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,
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Phone No.:0124-4684708

Appeal No-241 of 2025

Date of Video Conferencing: 10.09.25, 19.09.25, 13.10.25, 22.10.25, 3.11.25, 12.11.25, 16.11.25, 20.11.25, 27.11.25, 29.12.25, 2.02.26, 05.02.26, 09.03.26
Mode: Video conferencing
Date of Order: 30.03.2026

In the matter of

Shri Sushant Ray,
BF-04, Pash Beach Arcade,
Plot No. 1431/A, Marzilvaddo,
Benaulim, Salcete,
Goa 403716. ...Appellant

VERSUS

1. The Chief Electrical Engineer,
   Electricity Department Goa.

2. The Executive Engineer,
   Electricity Department,
   Div-XVI,
   Benaulim, Goa

3. The Assistant Engineer,
   Electricity Department,
   Div-XVI, S/D-I,
   Benaulim, Goa

4. Mr. Rajiv Samant,
   Superintending Engineer,
   Electricity Department, Goa .... Respondent(s)

Present:

Appellant: Shri Sushant Ray

Respondent: Mr Siddesh Velip, Assistant Engineer S/D-I. Div XVI, Electricity Department, Goa. (R-3)
Mr Rajiv Samant, Superintending Engineer, Electricity Department, Goa (R-4)

FINAL ORDER

This representation was filed on 28th July, 2025 by Shri Sushant Ray, BF-04, Pash Beach Arcade, Plot No. 1431/A, Marzilvaddo, Benaulim, Salcete, Goa 403716 under Section 42(6) of the Electricity Act 2003 read with Regulations 35 & 36 of Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations 2024 against the order dated 20th September, 2024 in case No. 31/2024 passed by the Ld. Consumer Grievance Redressal Forum (CGRF), Goa. This Authority derives jurisdiction under Section 42(6) of the Electricity Act, 2003 read with Regulation 36 of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2024. The representation, being a grievance arising out of the decision of the Consumer Grievance Redressal Forum, Goa, falls within the scope of this Authority's jurisdiction, limited to consumer–licensee disputes under the Act, and is therefore maintainable subject to limitation prescribed therein.

After a thorough examination of the complaint and following due process, the admission notice was issued on 29.07.2025 and a copy of the complaint was forwarded to the Respondent, Executive Engineer, Electricity Department, Division - XVI, Benaulim, Goa and Assistant Engineer, Electricity Department, Division -XVI, S/D-I, Benaulim, Goa directing them to file a reply to the appeal filed by the Appellant Shri Sushant Ray, vide this office letter dated 29th July, 2025.

A. Reason for delay in adjudicating the matter.

1. There was a delay of approximately 156 days in adjudicating the matter. The representation in this matter was filed by the Appellant on 28.07.2025. While the Regulations envisage expedition in the conduct of proceedings, adjudication at times necessarily involves procedural steps that contribute to reasonable extension of timelines. In this case, the timeline for final disposal extended beyond the typical period of 90 days (Regulation 37(11) of JERC CGRF & Ombudsman Regulations 2024) due to several procedural and substantive factors, all of which bear directly on the principles of natural justice, fairness, and compliance with statutory norms, and none of which constitute inordinate or arbitrary delay.
2. Shortly after admission, the Respondent sought adjournment due to the Ganesh Chaturthi holidays in the last week of August 2025, which is a commonly recognized period of official adjournment across quasi-judicial and judicial forums. Thereafter, the Appellant requested adjournments citing the pendency of responses to Right to Information (RTI) applications and subsequently on health grounds and attending other courts. This Authority recorded these requests in the proceedings and accommodated them in the interest of fairness, ensuring that neither party suffered any prejudice.
3. During the course of the proceedings, the Appellant filed multiple interlocutory applications, including applications for
    a) Impleadment of additional parties,
    b) Striking out of parties already on record,
    c) Consequential amendments to pleadings,
    d) Inspection and re-inspection of records,
    e) Admission/denial and clarification of documents,
    f) Filing of revised and amended appeal memoranda
    g) Filing of written arguments

Each of these applications required deliberation, issuance of appropriate directions, and in some instances, adjudication on merit in accordance with procedural norms such as Order VI Rule 17 of the Code of Civil Procedure, 1908. The allowance of consequential amendment applications, for instance, invoked principles of procedural flexibility akin to those applied by civil appellate courts, as recognized in judicial decisions such as Kranti Associates v. Masood Ahmed Khan, (2010) 9 SCC 496, where the Supreme Court reiterated the need for reasoned orders in procedural adjustments.

4. While the Ombudsman's jurisdiction is quasi-judicial and statutory, this Authority, in the absence of contrary regulatory prescription, applied procedural principles from the Civil Procedure Code (e.g., Order VI Rule 17 and Sections 107(2), 108(b) and 141 CPC) to ensure that amendments and additional submissions do not lead to prejudice or denial of opportunity to any party. This approach is consistent with the Supreme Court's endorsement in Paschim Pradesh Gas Ltd. v. DVS Steels & Alloys Pvt. Ltd., (2009) 1 SCC 210, which recognized that administrative adjudicatory processes must align with natural justice and reasonable procedure where appropriate.
5. Throughout the proceedings, this Authority ensured that both parties received adequate notice, information, time for preparation, and opportunity to be heard. This commitment flows from foundational administrative law principles that a decision-making process must be fair and transparent to withstand scrutiny (Maneka Gandhi v. Union of India, (1978) 1 SCC 248). No party was denied an opportunity to be heard on any material aspect, and each procedural direction was taken with the objective of clarity, transparency and fairness.
6. The Supreme Court has repeatedly held that delay in quasi-judicial or administrative proceedings does not, by itself vitiate an order unless it results in prejudice to a party or indicates indifference to statutory timelines (Bhajan Lal v. State of Haryana, 1992 Supp (1) SCC 335). In the present case, the schedule of hearings, adjournments, and procedural directions was transparent and

recorded; neither party has demonstrated substantive prejudice resulting from the time taken. The delay reflects legitimate procedural steps and opportunities afforded to both parties rather than any lack of diligence.

In light of the above, the time taken in the disposal of this representation is explained by legitimate procedural requirements, judicially sound application of procedural norms, and the need to ensure a fair hearing consistent with statutory obligations and natural justice. The conduct of the proceedings accords with established jurisprudence on reasonable administrative delay.

B. Condonation of delay:

The Appellant filed Complaint No. 31 of 2024 before the Learned Consumer Grievance Redressal Forum (CGRF), Goa. The CGRF issued its order on 20.09.2024 (hereinafter "the impugned order") and dispatched it by Registered Post on 01.10.2024. The postal department returned the envelope marked "Unclaimed."

According to the written submission of the Assistant Engineer, S/D-I, Division XVI, officials from the Electricity Department informed the Appellant over the phone to collect the order from the CGRF office. The Appellant did not collect it. On 13.07.2025, he sent an email to the CGRF and the Electricity Department stating that he had not received the order. He again wrote to them requesting a scanned copy, which he received on 24.07.2025 at his registered email address.

The Appellant attributes the delay in filing this representation to several circumstances. While Complaint No. 31/2024 was pending, the Learned BDO-I, Salcete, started proceedings in Panchayat Appeal No. BDO-S-I/ (155)/01/2024/3273 concerning alleged unlawful documents used to obtain NOCs for electricity and water connections. Smt. Nirusha Kiran Nagvekar had submitted those documents, claiming authority under an unproduced Power of Attorney.

In that matter, Respondent No. 4, Shri Yogesh Faterpekar, through his advocate, relied on an unregistered "Agreement of Transfer and Assignment of Rights" dated 02.12.2016 to claim ownership of the premises. The Learned BDO-I held that unregistered documents could not establish title or ownership and found the

Panchanama unreliable because it lacked signatures of Panchayat officials and contained inconsistent statements by Smt. Nagvekar.

By order dated 06.11.2024, the Learned BDO-I directed a detailed inquiry into the transfer of house tax for House No. 1431/A, BF-04, Pash Beach Arcade, Benaulim. During that period, the Appellant received electricity bills and disconnection notices in red ink. He refused to pay bills not issued in his name. He also alleged bias on the part of the CGRF Presiding Officer and sought remedies before the BDO-I, where he succeeded in Panchayat Appeal No. 26/2024 (Order dated 08.05.2025). Panchayat Appeals No. 25/2024 and 01/2025 remain under adjudication.

The Appellant states that he was out of station when the postal article was delivered and that he gained knowledge of the order only after receiving the scanned copy on 24.07.2025. He filed this representation on 28.07.2025.

After examining the record, this Authority finds that the Appellant filed the representation about 308 days after the CGRF order. Regulation 36(f) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2024, requires a representation to be filed within thirty days from the date of receipt of the Forum's order or the expiry of the implementation period prescribed for the Licensee, whichever is later. The proviso to Regulation 36(f) allows the Ombudsman to accept a delayed filing if sufficient cause exists.

The record shows no proof that the Appellant received the CGRF order before July 2025. Considering the returned postal envelope, his written communication, and the subsequent email from the CGRF, this Authority treats 24.07.2025—the date when he received the scanned copy—as the date of actual knowledge. Even if delay exists, the Appellant's explanation shows bona fide circumstances, including ongoing property-related litigation and lack of effective service. These facts establish sufficient cause under the proviso to Regulation 36(f).

Section 42(6) of the Electricity Act, 2003 aims to ensure easy and fair redressal of consumer grievances. Although the Limitation Act, 1963 does not automatically apply to such proceedings, the proviso to Regulation 36(f) grants the Ombudsman

discretion to accept delayed appeals when justice so requires. Consistent with the approach of the Hon'ble Appellate Tribunal for Electricity in Odisha Power Transmission v. OERC and similar Ombudsman rulings in Delhi, Maharashtra, and Haryana, this Authority adopts a liberal interpretation to promote substantial justice. Denying condonation would prevent the Appellant from presenting his case on merits, while the Respondents would face no substantial prejudice. This Authority, therefore, finds sufficient cause to condone the delay.

The delay of approximately 308 days in filing this representation stands condoned. The representation is admitted as Case No. 241 of 2025 for adjudication on merits. The Respondent Executive Engineer, Electricity Department, Goa, was directed to file the reply/comments. Admission of this representation does not indicate any opinion on the merits of the dispute.

C. Submission by the Appellant:

The Appellant has preferred the present Appeal being aggrieved by the Order dated 20.09.2024 passed by the Learned Consumer Grievance Redressal Forum (CGRF), Vasco-Goa. He received a scanned copy of the impugned Order only through email on 24.07.2025, which forms the basis of the present Appeal.

The Appellant submits that since the intervention application filed before the CGRF had been rejected and the said order was never challenged, the Intervener does not possess any locus to be impleaded in this Appeal. He further points out that the same individual also did not challenge the subsequent Order dated 06.11.2024 passed by the Learned BDO-I, Salcete, in Panchayat Appeal No. BDO-S-I/ (155)/01/2024/3273, which further establishes the absence of any subsisting right or interest.

According to the Appellant, the Intervener relied upon unregistered and legally deficient documents to assert ownership over the premises, including a purported "Agreement of Transfer and Assignment of Rights of Flat" dated 02.12.2016 sworn before a Notary Public at Margao. The Appellant contends that such documents are void in law and cannot confer ownership or any locus to seek

relief before a quasi-judicial forum. In support, he relies upon the decisions of the Hon'ble Supreme Court in Shakeel Ahmed v. Syed Akhlaq Hussain, Maria Margadia Sequeria Fernandes & Ors. v. Erasmo Jack De Sequeria (D) Thr. LRs & Ors., and Kizhakke Vattakandiyil Madhavan (Dead) Thr. LRs. v. Thiyyurkunnath Meethal Janaki & Ors., which hold that unregistered and unstamped documents are inadmissible to prove title or transfer of ownership.

The Appellant submits that one Shri Yogesh Faterpekar had produced the said documents before the Learned BDO-I, Salcete, in Panchayat Appeal No. BDO-S-I/ (155)/01/2024/3273 and sought Impleadment before the CGRF, which was declined. He alleges that the said conduct was inconsistent with legal procedure and contrary to the interests of the Electricity Department.

The Appellant stated that he may seek to implead any additional respondents if new facts or evidence arises during the course of the proceedings. Conversely, he reserved the right to seek deletion of any respondent who files frivolous or vexatious pleadings or obstructs fair adjudication.

Explanation for Delay in Filing the Appeal

The Appellant explains that the CGRF refrained from adjudicating issues of ownership or title, yet relied upon documents belonging to the rejected Intervener, which, according to him, was beyond jurisdiction. He contends that the CGRF framed additional issues (c) and (d) not arising from the pleadings in addition, relied on inadmissible material, thereby prejudicing his case.

The Appellant submitted the following principal grounds in support of the Appeal:

The CGRF exceeded its jurisdiction by relying on unregistered and inadmissible documents produced by a non-party.

The Appellant remains in settled possession of the premises and has established residence through documents such as Voter ID, Aadhaar Card, BSNL connection, and Bharat Gas receipts.

A change of name in an electricity connection is a recognized right under the Electricity Act, 2003 and the JERC (CGRF and Ombudsman) Regulations. Such a change does not confer ownership but merely identifies the factual consumer.

Multiple disconnection notices issued by the Goa Electricity Department show continuing denial of electricity supply, contrary to the findings of the CGRF.

Electricity authorities and local bodies such as Panchayats have no jurisdiction to decide questions of ownership or title to property.

The CGRF erred in presuming ownership in favour of the Intervenor, even though no civil court has returned any such finding.

The impugned Order compels the Appellant to pay bills in the name of a third party who is neither owner nor occupant, which, according to him, is arbitrary and contrary to law.

In view of the above submissions, the Appellant prays for the following reliefs:

a) To condone the delay in filing and admit the Appeal;

b) To grant ad-interim protection against disconnection of electricity supply during the pendency of the Appeal;

c) To stay the operation of the impugned Order dated 20.09.2024;

d) To call for complete records and proceedings from the CGRF, Vasco; and

e) To set aside the impugned Order and allow the request for change of name retrospectively, or alternatively, to treat it as a fresh application for a new connection and recover any pending dues from the Intervener in view of his undertaking dated 11.11.2021.

The Appellant vide his application dated 25.08.2025 has submitted the Notice in Panchayat Appeal No BDOS-I/25/2024/08 dated 01.01.2025, Notice in Panchayat Appeal No BDOS-I/26/2024/06 dated 01.01.2025, Notice in Panchayat Appeal No BDOS-I/(155)/01/2025/08 dated 19.06.2025 and Compliance order passed in Appeal No. BDOS-I/(155)/01/2025/08 dated 19.06.2025 for cancellation of NOC No. VPCB/461/2018-19 dated 19.05.2018.

The Appellant vide application dated 23.09.2025 had filed following:

1. Memo seeking clarification for documents produced before the Appellate Authority behind the back of Appellant.
2. Application under Regulation 37(13) of JERC (CGRF and Ombudsman) Regulations 2024 read with section 42(6) of the Electricity Act 2003 read with section 102 & Section 141 of CPC for Admission/Denial of documents.

Both the documents were taken on record.

The Appellant vide application dated 10.10.2025 has filed an application Under Regulation 37(13) of JERC (CGRF and Ombudsman) Regulations 2024 read with section 42(6) of Electricity Act 2003 read with section 107(2), 108(b) and sec 141 of CPC for "Termination of Contract/Application Form/Notification No. 002000807928 dated 11.11.2021". The Application is taken on record.

The Appellant vide application dated 4.11.2025 has filed application for "CONSEQUENT AMENDMENT" as a consequence of Impleadment of Superintending Engineer, Circle-I (S) Margao as Respondent No 4 in CGRF Complaint No. 31/2024 under Regulation 37(13) of JERC (CGRF and Ombudsman) Regulations 2024 read with section 46(6) of Electricity Act read with Order VI, Rule-17 Read with Sec 107(2), 108(b) & Sec 141 of CPC.

The Appellant has also filed an application for Recall of Impugned Order dated 3.11.2025 passed by this Authority vide application dated 07.11.2025.

On 12.11.2025 the Appellant has submitted Written Arguments for Miscellaneous Application for Impleadment of proposed Respondent No 4 & 5 in Appeal Memo.

The Appellant vide his application dated 22.12.25 has filed an application for Impleadment of New proposed Respondents Mr. Randas Y Salelkar and Mr. Siddesh Velip under Regulation 37(13) of JERC (CGRF and Ombudsman) Regulations 2024 read with section 42(6) of Electricity Act 2003 Read with order Rule 10 Read with Sec 107(2), 108(b) and sec 141 of CPC.

The Appellant vide his email dated 12.01.2026 has also filed the Amended Complaint Memo dated 06.01.2026 and Amended Appeal memo dated 09.01.2026 which is taken on record.

The Appellant has filed another application vide email dated 01.02.2026 enclosing therewith the call recording and WhatsApp chat with Mr Siddesh Velip Assistant Engineer and Respondent No 3 in this case.

The Appellant vide his application dated 05.02.26 has filed another application seeking Inquiry/Investigation for Allegations made by Respondent No. 3 against the Appellant under Regulation 37(3) of JERC (CGRF and Ombudsman) Regulations 2024. Additionally, the Appellant has submitted his written arguments vide Email dated 18.03.2026 which is taken on record. Subsequently the Appellant vide his Email submitted a vigilance Inquiry notice No. ACB/VIG/Comp-17/2026/561/2006 dated 20.03.2026 issued by Shri Sameer M Haldankar, PSI/ACB/ Vigilance, Directorate of Vigilance, Anti-Corruption Branch, Government of Goa calling the Appellant to attend the office on 31.03.2026.

The Appellant vide his Email dated 18.03.26 has filed the written arguments in the main appeal which is taken on record. The Appellant, in their written arguments, besides other detailed arguments on the present appeal has made two glaring observations:

(I) The Appellant contended that the Forum's proceedings were biased and further alleged a lack of impartiality regarding the Independent Member.

(II) The Appellant has also alleged that this Authority is protecting the Independent Member of CGRF Goa

D. Submissions by the Respondents

Submissions by Respondent No. 3

The Respondent No 3 vide his Email dated 18.08.2025 has filed the parawise comments for the Appeal 241/2025 and Application for Interim relief filed by the Appellant.

The Respondents submits that the proceedings before the Block Development Officer (BDO) are entirely independent and have no nexus with the provisions of the Electricity Act, 2003 or the Joint Electricity Regulatory Commission (JERC) Regulations. Transfer or change of name in an electricity connection is governed

exclusively by the Electricity Supply Code, 2018 framed under the Electricity Act, and not by any orders or findings of the BDO.

It is further submitted that the Appellant has not produced any of the documents presently relied upon before the BDO in these proceedings. The BDO, in any case, lacks jurisdiction to adjudicate issues of ownership or title over immovable property, and such issues are irrelevant for determining consumer status or change of name under the Supply Code.

The Respondents contend that the Appellant has failed to establish how the BDO proceedings have any bearing on the order impugned before this Authority. On the contrary, transfer of an electricity meter must strictly comply with Regulation 5.87(1) of the JERC (Electricity Supply Code) Regulations, 2018.

The impugned order of the CGRF was passed on 20.09.2024. It was dispatched by Registered Post A/D on 04.10.2024 but returned with the remark "Unclaimed." As per settled law, such unclaimed postal communication amounts to valid service. The Appellant was also informed telephonically regarding the return of the order and was advised to collect it from the CGRF office, which he failed to do.

The Appellant neither collected a copy nor applied for a certified copy and filed the present Appeal only on 28.07.2025, after a delay of about 308 days. The explanation furnished, according to the Respondents, does not justify such an extensive delay.

They further submit that while the Appellant actively participated before the BDO, he neglected to pursue or collect the CGRF order in time. The Electricity Act, 2003 and JERC Regulations do not confer any power on the Ombudsman to condone delay. Reliance is placed on the judgment of the Appellate Tribunal for Electricity in *Odisha Power Transmission Corporation Ltd. v. Odisha Electricity Regulatory Commission & Ors.*, IA No. 46 of 2013 in R.P. (DFR) No. 165 of 2013 in Appeal No. 24 of 2011, wherein it was held that Section 5 of the Limitation Act does not apply to proceedings under the Electricity Act.

Accordingly, the Respondents contend that the present Appeal is barred by limitation and is not maintainable.

Without prejudice to the above, the Respondents submit as follows:

1. The Appellant does not qualify as a "consumer" within the meaning of Regulation 3(d) of the JERC (Consumer Grievances Redressal Forum & Ombudsman) Regulations, 2019, since there is no contractual relationship between the Appellant and the Respondents.
2. The existing connection stands in the name of Shri Dhananjai Chandrakant Shirodkar, who continues to be the registered consumer. The Appellant, being a third party, has no locus to seek transfer of the said connection in his own name.
3. The Appellant has not complied with the requirements prescribed under Annexure IV to Regulation 5.87(1) of the JERC Supply Code, 2018. In particular, no No Objection Certificate (NOC) from the existing consumer, no proof of ownership, and no document establishing lawful possession—such as a registered deed, lease, license, or succession certificate—have been furnished.
4. Annexure IV mandates proof of ownership or legal occupancy. Mere assertion of "settled possession" without valid documentary evidence is insufficient for transfer of connection.
5. Until such compliance, the Appellant cannot be treated as a consumer nor claim entitlement to transfer of the electricity connection.
6. Liability for payment of dues remains with the registered consumer, i.e., Shri Dhananjai Chandrakant Shirodkar, until lawful transfer is effected. The Appellant cannot compel the licensee to override the Supply Code or effect transfer in his favour without fulfilling statutory conditions.

In view of the above, the Respondents pray that this Hon'ble Authority may:

a) Dismiss the Appeal as barred by limitation.

b) Dismiss the Appeal on merits, as the Appellant has no enforceable right to transfer the connection in his name; and

c) Award costs in favour of the Respondents.

According to the Respondents, the following facts provide the background of ownership and occupancy of the premises:

- By a registered Agreement of Sale dated 25.04.2001, the owners Mr. Jose Mariano Pereira and Mrs. Maria Euridice Taveira De Azavedo agreed to sell two adjoining properties to M/s D'Sa Homes Estates, represented by its proprietor Mr. Pascolin D'Sa, who developed them into the residential-cum-commercial complex known as *Pash Beach Arcade*.
- Subsequently, by an Agreement for Construction and Sale dated 08.05.2002, Mr. Pritidas Prabhakar Lotliker (Assignor No.1) acquired rights in Flat No. BF-4 situated on the first floor of Block-B of the said complex.
- The property stands assessed to tax by the Village Panchayat of Benaulim, and the complex is managed by the Pash Beach Arcade Co-operative Housing Society Ltd. registered under No. HSG-(b)-764/South Goa/10 on 23.06.2010.
- The Assignor later transferred all rights, title, and interest in the flat to his sister and nephew (the present Assignees) for nominal consideration under a written agreement.

The Respondents submit that Shri Dhananjai Chandrakant Shirodkar, claiming to be the present owner of the premises under an Agreement of Transfer and Assignment dated 22.12.2016, filed an intervention application before the CGRF on 27.08.2024 in respect of the connection under CA No. 60008114898. He also initiated eviction proceedings against the Appellant.

The CGRF, by its order dated 20.09.2024, recorded that Shri Shirodkar had permitted the Appellant, Mr. Sushant Ray, to occupy the premises under a Leave and License Agreement dated 17.07.2018 for 11 months at a monthly license fee

of ₹11,000/-. The Appellant defaulted in payment from May/June 2019 onwards and continues to occupy the premises without authority.

According to the Respondents, these facts demonstrate that the Appellant entered the premises as a licensee under Shri Shirodkar and has never been recognized as a consumer by the electricity department. The connection has consistently remained in the name of the registered consumer, and the Appellant never objected to this position until the filing of the present complaint

The Respondent No 3 vide his Email dated 11.09.2025 has submitted the complete connection file submitted by the Appellant for the purpose of Name Change in the name of Appellant from the name of Mr. Dhananjay Shirodkar.

Further vide reply dated 20.01.26 Respondent No. 3 has filed the following submissions in response to the Amended Complaint Memo dated 06.01.2026 and Amended Appeal memo dated 09.01.2026 which are placed on record for consideration by this Authority.

It is submitted:

- That the Appellant is trying to stretch the litigation beyond the ambit of law.
- That the Electricity Department is not concerned with the rivalry between the alleged tenant (Appellant in this case) and the owner of the premise. The Department shall abide by the orders passed by this Authority with regard to the transfer of name of electricity connection.

  The Respondent No. 3 vide his application dated 03.02.2026 has submitted that the Appellant is trying to falsely implicate him with fabricated chats on the notepad. However, the Call recording and voice chat is kept in record.

Submissions by Respondent No. 4

The Respondent No. 4, through these written submissions, submits as under:

1. At the outset, it is submitted that the Appellant has no cause of action whatsoever to implead Respondent No. 4 in the present proceedings. The Impleadment is misconceived, untenable in law, and liable to be rejected at the threshold.

2. The issues raised in the present appeal were never brought to the notice of Respondent No. 4 at any stage prior to the present proceedings, nor does the record disclose any act or omission attributable to Respondent No. 4 in relation to the subject matter before this Hon'ble Ombudsman.
3. The Appellant has failed to plead any specific cause of action against Respondent No. 4 either in the original complaint or in the amended pleadings. In the absence of foundational pleadings, the continuation of proceedings against Respondent No. 4 is impermissible in law.
4. It is further submitted that Respondent No. 4 cannot be impleaded in his personal capacity for actions performed strictly in his official capacity, whether as State Public Information Officer (SPIO) or as First Appellate Authority (FAA) under the Right to Information Act, 2005.
5. The impleadment of Respondent No. 4 in personal capacity for acts done in discharge of statutory and official functions amounts to a clear abuse of the process of law, is contrary to settled legal principles, and deserves to be deprecated.
6. Without prejudice to the above, it is submitted that:
    - Respondent No. 4 returned the First Appeal under Section 19(1) of the RTI Act vide letter No. SE-I/Tech-131/1957/2024-25 dated 10.10.2024 strictly in his capacity as the First Appellate Authority, and not as Superintending Engineer.
    - The said action was challenged by the Appellant by way of Second Appeal No. 270/2024/SIC before the Goa State Information Commission, which stood dismissed on 03.03.2025, thereby attaining finality.
    - The letter bearing No. SPIO/EE-XVI/RTI-165/219/309/2021-22 dated 16.02.2022 was issued by Respondent No. 4 in his capacity as SPIO for the office of Executive Engineer, Division-XVI, Margao, while holding additional charge during the relevant period.

7. Respondent No. 4 respectfully relies upon the judicial precedents and findings already referred to and relied upon in the Order dated 03.11.2025, which clearly recognize that actions taken by Respondent No. 4 were in official statutory capacity under the RTI Act and not in any personal or executive capacity.
8. It is further submitted that Page No. 7 of the application seeking recall of the impugned Order dated 03.11.2025 passed by the Learned Electricity Ombudsman was never served nor emailed to Respondent No. 4, thereby causing serious procedural prejudice.
9. In view of the above facts and settled legal position, it is most respectfully prayed that Respondent No. 4 be dropped from the array of parties, as no relief can be claimed or granted against him in the present proceedings.

Further vide reply dated 20.01.2026 Respondent No. 4 has filed the following submissions in response to the Amended Complaint Memo dated 06.01.2026, which are placed on record for consideration by this Authority:

With reference to Paragraph 5-C of the Amended Complaint Memo, it is submitted that the letter bearing No. SPIO/EE-XVI/RTI-165/219/309/2021-22 dated 16.02.2022 was issued by Respondent No. 4 strictly in the capacity of State Public Information Officer (SPIO) for the office of the Executive Engineer, Division-XVI, Margao, as no regular Executive Engineer was posted during the said period.

In so far as Paragraph 5-D is concerned, it is submitted that the RTI reply bearing No. SPIO/XVI/RTI-165/322/415/24-25 dated 11.09.2024 was issued by the SPIO, Office of the Executive Engineer, Division-XVI, Margao under the provisions of the RTI Act. Respondent No. 4 submits that he had no direct or indirect role in the issuance of the said reply. Consequently, the allegation of collusion between Respondent No. 4 and Respondent Nos. 2 and 3 to favor the intervenor in CGRF Complaint No. 31/2024 is denied as incorrect, unfounded, and unsupported by any material on record.

In respect of Paragraph 5-E, Respondent No. 4 submits that the RTI First Appeal was dealt with in the capacity of First Appellate Authority under the RTI Act. The said appeal was not entertained as the applicant in the First Appeal was not the same person who had sought information in the original RTI application, in accordance with the statutory scheme of the RTI Act.

With reference to Paragraph 5-K, it is submitted that matters relating to change of name are processed independently by the Assistant Engineer (Commercial) of the concerned Sub-Division, strictly in accordance with the Supply Code, 2018 and departmental rules in force. Respondent No. 4 has no direct role in processing such applications, nor is such function performed under his control or supervision. Accordingly, the alleged involvement of Respondent No. 4 in the said process is denied.

In relation to the allegations contained in Paragraph 6.16, Respondent No. 4 submits that the same are factually incorrect, misconceived, and legally untenable. Respondent No. 4 has not, in any manner, acted so as to affect the legal or fundamental rights of the Appellant at any point of time since 2022.

At the outset, Respondent No. 4 denies all averments, allegations, and contentions made in the Amended Complaint Memo insofar as they relate to him, as being incorrect, misleading, and not borne out from the official records.

It is further submitted that Respondent No. 4 has discharged his duties strictly in accordance with the provisions of the Electricity Act, applicable rules, regulations, and departmental guidelines prevailing at the relevant time. All actions taken were based on official records, inspection reports, and recommendations of the field officers, and no action was taken arbitrarily or with any mala fide intent.

Respondent No. 4 submits that he has no personal interest in the subject matter of the dispute and has acted purely in an official and statutory capacity while discharging his responsibilities.

It is accordingly submitted that Respondent No. 4 has neither exceeded his jurisdiction nor violated any prescribed procedure. No cause of action arises against Respondent No. 4, and the appeal/complaint, insofar as it relates to Respondent No. 4, deserves to be rejected.

E. Proceedings

- Hearings dated 10.09.2025 and 19.09.2025
- I heard both parties at length through video conference. The Appellant, Mr. Sushant Ray, appeared in person, while the Respondent Electricity Department was represented by Mr. Siddesh Velip, Assistant Engineer, Sub-Division No. 1, Division-VI, Goa.
- During the course of the hearing, the Complainant used intemperate language and displayed aggressive behaviour despite repeated directions to maintain decorum. The same is noted on record. Despite being cautioned more than once to maintain decorum, he continued to argue in the same manner.
- The Appellant contended that this forum has no jurisdiction to examine issues relating to the title of the property, which are already sub judice before a competent civil court in Goa.
- The Appellant initially claimed to occupy the premises without documentation. However, records of the Ld. CGRF establish that a Leave and License Agreement dated 17.07.2018 exists between Mr. Dhananjay Shirodkar and the Appellant, under which he occupied the premises for eleven months on a monthly license fee of ₹11,000/-. He admitted that he stopped paying the license fee from May/June 2019 and defaulted in payment of electricity charges from September/October 2024, contending that the bills stood in another person's name. He confirmed that he is the sole user of the electricity connection standing in the name of Mr. Dhananjay Shirodkar but has refused to pay the bills on the ground that the connection is not in his name.
- The Appellant submitted that disconnection notices issued for non-payment of regular consumption bills amount to harassment.

- On 19.09.2025, the Appellant submitted a list of judgments of the Hon'ble Supreme Court and various High Courts on which he relied.
- The Respondent, represented by Mr. Siddesh Velip, stated that the Appellant has not produced any document proving ownership or lawful occupancy of the premises, a mandatory requirement for change of name in the electricity connection. In the absence of such proof, the request cannot be processed. He submitted that the Appellant cannot claim "settled possession" without a declaration from a competent court.
- During the hearing, this forum directed the Respondent to produce the complete case file relating to CA No. 60008114898, covering the chain of documents from Mr. Pritidas Prabhakar Lotliker to Mr. Dhananjay Shirodkar and then to the Appellant. The Respondent submitted the file through email dated 11.09.2025, which was taken on record.
- Examination of the record revealed that the PASH BEACH ARCADE CO-OPERATIVE HOUSING SOCIETY (Regd.) recognizes Mr. Pritidas Lotliker as a bona fide member under Share Certificate No. 25 dated 15.07.2010 for five shares of ₹50 each (Nos. 0121–0125). The membership was later transferred to Ms. Sharayu Chandrakant Shirodkar and Mr. Dhananjay Shirodkar for five shares numbered 0331–0335 on 15.07.2010.
- The Appellant expressed readiness to pay all charges if bills were issued in his name. He referred to an order passed by the 1st Appellate Authority under Section 19(1) of the RTI Act, 2005, holding that the documents he sought had been dispatched to an incorrect address.
- The Appellant requested inspection of the relevant file, which his Authorized Representative, Shri Preetam Mirjankar, later carried out. The Appellant objected to the inspection, claiming he had yet to receive complete documents at his correct address. He sought ten days' time to file his written arguments, which was allowed.

- The Appellant subsequently sought adjournment on health grounds through email. The hearing was accordingly rescheduled for 13.10.2025.
- On 09.10.2025, the Respondent informed that the Assistant Engineer, S/Div-1, Division-XVI, had been deputed to a three-day residential program in Hyderabad from 14–16 October 2025, and requested adjournment. The hearing was rescheduled for 22.10.2025.
- On 22.10.2025, the Appellant submitted an application seeking Impleadment of the Superintending Engineer, Circle-I(S), Margao, as proposed Respondent No. 4 in CGRF Complaint No. 31/2024 and also sought to strike out existing Respondent No. 4 while adding new Respondents No. 4 and 5 in Appeal No. 241/2025. He also cited a Bombay High Court judgment on Impleadment at the appellate stage and sought permission to amend his original Appeal Memo.
- The Appellant submitted additional emails on 23.09.2025, 30.09.2025, 10.10.2025, and 21.10.2025 seeking clarifications, admission or denial of documents, and termination of contract related to Notification No. 002000807928 dated 11.11.2021. He requested to present these documents in chronological order along with the revised Appeal Memo.
- Permission to file the revised Appeal Memo was granted. The Appellant was directed to submit it by 27.10.2025 with a copy to the Respondent, who could file a reply by 30.10.2025.
- The Appellant confirmed receipt of the documents sought under his RTI application. However, on 27.10.2025, he informed that due to incomplete records from the offices of SE-I(S), EE-XVI, and AEE-XVI, he could not finalize the amendments.
- On 03.11.2025, this forum passed an order allowing Impleadment of the Superintending Engineer but rejecting the request to implead the Independent Member of CGRF, Goa, holding that CGRF is a statutory quasi-judicial body under Section 42(5) of the Electricity Act, 2003, and its members cannot be

made parties to proceedings merely because a litigant is dissatisfied with their adjudication.

- On 04.11.2025, the Appellant filed another application seeking consequential amendments under Regulation 37(13) of the JERC (CGRF and Ombudsman) Regulations, 2024 read with Section 42(6) of the Electricity Act, 2003 and Order VI Rule 17 of the CPC. The application was taken on record.
- The Appellant sought leave to amend the representation to include additional grounds and factual clarifications. Although the Electricity Act, 2003 and the JERC Regulations govern Ombudsman proceedings, the procedural principles of the Code of Civil Procedure may guide adjudication where the Regulations are silent or confer discretion.
- Order VI Rule 17 CPC allows amendment of pleadings at any stage, provided due diligence is shown. In this case, the proposed amendment does not change the nature of the dispute but elaborates on existing claims. The Appellant demonstrated that the facts sought to be added were not within his knowledge when he filed the appeal.
- Section 141 CPC extends procedural norms to all civil proceedings. Being a quasi-judicial appellate authority, the Ombudsman may adopt such principles to ensure fairness and complete adjudication. Sections 107(2) and 108(b) CPC further support this approach by allowing appellate forums procedural flexibility similar to trial courts.
- Accordingly, in the interest of justice and without causing prejudice to the Respondent, the prayer for amendment is allowed. The amended representation is taken on record, and the Respondent may file a supplementary reply, if necessary, within the time granted.
- The amendment permitted by this forum neither alters the fundamental nature of the dispute nor introduces a new cause of action. It only clarifies existing facts and grounds. The Respondent has adequate opportunity to respond, and no vested right or substantive defence is affected. Allowing such

amendment serves the ends of justice, ensures comprehensive adjudication, and prevents multiplicity of proceedings. Hence, no prejudice is caused to the Respondent.

Upon careful consideration of the submissions, documents, and applications filed by both parties, it is evident that the proceedings have been conducted in accordance with the principles of natural justice. Each party received reasonable opportunity and time, to present its case, produce records, and respond to the submissions of the other. The procedural directions issued during the course of the hearings were aimed at ensuring a fair, complete, and transparent adjudication of all relevant issues. The forum has examined each application on its legal merits, maintaining neutrality and adherence to statutory and regulatory provisions.

Proceedings on 12.11.2025

Mr. Rajiv R. Samant, Superintending Engineer, Circle-I, Electricity Department, joined the proceedings as Respondent No. 4. Respondent No. 4 submitted an application in response to this Authority's order dated 03.11.2025. The application is taken on record. He submitted that the Appellant has disclosed no cause of action to implead him as a Respondent in the present case and that he has not been supplied with a copy of the Complaint and other documents along with the notice, thereby disabling him from filing an effective reply.

The Appellant raised his concern regarding the pending application for condonation of delay in filing the present representation dated 28.07.2025. He has also filed—

(i) An application dated 07.11.2025 seeking recall of the order dated 03.11.2025,

(ii) An application for consequent amendments vide email dated 03.11.2025, and

(iii) An application dated 12.11.2025 submitting written arguments in the miscellaneous application for Impleadment of proposed Respondents No. 4 and 5.

Condonation of Delay:

The Appellant has filed this representation against the order dated 20.09.2024 passed by the Learned CGRF, Goa. The record shows that the order, though dispatched on

01.10.2024, was returned marked "Unclaimed." The Appellant subsequently obtained a scanned copy of the order on 24.07.2025. Treating that date as the date of actual receipt, and considering the bona fide explanation offered, this Authority finds sufficient cause to condone the delay under Regulation 36(f) of the Joint Electricity Regulatory Commission (CGRF & Ombudsman) Regulations, 2024. The delay of approximately 308 days is accordingly condoned. The representation is deemed to have been regularly admitted as of 10.09.2025, when the proceedings commenced, for adjudication on merits. The case shall proceed as Case No. 241 of 2025.

Miscellaneous Applications:

The Appellant's application dated 07.11.2025 seeks recall of this Authority's order dated 03.11.2025, whereby the Application for Impleadment was disposed of — allowing the Impleadment of the Superintending Engineer, Electricity Department, as Respondent No. 4, and rejecting the prayer to implead the Independent Member of CGRF, Goa.

After hearing the Appellant and examining the record, this Authority finds no jurisdictional infirmity, procedural irregularity, or error apparent on the face of the record to warrant recall. The grounds urged relate to the merits of reasoning, not to any circumstance recognized by the Hon'ble Supreme Court in Sri Budhia Swain v. Gopinath Deb, AIR 1999 SC 2089, as justifying recall. Accordingly, the Miscellaneous Application for Recall of the Order dated 03.11.2025 stands dismissed.

The application for Consequent Amendments is taken on record for all future proceedings. A copy of the said amendments shall be forwarded to Respondents No. 2 and 3 for filing their replies within the prescribed period.

The written arguments filed by the Appellant in the miscellaneous application for Impleadment of proposed Respondents No. 4 and 5 are also taken on record. Since the Impleadment of the Superintending Engineer, Circle-I, Electricity Department, as Respondent No. 4 has already been allowed, and the Impleadment of the Independent Member, CGRF, Goa, has been rejected, no further orders are required. The application is accordingly disposed of.

Accordingly,

The delay in filing the representation stands condoned.

The recall application is dismissed.

The applications for consequent amendments and written submissions are taken on record.

The Registry shall place this order in the main appeal file and inform the parties accordingly.

Next Date of Hearing: 20.11.2025 at 02:30 PM.

Hearing on 20.11.2025

In continuation to Hearing on 12.11.2025 the Appellant appeared and sought clarification regarding the status of his application dated 04.11.2025 for "Consequent Amendments," stating that he would file the Amended Appeal Memo only upon its allowance. This Authority clarified that the said application already stood allowed vide Order dated 12.11.2025. The Appellant further requested copies of the Daily Order Sheet (pages 1 to 7), which was allowed, with directions to supply the same by 21.11.2025. The Appellant was directed to file the Amended Appeal Memo on or before 27.11.2025. The matter was accordingly posted.

The matter was taken up for hearing on 27.11.2025. The Appellant filed the Amended Complaint Memo via email dated 27.11.2025 and confirmed service upon the Respondent, which the Respondent acknowledged. The Appellant submitted that certain documents relevant to the amended pleadings were still awaited from the office of the Executive Engineer. The Respondent representative stated that the documents had been forwarded internally and sought additional time to furnish the same.

Upon perusal, this Authority noted an incorrect reference to the superseded 2009 Regulations in the Amended Complaint Memo. The Appellant clarified that the same was a typographical error and requested correction to the applicable 2024

Regulations, which was allowed. The corrected Amended Complaint Memo was taken on record.

This Authority clarified that the amendments shall remain confined to clarification or improvement of existing grounds and shall not alter the nature of the case or introduce any new cause of action. The Respondent was directed to supply all pending documents by 28.11.2025, and the Appellant was directed to file the complete Amended Appeal Memo along with supporting documents by 02.12.2025.

The Appellant vide Lis Email dated 1.12.2025, 2.12.2025, 8.12.2025, 11.12. 2025, and 15.12.2025 requested the Respondent No-3 to submit the balance documents as decided before the 1stAppellant. Finally, the Appellant wide his Email dated 16.12.2025 Confirmed that he has received all the papers by post and orders dated 27/11/25 have been complied by the Respondent No. 3 vide his Email dated 11/12/2025 confirmed that he has submitted all the required documents to Respondent No. 2 in the capacity Respondent No. 3.

All these communications are taken on record.

The Appellant's application dated 22.12.2025 seeking impleadment of Shri Ramdas Y. Salelkar and Shri Siddesh Velip in their personal capacity, along with his email dated 16.12.2025 alleging delayed compliance of the order dated 27.11.2025, and the application for consequential amendments, were considered together.

The Appellant alleged delay, interpolation of records, and sought personal Impleadment on the apprehension of transfer of officers. Respondent No. 3 submitted that all actions were taken in official capacity and that he had complied with directions.

This Authority held that proceedings under Section 42(6) of the Electricity Act, 2003 lie against the licensee in its institutional capacity and that the officers are already before this Authority in their official roles. The apprehension of transfer was found to be speculative. Accordingly, the application for impleadment was dismissed.

While no mala fides were established in respect of delay, this Authority issued procedural directions for submission of unmasked documents, disclosure of dealing officers, and inspection of the premises to ensure complete adjudication.

The Appellant was permitted to file the Amended Appeal Memo within the prescribed time, limited to clarification of existing grounds without altering the nature of the dispute.

The Appellant filed an Amended Complaint Memo vide email dated 06.01.2026 and an Amended Appeal Memo vide email dated 12.01.2026. Copies were forwarded to Respondent Nos. 3 and 4, who filed their replies on 20.01.2026. The pleadings and replies were taken on record.

The matter was heard on 02.02.2026 through video conferencing. The Appellant submitted that certain applications remained pending and also sought to place additional material (WhatsApp messages and voice recording) on record. He was directed to file an undertaking regarding the authenticity of the said material.

Respondent Nos. 3 and 4 were granted liberty to file additional replies. On request of Respondent No. 4, a copy of the order dated 22.10.2025 was directed to be supplied. The matter was adjourned and listed for 05.02.2026.

The present appeal remained pending before this Authority, during which the Appellant filed three interlocutory applications relating to (i) clarification regarding documents, (ii) admission/denial of documents, and (iii) termination of the contract/application form.

As the issues were interrelated, all three applications were considered together and disposed of by a common order. This Authority clarified that no document shall be relied upon without being part of the record and shared with parties, and that admissibility and evidentiary value of documents shall be examined at the stage of final adjudication. The reliefs sought in the application for termination of contract were held to involve substantive issues and were deferred for consideration at the final stage.

It was further clarified that no status quo direction, as alleged by the Appellant, was issued on 19.09.2025. All observations were confined to disposal of the interlocutory applications, and all issues on merits were kept open.

F. FINDINGS AND ISSUE-WISE ANALYSIS

After examining the records and hearing both parties, the central issue emerging for consideration is whether the findings of the Learned CGRF, Vasco, in its Order dated 20.09.2024 suffer from legal or procedural infirmities warranting interference under Section 42(6) of the Electricity Act, 2003 read with the applicable JERC Regulations. The Appellant's grievance primarily concerns the reliance placed by the CGRF on documents submitted by a rejected intervener and the consequent inference drawn on ownership and title, matters admittedly beyond the jurisdiction of the CGRF. It is, therefore, necessary to assess whether such reliance materially affected the outcome of the proceedings and whether the impugned order has resulted in denial of justice or misapplication of law.

In the present case, the principal issues for determination are:

Scope of Adjudication

At the outset, it is clarified that the jurisdiction of this Authority under Section 42(6) of the Electricity Act, 2003 is confined to adjudication of consumer grievances against the distribution licensee. This Authority does not adjudicate disputes relating to title, ownership, or validity of civil documents, which fall within the domain of competent civil courts, as settled in *Shyam Telelink Ltd. v. Union of India*, (2010) 10 SCC 165.

Accordingly, the issues raised are examined only to the extent they bear upon the legality, procedural propriety, and regulatory compliance of the actions of the Respondents.

Issue No. 1: Limitation

The impugned order was passed on 20.09.2024 and dispatched on 04.10.2024. The postal article was returned as "Unclaimed," which constitutes valid service

in law. The present Appeal has been filed on 25.07.2025 with a delay of approximately 308 days.

The Electricity Act, 2003 and the applicable JERC Regulations do not provide for condonation of delay. In *Odisha Power Transmission Corporation Ltd. v. OERC* (APTEL), it has been held that Section 5 of the Limitation Act is inapplicable unless expressly incorporated.

Accordingly, the Appeal is barred by limitation.

However, considering the consumer-centric nature of proceedings under Section 42(6), the matter has also been examined on merits to avoid denial of substantive justice on technical grounds.

Issue No. 2: Locus Standi and Status of the Appellant as "Consumer"

Under Section 2(15) of the Electricity Act, 2003 read with Regulation 2(e) of the JERC Regulations, a "consumer" is a person supplied with electricity under a subsisting agreement.

In the present case:

- The electricity connection stands in the name of Shri Dhananjai Shirodkar.
- The Appellant has no privity of contract with the Licensee.
- The Appellant entered the premises under a Leave and License Agreement for a limited duration, which has expired. The Leave and License Agreement has been signed between Mr Dhananjai Shirodkar as Licensor and Mr Sushant Ray as Licensee.
- While applying for Name change, he has not submitted the Leave and License Agreement along with his application.

The Hon'ble Supreme Court in *MSEDCL v. Lloyds Steel Industries Ltd.*, (2007) 8 SCC 381 has held that existence of a consumer relationship is a precondition for invoking grievance redressal.

Mere use of electricity supplied to another consumer does not confer the status of a "consumer".

Accordingly, it is held that the Appellant:

- Is neither a consumer nor a recognized prospective consumer.
- Lacks locus standi to maintain the present Appeal.

The Appeal is therefore not maintainable on this ground alone. Nevertheless, remaining issues are examined for completeness.

Issue No. 3: Relevance of Title/Ownership Disputes

The Appellant has challenged the validity of documents such as NOCs, tax receipts, and ownership records relied upon by the Respondents.

This Authority holds that:

- Disputes relating to title, ownership, or validity of property documents fall outside its jurisdiction.
- Electricity authorities cannot adjudicate such disputes, as reaffirmed in *Shyam Telelink Ltd.* (supra) and *Paschim Gujarat Vij Co. Ltd. v. State of Gujarat* (Gujarat High Court).

Accordingly:

- The Appellant's contentions on title are not adjudicated;
- Such arguments are relevant only to limited procedural scrutiny, not to determination of civil rights.

Issue No. 4: Entitlement to Electricity Supply vis-à-vis Ownership

The Appellant has argued that electricity supply cannot be denied due to ownership disputes and that an "occupier" is entitled to supply.

This Authority accepts the principle that:

- Electricity supply is not contingent upon adjudication of ownership.
- The term "occupier" has a wider connotation.

However, as held in *Paschimanchal Vidyut Vitran Nigam Ltd. v. DVS Steels*, (2009) 1 SCC 210:

- The right to electricity is statutory but subject to compliance with the Supply Code.

Accordingly:

- Ownership is not determinative.

- However, compliance with regulatory requirements (including documentation) remains mandatory.

In view of the judgement passed by Hon'ble Apex Court in the case titled as Dilip (Dead) Through LRS v. Satish & others SLP No.8917 of 2019 on 13.05.2022 held that electricity is a basic amenity, and the occupier cannot be denied the same. Relevant portion of the judgment is reproduced herein below:

- *It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine whether the applicant for electricity connection is in occupation of the premises in question.*
- In another case, Division bench of Hon'ble High Court of Calcutta in the matter of Santosh Jaiswal Vs CESC Limited in WP No 3794 (W) of 2008 decided on 22.07.2008 wherein, while interpreting the scope of Section 43 of the Electricity Act in the light of section 12 (6) of The Indian Electricity Act, 1910, the High Court of Calcutta dealt with the issue as under: -
- *Applying the literal rule, there appears to be no doubt that an occupier of a premises meaning thereby a person in possession thereof, in terms of section 43 of the new Act, is entitled to supply of electricity on request being made to the licensee and once electricity is supplied and he bears the charges therefore, he becomes a consumer of electricity. The duty of the licensee is to supply electricity, i.e., sell electricity. However, duty and/or obligation of the licensee to ascertain whether the prospective consumer is in lawful occupation or not is not discerned in the statutory provisions.*

In this case he is getting continuous un-interrupted power supply and the registered consumer has never disconnected his power supply but the Appellant is pressing hard for Name Change in his name. The Leave and License Agreement lapsed in August 2024 and not renewed. The Licensor has filed an eviction case in the Civil Court and the same is still pending. Moreover, there was no clause in

the Leave and License Agreement that the owner shall provide him an electricity connection in his (Licensee) own name. On the contrary, the Appellant on his own stopped paying for the electricity consumed by him since September 2024 and creating liability for the Licensor.

Issue No. 5: Compliance with Supply Code (Regulation 5.87 and Annexure IV)

Regulation 5.87(1) of the JERC Supply Code, 2018 requires:

- Proof of ownership or lawful occupancy; and
- Consent/NOC of the existing consumer for transfer of connection.

In the present case, the Appellant has failed to produce:

- Valid proof of lawful occupancy in the relevant legal sense; and
- Consent/NOC from the registered consumer.

The reliance placed on judgments permitting supply without NOC relates to fresh connections, not transfer of existing connections, which is governed by specific procedural requirements.

Accordingly, there is non-compliance with mandatory regulatory provisions.

Issue No. 6: Effect of Proceedings before BDO/Panchayat Authorities

The Appellant has relied upon orders of Panchayat/BDO authorities to challenge the Respondents' actions.

This Authority holds that:

- Such proceedings pertain to revenue/property matters.
- They do not determine rights under the Electricity Act or Supply Code.

Accordingly, such proceedings have **no determinative bearing** on the present adjudication because even if consider the action of Ld. BDO regarding cancellation of House Tax, Mr Dhananjai Shirodkar was having valid NOC issued by Mr. Pritidas Lolitkar, he was in possession of this premise and there is no objection raised by any Authority on that date. For almost one full year the Appellant has also followed all the terms and condition considering the Licensor as the owner.

Issue No. 7: Conduct of the Appellant and Compliance with Payment Obligations

The record shows that:

- The Appellant entered the premises under a Leave and License Agreement.
- He undertook to pay electricity charges directly to the Distribution Licensee
- He has defaulted in payment of dues from September 2024 onwards while continuing to consume electricity.

The Appellant has sought to condition payment upon transfer of connection, which is not legally sustainable.

Such conduct:

- Violates contractual obligations.
- Results in accumulation of liability in the name of the registered consumer.

Accordingly, the Appellant cannot claim equitable relief while remaining in **continued default**.

Issue No. 8: Bona Fides of the Request for Name Transfer

The Appellant seeks transfer of connection without:

- Establishing legal entitlement.
- Complying with regulatory requirements.
- Maintaining payment discipline.

Courts have consistently held that electricity connections cannot be used to assert or strengthen property claims.

Accordingly, the request for transfer is found to be:

- Premature, and
- Lacking in bona fides.

Issue No. 9: Alleged Procedural Irregularities, Bias, and Inconsistency

The Appellant has alleged:

- Procedural irregularity,
- Inconsistent stand of Respondents, and
- Bias/maladministration.

This Authority finds:

- No material on record establishing mala fides or bias.
- Variations in submissions do not vitiate proceedings unless prejudice is demonstrated.

Accordingly:

- Allegations of bias and maladministration are rejected for want of substantiation;
- Procedural objections are addressed through directions already issued.

Issue No. 10: Objection to Roving Enquiry

The Appellant has objected to any enquiry beyond pleadings.

This Authority clarifies that:

- It does not undertake roving enquiry.
- However, it is empowered to call for records necessary for adjudication.

All material relied upon is subject to natural justice safeguards.

Issue No. 11: Entitlement to Relief

In view of the findings above:

- The Appeal is barred by Limitation.
- The Appellant lacks locus standi.
- There is non-compliance with the JERC (Electricity Supply Code) Regulations 2018.
- Relief sought involves issues beyond jurisdiction.

Accordingly, the Appellant is not entitled to the relief sought.

However, considering that electricity is an essential service:

- Supply shall not be disrupted subject to payment of dues.
    - Pending dues (up to date) to be cleared in 15 days from the date of issue of this order.

- Regular payment of bill as and when raised by the Distribution Licensee)
- Non-payment shall attract action under Section 56(2) of the Electricity Act, 2003.

The Appellant is at liberty to:

- Apply afresh for a new connection or transfer in accordance with law, supported by requisite documents.

Concluding Observations

The findings recorded herein:

- Are confined to the jurisdiction under Section 42(6).
- Do not adjudicate title or ownership disputes.
- Are based on the record and applicable statutory framework.

All contentions not expressly decided are kept open. This Authority has applied its independent mind, confined itself to the statutory framework, adhered to principles of natural justice, and passed the present findings without being influenced by any extraneous considerations.

G. Decision

For the reasons stated above:

The Appeal fails on merits as an eviction suit has been filed by Mrs. Sharayu & Mr. Dhananjai Shirodkar against the present complainant/Appellant in the Court of Law which is still pending in the Margao Civil Court vide case No RCS/221/2024. As per court records the N.D.O.H is 18.06.2026.

In accordance with the Regulation 36 (1) c which states that: -

Pre-conditions/ limitations for entertaining complainant's representation: -

(1) The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied that: -

a. ...

b. ...

c. *the representation by the complainant, in respect of the same grievance, is not pending in any proceedings before any court, tribunal or 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.*

Given that an eviction suit between the parties is pending before a competent Civil Court (MARGAON CIVIL AND CRIMINAL COURT, SOUTH GOA), this Authority must refrain from granting relief that may prejudice those proceedings. Electricity connection disputes cannot be used to pre-empt or influence civil adjudication.

As such the present appeal is dismissed

The delay in filing is condoned in the interest of justice.

The Appeal is admitted but fails on merits.

The orders passed by the Ld. CGRF Goa are upheld.

The Appeal is barred by limitation but has been examined on merits in the interest of justice.

Regarding the Appellant's submission concerning the conduct or impartiality of the Independent Member of the CGRF, this Authority observes that the Ombudsman's review is confined to the merits of the grievance and the adherence to the Electricity Act, 2003 and JERC (Electricity Supply Code) Regulations 2018. Allegations of bias must be substantiated with specific instances of procedural deviation. Upon review of the record, the CGRF's decision is evaluated herein based strictly on regulatory compliance and the evidence presented, independent of the individual members involved."

After considering the pleadings, documents, and oral submissions of both parties, and upon examination of the record, this Authority concludes as follows:

1. The present Appeal, filed against the order of the Learned CGRF, Vasco dated 20.09.2024, suffers from delay of approximately 308 days. Although the Electricity Act, 2003 and JERC Regulations do not specifically permit condonation of delay, the matter has been examined on merits to advance consumer justice.

2. The Appellant does not qualify as a consumer under Section 2(15) of the Electricity Act, 2003 or Regulation 2(e) and 2(g) of the JERC (CGRF and Ombudsman) Regulations, 2024, as no subsisting supply agreement exists between the Appellant and the Distribution Licensee.
3. The Appellant has not complied with the procedural requirements of Regulation 5.87(1) read with Annexure IV of the JERC Electricity Supply Code, 2018, which mandate submission of proof of ownership/legal possession and consent from the existing consumer for name transfer.
4. The electricity authorities, including the Ombudsman, have no jurisdiction to adjudicate ownership or title disputes relating to immovable property. Any such dispute must be raised before the competent Civil Court/Forum.
5. The record establishes that the Appellant occupied the premises under a Leave and License Agreement with the registered consumer, *Mr. Dhananjai Shirodkar*, for a fixed term of eleven months, which has since expired. During its subsistence, the Appellant was obligated to pay the electricity consumption charges, which he ceased to pay from September 2024 onwards, in violation of contractual and statutory obligations.
6. The Appellant's reliance on the right to electricity under Article 21 of the Constitution and Section 43 of the Electricity Act, 2003 does not extend to a right of substitution of name in the licensee's records. Supply of electricity remains subject to compliance with statutory and regulatory conditions.
7. The request for transfer of the existing connection into the Appellant's name is, therefore, rejected.

   However, in the interest of equity and to avoid disruption of essential supply, it is directed that the electricity connection presently being availed by the Appellant through Consumer Account No. 60008114898 shall not be disconnected if the Appellant clears all arrears within thirty (15) days and continues to pay all current bills from the date of this order.

In the event of continued default, the Distribution Licensee shall be at liberty to proceed under Section 56(2) of the Electricity Act, 2003 read with the JERC Electricity Supply Code, 2018, after due notice if not already served.

8. This order shall not preclude the Appellant from submitting a fresh application for transfer or new connection in accordance with Regulation 5.87(1) read with Annexure IV of the JERC Electricity Supply Code, 2018. If such application is filed along with requisite documents, the Respondent-Distribution Licensee shall examine and dispose of it in accordance with law and without being influenced by dismissal of this Appeal.
9. The records of the CGRF, Vasco, if received, may be returned to that Forum after expiry of the statutory appeal period.
10. In view of the findings recorded above, the Appeal fails on merits.
11. The CGRF order dated 20.09.2024 is upheld.
12. The Appellant is, however, granted liberty to apply afresh for transfer or new connection as per the JERC (Electricity Supply Code) Regulations 2018, upon compliance with prescribed requirements.
13. A certified copy of this order be sent to the Appellant and Respondent(s) for compliance.
14. With this the present appeal is disposed of.

30/3/26

(C M SHARMA)
Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated: 30.03.2026