

BEFORE THE ELECTRICITY OMBUDSMAN
For State of Goa and Union Territories (Except Delhi)

2nd Floor, HSIIDC Office Complex, Vinijya Nikunj, Udyog Vihar, Phase-V, Gurgaon-
122016, Haryana.

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APPEAL No. 93/2017.

Date of Hearing: 10.11.2017 at Goa

Sh Newton Fernandes
H.No. 31D , Ward No. III,
Plot No. 12 &13, Molla, Sailabhat,
Cavorim Chandor,Goa.

.... Appellant

Versus

1. The Chief Electrical Engineer
Electricity Department
Govt. of Goa, Vidyut Bhawan
Panaji, Goa-403001.
2. The Executive Engineer
Electricity Department,
Division - IV, Margao,
Goa.
3. The Assistant Engineer
Electricity Department,
Division IV, S/D -III,
Margao, Goa.

..... Respondents

Parties present:

Appellant	Mr. Newton Fernandes
Respondent	Mr. Devadasan A, Executive Engineer, Division no. IV, Margao, Goa

Date of Order: 15.11.2017

Appeal No. 93 of 2017 was filed against impugned order dated 04.08.2017 of the
Consumer Grievances Redressal Forum, Goa in case No.11/2017/71 filed by the



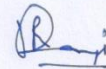
Appellant. Respondent no. 1 has authorized Respondent no. 2 to represent him in this appeal.

Submission of Appellant:

1. The appellant contention is that he applied for a three phase connection in April, 2015.
2. He deposited the necessary charges immediately.
3. He approached the respondents for energization of his connection regularly to Electricity Department, Goa.
4. The submissions by the Executive Engineer before CGRF that a case has been registered against them due to which they were unable to procure required conductor wires is not correct as the Connection has been pending since April, 2015 and they have case registered on Electricity department in the year 2016.
5. He may be compensated for delay in providing three phase connection for 2 years even though he has paid in full for 3 phase connection is due to negligence and careless attitude of JE.

Pleadings by the Respondent:

1. The appellant is resident of Cavorim Chandor Goa. He applied for 3 Phase connection on 06.04.2015.
2. The JE inspected the site & prepared an estimate which involved conversion of single phase 3 wire LT line to 3 phase 5 wire LT line of 7 spans approximately 240 mts.
3. The appellant deposited the necessary charges on 17.04.2015
4. The department tried many times to procure the conductors by tendering .But, unfortunately on every occasion one or other contractor jeopardized the efforts of department by filing litigation in Hon'ble courts. Presently an order has been quashed by hon'ble High Court of Mumbai, Goa bench.



5. The appellant was in urgent need of service connection and has purchased a 3 phase electronic meter and requested the Electricity Department to release the service connection by looping 3 wires on existing single phase LT line which was released on 20.04.2015. The applicant furnishing an undertaking to release 3 phase service connection after conversion of the existing LT line on availability of the material (conductors).
6. The Electricity Department has informed the applicant about the non-availability of the material (conductors) on various occasions when he has visited the office with regards to release of his 3 phase service connection.
7. In compliance of CGRF Order dated 04.08.2017 a three phase connection by stringing P.V.C. twin core wire has been provided on 17.08.2017.
8. The 3 phase connection was released on 17.08.2017

CGRF order under Appeal:

Consumer Grievances Redressal Forum, Goa decided as under:

6. In the result, we find considerable merit in the complaint. Department is directed to release three phase connection to the complainant as applied for within 30 days from receipt of this order. Department shall pay the complainant an amount of Rs. 3000/- as penalty for delay in delivery of services and further amount of Rs. 500/- as costs of these proceedings. The said amount of Rs.3500/- shall be credited in the next bill issued to the complainant's installation.

Pleadings of the parties during hearing:-

Appellant pleadings:



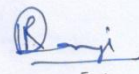
1. It was submitted by the Appellant that a three phase connection has been provided to his house and he is satisfied with the connection provided by the Respondents in compliance to CGRF Order dated 04.08.2017.
2. He pleaded that he be compensated for delay in providing three phase connection for over 2 years even though he had deposited the requisite charges.
3. He further submitted that Junior Engineer in charge careless attitude led to such a long delay in providing the connection. Due to which the voltage supply to his premises remained low and he was not able to run his air conditioners.
4. There is no complainant number of electricity department which can be contacted in case of any failure of supply/other grievances of metering etc.
5. The Appellant requested for refund of excess payment of charges for three phase connection from 20.04.2015 onwards as he was provided only a single phase supply.

Respondent

1. The respondent submitted that there had been shortage of 'ANT' and 'GNAT' conductors was not available with them and hence conversion of LT lines could not be carried out to release the three phase service connection.
2. Further they have provided a service connection to the consumer on 20.04.2015 by looping 3 wires on existing single phase LT line as the consumer was in urgent need of service connection.
3. The respondent replied to point no. 4 of the appellant that they shall provide the telephone number of electricity complaint centre.
4. The respondent replied to point no. 5 of the appellant that they have adjusted the excess payments from 20.04.2015 onwards in the consumer's bills.


Analysis & order:

1. The consumer applied for a three phase connection on 06.04.2015 and a single phase connection was provided to him on 20.04.2015. The consumer repeatedly



requested the Respondents for three phase connection in November, 2015 and again in the month of August, 2016. The Appellant again requested on 31.03.2017 for completion of his work.

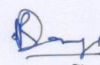
2. The consumer complained to CGRF, Goa and thereafter got a three phase connection in accordance with the CGRF Order dated 04.08.2017.
3. It has been observed that the consumer has been deprived of a three phase connection for over two years. The respondent's submission that the department was not having suitable conductors for providing supply to the consumer is understandable only for a reasonable period and not for such a long period over two years. The department could have exercised alternate method of purchasing of conductors for meeting out the emergencies and such delayed connections.
4. Further, the 3 phase connection which has been provided now using stringing P.V.C. twin core wire could have been provided in 2015 also.
5. It was also informed that the excess fixed charges recovered from the consumer for three phase connection from 08.07.2015 onwards have been adjusted in his bills.
6. The three phase connection has now been provided, so the core issue left in the present appeal reduces to one of a demand by the Appellant for a monetary compensation for delay in connection, mental agony and harassment.
7. There is no doubt that there is negligence on the part of respondents in the development of this unfortunate situation. I am of a considered opinion that the respondents could have certainly demonstrated a greater degree of responsiveness in attending to the complaint which they obviously did not. It shall be appropriate to award a symbolic compensation of Rs. 4000/-, not so much as a direct monetary reimbursement for mental agony suffered by the Appellant but more as a message to the respondents that there are evident deficiencies in



timely procurement procedures, Emergency procurement and customer interface mechanism which needs to be attended to with the importance they warrant. This shall be over & above the penalty/compensation already awarded by CGRF, Goa. The above compensation should be adjusted in forthcoming Electricity bills of the consumer/appellant and latest by 31.01.2018.

8. The other allegations regarding negligence and careless attitude of JE, are not issues which lie within the remit of the Ombudsman.

The Appeal stands disposed off accordingly.



(Rajesh Dangi)
Electricity Ombudsman
14.11.2017

1. Sh Newton Fernandes
H.No. 31D , Ward No. III,
Plot No. 12 &13, Molla, Sailabhat,
Cavorim Chandor,Goa.
2. The Chief Electrical Engineer
Electricity Department
Govt. of Goa, Vidyut Bhawan
Panaji, Goa- 403001.
3. The Executive Engineer
Electricity Department,
Division I (O&M), Panaji
Goa.

Copies to:

1. The Secretary, JERC
2. The Chairman,CGRF,Electricity Department,Vidyut Bhawan,Goa
3. Sh Arvind ,JERC for uploading of Order on JERC website