

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

Complaint / Representation No. 32/2024/162.

Shri. Dhananjay Gadekar,
Resident of H.No.357,
Oshalbag, Dhargal,
Pernem- 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 –XVII, Mapusa B - Goa.
3. The Assistant Engineer,
Electricity Department,
Div –XVII, S/D- I,
Pernem - Goa.

..... Respondents

Dated : - 23/09/2024

ORDER

1. The complainant is a resident of Dhargalim, Pernem. He is seeking disconnection of the electricity connection granted to one Nitin Gadekar.

Case of the Complainant.

2. In brief, the complainant's case is that he is the owner in possession of a house bearing no. 357 at Oshalbag, Dhargalim, Pernem Goa. That he along with his family members have been residing in the house, and apart from them, no other person has been residing in

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the said house. That Nitin Balkrishna Gadekar is a resident of Mumbai and never resided in the said house no. 357. That the said Nitin constructed another house illegally that is in no way connected to the house no. 357. That while taking a new electricity connection for his illegal house, the said Nitin misrepresented to the licensee Department that the house number of his house was 357. That the foregoing is the admitted position in a civil suit pending before the Civil Judge Junior Division, Pernem, wherein the said Nitin has prayed for possession of house no. 357/B and has pleaded therein that the licensee issued a new meter to a portion of the house and that his house is a new house and not the old house to which the number 357/B was allotted. In the said civil suit, he had agreed to pay an additional amount of Rs. 226000/- for constructing the new (illegal) house and not house no. 357/B. He seeks disconnection of the connection granted to said Nitin Gadekar.

Case of the Department.

3. On the other hand, the Department contested the complaint and filed its para-wise comments through the Asst Executive Engineer, Sub-Div I, Pernem. It is their case that the consumer Nitin Gadekar did not misguide the licensee, and that the connection was released based on documentation submitted and completion of all formalities. That electricity being a basic right, cannot be denied to anyone on basis of legality of the premises. Relying on a plethora of judgments, they contend that the licensee is only supposed to inquire into whether the applicant is in occupation of the premises, and that grant of electricity does not confer any legal right to the premises. They prayed for dismissal of the complaint.

Hearing

4. I heard the parties at length on videoconference; Shri. Sanket Mahambre appeared for the complainant while Shri. Vattu Sawant AE represented the Department. The complainant sought time to file

Sanket Mahambre
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written submission, which was granted subject to filing within two days.

Findings.

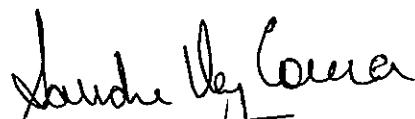
5. I have perused the records including the written submissions filed by the complainant and gave due consideration to the submissions advanced by the parties.
6. At the outset, the first issue that arises for determination is whether this Forum has the jurisdiction to entertain and decide on the subject matter of the complaint. Essentially, the complainant is seeking disconnection of electricity connection issued by the licensee to a third party. In my view, such a plea does not constitute a "complaint" or a "grievance" envisaged under the JERC (CGRF and Ombudsman) Regulations 2019. There is no privity of contract between the complainant and the licensee. The complainant is not a "consumer" qua the licensee. The complainant has not applied for any services to be rendered by the licensee. Hence, this Forum has no jurisdiction, and the complaint is liable to be dismissed on this ground alone.
7. Without prejudice the foregoing, the next issue that arises is whether said Nitin Gadekar committed fraud on and/or misrepresented material facts to the licensee Department by claiming the house number of his (alleged illegal) premises/structure to bear (panchayat house) no. 357-B. I have perused the documents submitted by said Nitin that are produced by the complainant himself. They include a house tax receipt dated 10.11.2023 issued by the Village Panchayat of Dhargalim to "Nitin Balkrishna Gadekar" relating to "H. no. 357-B Oshalbag". In the light of this document, to assume that the house number 357-B is non-existent or pertaining to some other house may be misplaced.

Sandeep G. Grewar

Order.

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

9. 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)