

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

Complaint / Representation No. 31/2024

Shri. Sushant Ray,
BF -04, Pash Beach Arcade,
Plot No. 143/1 A, Mazilvaddo,
Benaulim, Salcete -- Goa - 403716.

..... Complainant

V/S

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

2. The Executive Engineer,
Electricity Department,
Div -XVI, Aquem, Margao - Goa.

3. The Assistant Engineer,
Electricity Department,
Div -XVI, S/D- I,
Benaulim - Goa.

..... Respondents

4. Shri. Dhananjai Chandrakant Shirodkar,
S/o Late Shri. Chandrakant Shirodkar,
H.no. 1074, Chandreshwar Niwas,
Ambaji Fatorda, Margao, Salcete – Goa.

..... Intervenor

Dated : - 20/09/2024

ORDER

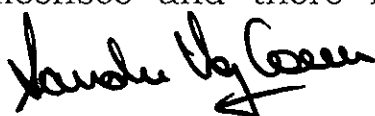
1. This order disposes the complaint dated 07.08.2024 filed by the complainant. He claims to be the occupant of a flat premises at Benaulim Goa and is aggrieved by the licensee's omission to change the name of the electricity connection to the flat to his name.

Case of the complainant.

2. In a nutshell, the complainant's case is that he is in "settled possession" of a residential premises at Pash Beach Arcade, Mazilwaddo, Benaullim Goa having electricity connection originally under CA no. 60005197649 that was replaced with new CA no. 60008114898 despite his objections.
3. On 22.05.2024, he made an online application for name change in the electricity bill (CA no. 60008114898) under ref no. 002001257097. All requisite documents had been submitted and fee of Rs. 200/- had been paid. However, no decision has been taken thereon by the licensee till date. The status update on call centre no. 1912 conveys that the request has been declined. No reasons are forthcoming.
4. He submits that being in "settled possession" of the premises and electricity being an essential service as well as a fundamental right to life as observed by the Hon'ble Apex Court, electricity supply cannot be denied or disconnected on flimsy grounds. The licensee has no locus to inquire into the title of the applicant, and all that they must examine is whether the applicant for electricity connection is in occupation of the premises. The complainant has a telephone and broadband connection in his name in the said premises. He had cleared all power bills. There was no privity of contract between the distribution licensee and him, and the former could not recover payment of bills in another person's name.
5. He prays for setting aside the allotment of CA no. 60008114898, for an order directing the respondents to process his online request for change of name and for costs.

Case of the Licensee Department.

6. Per contra, the licensee filed its written version through the third respondent. Succinctly, it is their case that the complainant is not a consumer qua the licensee and there is no privity of contract



between them. He had no locus standi to file the complaint. Their consumer is one Dhananjay Chandrakant Shirodkar. The supply to the complainant's premises has not been disconnected, hence there is no cause of action for filing the complaint. The question of who is in possession would arise only in case of a new connection. The complainant is not seeking a new connection but change of name of the existing connection. 7. The change of CA number was done during process of change of name from Pritidas Lotlikar to Dhananjay Chandrakant Shirodkar after following due process of law and upon compliance of required formalities, which included a no-objection from the previous owner. The complainant has not produced NOC of the current consumer. The question of ownership/legal occupancy was sub-judice according to the intervenor.

Case of the prospective intervenor.

7. One Shri Dhananjay Chandrakant Shirodkar filed an application dated 27.08.2024 for intervention in the proceedings. Briefly stated, his case is that he is the owner of the premises presently being serviced by connection under CA no. 60008114898 by virtue of an Agreement of Transfer and Assignment of Rights dated 22.12.2016, and an eviction suit has been filed by him against the complainant *inter alia* seeking his eviction from the premises. He had permitted the complainant to occupy the said premises under a leave and license agreement dated 17.07.2018 for a period of 11 months on monthly license fee of Rs. 11000/-. The complainant stopped paying the license fee since May/June 2019. He is in unauthorised occupation of the said premises since 16.06.2019 and was a trespasser.
8. He had learnt about the institution of these proceedings from reliable sources. The complainant had filed a false affidavit in support of his application for change of name. He prayed for impleading him as a party to these proceedings.



Hearing.

9. I heard the parties at length on videoconference, at which time the complainant and the prospective intervenor appeared in person, while Shri Siddesh Velip AE represented the Department. The complainant wanted the Forum to first decide on the impleadment application, and then take up the matter for final hearing, to which he was informed that the complaint had to be disposed in a time bound manner. These proceedings are summary in nature and legal technicalities are to be eschewed. Nonetheless, the complainant was permitted to file his objections to the impleadment application as well as file written submissions.
10. Post the hearing, the licensee Department through the third respondent filed an additional written version, wherein it was submitted that the complainant had not produced any document relating to "proof of ownership/legal occupancy of premises" which is one of the documents required to be submitted by an applicant for change of name. The request for change of name could not be acted upon unless the said document was produced. And that the complainant cannot claim to be in "settled possession" unless declared by the competent court.

Objections of the complainant to the impleadment application.

11. In brief, he submits that for sake of judicial propriety, arguments cannot traverse beyond pleadings. The licensee could not have referred to the "intervenor" without his impleadment. The applicant was a "consumer" within the meaning of the JERC (CGRF & Ombudsman) Regulations 2019 and an "applicant" and an "occupier" under the Electricity Supply Code 2018. The licensee had misinterpreted the term "legal occupancy". He had submitted a fresh 'Final Submit Report' dated 02.09.2024 during pendency of these proceedings which included a notice dated 04.09.2024 issued by the Block Development Officer in Panchayat Appeal no. BDO-S-I/(155)/01/2024/3273. He contends that the documents submitted



by him establish "long term and continuous occupation of the premises and use of electricity/power". The licensee was fully aware that the complainant and intervenor were "having various civil matter disputes", hence it was not possible to obtain the NOC for transfer.

12. With respect to the prospective intervenor, he submits that the agreement of transfer is incomplete without the power of attorney and does not comply with the Registration Act. The NOC of Pritidas Lotlikar as well as other documents produced by the intervenor were dubious. The society share certificate was fabricated. The intervenor nowhere pleaded that he was in physical possession of the premises or that he was enjoying the supply.
13. He claimed to be in "settled possession" of the said premises and relied on judgments of the Hon'ble Supreme Court and the Bombay High Court to buttress his contention. He also placed reliance on the JERC Electricity Supply Code in support of his argument that the change of name application ought to have been granted as he was in lawful occupation of the premises.

Issues.

14. I perused the pleadings and records and gave due consideration to the oral and written submissions advanced by the parties. In view of the rival contentions, the following issues crystallize for my consideration for disposal of the complaint, namely:

- (a) whether the prospective intervenor Dhananjay Chandrakant Shirodkar is a proper and necessary party to these proceedings?
- (b) whether the complainant has *locus standi* to maintain the present complaint?
- (c) whether the right to electricity – acknowledged to be part of fundamental right to life - can be extended or enlarged to



encompass the right to change the name of an electricity connection to one's name? and,

- (d) whether the complainant's pursuit of change of name of the electricity connection is a legitimate action, or does it suggest an attempt to misuse legal processes to gain an advantage in an ongoing property dispute?

Findings.

Issue (a)

15. These proceedings are conducted under and governed by the JERC (CGRF and Ombudsman) Regulations 2019. They are primarily meant to redress grievances of consumers of the distribution licensee. No doubt, the prospective intervenor claims to be the true owner having title to the said premises with connection under CA no. 60008114898 in question. He claims that the issue of legality of the possession of the complainant is sub-judice before the Civil Court and that the complainant is allegedly a trespasser.
16. However, the fact remains that the present dispute is between the complainant and the licensee. The complainant is aggrieved by the non-processing of his application for change of name of the connection from the name of Dhananjay Chandrakant Shirodkar (the prospective intervenor) to his name. In my view, the intervenor has no role, and his presence is not required for proper adjudication/redressal of the grievance. He has conveyed his objections to such transfer to the licensee Department, which have apparently been noted and acted upon by the latter. For these reasons, I find the issue in the negative and am inclined to reject the plea for intervention.

Issue (b).

17. Admittedly, the complainant has applied to the licensee for change of name of the connection, which has admittedly not been accepted by the latter. That alone, in my view, and relying on the provisions and the objectives of the JERC (CGRF and Ombudsman) Regulations

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2019, would make him a “complainant” having a “grievance” qua the licensee to that limited extent, and who, therefore, is entitled to file a complaint. I do not agree with the licensee Department’s contentions on this point. Hence, I find the issue in the affirmative.

Issue (c) and (d) taken together.

18. The facts of the case and the conflicting stands of the parties have been set out in detail in the earlier part of this order. Most critically, the fact remains that there is no denial or deprivation of electricity supply to the complainant, which fact is impliedly admitted by the complainant himself. In my opinion, therefore, the complainant’s submissions equating the judgment of the Hon’ble Bombay High Court (Aurangabad Bench) in Cr. Application no. 215 of 2019 to the facts of this case is misplaced. The judgment – and the case law in general on the point – is and would be applicable only to cases of denial of electricity and a consequent application for a new connection, not to an existing connection where name (of the consumer) is sought to be changed.
19. It is well settled that right to electricity is an extended fundamental right to life; even a trespasser, unauthorised encroacher and squatter is entitled to get electricity. Deprivation of electricity not only denudes life of its effective content and meaningfulness but makes life impossible to live. “Life”, means something more than mere animal existence. In the present case, the complainant is availing and enjoying electricity in the said premises. There is no deprivation neither by the licensee nor the prospective intervenor. Therefore, in my considered view, right to electricity cannot be expanded or extended or enlarged to include the right to change of name of an existing connection to one’s name.
20. The JERC Electricity Supply Code 2018 deals with change of name of the connection. Paragraph 5.86 that deals with “transfer of connection” stipulates as follows:



"A connection may be transferred in the name of another person upon death of the consumer or in case of transfer of the ownership or occupancy of the premises, upon filing an application form in the prescribed format given in either Annexure IV or V (as applicable) for change of name by the new owner or occupier:

Provided that such change of name shall not entitle the applicant to require shifting of the connection from the present location."

21. The case before me is not one where the consumer has died and his heirs are seeking transfer in their name, or there has been a transfer of ownership/occupancy. The form 'Annexure IV' is regarding change of ownership/occupancy, while 'Annexure V' deals with transfer of ownership to legal heir.
22. Notwithstanding the rejection of the plea for impleadment, this Forum is duty-bound to take cognizance of the documentary evidence adduced by the prospective intervenor. Of particular significance are two key documents: the Agreement for Transfer and Assignment of Rights dated 22.12.2016 and the share certificate issued by the housing society. Upon careful examination, these documents establish, *prima facie*, a compelling case for the prospective intervenor's proprietary interest in the flat premises in question. While it is true that the complainant has questioned the authenticity and completeness of these documents and the issue will eventually be decided by the civil court, what stands out conspicuously is the absence of any documentary evidence from the complainant that could substantiate a superior title claim to the flat premises vis-à-vis that of the intervenor.
23. The complainant's actions, when viewed in light of the available documents, give rise to a concerning inference. It appears that the complainant is attempting to leverage the change of name process and the licensee Department as instruments to vex a third party in the context of an ongoing litigation. Such a misuse of the process for the purpose of harassment cannot be countenanced by this Forum. I

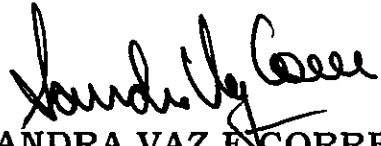
Sanjay Chandra

make this observation to highlight the apparent attempt to manipulate legal and administrative processes for personal advantage, which stands at odds with the principles of justice and fair play.

24. The litigation and civil disputes between the complainant and Dhananjay Shirodkar were well known to the licensee Department, which fact is admitted by the complainant himself. In this backdrop, the Department was well within its rights and due diligence to insist on a no-objection from Dhananjay Chandrakant Shirodkar to process the change of name, moreso in view of the latter's written objection.
25. The issues (c) and (d) are answered accordingly.

Order.

26. In view of the foregoing discussions, I did not find any merit in the complaint. It is liable to be dismissed and is hereby dismissed. Proceedings closed.
27. 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)