

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

Goa/C.G. No. 42/2024/181.

Shri. Pandurang V. Pednekar,
S/o Late Vithal Pednekar,
R/o H.No. 395/6, Baman Vaddo-OXel,
Siolim, Bardez, North Goa, 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.

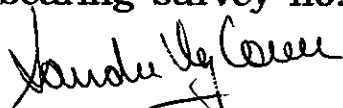
3. The Assistant Engineer,
Electricity Department,
Div - XVII, S/D- III,
Agarwada - Goa.

..... Respondents

Dated : - 18/10/2024

ORDER

1. This order shall dispose the complaint/representation dated 19.09.2024 filed by the complainant. He is aggrieved by the grant of electricity connection to E.H.N. 4-18 in name of Vinay Pednekar and seeks its disconnection.
2. Briefly, the complainant's case is that he is residing in a house bearing no. 395/6 within the jurisdiction of village panchayat of Oxel, Siolim in Bardez taluka along with his wife, son, daughter-in-law and his younger brother's son Vinay M Pednekar. The said house is existing on property bearing survey no. 94/4 of Oxel village. He



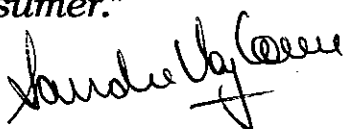
had obtained an electricity connection to the said house no. 395/6 on 19.09.1974 in his name, and the same was being utilized by all members of the joint family including Vinay Pednekar and his family. The bills were being shared between the complainant and Vinay Pednekar. However, suddenly from last year, Vinay Pednekar neglected and refused to pay his share of the bills. Nonetheless, the complainant started making full payment of the bills thereafter.

3. Without the knowledge of the complainant, the said Vinay Pednekar obtained a separate electricity connection for the house bearing no. 395/6 and affixed a new meter. Upon inquiries including under RTI Act, the complainant learnt that Vinay had obtained a temporary house number E.H.N. 4-18(ostensibly under the Goa Public Health Act) and based on the said house number, he obtained the electricity connection.
4. The complainant filed an objection with the third respondent on 05.03.2024 for providing the new connection. He also filed a complaint with the local panchayat for granting NOC for release of electricity connection to Vinay Pednekar. Similar complaints were also filed with the Health Officer and the second respondent on 19.03.2024. He was informed that EHN numbers are allotted to illegal constructions for the purpose of levy of panchayat tax. Complaints were also filed before said Vinay Pednekar before the local panchayat and Block Development Officer at Mapusa. The panchayat had issued a show-cause notice dated 19.08.2024. He seeks the disconnection of electricity connection released to Vinay Pednekar.
5. Per contra, the licensee Department contested the complaint and filed its para-wise comments through the third respondent. It is their case that the connection was originally released to Vithal P. Pednekar and transferred to the name of the complainant on his request on 12.10.2011 along with increase in load. The connection was released on basis of documents produced along with the application and after complying with all departmental formalities as

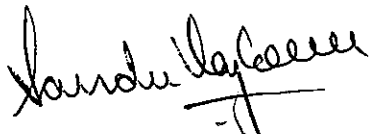
Shankar V. Gaur

per Supply Code 2018. In this backdrop, the department was not bound to ascertain the legality of the structure. They contended that Vinay Minnath Pednekar is the registered consumer and should be heard before deciding the complaint. The complainant has not disclosed in what capacity he has filed the complaint, whether as a consumer or as the legal owner of the house.

6. I gave the parties a hearing on videoconference, at which time the complainant was represented by Shri. Vishwesh Pednekar, while Shri. Prabhakar Pednekar AE represented the Department.
7. I perused the records and gave due consideration to the submissions advanced by the parties at the hearing.
8. At the very outset, the issue that arises for my consideration is whether the complaint/grievance is maintainable before this Forum. Our jurisdiction is set out in the JERC CGRF & Ombudsman Regulations 2024. Regulation 2 (f) defines a "complaint" as follows:
 - "(i) A grievance, related to any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee ("**Licensee**") in pursuance of a license, contract, agreement or under the JERC Electricity Supply Code 2018 as amended from time to time or in relation to the Distribution Performance Standards of the licensees, as specified by the Commission, and includes billing disputes of any nature and matters related to the safety of the distribution system having potential of endangering life or property; or a dissatisfaction of a Consumer arising out of failure of the licensee to register or redress a Complaint and shall include any dispute between the Consumer and the Licensee with regard to any complaint or with regard to any action taken by the licensee in relation to or pursuant to a complaint filed by the affected person.*
 - (ii) a distribution licensee has charged or recovered for electricity services mentioned in the grievance a price or charge in excess of the price or charge fixed by the Commission;*
 - (iii) electricity services which are hazardous to life and safety when availed, are being offered for use to the public in contravention of the provisions of any law for the time being in force;*
 - (iv) breach of any obligation by the distribution licensee which adversely affects any consumer."*



9. The foregoing basically lays down the jurisdiction of this Forum. A plain reading of the provision and the facts of this case clearly indicate that the subject matter of the complaint is not maintainable. There is no contract or privity of contract between the licensee Department and the complainant. There is no license, contract or agreement between them not to release electricity supply to Vinay Minnath Pednekar or anyone else. There was no obligation from the Department towards the complainant.
10. Be that as it may, I did not find any lacuna or procedural anomaly in the grant of the electricity connection. Admittedly, it was done based on an NOC issued by the competent authority i.e. the village panchayat.
11. I conclude that the complaint is not maintainable before this Forum. The same is liable to be dismissed and is hereby dismissed. Proceedings closed.
12. The complainant has rightly taken up the matter with the village panchayat and the Block Development Officer who have initiated an inquiry into the matter. Needless to say, in case the panchayat NOC for electricity connection is revoked, the licensee Department shall be at liberty to take appropriate action in accordance with law.
13. 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)