

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-260 of 2025

Date of Hearing: 11.03.2026 &
17.03.2026

Mode: Videoconferencing

Date of Order: 25.03.2026

In the matter of

Mrs. Jayanti Nelson Nadar,
R/o Bhomwadi Aigaon,
Sawantwadi, Ajgaon
Sindhudurg, Maharashtra.

...Appellant

Versus

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

Assistant Engineer,
Electricity Department,
Div-XVII, S/D-III, Mapusa B, Goa

...Respondent

Present:

Appellant

1. Mrs Veena Ghode: AR for Appellant Mrs. Jayanti Nelson Nadar,

Respondent(s)

1. Mr. Octavio Das Chagas E Silva Executive Engineer, Div-XVII, Mapusa, Goa

2. Mr Prabhakar Pednekar, AE S/D-III, Div XVII, Agarwada, Goa



ORDER

The present representation was filed on 16.02.2026 under Section 42(6) of the Electricity Act, 2003 read with Regulations 35 and 36 of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2024, challenging the order dated 23.12.2025 passed by the Learned Consumer Grievance Redressal Forum, Goa in Case No. Goa/ C.G. No. 27/2025 dated 15.01.2026.

Upon scrutiny, and being satisfied that the representation fulfilled the requirements prescribed under the Regulations, the same was admitted and notice was issued on 16.02.2026. A copy of the representation was forwarded to the Respondent-Assistant Engineer, Electricity Department, Sri Vijaya Puram calling upon them to submit their reply.

A. Submissions on behalf of the Appellant / Complainant

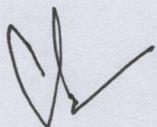
The submissions of the Appellant/Complainant, in essence, are as follows:

The Appellant, Mrs. Jayanti Nelson Nadar, R/o Bhomwadi Aigaon, Sawantwadi, Aijaon Sindhudurg, Maharashtra, submits that she has been duly authorized by Mr. Ankit Prasad, who is the occupier of premises bearing House No. 1378-A, Tembwada, Morjim, North Goa, consisting of Ground plus First Floor and Roof Top, where a guest house is being operated under a Leave and License Agreement executed between Mr. Ankit Prasad and Mrs. Tamali Chakraborty for Five terms of Eleven months each effective from 7th October 2024 onwards.

It is further submitted that an electricity connection bearing CA No. 60002805202 (Meter No. SS21984607) existed at the said premises, which came to be disconnected by the Electricity Department on or about 13/14.11.2025.

The Appellant had approached the Consumer Grievance Redressal Forum (CGRF) Goa+ vide complaint dated 19.11.2025 seeking reconnection of the aforesaid electricity supply.

It is submitted that despite placing relevant documents on record, the CGRF failed to consider the same in their proper perspective and dismissed the complaint without assigning cogent reasons.



The Appellant submits that the occupier, through whom she is authorized, is in lawful occupation and possession of the said premises under a valid Leave and License arrangement and is running a guest house business therefrom.

The Appellant submits that the electricity supply to the said premises was disconnected on 13/14.11.2025 without any prior notice or intimation.

It is contended that such disconnection is in violation of the applicable Supply Code provisions, including Regulations 10.6 and 10.7, as well as Section 56 of the Electricity Act, 2003, inasmuch as no prior notice was served.

It is further submitted that electricity charges were regularly paid and no arrears were outstanding at the time of disconnection.

The Appellant submits that immediately upon disconnection, representations were made to the concerned authorities on 14.11.2025 seeking reconnection; however, no action was taken.

Being aggrieved, the Appellant approached the CGRF and sought urgent interim relief for restoration of electricity supply; however, no interim relief was granted despite the matter involving disconnection of an essential service.

It is further submitted that arguments in the matter were concluded on 02.12.2025, but no timely order was passed by the CGRF.

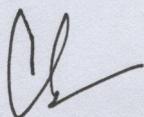
The Appellant submits that upon inspection of the records, serious procedural irregularities were noticed, including:

- existence of differing views among members of the Forum;
- absence of signatures of all members on the final order; and
- discrepancies between the contents of the final order and draft records.

It is contended that such irregularities render the impugned order legally unsustainable.

The Appellant submits that electricity is an essential service forming part of the right to life under Article 21 of the Constitution of India, as recognized by the Hon'ble Supreme Court of India, and that a lawful occupant cannot be arbitrarily deprived of electricity.

It is further submitted that entitlement to electricity supply is not dependent upon ownership of the premises, and a person in lawful occupation is entitled to such supply in accordance with law.



The Appellant submits that the disconnection of electricity in the present case is arbitrary, illegal, and in violation of statutory provisions and principles of natural justice.

The present appeal has been filed within the prescribed period of limitation and is thus maintainable.

B. Submissions on behalf of the Respondents

The submissions on behalf of the Respondents, as advanced by Shri Prabhakar Pednekar, Assistant Engineer (Electrical), duly authorized by the Executive Engineer, Electricity Department, Division XVII, Mapusa, are summarized as under: The Respondents submit that the present appeal is not duly signed and verified by the Appellant. It is contended that pleadings before a quasi-judicial authority must be properly signed and authenticated. In absence thereof, the appeal is liable to be rejected as defective.

It is further submitted that the alleged aggrieved person is Mr. Ankit Prasad, the occupier of the premises; however, the present appeal has neither been filed nor signed by him. The Appellant has failed to establish valid authorization, and therefore lacks locus standi to maintain the present appeal.

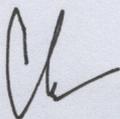
The Respondents submit that the electricity connection bearing CA No. 60002805202 stands in the name of Mrs. Tamali Chakraborty, who alone is the registered consumer. The Appellant is neither the registered consumer nor recognized by the licensee, and therefore does not fall within the definition of "consumer" under Section 2(15) of the Electricity Act, 2003. Consequently, the present appeal is not maintainable.

It is contended that the Appellant has suppressed material facts, including:

1. Expiry of the Leave and License Agreement on 31.08.2025;
2. Request for temporary disconnection made by the registered consumer;
3. Initiation of proceedings (Chapter Case No. 01/2026) before the Sub-Divisional Magistrate, Pernem.

These facts, according to the Respondents, demonstrate that the dispute is essentially civil in nature.

That the present dispute involves questions relating to possession of premises, validity of termination of leave and license, and landlord-tenant issues, which fall



within the domain of Civil Courts. The Electricity Ombudsman, constituted under Section 42(6) of the Electricity Act, 2003, lacks jurisdiction to adjudicate such disputes.

Without prejudice to the above preliminary objections, the Respondents submit as under:

That the Appellant has not produced any document to establish that she is a legal representative, authorized assign, or otherwise recognized by the Department. The claim of lawful occupation is disputed for want of supporting material.

It is admitted that the disconnection was carried out; however, the same was done at the request of the registered consumer.

The Respondents submit that Regulations 10.6 and 10.7 of the Supply Code apply to disconnection initiated by the licensee for default. The present case pertains to voluntary temporary disconnection requested by the registered consumer, and hence the said provisions are not applicable.

It is reiterated that the disconnection was affected at the request of the registered consumer in terms of the applicable agreement.

The application dated 14.11.2025 was duly replied to by the Department vide communication dated 17.11.2025.

The Respondents submit that the reliance placed on prior Ombudsman orders is misplaced, as those cases relate to grant of new connections, whereas the present case concerns continuation of an existing connection in the name of the registered consumer.

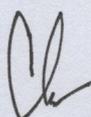
It is submitted that the CGRF has considered the matter and passed its order in accordance with law.

The Respondents deny any obligation to continue supply in absence of consent of the registered consumer.

The Respondents submit that the allegations regarding procedural irregularities are denied and not substantiated.

It is submitted that the CGRF has passed a majority decision, and existence of dissenting views does not invalidate the order.

The Respondents deny that any violation of statutory provisions or fundamental rights has occurred. It is contended that Article 21 cannot be invoked to compel



continuation of supply through a connection standing in another person's name against the wishes of the registered consumer.

It is submitted that electricity supply is governed by a contractual relationship between the licensee and the registered consumer. An occupant cannot claim continuation of supply through a connection standing in another person's name.

The registered consumer has the right to seek temporary disconnection of supply. In absence of any statutory bar or court order, the licensee is bound to act upon such request.

The Appellant's access to electricity, if any, was permissive and derivative. Upon expiry of the Leave and License Agreement, no enforceable right survives to continue supply through the said connection.

The Ombudsman cannot adjudicate disputes relating to property rights, possession, or validity of contractual arrangements between private parties.

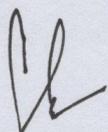
The pendency of proceedings before the Sub-Divisional Magistrate under Section 126 BNSS indicates that the dispute is civil and law-and-order oriented, and not a consumer grievance.

The Respondents respectfully pray that this Hon'ble Authority may be pleased to:

- a) Dismiss the present appeal as not maintainable for lack of locus standi and proper authorization;
- b) Hold that the Appellant has no enforceable right to seek continuation of electricity supply through a connection standing in the name of the registered consumer;
- c) Uphold the action of the Electricity Department in effecting temporary disconnection at the request of the registered consumer;
- d) Affirm the order passed by the CGRF as being legal and valid;
- e) Pass such other order(s) as deemed fit in the facts and circumstances of the case.

C. Proceedings:

1. The present appeal has been filed by the Appellant challenging the order passed by the Consumer Grievance Redressal Forum (CGRF) in respect of disconnection of electricity supply to the premises bearing House No. 1378-A, Tembwada, Morjim, North Goa.

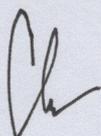


2. Upon receipt of the appeal, notice was issued to the Respondents, who entered appearance through their authorized representative and filed their written submissions along with supporting documents.
3. The Appellant also filed written submissions and placed reliance on documents including authorization, affidavit, and correspondence addressed to the Electricity Department.
4. The matter was heard on the dates fixed, wherein both parties were afforded adequate opportunity to present their respective cases.
5. During the course of proceedings, the Appellant reiterated that the disconnection was affected without prior notice and in absence of any outstanding dues, whereas the Respondents justified the action on the ground that the disconnection was carried out at the request of the registered consumer.
6. The record of the CGRF proceedings, including the impugned order, was also perused.
7. The respondents also submitted that a Chapter Case No 01/2025 U/s 126 BNSS the Registered consumer Ms. Tamali Chakraborty has filed an application dated 04/11/2025 at Mandrem Police Station and entered into a Leave and License Agreement with Mr. Ankit Prasad consisting of Ground Floor plus First Floor and Rooftop situated at 1387/A Tembwada, Morjim, Pernem, Goa. The case was registered on 05/01/2026. It has further been mentioned in the case file that the subject premise was taken on Leave and License Agreement for Five terms of Eleven months each and the First agreement commenced from 1st October, 2024 to 31st August 2025. No decision in this case has been intimated/submitted by the Appellant.
8. It has been duly acknowledged that the Electricity Ombudsman does not have jurisdiction to adjudicate issues relating to title, possession, or the validity of contractual arrangements between private parties. However, the present matter also pertains to the disconnection of electricity supply, which falls squarely within the scope of consumer grievance redressal. Accordingly, while this Authority refrains from examining the validity of the leave and license agreement or the question of possession, it is competent to determine whether the disconnection of electricity supply was carried out in accordance with the provisions of law.
9. The proceedings were thereafter concluded, and the matter was reserved for orders.

D. Points for Determination

In view of the pleadings, submissions, and material available on record, the following issues arise for consideration:

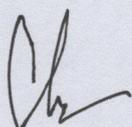
1. Whether the present appeal is maintainable in law in view of the objections raised by the Respondents regarding:



- absence of proper signature and verification;
 - alleged lack of authorization; and
 - whether the Appellant has the locus standi to prefer the present appeal?
2. Whether the Appellant, being an authorized representative of the occupant, can be treated as a “consumer” or otherwise entitled to invoke the jurisdiction of this Authority under Section 42(6) of the Electricity Act, 2003?
 3. Whether the present dispute, involving disconnection of electricity in the backdrop of a landlord–tenant/license arrangement, falls within the jurisdiction of the Electricity Ombudsman, or is barred as being in the nature of a civil/property dispute?
 4. Whether the disconnection of electricity supply to the subject premises on 13/14.11.2025 was:
 - in accordance with the provisions of the Electricity Act, 2003; and
 - compliant with the applicable Supply Code regulations?
 5. Whether prior notice was required to be served before effecting disconnection in the facts of the present case, particularly when the disconnection was allegedly carried out at the request of the registered consumer?
 6. Whether the request of the registered consumer for temporary disconnection is binding on the distribution licensee, and whether such request can justify disconnection despite the premises being in occupation of a third party?
 7. Whether an occupant/licensee of premises has any enforceable right to seek continuation or restoration of electricity supply through a connection standing in the name of another person?
 8. Whether the disconnection of electricity supply, in the facts of the present case, is vitiated for non-compliance with principles of natural justice?
 9. Whether the order passed by the CGRF is sustainable in law in light of the allegations of:
 - non-consideration of material on record;
 - absence of reasoned findings; and
 - procedural irregularities in the decision-making process?
 10. Whether the Appellant is entitled to:
 - restoration of electricity supply;
 - interim or final directions;
 - compensation; or
 - any other relief?

E. Findings & Analysis

I have carefully considered the pleadings, documents placed on record, submissions of both parties, and the applicable statutory provisions. The findings on each of the issues framed above are as under:



Issue No. 1:

The Respondents have objected to the maintainability of the appeal on the grounds of lack of signature, improper authorization, and absence of locus standi.

Upon perusal of the record, it is observed that the pleadings and documents were initially transmitted through electronic mode (email), which constitute **digital records** and are permissible in contemporary quasi-judicial proceedings, particularly in the absence of any express prohibition.

Further, the record reflects that the Appellant has subsequently filed:

- A signed complaint along with supporting documents,
- An authorization dated 14.11.2025 executed by Mr. Ankit Prasad in favour of Ms. Jayanti Nelson Nadar, filed along with the complaint dated 15.11.2025, and
- A duly notarized affidavit of Ms. Jayanti Nelson Nadar dated 15.11.2025.

In view of the above, the objections regarding absence of signature and authorization stand sufficiently cured and duly regularized.

It is a settled principle that procedural defects, particularly relating to form and verification, are curable in nature and ought not to defeat substantive justice in quasi-judicial proceedings.

Accordingly, the present appeal is held to be maintainable, and the objection raised by the Respondents on this ground is rejected.

Issue No. 2:

The Respondents have contended that the Appellant is not a “consumer” within the meaning of Section 2(15) of the Electricity Act, 2003.

It is an admitted position that the electricity connection stands in the name of the registered consumer (landlady). The Appellant is neither the registered consumer nor has any direct contractual relationship with the licensee.

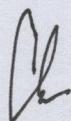
However, the definition of “consumer” has been interpreted in a broader context to include persons whose premises are connected for receiving electricity. Further, an occupant in settled possession, though not a registered consumer, may seek redressal in respect of denial of electricity, being an essential service.

Accordingly, while the Appellant may not strictly fall within the definition of “consumer”, she cannot be rendered remediless. This issue is answered by holding that the Appellant has a limited locus to seek redressal, though not equivalent to that of a registered consumer.

Issue No. 3:

The Respondents have argued that the present dispute pertains to landlord–tenant issues and is therefore beyond the jurisdiction of this Authority.

It is well settled that the Electricity Ombudsman cannot adjudicate upon title, possession, or validity of contractual arrangements between private parties.



However, the present dispute also involves disconnection of electricity supply, which squarely falls within the domain of consumer grievance redressal.

Therefore, while this Authority will not adjudicate upon the validity of the leave and license agreement or possession rights, it is competent to examine whether the disconnection of electricity supply was in accordance with law.

This issue is answered accordingly.

Issue No. 4:

It is not disputed that the electricity supply was disconnected on or about 13/14.11.2025.

The Respondents have justified the disconnection on the ground that it was carried out at the request of the registered consumer.

However, the exercise of such request by the licensee cannot be mechanical. The licensee is expected to act fairly and reasonably, particularly when disconnection results in deprivation of an essential service to an occupant.

In the present case:

- There were no dues outstanding;
- The premises were admittedly in occupation of a third party; and
- The consequences of disconnection were severe, affecting livelihood.

Accordingly, the disconnection, though initiated at the request of the registered consumer, required due consideration of surrounding circumstances, which appears to have been lacking.

Issue No. 5:

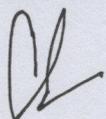
The Respondents have contended that prior notice is not required where disconnection is affected at the request of the registered consumer.

While it is correct that provisions relating to disconnection for default may not strictly apply in such cases, the principles of fairness and natural justice require that an occupant, who is in settled occupation of the premises and is likely to be affected by disconnection, ought not to be taken by surprise.

Prior intimation to such occupant assumes significance, as it enables the occupant to avail alternative remedies available in law, including approaching the distribution licensee for grant of an independent electricity connection on the basis of a legally valid leave and license agreement or other permissible documentation.

In the present case, no notice or intimation was given to the occupant prior to disconnection. Such abrupt action, resulting in deprivation of electricity, cannot be said to be in consonance with fair procedure.

The issue is no longer res integra. The Hon'ble Delhi High Court in *Shiv Kumar v. BSES Rajdhani Power Ltd. and BSES Rajdhani Power Ltd. v. Saurashtra Color Tones Pvt. Ltd.* has categorically held that electricity supply cannot be denied to an occupant merely on account of landlord-tenant disputes and that ownership is not a precondition for grant or continuation of electricity supply.



Further, in *Ramesh Chand v. BSES Rajdhani Power Ltd.*, it has been held that disconnection of electricity at the instance of a landlord, with the object of compelling a tenant to vacate, is impermissible in law.

The Hon'ble Supreme Court of India in *Chameli Singh v. State of U.P.* has also recognized that the right to life includes access to basic amenities such as electricity, thereby elevating such services to the status of a protected necessity under Article 21 of the Constitution.

Accordingly, this issue is answered in favour of the Appellant.

Issue No. 6:

The registered consumer undoubtedly has the right to request disconnection. However, such right is not unfettered where the premises are in actual occupation of another person. The licensee, being a public utility, is required to balance:

- contractual obligations towards the registered consumer; and
- duty to ensure non-arbitrary deprivation of essential services.

Accordingly, it is a settled principle that what cannot be achieved directly cannot be permitted to be achieved indirectly. Therefore, a request for disconnection cannot be acted upon in a manner that results in indirect eviction or leads to coercive deprivation of electricity supply to an occupant.

Issue No. 7:

The occupant does not have a vested right to continue electricity supply through a connection standing in another person's name. However, it is equally well settled that:

- electricity supply is an essential service; and
- a lawful occupant cannot be left without access to electricity.

The appropriate course in such cases is:

- either to ensure continuity of supply for a reasonable period, or
- to facilitate the occupant in obtaining an independent connection.

Thus, while the occupant cannot insist on continuation indefinitely through another's connection, immediate disconnection without alternatives is not justified.

Issue No. 8:

The abrupt disconnection without notice, particularly in absence of dues, amounts to violation of principles of natural justice.

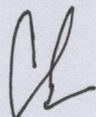
Even in cases not strictly governed by statutory notice provisions, administrative actions affecting civil consequences must adhere to fairness.

This issue is answered in favour of the Appellant.

Issue No. 9:

The Appellant has raised serious concerns regarding:

- absence of reasoned findings;



- procedural irregularities; and
- discrepancies in the CGRF's order.

Upon perusal, it is observed that the CGRF order does not adequately address:

- the issue of absence of dues;
- the impact of disconnection on the occupant; and
- the requirement of fair procedure.

A quasi-judicial order must be reasoned and reflective of application of mind. Failure to do so renders the order vulnerable.

Accordingly, the impugned order is liable to be set aside.

In view of the findings above, it is held that:

- The disconnection of electricity supply, in the facts of the present case, cannot be sustained in its present form;
- The Appellant is entitled to appropriate relief, though not in the nature of an absolute right to continue supply through the existing connection indefinitely.

The relief must therefore balance equities between:

- the rights of the registered consumer, and
- the need to prevent arbitrary deprivation of electricity to the occupant.

The case reveals a conflict between contractual rights of the registered consumer and equitable entitlement of the occupant to essential services. The resolution lies in a balanced approach ensuring that:

- statutory provisions are adhered to; and
- deprivation of electricity is not affected arbitrarily.

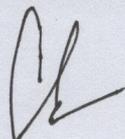
F. Directions:

In view of the findings recorded hereinabove, and after careful consideration of the material on record, the present appeal is disposed of with the following directions:

1. The impugned order passed by the Consumer Grievance Redressal Forum Goa, (CGRF) is hereby set aside, being unsustainable in law for want of proper reasoning and failure to consider material aspects of the case.
2. It is held that the disconnection of electricity supply to the subject premises, though carried out at the request of the registered consumer, was affected without due regard to the principles of fairness and natural justice, particularly in view of the admitted occupation of the premises by the occupant and absence of outstanding dues.
3. In order to balance the equities between the parties:

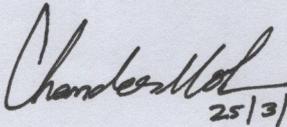
The Respondent Electricity Department is directed to restore electricity supply to the subject premises within 48 hours from the date of this order, subject to the following conditions:

- The restoration shall be treated as a temporary/interim arrangement;



- All pending dues if any, including the fixed charges pending during the period power supply remained disconnected shall be paid by the Appellant/occupant.
 - The restoration shall be treated as a temporary/interim arrangement;
 - The Appellant/occupant shall not claim any equity or right to continue supply through the said connection indefinitely;
 - The Appellant/occupant shall pay all future electricity bills regularly from the date of restoration.
4. The Appellant/occupant is granted liberty to apply for an independent electricity connection in accordance with Section 43 of the Electricity Act, 2003 and the applicable Supply Code.
- Upon such application being made:
- The Respondent Department shall process the same expeditiously, strictly in accordance with law;
 - The application shall be decided without insisting on ownership documents, subject to compliance with applicable regulations for occupants.
5. It is clarified that the registered consumer retains the right to seek disconnection in accordance with law. However, any such request shall be considered by the licensee in a fair and reasonable manner, keeping in view:
- actual occupation of the premises; and
 - the requirement to avoid arbitrary deprivation of electricity.
6. In the facts and circumstances of the case, although the disconnection is found to be procedurally deficient, the same having been carried out at the request of the registered consumer, no monetary compensation is awarded.
7. It is further clarified that this Authority has not adjudicated upon:
- ownership or possession of the premises;
 - validity of the leave and license agreement; or
 - any civil disputes between the parties;
- and the parties are at liberty to seek appropriate remedies before the competent forum in accordance with law.
8. The Respondent Department shall file a compliance report within **7days** of restoration of electricity supply.
9. The appeal is allowed in part in the above terms.

Dated: 25.03.2026


25/3/26
(C M Sharma)
Ombudsman (JERC)