

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18
Gurugram (Haryana) 122015,
Email ID: ombudsman.jercuts@gov.in
Phone No.:0124-4684708

Appeal No-242 of 2025

Date of Video Conferencing:
18.09.2025, 23.09.2025, 22.10.2025.

Date of Order: 30.10.2025

In the matter of

Shri Pravin Hire Parab and others,
House No 17, Khalchawada, Vironda,
Parnem, Goa.

.... Appellant

VERSUS

The Executive Engineer,
Electricity Department,
Div-XVII, Mapusa-Goa

The Assistant Engineer,
Electricity Department,
Sub Div-1, Div-XVII,
Mapusa-Goa

....Respondent(s)

Appellant(s)

Ld. Adv. Mr Shane Gomes Pareira for Appellant Shri
Hire Mahadev Parab.

Respondent(s)

Mr. William Barreto,
Executive Engineer,
Electricity Department,
Div-XVII, Mapusa-Goa

ORDER

Shri Hire Mahadev Parab, resident of House No. 17, Khalchawada, Virnoda, Pernem, Goa, filed this representation on 28.07.2025 (through email) under Section 42(6) of the Electricity Act, 2003, read with Regulations 35 and 36 of the Joint Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2024. The Appellant has challenged the order dated 30.05.2025 issued by the Consumer Grievance Redressal Forum (CGRF), Goa, in Case No. 17/2025/296, and seeks redress against the disconnection of electricity connection No. 60007542008 installed at Survey No. 42/6, Virnoda, Pernem, Goa, by the Electricity Department, Goa.

This Authority exercises jurisdiction under Section 42(6) of the Electricity Act, 2003, read with Regulation 36 of the above Regulations. The representation, being an appeal against the decision of the CGRF, Goa, is maintainable before this Authority, subject to compliance with the prescribed limitation.

A. Submission by the Appellant:

That the Appellant and his family are the lawful owners and possessors of property bearing Survey No. 42/6 (part), situated at Village Virnoda, Taluka Pernem, Goa. The family has cultivated this land continuously for over two decades.

Based on ownership and sustained agricultural use, the Department of Agriculture, Government of Goa, issued a Krishi Card to the Appellant.

In 2020, the Appellant applied for and obtained an agricultural electricity connection (CA No. 60007542008) for the said property. The applicable tariff was "agricultural category".

The Appellant submitted a No Objection Certificate from the Department of Agriculture (No. 1/56/Elec.Con/2019-20/ZAOPER/1510 dated 11.02.2020) to secure the connection. The Respondent sanctioned the connection accordingly under the agricultural tariff.



On 07.03.2025, Respondent No. 2, through letter No. 3/1/Tech/Per-I/24-25/2439, informed the Appellant that Respondent No. 1 had ordered disconnection of his electricity connection based on the Deputy Collector's order dated 21.09.2023.

The Appellant immediately responded on 13.03.2025, clarifying that he used the connection solely for agricultural purposes. He also informed the Respondent that the Deputy Collector's order dealt only with a dispute concerning a well and was illegal on its face.

The Appellant further stated that he had filed an appeal before the Hon'ble Administrative Tribunal challenging the Deputy Collector's order. The Tribunal had issued notice, and the matter was pending. The Deputy Collector's order had not attained finality; therefore, disconnection at that stage would be premature. The Appellant requested that the Respondents defer any action until the Appellate Authority's decision.

Despite this clarification, Respondent No. 2, under instructions from Respondent No. 1, issued letter No. 3/1/Tech/Per-I/24-25/2530 dated 27.03.2025 and disconnected the supply.

Aggrieved by this action, the Appellant filed a grievance before the Consumer Grievance Redressal Forum ("the Forum"). The Forum, by its order dated 30.05.2025, dismissed the grievance. The Appellant received a certified copy of this order on 27.06.2025.

The Appellant now challenges

- (i) the disconnection order dated 27.03.2025 and
- (ii) the Forum's order dated 30.05.2025 before this Forum on the following grounds:

The impugned decisions are arbitrary, unreasonable, and unsupported by law or facts.

The Respondents and the Forum (CGRF) ignored the undisputed fact that the Appellant still conducts genuine agricultural activities on the property for which the authority sanctioned the connection.

The Respondents ordered disconnection without conducting any independent inspection or verifying the actual use of electricity.



The Respondents acted mechanically on the Deputy Collector's order without exercising independent judgment or assessing whether the order related to electricity usage.

The Deputy Collector's order dated 21.09.2023 remains sub-judice before the Hon'ble Administrative Tribunal. Acting on an order under challenge violates the principles of administrative propriety and due process.

The Respondents wrongly invoked Regulation 9.3(2) of the Joint Electricity Regulatory Commission (Goa & UTs) Electricity Supply Code Regulations, 2018. This Regulation covers only cases involving unlawful commercial activities or instances where the authority has withdrawn permissions. The agricultural activity is lawful and does not require any such permission; therefore, Regulation 9.3(2) does not apply.

Regulation 5.94 of the same Code mandates that if a consumer is wrongly classified, the Licensee must issue a notice, allow 30 days for objections, and then reclassify the connection, if necessary. The Regulation does not authorize disconnection in such cases.

The Respondents ignored this mandatory procedure and resorted to disconnection, violating both the letter and spirit of the Regulations.

The decisions of the Respondents and the Forum reflect non-application of mind and breach of natural justice. The Respondents denied the Appellant access to all documents they relied upon, depriving him of a fair opportunity to respond.

The settled principle of law states that authorities must not take any coercive or adverse action based on the impugned order while an appeal is pending.

The Respondents disregarded the legal principles laid down by the Hon'ble Supreme Court in *Maneka Gandhi v. Union of India* (AIR 1978 SC 597) and by the Hon'ble Bombay High Court, which require fair procedure and reasoned decision-making.

The competent officer executed the disconnection order under directions from higher authorities without exercising jurisdiction or independent discretion.



The impugned actions violate the Electricity Act, 2003 and the JERC (Goa & UTs) Electricity Supply Code Regulations, 2018, and amount to an abuse of administrative power.

The Respondents relied on unverified and frivolous complaints without verifying the authenticity of the allegations or confirming the Appellant's lawful agricultural use of electricity.

In light of the above, the Appellant most respectfully prays that this Hon'ble Authority may

- ✓ Call for the entire record and proceedings from Respondent(s)
- ✓ Quash and set aside:
 - a. The disconnection order dated 27.03.2025 issued by Respondent No. 3; and
 - b. The order dated 30.05.2025 passed by the Consumer Grievance Redressal Forum;
 - c. Direct Respondent No. 3 to restore the Appellant's electricity connection (CA No. 60007542008) immediately;

Pending final adjudication, order interim restoration of supply at the cost of Respondent.

B. Submissions on behalf of Respondents

The Respondents Electricity Department submitted that the present appeal lacks merit, both in fact and in law. The Appellant has failed to demonstrate any irregularity, procedural lapse, or violation of natural justice in the actions of the Electricity Department. Every action taken by the Department aligns strictly with the directions of the Hon'ble High Court, Panaji, and the Deputy Collector, Pernem, as well as the provisions of the Joint Electricity Regulatory Commission (Goa & UTs) Electricity Supply Code Regulations, 2018.

The Hon'ble Consumer Grievance Redressal Forum (CGRF), Vasco, after reviewing the records and submissions, has already dismissed the Appellant's complaint. The Appellant has not presented any new facts or legal grounds that justify interference by this Hon'ble Ombudsman. The Department has acted transparently, in good faith, and within its lawful authority at every stage.

The Respondent Executive Engineer vide his letter No 13/Gen/Tech/ Div.XVII/ 2025-26/ 2449 dated 12/08/2025 has submitted the reply/comments to the complaint which are as under: -



With reference to paragraph 1 of the appeal, the Respondents have no comments to offer.

With reference to paragraph 2, the Respondents have no comments to offer.

With reference to paragraph 3, the Respondents have no comments to offer, since the consumer applied for an agricultural connection.

With reference to paragraph 4, the Respondents have no comments to offer.

With reference to paragraph 5, the Respondents state the following sequence of events concerning the electricity connection of Shri Hire Mahadev Parab (Appellant):

The Respondents reconnected the electricity supply to the Appellant on 30.09.2023, in strict compliance with the directions of the Hon'ble High Court. The Hon'ble Court ordered that: "Considering the totality of the above circumstances, the impugned order stands set aside, and the Respondents shall restore the electricity connection to the petitioner within ten days. Such restoration shall, however, depend on the final order of the Deputy Collector in the ongoing illegal conversion proceedings."

The Deputy Collector, Pernem, issued his order on 14.06.2024, and the Chief Electrical Engineer (CEE), Panaji, issued a follow-up letter on 24.07.2025 (copy at page 54/C).

Acting on these directions, the Respondents temporarily disconnected the Appellant's connection on 27.03.2025, as the situation required.

The Appellant later filed an appeal before the Hon'ble CGRF, Vasco, which the Forum dismissed after hearing both parties and examining all documents.

The Electricity Department complied with every direction of the Hon'ble High Court, Panaji, and the Deputy Collector, Pernem, without deviation or arbitrariness. After the Deputy Collector's order, the Department again temporarily disconnected the supply on 27.03.2025 and issued a notice for permanent disconnection through letter No. 2/48(com)/Per-1/25-26/2679 dated 22.07.2025, directing the Appellant to remove the cause of disconnection.

The Appellant has not taken any corrective action or removed the cause of disconnection to date.



With reference to paragraph 6 of the appeal, the Respondents have no comments to offer.

With reference to paragraph 7, the Respondents state that the Department has acted strictly in accordance with the orders of the Hon'ble High Court, Panaji, and the Deputy Collector, Pernem. The Zonal Agriculture Department revoked the Agricultural NOC earlier granted to the Appellant, thereby making the continued use of the agricultural connection unlawful. Under Clause 9.3(2) of the JERC (Goa & UTs) Electricity Supply Code Regulations, 2018, "If any business, industry, or activity in any premises becomes unlawful due to lack or withdrawal of permission from the competent authority, the Department shall disconnect the connection." The Respondents therefore disconnected the supply strictly in accordance with this provision.

With reference to paragraph 8, the Respondents have no comments to offer. However, the Hon'ble CGRF, Vasco, after due consideration, dismissed the complaint of the Appellant, thereby affirming the legality of the Department's action.

With reference to paragraph 9, the Respondents have no comments to offer.

With reference to paragraph 10, the Respondents have no comments to offer.

The Electricity Department sanctioned the LTAG connection exclusively for agricultural purposes based on the NOC issued by the Zonal Agriculture Office (ZAO). Once the ZAO withdrew this certificate, the Department had no lawful basis to continue or reclassify the LTAG connection. Respondent No. 3 disconnected the supply in full conformity with statutory provisions and judicial directions.

The Electricity Department has consistently acted within the boundaries of law and administrative propriety. Every action taken aligns with judicial orders and regulatory provisions. The Department has demonstrated fairness, transparency, and good faith at each stage of the process. The Appellant's attempt to challenge these lawful actions lacks any substantive or legal basis. The appeal, therefore, deserves to be dismissed to uphold the sanctity of regulatory compliance and the lawful exercise of departmental authority.

In light of the above facts and submissions, the Respondents respectfully pray that this Hon'ble Ombudsman may be pleased to:



- Dismiss the present appeal filed by the Appellant; and
- Uphold the actions of the Electricity Department as lawful, transparent, and fully compliant with the directions of the Hon'ble High Court, Panaji, the Deputy Collector, Pernem, and the applicable Electricity Supply Code Regulations.

Proceedings and Hearing:

23.09.2025

Shri Shane Gomes Pareira appeared as the authorized representative of the Appellant, Shri Hire Mahadev Parab. He informed that the Appellant is presently hospitalized and is therefore unable to attend the proceedings. Authorization in his favour shall be submitted before next hearing. As he is conversant with the matter he requested for appearance.

Permission granted.

The authorized representative submitted that the Deputy Collector & SDM, Pernem, has passed an order in Case No. DCP/LRC/ILL-CONV/8-56/2019 dated 14.06.2024, holding that the Appellant had illegally converted land in violation of the provisions of the Goa Land Revenue Code and directed restoration of the land to its original condition.

He further contended that under Section 29 of the Goa Land Revenue Code, the Appellant is entitled to erect farm buildings, construct wells or tanks, or make other improvements for the better cultivation of land or for its convenient use for agricultural purposes.

The Respondent, Executive Engineer, submitted that disconnection of the electricity supply was carried out, pursuant to the said order of the Deputy Collector and with the approval of the Chief Electrical Engineer, Electricity Department, Goa. It was further stated that the Zonal Agriculture Officer has withdrawn the No Objection Certificate (NOC) on the basis of which the agricultural connection had earlier been sanctioned.

Direction:

The Appellant is directed to place on record:

A copy of the relevant provisions of the Goa Land Revenue Code relied upon.

A copy of the letter filed with the Water Resources Department, Goa, seeking permission for digging a well on the land.

Any permission/approval already obtained from the concerned authority in this regard, if available.



The matter shall stand over for further hearing. The next date of hearing shall be fixed after receipt of the aforesaid documents.

Date: 22.10.2025

During the course of the present proceedings on 22.10.2025, the learned Advocate Mr Shane Gomez representing the submitted that the Appellant, Shri Hire Mahadev Parab expired on 30.09.2025.

An application dated 22.10.2025 has been filed in this regard, by Shri Pravin Hire Parab, son of the deceased Appellant, seeking substitution of legal heirs name in place of the deceased. It has been directed to submit a copy of death certificate and Affidavit mentioning therein the name of all legal heirs which are required for substitution of Appellant Late Shri Hire Mahadev Parab's name in the present cae.

Date 29.10.2025

During the course of the present proceedings on 22.10.2025, the learned Advocate Mr Shane Gomez representing the submitted that the Appellant, Appellant Shri Hire Mahadev Parab expired on 30.09.2025. An application dated 22.10.2025 has been filed in this regard, accompanied by a copy of the death certificate and an affidavit (27.10.2025) executed by Shri Pravin Hire Parab, son of the deceased Appellant, seeking substitution of legal heirs name in place of the deceased.

The application for substitution, along with the supporting documents, has been duly examined and taken on record.

Upon perusal of the documents and considering that all the legal heirs named in the application and Affidavit, of the deceased Appellant, the request for substitution is found to be in order.

Accordingly, the application is allowed. The legal heirs as per appended list are hereby substituted as the Appellant in the present matter in place of the deceased. Henceforth, the proceedings shall continue in their name.

The list of Legal heirs:

1. Mrs Sugandhi Hire Parab, widow of late Mr Hire Mahadev Parab, Major in age, Housewife, Indian National,(Widow)
2. Mr Virendra Hire Parab, son of late Mr Hire Mahadev Parab, Major in age, Private Service, Indian National, and his wife, (Son)
3. Mrs Kamakshi Virendra Parab, wife of Mr Virendra Hire Parab, Major in age, Advocate, Indian National, (Daughter in law)
4. Mr Babaji Hire Parab, son of late Mr Hire Mahadev Parab, Major in age, Civil Servant, Indian National, and his wife,(Son)



5. Mrs Smita Babaji Parab, wife of Mr Babaji Hire Parab, Major in age, Government Service, Indian National, (Daughter in law)
6. Mr Pravin Hire Parab, son of late Mr Hire Mahadev Parab, Major in age, Civil Servant, Indian National, and his wife, (Son)
7. Mr Pranaya Pravin Parab, wife of Mr Pravin Hire Parab, Major in age, Teacher, Indian National, (Daughter in law)

All permanent residents of HNo.17, Khalchawada, Virnoda, Pernem, Goa - 4035 12

8. Mr Mahesh Madhu Malik, son of Mr Madhu Malik, Major in age, Teacher, Indian National, and his wife(Son in law)
9. Mrs Poonam Mahesh Malik, wife of Mr Mahesh Madhu Malik, Major in age, Private service, Indian National. (Daughter)

Both residents of Kudem, Bicholim, Goa

A letter dated 29.10.2025 has also been sent to all stake holders after accepting their request.

Finding and Analysis:

The said connection was initially released on 21.02.2020 after the consumer obtained a No Objection Certificate (NOC) in his favor from the Zonal Agricultural Officer (ZAO), Pernem, vide letter No. 1/56/Elec. Con/2019-20/ZAOPER/1510 dated 11.02.2020.

Subsequently, the ZAO revoked the NOC vide letter No. 1/56/Elec. Con/2019-20/ZAOPER/1460 dated 03.02.2021, following which the Electricity Department temporarily disconnected the supply on 25.06.2021 (confirmed vide letter No. AE/Tech/Per-I/21-22/419) and later on permanently disconnected the connection on 06.09.2021.

Aggrieved by the disconnection, the Appellant filed Case No. 28/2021 before the CGRF Goa. The CGRF dismissed the appeal through its order dated 30.07.2021. Thereafter, the matter was escalated to Ombudsman JERC vide case No 152 of 2021. Ombudsman JERC vide its order dated 29.11.2021 also dismissed the appeal.

Aggrieved by the decision of Ombudsman JERC, the Appellant approached the Hon'ble High Court of Bombay at Goa by filing Writ Petition No. 112 of 2022. The Hon'ble High Court, vide its order dated 23.09.2023, set aside the orders of Ombudsman JERC and CGRF Goa and allowed reconnection of the electricity supply subject to the final decision of the Deputy Collector,



Pernem, Goa. In compliance with the Court's direction, the Electricity Department restored the connection on 30.09.2023.

The Deputy Collector & SDM, Pernem, Goa, thereafter passed an order vide letter No. DCP/LRC/ILL-CONV/8-56/2019 dated 14.06.2024, directing restoration of the land (earlier used for a well) to its original condition.

Acting upon the said order, and after obtaining the prior approval of the Chief Electrical Engineer, vide letter No. 114/2/CEE/Tech/Com/24-25/2136 dated 05.03.2025, the Electricity Department disconnected the supply again on 27.03.2025.

Aggrieved by the decision of Electricity Department Appellant once again approached CGRF Goa vide case No CG No. 17/2025. Ld. CGRF vide order dated 30.05.2025 dismissed the appeal.

The Appellant earlier filed Complaint No. 28/2021 before the Consumer Grievance Redressal Forum (CGRF), Goa, and the Forum dismissed it.

The Appellant then filed Representation No. 152/2021 before the Electricity Ombudsman, who also dismissed it on merits

The present representation again pertains to disconnection of the same electricity connection (No. 60007542008) and involves the same property and cause of action.

After the Forum dismissed Case No. 17/2025 on 30.05.2025, the Appellant filed the present Representation No. 242/2025 before the Electricity Ombudsman.

The preliminary issue before this Office is:

Whether the Electricity Ombudsman can entertain the present representation under Regulation 36 of the JERC (CGRF and Ombudsman) Regulations, 2024, given that the Hon'ble High Court of Bombay at Goa and the Deputy Collector, Pernem, have already adjudicated the same grievance and the matter is now pending before the Appellate Tribunal, and the Appellate Tribunal. The matter is being currently heard.

Regulation 36 of the JERC (CGRF and Ombudsman) Regulations, 2024 provides that the Ombudsman shall entertain a representation only if the following conditions are fulfilled.

(c) "The representation by the complainant, in respect of the same grievance, is not pending in any proceedings before any court, tribunal, arbitrator or any other authority or a decree or



award or a final order has not been passed by any such court, tribunal, arbitrator or authority.”

(d) “The representation is not in respect of the same cause of action which was settled or dealt with on merits by the Ombudsman in any previous proceedings whether or not received from the same complainant or along with one or more complainants or one or more of the parties concerned with the cause of action.”

The record clearly establishes that the Hon’ble High Court of Bombay at Goa has already adjudicated the matter in Writ Petition No. 112 of 2022 on 21.09.2023, and issued directions for reconnection subject to the decision of the Deputy Collector, Pernem.

Pursuant to the High Court’s order, the Deputy Collector & SDM, Pernem passed a final order on 14.06.2024, directing restoration of the land to its original use. Acting upon this order, and with prior approval of the Chief Electrical Engineer dated 05.03.2025, the Electricity Department disconnected the supply on 27.03.2025.

The Appellant has challenged the Deputy Collector’s order before the Appellate Tribunal, and the matter is pending before Hon’ble Appellate Tribunal.

The present grievance, therefore, arises from the same cause of action — disconnection of the same electricity connection on the same factual and legal grounds — which has already been

- (i) Decided on merits by the Ombudsman in Case No. 152/2021,
- (ii) Adjudicated by the Hon’ble High Court of Bombay at Goa and
- (iii) Is presently pending before an appellate authority.

Under Regulations 36(c) and 36(d), the Ombudsman cannot entertain any representation that a court, tribunal, or authority has already adjudicated, that remains pending before them, or that the Ombudsman has previously settled on merits.

Hence, this Office lacks jurisdiction to re-examine the grievance already subject to judicial and administrative adjudication.

Decision

In view of the above analysis and the statutory bar under Regulation 36 of the JERC (CGRF and Ombudsman) Regulations, 2024, the present representation is not maintainable.

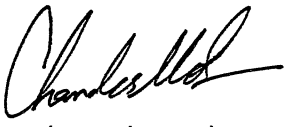
The Appellant is at liberty to pursue his remedies before the competent appellate or judicial authorities, if so advised.

The undersigned dismisses Representation No. 242 of 2025 filed by Shri Hire Mahadev Parab as not maintainable under Regulation 36 of the JERC (CGRF and Ombudsman) Regulations, 2024, for want of jurisdiction.

The undersigned directs that a copy of this order be send to both the Appellant and the Respondent.

The present appeal is disposed of.

Dated: 30.10.2025



(C.M.Sharma)

Ombudsman JERC