

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-223 of 2024

Date of Video Conferencing: 23.10.2024

Date of Order: 28.10.2024

Shri Chandrakant Lalaji Malgaonkar
H. NO. 6/125/1, Gaunsawado,
Mapusa, Bardez, North, Goa - 403507
Email Id: malgaonkargautam@gmail.com

.... Appellant

Versus

Executive Engineer Division VI,
Electricity Department,
Mapusa A, Bardez, Goa

.... Respondent

Parties present:

Appellant(s)

Shri Chandrakant Lalaji Malgaonkar

Respondent(s)

Executive Engineer Division VI,
Electricity Department, Goa.

ORDER

The Appellant has filed Appeal No. 223/2024 against the order of the Consumer Grievance Redressal Forum (CGRF) in Complaint No. 24/2024/129, dated 05.08.2024, submitted by Shri Chandrakant Lalaji Malgaonkar, residing at H.No 6/125/1, Gaunsawado, Mapusa, Bardez, Goa. The Appeal was admitted on 03.10.2024 as Appeal No. 223/2024. A copy of the appeal was forwarded to the Respondents with instructions to provide their remarks and counter-replies on each of the issues raised.

The Respondent Executive Engineer, Division VI, through letter No. 14/1(C.F)/Tech/Div.VI/2024-25/4198, dated 07.10.2024, invited the Appellant to a meeting scheduled for 08.10.2024, to attempt a mutual resolution of the complaint. The meeting was held at the office of the Executive Engineer, Division VI, Mapusa, Goa. However, the parties were unable to reach an amicable settlement. The Minutes of the Meeting were submitted by the Respondent via letter No. 4/9/Tech/Div.VI/2024-25/4267, dated 11.10.2024.

Additionally, the Respondent Executive Engineer, Division VI provided detailed comments in response to the appeal through an affidavit dated 15.10.2024.

Submissions by the Appellant

The Appellant, a 77-year-old senior citizen from the Scheduled Caste community, is a long-term resident and lawful owner of a Mundkar dwelling house in Gaunsawado, Mapusa, Goa. The house has been continuously occupied by the Appellant since 1954, with all tax, water, and electricity bills regularly paid under the account CA No. 60003471467. The dwelling unit, is an old structure made of mud walls, partially collapsed in November-December 2023, damaging the internal wiring and the electricity meter. The wiring became dangerous to human being thereby creating a threat of electrical accident. To ensure safety during repairs, the electricity department removed the meter and disconnected the service line and instructed the Appellant to notify them upon completion of the reconstruction/repair work including the internal wiring. Despite



issuing bills marked "NOT TO PAY" until January 2024, the department stopped billing in February 2024.

After completing the reconstruction/repair in June 2024, the Appellant requested for restoration of Power Supply with a three-phase electricity connection with an enhanced load of 16.48kW under the existing CA number 60003471467 which has already been permanently disconnected in November-December 2023. However, the department refused and pressurized the Appellant to apply for a new single-phase connection, with an assurance to upgrade it later to a three-phase service under a new CA number.

The Appellant contends that the repair work does not constitute new construction and argues that forcing a new connection violates their rights under the Goa Mundkars (Protection from Eviction) Act, 1975, which protects the right to repair, rebuild, and enjoy basic services.

Dissatisfied with the CGRF's decision on 05/08/2024 in case No 24/2024/129, the Appellant has filed this appeal, seeking orders to restore the Power Supply with a three-phase connection with an enhanced load of 16.48kW under the original CA number 60003471467 and regularize the electricity billing in continuation of the previous account.

The Appellant has made grounds for appeal as under: -

1. The impugned order by Ld. CGRF, is arbitrary, unreasonable, and issued without proper consideration of facts, evidence, or legal precedents.
2. No proper legal procedure, notice, or hearing was followed before the disconnection of the existing electricity supply (CA No. 6003471467).
3. The order disregards Supreme Court rulings (e.g., *K.C. Ninan v. Kerala State Electricity Board*, 2023) affirming that electricity supply is tied to consumers, not premises.
4. The actions also violate provisions of the Electricity Act, 2003, and the JERC Supply Code, 2018.
5. The appellant, a *Mundkar* (tenant), had an electricity connection for over 40 years under CA No. 6003471467. The disconnection was unjust, violating the Mundkar Act designed to protect tenant rights.



6. The department's actions, akin to those of an oppressor landlord (*Bhatkar*), have caused undue harassment to the appellant.
7. Erroneous permanent disconnection of electricity on 15-01-2024 caused inconvenience, financial losses, and emotional distress.
8. The department failed to consider the appellant's request for reconnection with three-phase electricity under the existing CA number, forcing the appellant to take a new connection.
9. The department refused a reasonable upgrade of the old single-phase connection to a three-phase one under the same CA number, forcing the appellant to apply for a new connection (CA No. 60009120043) with unjustified costs of ₹19,221.
10. This change caused prejudice and undue burden on the appellant.
11. No proper reasoning or documentation was provided to justify disconnection, nor was the appellant given an opportunity to object.
12. The department failed to issue bills from 16-01-2024 onward, further depriving the appellant of basic electricity services.
13. Misinterpretation by CGRF (Consumer Grievance Redressal Forum): CGRF incorrectly held that the appellant had no valid claim over the old CA number and that the change to a new connection was appropriate. The forum ignored specific pleadings by the appellant, including that the house was under repair, not demolished, and that the request was only for a load upgrade.

Relief Sought in the present appeal: -

- A. The impugned order is illegal and unfair, and the appellant requests the forum to set it aside and restore the old CA number with three-phase electricity in the interest of justice.
- B. Issue directions to protect the appellant's **Human rights, Mundkarial rights, and Fundamental rights** under Articles 21 and 14 of the Indian Constitution, as well as consumer rights under relevant laws and regulations.



- C. Direct the respondents to restore/reconnect the electricity supply to the appellant's **existing CA No. 6003471467**, which was illegally and permanently disconnected on **15-01-2024**.
- D. Instruct the respondents to issue **regularized electricity bills** in continuation with the original CA No. 6003471467 for domestic use.
- E. Approve the **three-phase connection** for the appellant under the same existing CA No. 6003471467, based on the enhanced load required for the dwelling house.
- F. Provide temporary electricity supply during the **pendency of the appeal** to ensure basic human rights.
- G. Waive any **fees for filing the petition** with the JERC.
- H. Request the imposition of fines on the respondents for their negligence and violation of duty under the **Electricity Act, JERC Supply Code 2018, and other regulations**.
- I. Grant any other orders or directions deemed appropriate based on the facts and circumstances of the case.

Submissions by the Respondent Electricity Department:

The respondent Electricity Departments submitted that the disconnection was done as per the Appellant's request. As the internal wiring became dangerous to human life after the partial collapse of walls and wooden roof of the house, the connection was permanently disconnected and electricity meter and service line was also removed as per Regulation 9.8 & 9.9 of JERC Electricity Supply Code 2018.

The Appellant's request for reconnection of Power Supply on completion of repair/construction and reviving the same CA No 6003471467 could not be acceded to as the connection is permanently disconnected in SAP.

Further as per the Appellant's request a Three phase connection was also sanctioned and demand note issued. An amount of Rs 19,221/- was supposed to be paid by the Appellant but the demand note is still unpaid.

Findings and Analysis:

I have heard both parties at length through videoconference. Mr. Gautam Malgaonkar represented the Appellant, and Mr. Santosh V. Parsekar, Executive Engineer, represented



the Electricity Department, Goa. I have carefully perused the records submitted by both sides and considered their submissions.

The Appellant is the owner of Premise No. 6/125/1 (Old House No. E-1-123, Chalta No. 81A, P.T. Sheet No. 133) situated at Gaunsawado, Mapusa, Goa. The property was allotted to him under the Mundkar Act.

In November-December 2023, a portion of the structure made of mud walls and a wooden roof collapsed, damaging the internal wiring and electricity meter. Since the internal wiring was in dangerous condition, the Appellant requested the Electricity Department to disconnect the power supply for safety during repairs. The Department disconnected the supply following Regulations 9.8 and 9.9 of the JERC Electricity Supply Code, 2018, which deal with disconnection at the consumer's request.

Regulation 9.8 & 9.9 of JERC Electricity Supply Code 2018 states as under: -

Disconnection on Consumer's Request

9.8 In case a consumer desires his meter to be permanently disconnected, the consumer shall apply for the same in the format prescribed in Annexure XV to this Supply Code, 2018. The Licensee shall give a written acknowledgment of receipt of such request, on the spot.

9.9 The Licensee shall carry out a special reading and prepare a final bill including all arrears up to the date of such billing within 5 days from receipt of the request. Upon payment, the Licensee shall issue a receipt with 'Final Bill' stamped on it. This receipt shall be treated as a No Dues Certificate:

Provided that whenever an agreement is terminated on notice given by the consumer, the Licensee shall give a written intimation within 2 working days after termination in the format given in Annexure XVI to this Supply Code, 2018, failing which such intimation shall be deemed to have been given to the consumer.

The Appellant completed repairs and requested for reconnection in June 2024. Since the disconnection was beyond six months, the reconnection required compliance with Regulations 9.12 and 9.13 of the JERC Code, which outline that connections disconnected for more than six months are treated as new connections, requiring completion of



formalities, payment of charges (Security deposit, connection charges etc.). Regulation 9.12 & 9.13 of JERC Electricity Supply Code 2018 states as under: -

Reconnection

9.12 In case the consumer request for reconnection within a period of 6 months after disconnection, the Licensee shall reconnect the consumer's installation within 5 days of payment of past dues and reconnection charges.

9.13 In case the consumer requests for reconnection after 6 months of disconnection, the connection shall be reconnected only after all the formalities as required in the case of a new connection are complied with by the consumer including payment of pending dues, services line charges, security deposit, etc., as applicable for that category of consumer.

Although the electricity connection to the premise was permanently disconnected but no final bill as per Regulation 9.9 of JERC Electricity Supply Code 2018 was issued as long as June 2024 when the Appellant approached for reconnection. However, the permanent Disconnection flag activated in billing system so that the Appellant do not get bills issued. This is violation of Regulation 9.9 of JERC Electricity Supply Code 2018.

The Appellant, though made a request for reconnection along with enhancement of load from 0.700kW to 16.48kW. Further, the Appellant consistently insisted for restoration of Power supply: -

- With the same CA No. 60003471467 which has been Permanently Disconnected.
- With an enhanced load of 16.48kW instead of earlier sanctioned load of 0.700kW.
- Change of category from Single Phase connection to 3 phase connection.
- He did not complete the formalities for restoration of Power supply as required for a new connection as per Regulation 9.9 of JERC Electricity Supply Code 2018.

The POWER SUPPLY to the premise was restored through new CA No 60009120043 having single phase supply. The Three Phase connection has also been processed and sanctioned and a demand note dated 08.07.2024 with due date as 23.07.2024 amounting to Rs 19,221/- (Rs17521 as Security Deposit and Rs1700 as connection charges) was issued by



the Electricity Department. Since the Appellant did not pay the demand note, the three Phase connection with a sanctioned load of 16.48kW was kept in abeyance.

Further, the Appellant has also submitted that the Goa Mundkar Act protects his right to receive electricity supply and to reconstruct the dwelling house. He specifically cited Sections 6 and 7 of the Act. Section 6 inter alia deals with right of a Mundkar to enjoy supply of power. It stipulates that "No Bhatkar, either by himself, or through any person acting or purporting to act on his behalf shall, without just and reasonable cause, cut off, withhold, or interfere with any supply of electricity or water or customary easement enjoyed by the Mundkar.

Section 7 inter alia confers the right to the Mundkar to repair or reconstruct his dwelling house subject to obtaining permission from the competent authorities. I did not find any objection or restraint from any quarter (specially from the licensee Department) to the repair or reconstruction of the complainant's dwelling house. On the contrary, the Department admittedly released a new connection to the complainant under CA no. 60009120043.

"Reliance on these provisions, in my considered view, are misplaced as there is no withholding of or interference with the electricity supply, either by the Bhatkar or anyone acting on his behalf.

The Appellant's insistence on retaining the old CA No. 60003471467 is misplaced. As per the SAP billing system, once a connection is marked as Permanently Disconnected (PD), the agreement for power supply terminates, and the old CA number cannot be reactivated. Any restoration, load enhancement, or category change post-PD status will generate a new CA number. The system maintains a link between the old and new CA numbers, ensuring the continuity of the consumer's history, but the consumer cannot demand retention of a specific CA number.

I did not find any merits in the Appellant's submission for the retention of old CA No 6000347147.



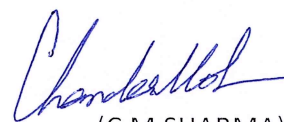
Regarding load enhancement, the Appellant must complete the required formalities and deposit the amount specified in the demand note as per Regulation 5.76(4) of the JERC Code. In this case, the Appellant has yet to fulfill these requirements.

As such it is ordered: -

- (A) For the reasons discussed above, the appeal of the Appellant is dismissed with no order as to the costs.
- (B) The Order in Complaint No- CC -24/2024/129 dated 05.08.2024, passed by Learned CGRF-Goa is upheld.
- (C) The Electricity department has violated the Regulation 9.9 of JERC Electricity Supply Code 2018 by
 - a. Not issuing a Final Bill within 5 days
 - b. Issuing intimation of termination of agreement within 2 days.
- (D) Chief Electrical Engineer, Electricity Department should see that the JERC Supply Code Regulations 2018 are meticulously followed by the Electricity Department.
- (E) In case the appellant still desires to avail Three phase connection as already requested the Appellant is directed to contact the concerned officer of the Electricity department for the issue of fresh demand note for availing Three phase connection.
- (F) The demand note is required to be paid by the Appellant and Electricity Department shall release the Three Phase connection within Seven days post payment of demand note.
- (G) The Electricity department is also directed to issue a letter mentioning therein the chain of CA Numbers existing in the name of Appellant at 6/125/1, Gaunsawado, Mapusa, Goa, its current status and reason for termination, if already terminated.
- (H) The Electricity department is also directed to refund the security deposit against CA No. 60003471467 if not already refunded. The Appellant is also required to complete all formalities for security refund, if not already done, as per the laid down procedures.



- (I) The Electricity Department/Licensee should submit a compliance report to the office of Electricity Ombudsman on the action taken in this regard within **30 days** from the issuance of this Order by email.
- (J) The appeal is disposed of accordingly.



(C M SHARMA)

Electricity Ombudsman

For Goa & UTs (except Delhi)

Dated: 28.10.2024