

**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,

, Email ID: [ombudsman.jercuts@gov.in](mailto:ombudsman.jercuts@gov.in)

Phone No.:0124-4684708

**Appeal No-209 of 2023**

**Date of Video Conferencing: 11<sup>th</sup> March, 2024**

**Date of Order: 13.03.2024**

Shri Sham Madan Kambli

236/4, Shemecheadvan Warkhand,

Pernem-Goa

**.... Appellant**

**Versus**

1. The Executive Engineer Rural-South  
Electricity Department, Div XVII, Pernem-Goa.

**.... Respondent No 1**

2. The Assistant Engineer, Elect S/D-I,  
Electricity Department, Nanerwada, Pernem, Goa.

**.... Respondent No 2**

**Parties present:**

**Appellant(s)**

Shri Sham Madan Kambli,  
Mr CASSIAN CRASTO.

**Respondent**

Mr Ramchandra Mudras, Executive Engineer, E.D  
Goa  
Mr Shrikrishna Pokhare AE



**ORDER**

This representation was filed on 15<sup>th</sup> February, 2024 by Mr Sham Madan Kambli, Resident of House No 236/4, Shemtheadvan, Warkhand, Pernem-Goa under Section 42(6) of the Electricity Act 2003 read with Regulations 32 & 33 of Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations 2019 against the order in case **No. 36/2023/196** dated 13.01.2024 passed by the Ld. Consumer Grievance Redressal Forum (CGRF), Goa.

In accordance with the Regulations, the appeal, labeled as Appeal No. 209, was admitted on 19th February, 2024. Following a thorough examination of the documents supporting the representation, the Ombudsman issued an admission notice on 19th February, 2024. The Ombudsman directed the respondents to file the reply to the appeal filed by the appellant vide this office letter dated 19.02.2024.

Submissions made by the Appellant:

The Consumer Grievances Redressal Forum (CGRF) Government of Goa, Electricity Department Vidyut Bhavan, 4th Floor, Vasco, Goa by its Order dated 13/01/2024 have dismissed the appeal and the interim relief granted vide order dated 18.12.2023 was withdrawn.

The Village Panchayat of Warkhand has issued NOC dated 07/10/2020 for electricity connection to his shop bearing House No. 236/A to carry on business in the said Shop. Based on the said NOC the appellant had obtained electricity connection from the Electricity Department i.e Sub Divisional Engineer, Elect, S/D-I, Pernem, Goa after completing all commercial formalities. The connection was installed on 29.10.2021.

He has been paying the electricity bills regularly.

Thereafter, Mr Devendra Deshprabhu vide his Email dated 23rd February, 2024 has also submitted that Mr. Devendra Raghuraj Deshprabhu, R/o. H.No. 4/68, Rauraje Palace, Nanerwada, Pernem-Goa do hereby state as under:-

- A. *It has come to my notice after inquiring with the Pernem Electricity Department Officials, Pernem-Goa, 403 512 that the Consumer Grievances Redressal Forum (CGRF), Electricity*



*Department, Govt. of Goa, Vidyut Bhavan,4th floor, Vasco - Goa has issued final orders related to the Complaints bearing Complaint Nos. as follows: (1) Complaint/Representation No.36/2023 Complaint/Representation No.37/2023, thereby dismissing both the complaints/representations.*

- B. I submit that, I had moved my Intervention Applications dated 21/12/2023 to intervene me, being the complainant and the aggrieved party in the both the aforesaid complaints before Consumer Grievances Redressal Forum (CGRF), Electricity Department, Govt. of Goa, Vidyut Bhavan,4th floor, Vasco - Goa. The Copy of the said Intervention applications are attached herewith for your ready reference and kind perusal.*
- C. I have now learnt that the applicants before CGRF officials have now appealed against the CGRF orders before your office, which is the Office of Electricity Ombudsman for the State of Goa and Union Territories, Gurugram, Haryana,122 015.*
- D. I say that, it is on the basis of my complaint to the Pernem Electricity Department Officials, Pernem-Goa, the orders of disconnection of the electricity connection was passed, wherein it was proved beyond reasonable doubt that those persons had obtained electricity connections fraudulently and by playing mischief on the Pernem Electricity Department Officials, Pernem-Goa as well as on me, I being the owner of the said land and that no written consent was ever obtained from me at any point of time.*
- E. I therefore humbly request you to please acknowledge and make me party to the hearings related to any appeals made by either of the above parties to your Office against the Orders issued by CGRF, Vasco as I am the original complainant against the persons in both the above matters making me an interested party in the same as any order proposed to be passed by your authority would directly affect my rights under the law.*

With this submission Mr Deshprabhu requested to be made party on the basis of his submission.

The real issue in this matter is about the property, wherein the Mr. Devendra Deshprabhu claiming to the owner of the said land based on the Form I & XIV wherein his name has wrongly figured.The said Devendra Deshprabhu have no title documents towards the



property and when the Survey was done his name has wrongly got figured and therefore there is a Civil Suit pending in Court of Hon'ble Civil Judge Junior Division at Pernem, Goa. The appellant has also filed a copy of the orders/decision passed by Hon'ble Delhi High Court wherein there was a dispute about the property and the direction is given to the Electricity Department to release the connection.

#### Submissions made by the Department

The Electricity Department, Goa has released the Commercial connection to Shri Sham Madan Kambli to the premises shown by him after submitting of necessary documents. The connection is released on 29/10/2021.

On 22/08/2023 The Assistant Engineer, Sub Division-I, Electricity has received a letter from Shri Devendra Deshprabhu R/o Nanerwada Pernem in the subject caption as Disconnection of electricity meter connection bearing C.A. No. 60008086146 of Shri Sham Madan Kambli (Copies of letter is placed at Page No.21/C to 22 / C ).

On receipt of letter, this office has made a letter to V.P. Warkhand Nagzar Secretary, to conduct joint site inspection of premises where the N.O.C is issued by Panchayat for house bearing No. 236/A at Shemecheadvan Warkhand Vide letter No. 3/1/tech/Per-1/23-24/1046 Dt. 6/09/2023 and copy endorsed to Shri Devendra Deshprabhu and Shri Sham Madan Kambli. The inspection was carried out on 9/10/2023 at 11.00 hours. The Joint site inspection was carried out along with concerned Junior Engineer, Meter reader, Secretary of V.P Warkhand, Sarpanch of V.P Warkhand and Local Panch member and Shri Sham Madan Kambli. The Secretary and Panchayat Members of Village Panchayat Warkhand has shown the house No. 236/A, which is approximately 1 to 1.5 Km. away from premises where the power supply connection is obtained by the Appellant.

After joint site inspection, this office has made a letter to Village Panchayat Warkhand vide letter No. 3/13/Tech/Per-I/23-24/1135 Dt. 11/10/2023. In return, V.P Warkhand - Nagzar complied to this office, stating that they have issued N.O.C only for business purpose for house no. 236/A and not for obtaining electric connection.

This office has made correspondence with Sham Madan Kambli vide letter No.



- 1) 3/1/Tech/Per-1/23-24/1134 Dt. 11/10 /2023
- 2) 3/1/Tech/Per-1/23-24/1461 Dt.20/11/2023 and
- 3) 3/1/Tech/Per-1/23- 24/1598 Dt. 11/12 / 2023

for seeking clarification or his reply by giving ample time to avoid disconnection of power supply, as the appellant has misled the department and fraudulently availed the power supply, but the appellant has not yet replied and approached the Hon'ble CGRF Court.

The installation was inspected by Centralized Vigilance cell Panaji Goa on 07/12/2023 and the connected load found during the inspection is 6480 watts against sanctioned load of 5040Watts.

This Electricity Department has released the connection as per the premises shown by the consumer.

The Appellant have misled the department and availed the connection to another premises which is revealed during joint site inspection of panchayat authority. The Village Panchayat Authority has shown the site of house no. 236/A which is not only different but approx 1 to 1.5 km away where the site where electricity connection is availed.

The department is not acting on any pressure, as ample time has been given to the appellant to file his reply.

Hearing on 11.03.2024

The Ombudsman heard both the parties at length during the course of hearing through video conferencing. Mr Cassian Crasto represented on behalf of the appellant and Mr Shrikrishna Pokhare represented on behalf of Respondent ED.

Mr Devender Deshprabhu was not present during the course of hearing inspite of the fact that an opportunity was given to him to present his concern.

#### Findings & Observations:

I perused the records and submissions made by both the parties. The main issue in the present complaint is "The appellant had applied for a commercial connection for premise No 236/A, Near Airport Gate, Shemchadvan, Warkhand, Pernem-Goa and completed all the commercial formalities. The connection has been installed at a different location which is

approximately 1 to 1.5 Km away from the actual location of 236/A.” Since the connection has been installed at a wrong premise which is 114/3 and not 236/A.

The connection vide CA No 60008086146 in favor of Mr Shyam Madan Kambli for 236/A. This connection is found existing at a property bearing Survey No 114/3. There is another connection in the vicinity of this connection having another connection vide CA No 60008272100 for property survey No 117/3.

The Electricity Department has sent a letter to V.P. Warkhand Nagzar Secretary, to conduct joint site inspection of premises where the N.O.C is issued by Panchayat for house bearing No. 236/A at Shemecheadvan Warkhand Vide letter No. 3/1/tech/Per-1/23-24/1046 Dt. 6/09/2023

The inspection was carried out on 9/10/2023. The Joint site inspection was carried out along with concerned Junior Engineer, Meter reader, Secretary of V.P Warkhand, Sarpanch of V.P Warkhand and Local Panch Member and Shri Sham Madan Kambli.

The Secretary and Panchayat Members of Village Panchayat Warkhand has shown the house No. 236/A, which is approximately 1 to 1.5 Km. away from premises where the power supply connection is obtained by the Appellant.

After joint site inspection, this office has made a letter to Village Panchayat Warkhand vide letter No. 3/13/Tech/Per-I/23-24/1135 Dt. 11/10/2023. In return, V.P Warkhand - Nagzar complied to this office, stating that they have issued N.O.C only for business purpose for house no. 236/A and not for obtaining electric connection.

The Electricity Department issued three letters dated 11.10.2023, 20.11.2023 and 11.12.2023 to the complainant to submit clarification on the issue of misleading facts used for getting a Commercial connection released for a premise which is about 1 to 1.5 Kms away from the actual location. The appellant Mr Shyam Madan Kambli did not file his reply to any of the three letters mentioned above.

As far as NOC issued vide letter No VP/WAR-N/Permission/2020-21/370 dated 07.10.2020 by Sarpanch, V.P. Warkhand Nagar, Pernem-Goa for running business of Hotel in house bearing No 236/A and not for residential purpose. But at the same time No Business activity can happen without an Electricity connection.

As far as deposition of false documents and declaration for the grant of electricity connection is an offence in the eye of law. There are two possibilities

a. Either the connection has been applied for House No 236/A and installed in another premise.

OR

b. The connection is applied in property No 114/3 by submitting documents of property No 236/A

In either case the connection sanctioned for premise No 236/A and installed in premise No 114/3 cannot be allowed to exist. Ld CGRF has rightfully considered the facts on record and ordered for disconnection.

Final Order

Having perused the documents on record and submissions by both the parties, there is no merits in the case as such the same is dismissed.

The orders passed by the Ld CGRF are upheld.

The Appellant, if he requires an electricity connection to a premise which is in his rightful possession can apply for connection afresh and completes all commercial formalities to the satisfaction of ED Goa as laid down in the supply code.

The Electricity Department Goa is directed to consider the application as a fresh application and if all commercial formalities are complete and bonafide use of electricity connection is verified as per supply code 2018 the connection can be released. It has to be ensured that the premise where the connection is required is under rightful possession of the applicant.

As far as the orders of the Hon'ble High Court of Delhi is concerned in the matter of SANJANA Vs BSES YAMUNA POWER LTD in case No W.P. © 7846/2021 it pertains to grant of a domestic connection for a premise which do not have clear indication except for the contention of the petitioner. In the present case the property numbers have been clearly indicated as such there is no dispute of property number. The connection has been sanctioned for premise no 236/A and installed to a different property bearing property number 114/3 at a distance of



approximately 1 to 1.5 km away from actual location. The decision passed in W.P. (C) 7846/2021 is a landmark decision but it does not have any relevance to present complaint.

A certified copy of this order shall be forwarded to the Executive Engineer (Respondent/Licensee) and the Nodal Officer CGRF Goa.

The appeal is accordingly disposed of.



(C M SHARMA)

Electricity Ombudsman

For Goa & UTs (Except Delhi)

Dated: 13 March, 2024