambol village in Pernem bearing Sy. no. 72/23 of Arambol village. The residential structure

therein bears EHN no. 190 and has electricity connection bearing CA no. 60002917668 and Inst no. 5000283293.

3. The complainant, being a resident of Rajasthan, had appointed one Anil Barde, a local from Arambol, to take care of the house and the property. The said Anil Barde, without the consent of the complainant, obtained the electricity connection for the house. The said Anil Barde expired on 24.05.2021.

4. The complainant first learnt of the electricity connection of his house being in the name of Anil Barde in May 2024. He filed an application dated 09.05.2024 to the concerned office of the licensee Department for change of name of the installation from Anil Barde to Mukesh Sharma. The Department responded to the complainant requesting him to produce NOC from the legal heirs of Anil Barde. The complainant responded by letter dated 07.06.2024 informing that he was the owner in possession of the house/property and late Anil Barde had no right to the property or the house therein, and not to insist on the NOC from the heirs of Anil Barde. A copy of the Deed of Sale dated 15.09.2008 between the complainant and Ramakrishna Madhukar Naik and others was produced.

5. However, the Department did not relent. Hence this complaint.

Case of the Department.

6. Upon being noticed, Department filed its reply through the third respondent. It is their case that the file relating to the electricity connection bearing CA no. 60002917668 released to EHN 190 was not traceable. Hence the name of the original applicant/consumer could not be traced. However, as per data available on the energy bills, the connection was released to Anil Barde on 15.03.2014.

7. The complainant applied for change of name from the name of Anil Barde to his name (Mukesh Kumar Sharma) on 09.05.2024. The Department responded by letter dated 03.06.2024 requesting to submit notarised NOCs from legal heirs of Anil Barde for the change of name. It was 'not satisfied' with the complainant's reply dated 07.06.2024, as the ownership documents were not clear. The electricity bill was in the name of Anil Barde, while the conveyance deed was not between the complainant and Anil Barde or his legal heirs. The house tax receipt for EHN was in the name of the complainant, however EHN was not in force in 2014 when the connection was released.

Hearing.

8. I heard the parties at length on videoconference. Shri. Prasad Kamlakar Shahapurkar appeared for the complainant while Shri. Devkant Kanolkar AE represented the Department.

Findings.

9. I perused the records and gave due consideration to the submission advanced by the parties.

10. At the heart of the dispute is the Department's insistence on no-objection of legal heirs of Anil Barde to the transfer of the electricity connection to the complainant's name. I feel the the demand is unnecessary and uncalled for.

11. The complainant has produced copy of the registered sale deed dated 15.09.2008 between Ramakrishna Madhukar Naik and others (Vendors) and himself as the purchaser. "The Department does not deny that the sale deed pertains to the structure to which the electricity connection has been released;" hence I presume it relates to the structure in question. The complainant also produced the house tax receipt issue by the Village Panchayat of Arambol showing that the house structure is in his name in the local body's records.

These two documents make it amply clear that the complainant is in possession of the residential house structure. The complainant explained the circumstances leading to the electricity connection being released in the name of Anil Barde. Admittedly, the original file of the connection is lost. In the foregoing facts and circumstances, I feel that the Department ought not to have rejected the request for change of name on hair-splitting grounds.

12. In course of the hearing, I suggested that the Department could obtain an undertaking from the complainant indemnifying the Department from any claims from heirs of late Anil Barde, which suggestion was taken positively by the Departmental representative.

13. In my considered opinion, an indemnity undertaking from the complainant would adequately allay the Department's apprehensions of possible claims or objections from Anil Barde's legal heirs to the transfer. In addition, the change of name could be done on condition that it would be reverted to the name of Anil Barde in the event of receipt of any valid objections from heirs of Anil Barde in future.

Order.

14. In light of the foregoing discussions, I pass the following order:

a. This complaint is partly allowed.

b. The complainant shall submit an appropriate declaration on affidavit indemnifying the Department from all consequences arising out of any claims or objections from legal heirs of late Mr Anil Barde, within two weeks from the receipt of this order.

c. The Department shall effect the change of name of the electricity connection under CA no. 60002917668 to the name of the complainant Mukesh Kumar Sharma within two weeks of the

receipt of such indemnity undertaking and on payment of requisite fees, if any.

d. The change of name shall be effected on condition that it would be reverted to the name of Anil Barde in the event of receipt of any valid claims or objections from heirs of Anil Barde in future.

e. The complaint stands disposed accordingly. Proceedings closed.

15. 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)