

Before the Electricity Ombudsman  
(For the State of Goa and Union Territories)  
Under Section 42 (6) of the Electricity Act, 2003  
3<sup>rd</sup> Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18,  
Gurugram (Haryana) 122015,  
Phone No.:0124-4684708, Email ID: [ombudsman.jercuts@gov.in](mailto:ombudsman.jercuts@gov.in)

**Review Appeal No.150(R) of 2021**

**Date of Video Conferencing: 21.10.2021**

**Date of Order: 01.11.2021**

Shri Shirish Kamat,  
Goa.

**.... Appellant**

**Versus**

The Chief Electrical Engineer,  
Electricity Department,  
Goa and others

**.... Respondents**

**Parties present:**

**Appellant**

1. Shri Shirish Kamat- Appellant

**Respondent(s)**

1. Shri. Jayant Y. P. Dessai,  
Executive Engineer

**Intervenor(s)**

1. Sh. Amey Naik- on behalf of Vidya Vikas Co-operative Society

**Date of Order: 01.11.2021**

The Appellant has preferred a Review Appeal against the order of the Electricity Ombudsman in Appeal No.-142 of 2021 tiled Shri Shirish Kamat vs Electricity Department-Goa. The Review Appeal was admitted on 18.08.2021 as Appeal No.150 (R) of 2021. Copy of the same as received was forwarded to the Respondents with a direction to submit their remarks/ counter reply on each of the points. However, the counter reply was not filed by the Respondents/Intervenors in time and accordingly Ex-parte notice was issued on 29.09.2021 for e-hearing on 21.10.2021, with a liberty to file counter reply within 7 days if interested.



(A) Submissions by the Appellant:

1. Appellant has taken many grounds for Review Appeal and the same are examined below in tabular form under the heading (F) "Findings & Analysis".
2. Appellant also filed additional material before the e-hearing on 21.10.2021 attaching some documents/said to be some allotment letters obtained under RTI from Electricity Department.

(B) Submissions by the Respondents :

Respondents have not filed any counter reply to the Review Appeal.

(C) Submissions by the Intervenors:

Intervenors have not filed any counter reply to the Review Appeal.

(D) Appeal Order No-142/2021 dated 23.07.2021, preferred for Review :

The following order was passed in Appeal No-142/2021: -

**“DECISION:--**

- (i) For the reasons discussed above, the appeal of the Appellant and application for intervention by Sh Rajindra Siddarkar and others are hereby dismissed with no order as to costs, being devoid of merit. The Order in Complaint No-11/2021/263 dated-8/3/2021 and Review Order No-1/2021 dated 26/03/2021. passed by Learned CGRF-Goa is upheld.
- (ii) Since the individual connections are required to be sanctioned and released in the name of individual allottees, Electricity Department is directed to effect the Change of name as applied by the individual allottee of Vidya Vikas Co-operative Housing Society as per Regulations, within a period of Two months from the issue of this order by email, failing which the connection is liable to be disconnected.
- (iii) The Intervenor- Vidya Vikas Co-operative Housing Society is directed to ask its allottees to apply for individual connections/Change of name as per Regulations, within a period of Two months from the issue of this order by email, failing which the connection is liable to be disconnected.
- (iv) It is made clear that release of individual electricity connection to the allottees of Vidya Vikas Co-operative Housing Society **shall be only for electricity supply to the premises occupied by the consumer/allottee and shall not be treated as having rights or title over the premises**, which will be subject to pending court cases, if any.
- (v) In case, the Appellant or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.

- (vi) The Electricity Department/Licensee should submit a compliance report to the office of Ombudsman on the action taken in this regard within **70 days** from the issuance of this Order by email.
- (vii) Non-compliance of the orders of the Ombudsman by the Electricity Department/Licensee shall be deemed to be a violation of Regulations and shall be liable for appropriate action by the Commission under the provisions of the Electricity Act, 2003.
- (viii) The appeal is disposed of accordingly.

**(E) Deliberations during Video hearing on 21.10.2021: -**

**1. Appellant submission:**

- a. The Appellant reiterated his version as submitted in appeal.

**2. Respondents Submission:**

- a. Shri. Jayant Y. P. Dessai submitted that he has just joined as his predecessor has retired and he would like to submit the counter reply. He was informed that the counter reply at the last minutes cannot be accepted as sufficient time was granted before Ex-parte proceedings were initiated. Even no request was ever made to grant time to file the counter reply. However, he was given liberty to elaborate important points during the e-hearing. After reading some points he concluded that Respondents opposed the Review Appeal and requested to dismiss the appeal.
- b. However, the Respondents sent the counter reply through email on 22.10.2021, after the e-hearing on 21,10.2021, which has not been considered.

**3. Intervenors Submission:**

- a. Shri Amey Naik, on behalf of The Vidya Vikas Co-operative Housing Society Ltd. submitted that the Appellant is neither a consumer nor complainant. He was restrained by Hon'ble Court not to interfere in the matters of Society. The Review petition is not maintainable as per section-37(8) of the CGRF and Ombudsman Regulations. Appellant is misrepresenting and using abusive language and therefore the Review Appeal be dismissed.

**(F) Findings & Analysis: -**

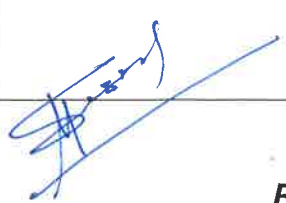
- 1. I have perused the documents on record and pleadings of the parties.
- 2. Following provisions have been provided in the Consumer Grievances Redressal Forum and Ombudsman Regulation-2019, notified by the Hon'ble Regulatory Commission, regarding preconditions for Reviewing an order: -

**(i) "Section 37(8) :-**

*37(8)- The Ombudsman may, at any time, after affording an opportunity of being heard, review his Order, either on his own motion or on an application of any of the parties to the proceedings, within 30 days of the Order on –*

- (i) *the discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his knowledge, or could not be produced by him at the time the order was made;*
- (ii) *on account of some mistake or error apparent from the face of record;*
- (iii) *for any other sufficient reasons. “*

3. The grounds now taken for Review Appeal and its appreciation as per the Regulations are examined/analyzed as tabulated below: -

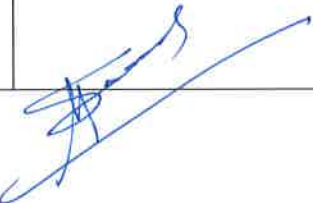
Sr. Nos	Grounds taken by the Appellant in Review Appeal	Examination /Appreciation of the grounds, as required under <i>Section 37(8) of the said Regulations</i>
1	The Appellant had made a letter to the Electricity Department that he was the builder of the project in the land belonging to the Vidya Vikas Cooperative Housing Society Margao Salcete Goa.	<p><b>Following order was passed in the order in Appeal No-142/2021: -</b></p> <p><b>“(G) Findings &amp; Analysis: -</b></p> <p>1. I have perused the documents on record, CGRF orders and pleadings of the parties.</p> <p>2. The documents submitted by the parties have been believed to be correct and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations. <b><u>All the parties are leveling allegations against each other, but I have restricted to the merits of each contention, with regards to the release of connections to the Housing Society and its members only.</u></b>”</p> 
2	The Appellant had filed a complaint to the Electricity Department that his applications dated 05/12/2017 had been replaced by some miscreants in connivance with the officials of the Department. The Appellant therefore warranted action by the department as per law as the same was a case of impersonation and forgery involving some of the employees of the Licensee department itself.	
3	The Appellant had also submitted the complaint to the Hon Power Minister of Goa who had taken cognisance of the fact and had initiated an investigation in the said case.	
4	The Appellants case was that it was he who had developed the said project on the Land which was belonging to the Vidya Vikas Cooperative Housing society Margao, Salcete, Goa at his own cost and had also availed Occupancy to the project, and that the Electricity department had also issued electrical connections to some 15 flats at the behest of the Appellant.	
5	The Appellant had also made out his case that one Commission agent named Kiran Naik who is director of company Apollo Engineers was out to create trouble for the Appellant using influence of his Judge Daughter	

	in law and his erstwhile partner who was the leader of Opposition in Goa who both were totally parties with vested interests in the said project .	
6	The Appellant had also filed complaint to the investigative Authorities which is ongoing in the said matter as on date.	
7	The Appellant had also brought out how after completion of the project the said Kiran Naik was out to trouble the appellant of his life long investments.	
8	The Appellant had also made a case before the Authorities that this was a case of impersonation by the said Kiran Naik wherein flats belonging to the Vidya Vikas Cooperative Housing Society of Margao were grabbed in an illegal manner by the said Kiran Naik after the said founder members and actual members came on the scene by using some entity called Vidya Vikas Cooperative Housing Society Navelim Salcete Goa.	
9	The Appellant had also culled out a case that this was a case in which there is already an Occupancy which was granted to the project an application has been made on health grounds which indicated there was something drastically amiss. The said facts were before the Licensee department that even when the said project had Occupancy as on 2017 application, the forgery and impersonation of an application dated 05/12/2017 which was made by the Appellant based on documents executed with the Vidya Vikas Cooperative Housing Society Margao Salcete Goa was used and relied upon while making an application under health grounds and hence as totally illegal.	Accordingly, these facts were examined in para-4 (a) (d) (i) under heading <b>(G) Findings &amp; Analysis</b> of the Order in Appeal No.-142/2021 and concluded that the Appellant cannot be considered as a complainant/consumer in this Appeal and he has no grievance against Electricity Department. His grievances are against the society and other members, which are under adjudication by competent courts. Therefore, I find that he has no locus standi to challenge the CGRF order dated-8/3/2021.
10	The Appellant states that he had also brought out before the CGRF as well as this Ld Authority that this was a case of a project to which an Occupancy was issued to the project and hence the application made under Section 94 A of the Goa Public Health act 1994 by persons who were literate in all forms was malafidely done with an intention to grab the assets of the society by impersonation at a time when the Hon High court had ordered status quo in the said project. The said	Therefore, the submissions in Sr. Nos. 1 to 9 of this table are not new facts/evidence which warrant Review as per said Regulations.
		These are not new facts and have been examined in para-7 under heading <b>(G) Findings &amp; Analysis</b> of the Order in Appeal No.-142/2021 and concluded that the Ld. CGRF has clearly followed the intent of the statue and order passed by it is legally in order, as no order has been passed as per the Goa, Damn and

	<p>application under a Specific section 94 A was done intentionally wherein there are instances in Goa that electrical connections are applied under the Health Act. Thus the said application dated 16/02/2021 against the electricity department Goa made under Sec 94 A of the Goa Public Health Act and that too to the CGRF Goa was therefore without any jurisdiction and hence Infructuous.</p>	<p>Diu Public Health Act as alleged by the Appellant.</p> <p>Therefore, the submissions in Sr. Nos. 10 of this table are not new facts which warrant Review as per said Regulations.</p>
11	<p>Moreover, it was also argued before the Independent member of the CGRF Vasco that she did not have any Authority or jurisdiction to hear an application made under the Goa Public Health Act 1994 due to all these facts. The Asst electrical Engineer Sub Div III Div IV Margao Goa, Mr. Kavendra Naik appeared before the CGRF Vasco and had also stated that the said CGRF did not have any jurisdiction to hear the matter which is also recorded in order of CGRF dated 08/03/2021. The main ground of challenge was jurisdiction which drastically fails the testimony of law as there has been no appointment of the CGRF under the Goa Public Health act. The application dated 16/02/2021 under sec 94 A of the Goa Public Health act was made to the President of the Consumer forum at Vasco. The Independent Member of CGRF Goa has abused powers in toto only for alleged Quid Pro Quo interests.</p>	<p>These are not new facts and have been examined in para-5 under heading <b><u>(G) Findings &amp; Analysis</u></b> of the Order in Appeal No.142/2021 and concluded that I have already interrupted the CGRF and Ombudsman Regulations-2019, in Appeal NO-130/2020 and Appeal No-131/2020 <b><u>(which are available on the website of Joint Electricity Regulatory Commission for the state of Goa and UTs under heading Office of Ombudsman)</u></b> that a single member of CGRF is competent to hear and pass orders on consumer complaints in case of vacancy(s). Hon'ble Regulatory Commission has also held the same views and directed the single member to hear and dispose of the consumer complaints independently till the vacancies are filled, so that consumers are not deprived of their legitimate right of 1<sup>st</sup> Appeal to the Electricity Ombudsman.</p>
12	<p>Further it is to state that this Id Authority for reasons best known to it has travelled beyond the law to state that "(a) I have perused the complaint dated-16.02.2021, as supplied by the appellant as submitted by the by the Vidya Vikas Co-operative Society to CGRF. The subject of the complaint is as under:- "Subject- Petition under section 94A of the Goa; Damn and Diu Public Health " Except the subject all over in the body of their 4 page complaint, they are referring to the delay by the Electricity Department in releasing connections to the residents of the Housing Society . In fact they have even refer to clause 5.52 of the Electricity Supply Code Regulations-2018 notified by the Hon'ble Joint Electricity Regulatory Commission. Nowhere in the complaint they have quoted any reference of Goa, Damn and Diu Public Health Act, except the subject. This inadvertent typographical error</p>	<p>Therefore, the submissions in Sr. Nos. 11 to 12 of this table are not new facts which warrant Review as per said Regulations.</p>

	<p>/mis nomenclature in the subject can be ignored in the consumer interest. The contents and intention of the complaint leaves no iota of doubt to establish that complaint has been made against Electricity Department for release of new connections to the Housing Society. Ld CGRF has not passed any order under Goa, Damn and Diu Public Health Act, as alleged by Appellant. Ld. CGRF has passed the orders as per Rules/Regulations notified by Hon 'ble Joint Electricity Regulatory Commission. The CGRF and Ombudsman has been created under statue to protect consumer interest and not to harass the consumers for such typographical errors. Therefore, I find that the Ld. CGRF has clearly followed the intent of the statue and order passed by it is legally in order, as no order has been passed as per the Goa, Damn and Diu Public Health Act as alleged by the Appellant”.</p>	
13	<p>It is to categorically state that it is the constitutional right of the Appellant to get justice to his genuine grievance from this Ld. Authority which this Ld Authority has not done as was required and has travelled beyond natural justice to grant reliefs to interveners. This Ld Authority was to only ensure whether the CGRF had any right to decide an application made under specifically mentioned section 94 A of the Goa Public Health act or otherwise. This Ld Authority has travelled beyond the scope of the appeal only to make and afford a huge advantage to the Interveners for reasons best known to it.</p>	<p>These are not new facts and have been examined in para-7 under heading <b><u>(G) Findings &amp; Analysis</u></b> of the Order in Appeal No.142/2021 and concluded that the Ld. CGRF has clearly followed the intent of the statue and order passed by it is legally in order, as no order has been passed as per the Goa, Damn and Diu Public Health Act as alleged by the Appellant.</p> <p>Being Appellate authority, this authority has power to modify orders passed by CGRF to circumvent the miscarriage of justice.</p>
14	<p>The appellant has found drastic change in the stance of this Ld. Authority between the two hearings as was seen from many cases as if there has been some submissions which were not to the knowledge of the Appellant that may have been made behind the back of the Appellant as the said persons being highly influential are habituated to make such misguidance regards the Appellant for taking orders in their favor in an illegal and unlawful manner.</p>	<p>Therefore, the submissions in Sr. Nos. 13 to 14 of this table are not new facts which warrant Review as per said Regulations.</p>



15	The citations made in order on intervention specially ones of investment in the units has been grossly ignored whilst issuing of the order dated 23/07/2021 indicating the said order was issued without any proper application of mind.	<p><b>Following order was passed in the order in Appeal No-142/2021: -</b></p> <p><b>“(G) Findings &amp; Analysis: -</b></p> <p>2. The documents submitted by the parties have been believed to be correct and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations. <b>All the parties are leveling allegations against each other, <u>but I have restricted to the merits of each contention, with regards to the release of connections to the Housing Society and its members only.</u>”</b></p> <p>Accordingly, these facts were examined in para-4 under heading <b>(G) Findings &amp; Analysis</b> of the Order in Appeal No.142/2021 and concluded that Appellant cannot be considered as a complainant/consumer in this Appeal and he has no grievance against Electricity Department. His grievances are against the society and other members, which are under adjudication by competent courts. Therefore, I find that he has no locus standi to challenge the CGRF order dated-8/3/2021.</p> 
16.	The Appellant had also brought out before this Ld Authority as well as the CGRF Vasco that the very foundation i.e. the said application made by the Appellant dated 05/12/2017 was forged which was not ruled out by the officials of the department before the CGRF Goa. The CGRF Goa ought to have taken such cognisance of such a forgery and impersonation done by the said persons.	
17.	The appellant states that the CGRF Vasco has instead further abused powers when she did not have power as per the Regulations nor under the act ventured and issued orders even when the application for electrical connection made by the Appellant was forged and a fact which was actually supposed to be taken due cognizance of by the forum went ahead and passed orders in an application filed under the Goa Public health Act on an application of a non-entity	
18.	The Appellant had brought out all the facts and had therefore on mere jurisdiction grounds and forgery committed by the officers of the department and also regards impersonation grounds filed the Appeal before this Ld Authority. These applications are in the record of this Ld Authority.	
19.	The Least which was expected from this Ld Authority was for this Ld Authority to act in matter of forgery and impersonation of the Application dated 05/12/2017 which has not been done by the Ld Ombudsman for reasons best known to it and no reference of the said forgery has been made anywhere in the said comments / order dated 23/07/2021 which is total denial of justice to the Appellant.	
20	One Kiran Naik claiming Power of Attorney dated 22/01/2007 had filed an application before this Ld Authority	



21	The appellant had furnished a letter dated 25/07/2011 from Managing Committee stating the said documents dated 22/1/2007 were terminated and had therefore filed an application for dismissing the application dated 24/04/2021 made by Kiran Naik which was required to be taken note of. Nowhere in the said order dated 23/07/2021 is there any mention of this vital fact.	Therefore, the submissions in Sr. Nos. 15 to 25 of this table are not new facts which warrant Review as per said Regulations.
22.	Further in the order dated 23/07/2021, this Ld Authority has erred to mention Amey Naik as POA of the society as he was not one nor had he furnished any such POA to this Authority as was stated during hearings.	
23.	That one Rajendra Siddarkar who was founder member had filed an application dated 23/06/2021 for intervention.	
24.	The Appellant had also filed an application for speaking to proceeding dated 24/06/2021 wherein it was accepted that no allotment was done by the Appellants in which no decision has been taken till date. Surprisingly there was no mention of these facts anywhere.	
25.	The Appellant stated that though the Appellant had cited that there is serious conspiracy when first it was denied that allotment was done and in hearing it was told that allotment letters are submitted by the intervener in spite of requested there was no furnishing of the Allotment letters furnished to the Appellant so as to enable the appellant throw more light in the matter.	
26.	The Appellant states that he had been asked about the declaration in the Annexure IV format regards the ambiguity regards submission that “ <i>The subject matter of the present representation has not been decided by any competent Authority/court/arbitrator, and is not pending before any such authority / court / arbitrator</i> ” the appellant without any prejudice had clearly stated that the representation before the Ombudsman dated 15/04/2021 was purely made against and upon the passing of orders by the CGRF Goa dated 08/03/2021 by abusing powers and without jurisdiction and that too on this Ld Authority asking to furnish the same in annexure IV format. The Appellant being a layman did	These are not new facts and have been examined in para-6 under heading <b>(G) Findings &amp; Analysis</b> of the Order in Appeal No.142/2021.

not have expertise of his Advocate who was at the time of application for Appeal down with Corona as clearly cited in appeal. Further during hearing on 15/07/2021 it was also cited by the Appellant in response to the said query on the declaration by this Ld Authority that the matter in respect of claims of membership of all but one persons of the interveners was under challenge before the Hon. High Court in which a status quo has been granted by order dated 31/08/2020. It was clearly cited by the Appellant to this Ld Authority during hearing on 15/07/2021 that the subject matter of the present representation was exclusively the challenge to the order of CGRF dated 08/03/2021. The Appellant has not challenged the order of CGRF before any other court or authority and thus was well within his rights to declare so. Further the Appellant is neither served any such matter as on date and the Appellant puts any authority or person to STRICT PROOF THEREOF. The Writ petition filed in 2020 before the Hon High Court which was membership issue is the foundation of illegality done by the interveners impersonating as the society in all forms in which the Hon High Court Taking due cognisance lawfully has ordered for Status quo.

Therefore, the submissions in Sr. Nos. 26 to 27 of this table are not new facts which warrant Review as per said Regulations.

27. The matter before CGRF was an application made under the Sec 94 A of the Goa Public health act 1994 and not the membership issue but an issue which being made in respect of a Matter Sub-judice before the Hon High Court, the CGRF Goa was therefore barred from hearing the matter before it which was done in abuse of all powers and law. The citation made by the interveners i.e. a "Non-existent" and duplicate society themselves in para 8 of the preliminary objections it was not only the appeal but the order of CGRF which needed to be dismissed. It was also clarified during arguments that nowhere at serial no 3 in annexure IV it was stated matter was sub judice. Whereas it was clearly clarified that it was made clear to CGRF Goa that the matter of membership being subjudice there was no jurisdiction to the CGRF Goa to entertain the matter as any such purported application was made based on such forged and concealed facts. It was only in hearing when we were furnished the facts and a statement made by the Asst Engineer regards



	<p>jurisdiction was it realised that the said Application made under Public health act was being illegally heard without jurisdiction. The declaration made in 12 d was clearly in respect of subject of "Challenge to the Order of CGRF" and was not regards the membership issue and other illegalities done by the Non existent society which was not done before any authority. This Authority has therefore clearly erred in terms of arriving at conclusions in the manner in which has been done in the same by travelling beyond the Appeal of the Appellant.</p>	
<p>28.</p>	<p>As per the Electricity regulations 2019 Sec 3.(f) "Complaint" means an application made by consumer before the forum seeking redressal of any grievance with regard to supply of electricity by the licensee;</p> <p>Provided that the following shall not be considered as the complaint namely,</p> <p>(ii) any matter pending before, or decided by, any court of law, or authority (except an authority under the control of the licensee) or the Forum, and.....</p>	<p>These are not new facts and have been examined in para-4 and 5 under heading <b><u>(G) Findings &amp; Analysis</u></b> of the Order in Appeal No.142/2021.</p> <p>Therefore, the submissions in Sr. Nos. 28 to 29 of this table are not new facts which warrant Review as per said Regulations.</p>
<p>29.</p>	<p>In the current case it was time and again brought before this Ld Authority that the entire matter which was raised before the CGRF without jurisdiction as the same was under the wrong act was based on fact of a membership dispute subject of which was pending before the Hon HC in which the Hon. High Court has given an order dated 31/08/2020 issuing status quo in terms of the said society in a Writ file by the Appellant. This Ld. Authority itself has accepted the fact that I as appellant had brought out that the matter was pending before court and hence it was cited by this Ld Authority that going by the said contention it did not have any right to hear the matter. If this be the case then it is obvious that the Independent Member of CGRF Goa did not have any jurisdiction to entertain the matter and hence this Id Authority should also have decided on those similar lines in terms of the appeal and allowed the same which was exactly challenging the order dated 08/03/2021 issued by CGRF without jurisdiction. This</p>	



	clearly meant that Ld Independent Member did not have any right to hear the said matter in any manner. Thus the order dated 23/07/2021 itself indicated that the CGRF could not hear matters which are sub-judice and hence this Ld Authority needed to allow the appeal and set aside the order dated 08/03/2021.	
30.	That the Appellant filed his replies to both the Intervention applications and had also filed written arguments as well as additional say as sought during hearing on 15/07/2021. The matter was posted for orders which was received on 24/07/2021. The Intervener Rajendra Siddarkar had withdrawn his application filed for intervention on 15/07/2021. Though the fact of withdrawal of the Intervention Application has been mentioned in order dated 23/07/2021 it was still surprising as to how the said application which was said to be “withdrawn” was dismissed which indicates the level of mistakes and erring done by this Id Authority. This said fact is without any prejudice but to only indicate to this Authority the reasons some sort of bias can be inferred to by appellant.	These are not new facts and have been examined in para-4 (a) (d) (ii) under heading <b>(G) Findings &amp; Analysis</b> of the Order in Appeal No.142/2021.  Therefore, the submissions in Sr. No. 30 of this table are not new fact which warrant Review as per said Regulations.
31.	The Appellant states that from bare perusal of the final recording in order apart from dismissing the Appeal of the Appellant wrongly, this Ld Authority has travelled beyond the scope of the Appeal and have granted reliefs which were not asked for by the Appellants which has further prejudiced and denied natural justice to the appellant an act which is against the Constitution.	Being Appellate authority, this authority has powers to modify orders passed by CGRF to circumvent the miscarriage of justice.  Therefore, this submission in Sr. No. 31 of this table is not a sufficient cause which warrant Review as per said Regulations.
32.	The Appellant states that due to what has been stated above which is abuse of powers, prime facie there was error apparent on facts and face of the said order dated 23/07/2021 being sought to be reviewed herein by this Application. There was no reference at all to the Verbal / written arguments and rejoinders filed and facts stated therein in any manner has been made to following documentary facts of the Appellant which clearly indicate forgery which stated the said was issued	

without any application of mind as the following documentary evidence were ignored:

- (i) Certificate of Registration of Vidya Vikas Cooperative Housing Society Margao Salcete Goa: The said Registration Certificate indicates that Vidya Vikas Cooperative Housing Society Margao Salcete Goa was formed on 06-11-1984 with reg no HSG Goa 145.
- (ii) Meetings of Vidya Vikas Cooperative Housing Society since 1984 to 1991: The said meetings were all in relation to land purchase of availing from Comunidade etc and were attended by most of the 16 founder members.
- (iii) Meeting dated 09/04/1991: The said agenda for the said meeting dated 09/04/1991 was to decide in terms of empowering the Chairman Shri Sumant Narayan Paiginkar to sign the Sale Deed for purchase of property at Telaulim and make the payment from Society funds.
- (iv) Sale Deed dated 15/07/1991: The sale Deed dated 15/07/1991 clearly indicated the Vidya Vikas Cooperative Housing Society Margao Salcete Goa was the purchaser of the landed property known as O Grando Vulgo under survey no 68/0 of Village Telaulim of Salcete Taluka. It was also clear that the consideration towards purchase of the said property was done by the Vidya Vikas Cooperative Housing Society Margao Salcete Goa which clearly indicates that the same was through funds generated and owned only by its founder members and no other persons could claim such contribution in any illegal and unlawful manner. The fact that the sale deed was registered on 15/07/1991 it was also clear that any contributions would have been made prior to the date and not on the day of the sale deed. This Ld Authority had time and again asked for the investments made by the respective parties. Prime facie this clearly indicates that the persons claiming to be the members or rather the society have not contributed neither to the said land nor the said buildings in any manner. The Appellant puts this fact to strict proof thereof.
- (v) Audit Report dated 24/04/1993 for the year 1991-1992: This audit report for 1991-92 very clearly indicated two vital issues which are as follows:
- (a) At page of "General remarks" of para "Membership and records" it is clearly mentioned that the Vidya Vikas Cooperative Housing Society Margao Salcete Goa had only 16 members till 31/08/1991. This very clearly ruled out any claim of any other person contributing towards the purchase of land on 15/07/1991.
- (b) As per the said Audit report the list of General Body meetings is mentioned of 20/10/1991 and Special General body of society is mentioned only ones held on 07/07/1991, 07/09/1991 and 31/12/1991 . This had no mention of any meeting of the society on 07/04/1991 which thus ruled out the meeting dated 07/04/1991 as entered on 15/07/1991 the day of the sale deed .
- The said facts of this para clearly indicate that the said perpetrators are never admitted as members of the society as wrongly claimed.
- (vi) Covering letter dated 06/07/1991 entered in the Asst Registrar office on 15/07/1991 ( day of Sale Deed of Property of society of Margao) which was with a forged letter head of Vidya Vikas Cooperative Housing Society Navelim Salcete Goa and enclosing minutes of Special Genral Body meeting dated 07/04/1991 : The Covering letter on letter head of Vidya Vikas Cooperative Housing Society Navelim Salcete Goa forging the Registration no HSG 145 was itself a huge fraud of one Vishwas Jotkar . Our society till date is at Margao Salcete Goa as can be seen from the letter dated 20/08/2020 issued by the Asst Registrar South Zone at Margao Salcete Goa. The said forged letter was enclosing minutes of Special General Body meeting of the society on 07/04/1991. Forgery of letter head of the society by the then Secretary for reasons best known to him: There has been a case of forgery of the use of name of the society whereas on 06/07/1991 there is letter head made in name of the Vidya Vikas Cooperative Housing society Navelim Salcete Goa whereas on 06/07/1991 or any time thereafter the society of Margao had nothing

Following order was passed in the order in Appeal No-142/2021: -

“ (G) Findings & Analysis: -

2. The documents submitted by the parties have been believed to be correct and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations. **All the parties are leveling allegations against each other, but I have restricted to the merits of each contention, with regards to the release of connections to the Housing Society and its members only.**”

These facts were examined in para-4(a) (d) (i) under heading (G) Findings & Analysis of the Order in Appeal No.142/2021 and concluded that Appellant cannot be considered as a complainant/consumer in this Appeal and he has no grievance against Electricity Department. His grievances are against the society and other members, which are under adjudication by competent courts. Therefore, I find that he has no locus standi to challenge the CGRF order dated-8/3/2021.

Hence, the submissions in Sr. Nos. 32 of this table are not new facts/sufficient cause which warrant Review as per said Regulations.

to do with the address of the society. The same was done with sole aim to wallop the project of society by a mere letter by this lone founder member by using non members headed by the said Kiran Naik and Vishwas Jotkar. The said letter head is used on the day of the sale deed which prime facie indicates total fraud. The Audit report dated 24/07/1993 clearly indicates that till 31/08/1991 the society had only 16 members with the same not reflecting any AGM of society on 07/04/1991 which proved forgery.

**(vii) Minutes of Extra ordinary Genral body meeting of the Vidya Vikas Cooperative Housing society Navelim Salcete Goa dated 07/04/1991:** It is expressly stated that

- (a) The said meeting claimed dated 07/04/1991 was of the Vidya Vikas Cooperative Housing society Navelim Salcete Goa and not of Vidya Vikas Cooperative Housing society Margao Salcete Goa which is to be noted .
- (b) The said meeting was attended by non members before they were admitted as members of the society.
- (c) The said meeting was chaired by a Non Member G M Naik before he became a member of the society.
- (d) The agenda of the said meeting was to decide on admission form of membership of 28 persons including Mr. G M Naik at Sr No 12. It was clear that this was a case of Non member Chairing a meeting claiming it to be a meeting of a Registered society and showing as well as claiming admission as member is illegal and void anyways.

**(viii) The letter dated 17/07/1991 by Assistant Registrar to the Secretary of the society in reply to letter entered on 15/07/1991 :** The letter dated 17/07/1991 by Assistant Registrar to the Secretary of the society it clearly refutes the said letter dated 06/07/1991 and also refutes so called minutes of Society. This clearly indicates there has been immediate refuting of the same.

**(ix) Charge taken letter dated 2016 on Appointment of Upaso Gaunkar lead COA :** Mr. Upaso Gaunkar was appointed pursuant to letter by Managing Committee indicating total indulgence of non members lead by Kiran Naik and hence to appoint a Govt committee of Administrators. Accordingly Mr. Upaso Gaunkar was appointed as Chairman.

**(x) Report dated 03/04/2016 of AGM dated 28/03/2016: The said report indicated as follows:**

- (a) This stated that the said Kiran Naik Suresh Sawant who are amongst the 28 persons and others who had called for the said AGM dated 28/03/2016 were not the members of the society.
- (b) He has stated that they were never admitted as members of the Vidya Vikas Cooperative Housing Society Margao Salcete Goa.

It is pertinent to note that this report was never challenged and therefore has attained total finality. The Registrar pursuant to the same could in no manner have acted in this any further.

Representation against Upaso Gaunkar as he did not fall prey of pressure: The fact that the affected persons did not challenge the said report and preferred to make frivolous letters top Ministers was a clear indication given that the same was done as Mr. Upaso Gaunkar who was pressurised to give in their favor did not succumb to their pressure.

Appointment of Raju Magdum as Chairman COA: Raju Magdum Sr. Auditor was appointed as Chairman of COA. He was in office from 25/04/2016 till 16/03/2020 i.e. for 4 years . The very fact that there was a COA for 4 years was clear he never attempted to bring the actual founder members on record in any manner as the Registrar of Cooperative Societies easily could send notices to founder members.

**(xi) Delegated Registrar i.e. Asst registrar South Zone Report dated 02/09/2016:** The said report indicated as follows:

- (a) He has said that the meeting dated 07/04/1991 to his mind was Null and Void and that the 28 persons were illegal and never admitted as members of the society.
- (b) That non members were trying to grab the affairs and assets of the society by making baseless allegations against the Authorities. This indicated the complaint against Upaso Gaunkar was frivolous one.

It is pertinent to note that this report was never challenged and therefore has attained total finality. The Registrar pursuant to the Report dated 02/09/2016 could in no manner have acted in this any further as the said report dated 02/09/2016 was done in capacity of powers vested in him of the Registrar as delegated under the act and law as the same has been done by the same authority. Any further act would mean as if the registrar had quid pro quo interests.

**(xii) Report dated 12/09/2016 of AGM dated 02/09/2016 by Chairman Raju Magdum COA :** The said report indicated as follows:

- (a) He has stated that the Asst Registrar Delegated powers of the Registrar Of Cooperative Societies attended the AGM of the society and told the persons assembled there that they were not the members of the society as they were never admitted as members of the Vidya Vikas Cooperative Housing Society Margao Salcete Goa.
- (b) He has also stated that the meeting called by Non Members i.e. Suresh Sawant and others i.e. AGM dated 02/09/2016 cannot be proceeded with.
- (c) He has stated that they were never admitted as members of the Vidya Vikas Cooperative Housing Society Margao Salcete Goa.
- (d) He has also stated that Non Members cannot attend the General Body of the society and did not allow the 28 persons to attend the said meeting.

It is pertinent to note that this report was never challenged and therefore has attained total finality. The Registrar pursuant to the same could in no manner have acted in this any further. The same also very clearly indicated that the said Raju magdum and the COA knew very well that the said 28 persons were never admitted as members of the society and should have deposed impartially. That no complaint was made against Raju Magdum was indication of fact that he was indulging in illegal and vested interests.

**Most importantly One of Member COA Mr. P.L, Naik was one of the 28 illegal persons:** One of Member COA Mr. P L Naik ( Ex Asst Registrar ) was one of the 28 illegal persons and was party to the report of AGM dated 28/03/2016 as well as 02/09/2016.

**(xiii) Government Note by Hon CM/ Minister for Cooperation dated 30/04/2017:**Government Note by Hon CM/ Minister for Cooperation dated 30/04/2017 to Sec Cooperation considering the issue serious for action.

**(xiv) RCS Order dated 11/05/2017 for SPECIFIC POINTWISE QUESTIONNAIRE inquiry under Sec 76 A of GCS Act 2001.** The Registrar of Cooperative Societies had vide Order dated 11/05/2017 directed for SPECIFIC POINTWISE QUESTIONNAIRE inquiry under Sec 76 A of GCS Act 2001 appointing Ms Sangita Naik Cooperative Officer Ponda for the said act.

Note on Sec 76 A and its procedure: As per inquiries conducted under Sec 76 A of the Goa Cooperative Societies act 2001, there is no scope for hearing mandated after the report is submitted. It is only for the office of the Registrar to send the report to the society.

(xv) **Enquiry report dated 28/06/2017 BASED ON SPECIFIC POINTWISE QUESTIONNAIRE:** The Inquiry officer had submitted her Enquiry report after thorough study as follows

- (a) That the 28 persons were never admitted as members of the Vidya Vikas Cooperative Society Margao Salcete Goa and illegal and void.
- (b) The Agreement dated 22/01/2007 and Power of Attorney dated 22/01/2007 was illegal and void.
- (c) She had asked to liquidate the society of regularise under sec 69. Sec 69 does not speak of regularizing at all but issue directions in interest of cooperative sector. No Cooperation sector has interest in non members to be made members and given right and assets of actual founder members prejudicing them and without hearing them.

The Enquiry report dated 28/06/2017 has attained finality as the same has been also sent to the Government of late Manohar Parrikar as well as the Vidya Vikas Cooperative Housing Society Margao Salcete Goa.

**Important to note that neither is the letter dated 17/07/1991 by Asst Registrar south zone Margao , Audit dated 24/04/1993 for 1991-92, the COA report dated 03/04/2016, the Delegated Registrar report dated 02/09/2016, the COA report ated 12/09/2016 banning them from attending AGM, The note by Hon CM dated 30/04/2017, the Order for inquiry by RCS dated 11/05/2017 and the Inquiry report dated 28/06/2017 challenged by anyone till date:** It is to categorically stated that the letter dated 17/07/1991 by Asst Registrar south zone Margao , Audit dated 24/04/1993 for 1991-92, the COA report dated 03/04/2016, the Delegated Registrar report dated 02/09/2016, the COA report ated 12/09/2016 banning them from attending AGM, The note by Hon CM dated 30/04/2017, the Order for inquiry by RCS dated 11/05/2017 and the Inquiry report dated 28/06/2017 challenged by anyone till date. Nothing has been challenged till date by any of these affected 28 persons in any manner and they are harping on technicalities to stick to their illegal and unlawful act by making baseless allegations on authorities who have exposed their illegal and void acts.

(xvi) **Notice for hearing dated 04/08/2017 meant for all members meaning only founder members and other investor members except those declared Illegal & Void in Inquiry Report :** The said notice was meant for members in this case the founder members only. The founder members who were alive were not issued notices. But dead persons from within 28 illegal persons were allowed to be heard. This was sinister planning under pressure of Political person.

(xvii) **Hearing dated 11/08/2017:**Chairman COA and Raju Magdum and member COA Suryakant Gawas though attending this lone hearing did not produce any proof of serving of the notice dated 04/8/2017 on the founder members. He did not object to presence of the illegal declared persons who had no jurisdiction to attend the said hearing meant only for the genuine members . He did not object to appearance of dead persons. He did not state anything. No statement of Chairman COA was recorded.The Audit report dated 24/07/1991, the AGM report dated 03/04/2016 the Delegated Registrar report dated 02/09/2016 and COA report dated 12/09/2016 was not referred to deliberately.

It is pertinent to note that with he fact of absence of the Chairman COA and member COA who were not heard except the first hearing the say of the society nor the founder and actual members was taken by the Authority.

(xviii) **Letter dated 13/09/2017 clearly proves that the illegality has been accepted in toto of they being illegal and void:** Vide letter dated 13/09/2017 at page no 7 the said perpetrators have agreed and accepted that they were never admitted as members of the society as per the act



and law required to be done by the Managing Committee in any manner and were seeking to condone their illegal act.

**Most important fact is that two of 28 persons namely Mr. P.L Naik and Mr. M.V Naik were senior officers in Cooperation Department:** Two of 28 persons namely Mr. P.L Naik and Mr. M.V Naik who were senior officers in Cooperation Department and hence the said act is a heinous one. The same is mentioned in letter dated 13/09/2017 by the said 28 persons accepting their illegal act. Stringent action therefore needs to be taken as their act was unpardonable when such officers who are aware of the fact of how admission of members is to be done is there right in the ranks of the said 28 persons.

**(xix) Order dated 15/01/2019 for tagging matter:** Vide this order the issue of one Shirish Kamat Builder and investor member was tagged with the matter ensued vide notice dated 04/08/2017.

**Inspite of tagged matter the matters were heard separately indicating malice of Registrar of Cooperative Societies Mr. Menino D Souza and Quid Pro Quo interests:** Inspite of tagged matter the matters were heard separately indicating malice of Registrar of Cooperative Societies. Such was the nature of criminal breach of trust on the authority by abuse of powers and having any respect for law and act. This indicates the said matter which was tagged on 15/01/2019 was kept for hearing on 24/01/2019 and the then Registrar has heard the parties behind the back for sinister planning of illegal act using Non members and not at all hearing the founder members.

**(xx) Matter de-tagged on 05/03/2019 at the insistence of Non Members in absence of other tagged party:** The then Registrar for only his alleged vested interest heard the tagged matter separately at the behest of a person named Vishwas Kankonkar who was not even among the 28 illegal persons. This is a huge illegal act done clandestinely by the Registrar for his own quid pro quo interests without hearing the founder members and hence an illegal and unlawful act.

**(xxi) Order dated 22/08/2019 by Registrar of Cooperative Societies Menino D Souza:** Deemed membership is not defined in the Goa Cooperative Societies Act 2001. When persons are said to be never admitted as members there cannot be Deemed membership of such persons as members in any form whatsoever. This is a case of total abuse of power and Authority and hence to be taken firm action against such an official. The then Registrar Mr. Menino D'Souza did not hear the founder members before issuing a malafide order prejudicing the founder members assets . The same was issued by illegally de-tagging the matters and without hearing the founder members who were the only ones to be heard in matter pertaining to the Vidya Vikas Cooperative Housing society Margao Salcete Goa. This action definitely indicates Quid Pro Quo interests of the said Menino D Souza and action warrants against him of suspension from service till pending final disposal of the Complaint.

**Registrar of Cooperative Societies Menino D'Souza has illegally stated that persons who are never admitted as members are deemed to be Regularised:** Registrar of Cooperative Societies has illegally stated that persons who are never admitted as members are deemed to be Regularised even when there was no deeming provisions also. The Registrar of cooperative Societies has murdered democracy in all forms even when the persons within the 28 have themselves accepted that they were never admitted as members of the society and sought for pardon. The Registrar of Cooperative Societies has granted more than what he could do and proved QUID PRO QUO INTERESTS.

**(xxii) Order dated 26/11/2019 by Asst Registrar South zone Rajesh Parwar stating Vishwas Kankonkar non member:** November order dated 26/11/2019 by Asst Registrar South zone Rajesh Parwar indicates Vishwas Kankonkar non member even among the 28 . Thus it was clear all this has been illegally done regards the de-tagging and passing of

orders without hearing the founder members. This clearly indicates the Registrar of Cooperative Societies has drastically erred even when sounded on the said topic in writing as can be seen as from letters submitted in hearing after Tagging order where the matter of illegal membership was heard separately without taking say of the actual and only founder members. This shows the intensity of negligence of the Registrar of Cooperative Societies itself when it was time and again pointed out to the Registrar of Cooperative Societies as can be seen from the records.

**(xxiii) Order on Review dated 31/12/2019 filed by one Shirish Kamat:** By this order the Registrar of Cooperative Housing Societies stayed its own order on deemed membership dated 22/08/2019 rendering the said 28 persons as non members which situation continues till date.

**(xxiv) Election Process conducted in November-December 2019 in a clandestine manner at Non Existent address at Navelim Salcete Goa:** In spite of objections the then Asst Registrar Rajesh Parwar has hurriedly conducted elections at a non existent address at Navelim Salcete Goa. The best part is that the elections conducted are of our society i.e. Vidya Vikas Cooperative Housing Society Margao Salcete Goa.

**(xxv) Letter issued dated 20/08/2020 under RTI act by PIO Asst Registrar South zone indicating Address as a Margao Salcete Goa and still Asst Registrar Pundalik Parab declared elections in a hurried manner after he was issued notice on review and that too knowingly that the society address was a Margao Salcete Goa:** Whereas the Asst Registrar South Zone Mr. Pundalik Parab has hurriedly declared elections in a hurried manner on 30/12/2019 after he was issued notice dated 27/12/2019 on review petition and that too knowingly that the society address was a Margao Salcete Goa. This fact is proved from the fact that the same Asst Registrar Pundalik Parab has given an RTI Reply dated 20/08/2020 that there is only one society with the name of Vidya Vikas Cooperative Housing Society and that is the one located at Excise Station Margao Salcete Goa. We have been inspecting the said address but there has been no notice issued on the said place in any manner for elections. This clearly indicates that there has been no elections to our society and the persons are impersonating as the Vidya Vikas Cooperative Housing Society to grab assets and affairs.

**(xxvi) Agreement dated 22/01/2007 and Power of Attorney dated 22/01/2007 complete fraud by a founder member Mr. Vishwas Jotkar and non members Mr. Anand Shantaram Vernekar and Kiran Naik are involved in illegal sale of Land of society to Apollo Engineers by claiming to be Owner no 2 and Owner no 1 in Agreement dated 22/01/2007 in place of society:** One of the founder members Mr. Vishwas Jotkar in connivance with a non member Anand Vernekar is involved in illegal sale of Land of society to Apollo Engineers by claiming to be Owner no 2 and Owner no 1 in Agreement dated 22/01/2007 in place of the actual owner which is our Vidya Vikas Cooperative Housing Society, Margao Salcete Goa. This is total impersonation and Money Laundering to deprive the founder members of their fundamental right and assets.

**The two frauds Mr. Vishwas Jotkar and Mr. Anand Shataram Vernekar are presently impersonating as chairman and Secretary of Vidya Vikas Cooperative Housing Society Navelim Salcete Goa and trying impersonation of the Vidya Vikas Cooperative Housing Society Margao Salcete Goa to grab their assets:** The two frauds Mr. Vishwas Jotkar and Mr. Anand Shataram Vernekar are presently impersonating as chairman and Secretary of Vidya Vikas Cooperative Housing Society Navelim Salcete Goa and trying impersonation of the Vidya Vikas Cooperative Housing Society Margao Salcete Goa to grab their assets. They have illegally and unlawfully impersonate the Vidya Vikas Cooperative Housing Society Margao Salcete Goa and without any authority unlawfully executed an Agreement for Development of the

property owned by the Vidya Vikas Cooperative Housing Society Margao Salcete Goa claiming to be owner no 2 and owner no 1 whereas it was the Vidya Vikas Cooperative Housing Society Margao Salcete Goa which was its owner. Such persons need to be arrested immediately.

(xxvii) **Letter dated 25/07/2011 indicating Documents dated 22/01/2007 are terminated by the Society:** The society had already intimated to the said Apollo Engineers and Contractors pvt ltd not to use the forged document.

(xxviii) **Notice dated 04/03/2020 issued to us the/ founder members in case no 08/2017 :** By this notice the the founder members were served a notice for the first time ever and the same exposed illegal acts of the said perpetrators.

(xxix) **Letter dated 17/03/2020 from Vidya Vikas Cooperative Society Taulim Salcete Goa signed by Kiran Naik claiming to be Power of Attorney of Society:** As stated in paras herein above, the said Power of Attorney is not executed by the Vidya Vikas Cooperative Housing Society Margao Salcete Goa as the Managing Committee has not issued the same. Moreover on 17/03/2020, there was an Administrator appointed on the said date by the Registrar of Cooperative Housing Society. The said 3 persons who have issued the said Power of Attorney are not the owners of the said property in any manner and it is the Vidya Vikas Cooperative Housing Society Margao Salcete Goa who is the owner of the society.

(xxx) **Letter dated 17/03/2020 issued on Computerised letter head of Kiran V Naik Malbhat Margao a case of Impersonation in toto** :As stated in para III (b) & (e) hereinabove , the said Kiran Naik is not the Power of Attorney of the society at all. Moreover he has generated this document as if he is the society and as if he is the owner of the property and the same is an act of benami Transaction warranting immediate action against the said Kiran Naik for using forged documents. He has falsely stated that the said dead persons including his mother , his company and others who are declared illegal and void by Registrar on the date of the letter are Members of the society. This is an act of impersonation done by the said Kiran Naik along with Vishwas Jotkar who is involved in sale of the society plot in an illegal and arbitrary manner for vested monetary gains. This act of indicating to the said Panchayat with forged letter head and that too mentioning names who were said never to be admitted as members of the society and whose membership was stayed was exfacie illegal and void act.

(xxxi) **Public notice dated 07/09/2020 by us the founder members :** The said fact of illegality done by Vishwas Jotkar and Anand Vernekar had been published on newspaper dated 07/09/2020.


(xxxii) **Share Certificates of two different type indicate total impersonation and fraud by these persons:**There are Share Certificate of the same date i.e. 07/04/1991 one with Vidya Vikas Cooperative Housing Society Navelim and other with Vidya Vikas Cooperative Housing Society Taulim both of same date which prime facie indicates huge fraud by the above accused persons Mr. Kiran Naik, Vishwas Jotkar and Anand Vernekar. Interestingly on 07/04/1991 the Society of Margao had nothing to do with the address of the society at Taulim Salcete Goa as even the sale deed was executed on 15/07/1991, much later then 07/04/1991. This shows the said Share certificates are totally bogus in nature.

(xxxiii) **Order dated 31/12/2019 continues in view of Status Quo granted by Hon High Court dated 31/08/2020 after order dated 12/08/2020 by Registrar of Cooperative Societies Panjim:** the judgment in order dated 12/08/2020 was very clear to show Menino D Souza's involvement on Quid Pro Quo interest without any power. Further the

	<p>status quo granted by Hon High Court indicates that the said order dated 31/12/2019 continues till date.</p> <p>(xxxiv) <b>Order by Asst Registrar South zone dated 04/02/2021:</b> The Asst registrar has put in abeyance the illegal attempt to shift the Society of Margao to Telaulim Salcete Goa.</p>	
33.	This Ld Authority has made the citations without any application of mind specially in para 3 of its order dated 23/07/2021.	
34.	This Ld Authority has erred to make judgment and travel beyond scope of appeal to pass orders as seen from operative part wherein relief has been granted to one of the interveners an illegal society and non-connected to the said property in any manner even when the said appeal was not theirs. This is said without challenging the authority of this Ld Authority to dismiss the appeal by adjudicating by what has been wrongly stated without application of mind. This Ld Authority has not referred to the barrage of proofs of the appellant but has travelled beyond law to grant reliefs to the said Interveners which mandates the said order issued wrongly to be immediately recalled.	<p>Being Appellate authority, this authority is competent to modify the orders passed by CGRF to circumvent the miscarriage of justice.</p> <p>Therefore, the submission in Sr. Nos. 33 to 36 of this table are not new facts/sufficient cause which warrant Review as per said Regulations.</p>
35.	The Appellant is also unaware of the nature of the documents submitted on clarifications sought made by the intervener society of Navelim which changed the fate of the Appeal filed and there was denial of natural justice to the Appellant as documents were not furnished to the appellant and the documentary proof of fraud and forgery to the application was neither looked into nor was referred to in the order dated 23/07/2021.	
36.	There is no mention of any application of 2018 as made out by the intervener during hearing dated 15/07/2021 which was asked to be furnished by this Ld Authority any where in the said order dated 23/07/2021.	
37.	In regards to the powers of the lone independent member as claimed in order dated 23/07/2021, there is no reflection of any views of the Hon Commission any where in Public Domain as referred to in the said order and neither is there any mention anywhere in the record of the website nor is there any notification as mandated in these regards to be challenged in case required. The	<p>These are not new facts and have been examined in para-5 under heading (G) Findings &amp; Analysis of the Order in Appeal No.142/2021 and concluded that I have already interrupted the CGRF and Ombudsman Regulations, 2019, in Appeal No.-130/2020 and Appeal No.-</p>

	<p>said mention of the said “interruption” of the Regulations of this Ld. Authority in order in appeal no 130/2020 before this Authority cannot be a regulation and hence not binding on the Appellant in any manner whatsoever as this Ld Authority has no jurisdiction whatsoever to decide on formulations of the Regulations. Such citations in the said order dated 23/07/2021 therefore can be taken as a clear case of abuse of power and nothing else. There is also an India Gazette dated 24/06/2005 which was after the Electricity act 2003 which states that the By a Gazette of India Part II of 08/06/2005 and as per Electricity act 2003 the sec 7 calls for establishment of forum under sec 42 sub sec 5 which shall consist of officers of the licensee. The Ombudsman under sub sec 6 of sec 42 shall be such person which the State Commission shall define from time to time.</p>	<p>131/2020 <b><u>(which are available on the website of Joint Electricity Regulatory Commission for the State of Goa and UTs under heading ‘Office of Ombudsman’)</u></b> that a single member of CGRF is competent to hear and pass Orders on consumer complaints in case of vacancy(s). Hon’ble Regulatory Commission has also held the same views and directed the single member to hear and dispose of the consumer complaints independently till the vacancies are filled, so that consumers are not deprived of their legitimate right of 1<sup>st</sup> Appeal to the Electricity Ombudsman.</p>
<p>38.</p>	<p>The said Independent Member of CGRF Goa is neither the member of Licensee in any manner as mandated in the said India Gazette dated 08/06/2005 and the entire Forum is therefore appointed in gross violation of the act itself and Gazette dated 08/06/2005 and hence Ex facie illegal since inception and this Appellant clearly objects to such abuse of powers by the forum or any other authority appointed in violation of act, Gazette and the Regulations .</p>	<p>Therefore, the submissions in Sr.No.37 to 42 of this table are not new facts/sufficient cause which warrant Review as per said Regulations.</p>
<p>39.</p>	<p>Without prejudice and without agreeing that the order in appeal no 130/2020 is in any way binding on this Appellant it is to state that In order in Appeal no 130/2020 referred in order dated 23/07/2021 in appeal no 141/2021, the Ombudsman has stated that In para (F) - Decision under (ii) The Electricity department is directed to fill up vacancies within 2 months which has not been done till period of order and hence the hearings of the CGRF are therefore clearly conducted in violation of the same order are illegal on this count alone and needs to be taken firm cognisance of.</p>	




40.	Moreover the mere writing of some email and some facts as mentioned in order in appeal no 130/2020 without any clear notification by concerned and approved authority under the act and the Gazette dated 08/06/2005 is in no way binding on this Appellant and neither does the same construe to be powers to make any regulations.	
41.	The State commission has no powers to appoint the said Forum as construed in gazette of India dated 08/06/2005. Copies of the Gazette dated 08/06/2005 is annexed herewith.	
42.	The Appellant is neither aware nor concerned as to what orders are passed in other matters as the case no 130/2020 as these are not to the knowledge of the Appellant and also this facts are not of any concern to the Appellants case in any manner whatsoever.	
43.	Further citation at para of the said order is absurd in term of lawful and unlawfulness of any mandated and definition. <u>" We, have already pointed out that either, in the Electricity Act, 2003 or in this Rules of 2006, there is no procedure prescribed for resolving the dispute as to the status of Of/ occupier in the property over which the electricity is sought to be brought or over which any work is to be constructed by the licensee for giving connection , of electricity 'to any person. To construe the word "lawful" appearing in the Rule as "having perfect legal title to possess would lead to absurdity in implementing the object of the Act and the Rules. In that event, at every stage, the licensee would, face problem in giving electricity whenever any dispute as to the tile of a person to remain in possession would be raised by any other person claiming to be the owner having lawful title over the property in question and the licensee would be required to wait until such a dispute is resolved by a competent court in a protracted litigation. We, therefore construe the word "lawful occupier., appearing in"the Rule, as "the person in settled possession".</u>	<p>These are not new facts and have been examined in para-6 under heading (G) Findings &amp; Analysis of the Order in Appeal No.142/2021.</p> <p>Therefore, this submission in Sr. Nos. 43 of this table is not a sufficient cause which warrant Review as per said Regulations.</p> 

	It is evident that the Ld Authority has used presumptiveness in issuing an order which had to be issued on facts. There is no settled occupier as the documents produced are post the said order on status quo. This Ld authority therefore has erred drastically in terms of the acts and laws / Regulations in force.	
44.	The Appellant states that in the facts and circumstances in terms of the Electricity act 2003 read with the India Gazette dated 08/06/2005 and the Regulations dated 2019, the Appellant was under the bonafide belief and view that the independent member of the CGRF Goa did not have any jurisdiction to entertain an application as she is neither any officer of the Licensee department nor was empowered under the regulations to decide on matters without the Chairman or its member.	These are not new facts and have been examined in para-5 under heading (G) Findings & Analysis of the Order in Appeal No.142/2021.  Therefore, the submissions in Sr. Nos. 44 to 46 of this table are not sufficient cause which warrant Review as per said Regulations.
45.	The Appellant states that he has been grossly prejudiced by acts and actions of this Ld Authority by all means which has abused its powers as per the citations of the order dated 23/07/2021 wherein facts of email are considered to grant powers to the forum which the Ld Authority never had in it in any manner in the first place as neither the regulations permitted so nor the act nor the gazette . Nor the Commission had any right to issue any such emails in violation of the act. The said attempt is therefore a constitutional impropriety by the Ld Authority and therefore mandates review with immediate effect as there is a serious breach of principles of natural justice in the matter.	
46.	The Appellants respectfully submit that on this ground alone the Orders dated 23/07/2021 needs to be recalled and the applications be reheard and decided afresh.	
47.	The Appellant respectfully submits that there are errors apparent on the face of record particularly in the order passed on 23/07/2021 paragraphs wherein this Hon'ble Authority has recorded that the Ld Authority has granted reliefs to the interveners in the appeal filed by the Appellant.	Being Appellate authority, this authority is competent to modify the orders passed by CGRF to circumvent the miscarriage of justice Therefore, the submissions in Sr. Nos. 47 of this table is not a sufficient cause



		which warrant Review as per said Regulations.
48.	That this Hon'ble Authority while deciding the Appellant's appeal seeking setting aside of order dated 08/03/2021 has drastically failed to consider the facts of appeal and all the proofs relied upon by the Appellant while filing the said Appeal against order dated 08/03/2021.	These facts have been examined in para-4,5,6 and 7 under heading <b><u>(G) Findings &amp; Analysis</u></b> of the order in Appeal No.-142/2021.  Therefore, the submissions in Sr. Nos. 48 of this table are not sufficient cause which warrant Review as per said Regulations.
49.	The Appellant submits that the Appeal was filed as there was clear abuse of power by CGRF Goa without any notified jurisdiction in the actual sense in terms of the Electricity act 2003 read with the India Gazette dated 08/06/2005 and the Regulations dated 2019.	These facts have been examined in para-5 under heading <b><u>(G) Findings &amp; Analysis</u></b> . of the order in Appeal No.-142/2021.  Therefore, the submissions in Sr. Nos. 49 of this table are not sufficient cause which warrant Review as per said Regulations.
50.	The Review is filed as mandated in the Regulations as there is clear abuse of power by this Ld Authority.	After passing of the order on dated-23.07.2021, this authority had become a " <b><u>functus officio</u></b> " and cannot Review the Appellant case, except a Review of Order as per Ombudsman and CGRF Regulations-2019 and not on the presumption of abuse of power as alleged.  Therefore, the submissions in Sr. Nos. 50 of this table are not sufficient cause which warrant Review as per said Regulations.
51.	The Appellant states that though initially firmly taken cognizance of by this Ld Authority as was evident from interim order, the fact that the interveners have not contributed any money towards the construction of flats which was sought to , this aspect has also not been considered by this Ld Authority in its order dated 23/07/2021 nor have other proofs being considered .	Following order was passed in the order in Appeal No-142/2021: -  " <b><u>(G) Findings &amp; Analysis:</u></b> - 2.The documents submitted by the parties have been believed to be correct and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations. <b>All the parties</b>
52.	In view of what has been stated the facts are very abundantly clear that there was no proper application of mind by the Authority. The order dated 23/07/2021	



	<p>seems to be issued with misjudgment of fact and ignorance to the Regulations as well as powers of this very Ld Authority for reasons best known to this Ld Authority all which indicate that this Ld Authority has acted in violation of the provisions of settled law being without any notified jurisdiction in the actual sense in terms of the Electricity act 2003 read with the India Gazette dated 08/06/2005 and the Regulations dated 2019 . The case of the Appellant that there is forgery and impersonation of applications dated 05/12/2017 has been drastically ignored even when it was the responsibility and onus of this Ld Authority being Electricity Ombudsman to take immediate cognisance of an illegal and unlawful act which this Ld. Authority has drastically failed to do. Further this Ld Authority during hearing dated 15/07/2021 had asked the interveners to produce application made by them in “2018” which also finds no mention in order dated 23/07/2021. There is no mention anywhere of the said investment made by the said perpetrators which is clearly not there as stated in paras above of this very application.</p>	<p><b>are leveling allegations against each other, <u>but I have restricted to the merits of each contention, with regards to the release of connections to the Housing Society and its members only.</u>”</b></p> <p>Therefore, the submissions in Sr. Nos. 51 to 55 also do not warrant a review as these do not qualify under any of the criteria mentioned for the review as per said Regulations.</p>
53.	<p>The Appellant states that there is no intention to prejudice any Authority by any of the citations made herein.</p>	
54.	<p>This Appeal is filed without prejudice and with liberty to act in accordance to the rights and entitlement as per act and law.</p>	
55.	<p>The Appellant has preferred review as there are errors apparent on face of the order and hence there was need to bring these facts before this Ld Authority before adverting for further recourse in the said matter as mandated in law.</p>	
56.	<p>The Appellant has received the hard copy of the order dated 23/07/2021 on 14/08/2021 by Registered post and hence this present review filed on 15/08/2021 under section 31(8) of JERC regulations is within limitation.</p>	<p>The order was issued to the Appellant by email dated-23.07.2021 and therefore Appellant has ample time to file the Review .</p> 

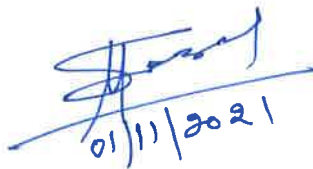
57.	<p>In view of all the above and in the interests of Natural justice, it is therefore prayed that</p> <p>a) This Hon’ble Court be pleased to review and recall the orders dated 23/07/2021 passed by this Ld Authority on the appeal and be pleased to hear and decide the applications afresh.</p> <p>b) Pending decision on review be pleased to order status quo in the said matter relating the Appellants and the said interveners in respect of order dated 23/07/2021.</p> <p>c) Any other order that this Authority deems fit.</p>	<p>As can be perused from above table, all facts brought up in Review Appeal has already been considered and adjudicated in Appeal No-142 /2021.</p>

4. In view of the above pointwise examination/analysis of the grounds put up by the Appellant for Review of Order No.142/2021, I am of the considered view that no new facts or mistake or sufficient cause could be substantiated, as provided under Section-37 (8) of the CGRF and Ombudsman Regulations-2019, which warrant a Review. After passing the Order No.142/2021 on dated 23.07.2021, this authority had become a “functus officio” and I find no ground that qualify to Review the Order No.-142/2021 dated 23.07.2021, as examined above.
5. The Appellant is sending unnecessary emails to this authority, which have not been appreciated/considered and as it amounts to influencing and obstructing this authority in dispensation of justice.



**(G) DECISION: -**

- (i) For the reasons discussed above, the Review Appeal of the Appellant is hereby dismissed being devoid of merits for Review.
- (ii) In case, the Appellant, Respondents or the Intervenors are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
- (iii) The Review Appeal is disposed of accordingly.



01/11/2021

(M.P. Singh Wasal)  
Electricity Ombudsman  
For Goa & UTs (except Delhi)

Dated 01.11.2021