

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,
Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in

Appeal No.141 of 2021

Date of Order: 17.05.2021

Vidya Vikas Co-operative Housing Society,
Margao – Goa.

.... Appellant

Versus

The Chief Electrical Engineer,
Electricity Department,
Goa

.... Respondents

Parties representing:

Appellant

1. Shri Kiran V Naik
Appellant's representative

Respondent(s)

1. Shri Alvito Fernandes
Executive Engineer



Date of Order: 17.05.2021

The Appellant has preferred an Appeal against the order of the Hon'ble CGRF-Goa Order in CC-11/2021/263 dated 08/03/2021 filed by M/s Vidya Vikas Co-operative Housing Society Limited. The Appeal was provisionally admitted on 26.03.2021 as Appeal No.141 of 2021. Copy of the same as received was forwarded to the respondents with a direction to submit their remarks/ counter reply on each of the points. Appellant was also requested to attend the shortcomings, which they never attended despite reminders. However on 11.05.2021, they submitted an email to withdraw the Appeal, before the e-hearing which was scheduled for 20.05.2021. A copy of counter reply of the Electricity Department was supplied to the Appellant.

(A) Submissions by the Appellant:

Appellant submitted the brief facts as under: -

1. FACTS OF THE CASE

The Appellant through email ID kiranvnaik17@gmail.com dated-23.03.2021 states and submits as under:

(i) The complainant society vide representation dated-23.03.2021 submitted that they have filed a complaint with the CGRF due to the failure of the Licensee Department in releasing the electricity connection to its dwellings. As seen in the Reply to the RTI application herein attached, the application for the connection was made on 05.12.2017 and the load was sanctioned on 16.05.2019. Further RIO approval for the connection application was also obtained on 11.12.2019. However the same is not released till date.

The members of the society who are all senior citizens feel that the compensation ordered by the Hon'ble Forum is not enough as mental harassment caused to us by Licensee Department is immense. Our members some of whom have to leave their rented premises, but are not able to occupy their respective units in the society due to no power supply being provided. Hence we request the Hon'ble Ombudsman to take a merciful view of the above situation and direct the Licensee Department to pay us compensation of Rs.200/- per day per meter from 12.12.2019 till the date in case they fail to release the power supply by the 26.03.2021 as directed to them by the Hon'ble Forum.

Sd/-
(Chairman)
Vidya Vikas Co-operative Housing Society

Sd/-
(Secretary)
Vidya Vikas Co-operative Housing Society

(ii) Further the Appellant vide email dated-11.05.2021 submitted as under:-



Email

Dated-11.05.2021

To,
The Ombudsman,
JERC Goa

Respected Sir,

This is with reference to the above mail admitting our Appeal against the Electricity department for not obeying the order of the CGRF in complaint no. 11 of 2021. However we the members of Vidya Vikas Co-operative Society LTD are glad to inform this respected authority that the Electricity department has, after all due diligence and under the approval of the government, released the permanent metered electricity connections to all units of the members of our society.

Hence we wish to withdraw the appeal.

Furthermore we would also like to inform this respected authority that any appeal against the order of the CGRF Goa, in Complaint no 11 of 2021 or Complaint no. 14 of 2021, or complaint no.15 of 2021 Filed by Mr Shirish kamat, or others claiming to be the members of the society may be dismissed, as those parties have started a parallel proceedings in the Hon'ble High Court, pleading similar grounds. However the Hon'ble High Court has been kind enough to dismiss their prayer for interim relief staying the Order of the CGRF, and have fixed the hearing for arguments on 7th of June 2021.

Thanking you,

Yours faithfully,

Kiran V Naik
Member and POA holder
Vidya Vikas Co-operative Housing Society

(B) Submissions by the Respondents :

1. (a). ■ Shri Alvito Fernandes , Executive Engineer, Div.-IV, Margao, on behalf of the Electricity Department submitted the counter reply on 08.04.2021 as under :-

M/s VidyaVikas Co-operative Housing Society Limited, Navelim had applied for Electricity Connection on 5/12/2017. Accordingly obtained load approval, estimate sanctioned and new transformer centre has been erected. Occupancy certificate from local Village Panchayat for their several dwelling units in their housing society has been obtained.



Whereas on 26/06/2020 one Shri. Shirish Kamat claims to be Authority Holder of Vidya Vikas Co-operative Housing Society Limited and other 1) Shri Rajendra Siddarkar ,2) Shri Premanand Dudsagar, 3) Smt. Lata Jotkar who claims to be founder member of the society objected to release the Electricity Connection stating that the matter of the project is sub-judice and cases are pending before the Registrar of society and the Hon'ble High Court of Bombay and the Goa Government is party to it.

Therefore, the matter was referred for legal opinion by the Chief Electrical Engineer to the Law Department to ascertain the facts in totality to avoid any contempt of court.

Meanwhile aggrieved members of M/s Vidya Vikas Co-operative Housing Society Limited, Navelim Margao files a complaint / Representation No. 11/2021/263 before the CGRF-Vasco, to release the Electricity Connection whereas the CGRF passed an order dated 8/3/2021 to release all the connection applied by the complainant's member with fifteen days from receipt of the order and compliance to be reported to the forum within 30 days.

Mean time Shri. Shirish Kamat earlier claims to be authority holder of M/s Vidya Vikas Co-operative Housing Society and now the proprietor of Shirka constructions filed intervention complaint dated 3/3/2021 before the CGRF alleging the Department Staff involved in Sham and Scam.

Whereas the aggrieved Shri. Shirish Kamat filed complaint before CGRF for review of the order dated 8/3/2021 passed by the forum.

Further Shri Shirish Kamat and several other members filed multiples of complaints before the CGRF and against the Department before the various Authorities such as" The Hon'ble Power Minister, The Hon'ble Governor of Goa, the Chief Minister of Goa, The Secretary Vigilance etc.etc." thereby putting the Department Official under tremendous pressure to decide on the matter / to implement the order and left no other option to refer the matter to Legal Department for examination in totality.

In view of the above the respondent (Electricity Department) requested for time limit to implement the order dated 8/3/2021 passed by the CGRF under clause No. 27 of Notification dated 11/1/2020 of JERC pertain to Consumer Grievances Redressal forum and Ombudsman vide representation No. 11/2021 dated 25/3/2021.

Whereas, in the mean time the complainant M/s Vidya Vikas Co-operative Housing Society Limited, filed appeal No. 141 of 2021 against CGRF -Goa in CC-11-2021/263 dated 8/3/2021 before the Hon'ble Electricity Ombudsman on dated 26/3/2021 and The Hon'ble CGRF could not extent time to implement its order 8/3/2021.

However, after examination in totality the action taken is as follow:

1. The Transformer centre is charged on 30/03/2021 on no load.
2. The applications for new connections are updated in the system by consumer on 01/04/2021 and submitted the hard copies on 05/04/2021.



3. The processing of files is started on 06/04/2021 by the concerned Junior Engineer and once the payment is done by the consumer, connections will be released immediately.

(b). Further the Executive Engineer –IV, Margao, vide email dated-12.04.2021, submitted that in continuation to his office letter No. EE-IV/O&M/Tech-XII(Court)/215/2021-2 dated 08/04/2021, it is to intimate you that as per CGRF Order No. CC-11/2021/263 dated 08/03/2021, electric connection of Vidya Vikas Co-operative Housing Society has been released on 09/04/2021.

(C) CGRF-Goa Order in CC-11/2021/263 dated 08/03/2021 , preferred for Appeal:

Learned CGRF-Goa, has passed the following order:

ORDER

In light of the foregoing, I pass the following order:

1. This complaint is allowed.
2. The Licensee Department is directed to charge the transformer and release all connections applied by the Complainant's members within fifteen days from receipt of this order, failing which it would be liable to pay penalty of Rs. 200/- (Rupees Two Hundred only) per connection to the consumer for every day of default.
3. Compliance shall be reported to this Forum within thirty days.
4. The complaint stands disposed accordingly.

(D) Findings & Analysis:

1. I have perused the documents on record of the parties.
2. The appeal/ representation received in the Office of Electricity Ombudsman from Shri Kiran Naik , said to be Member Vidya Vikas Co-operative Housing Society LTD from the email ID kiranvnaik17@gmail.com, was admitted **provisionally** on 26.03.2021. In consumer interest, the Appellant M/s Vidya Vikas Co-operative housing Society Ltd.was informed vide Admission Notice dated-26.03.2021 that your Appeal has been admitted **provisionally** and they were requested to attend / resubmit the following shortcomings within 7 days :-



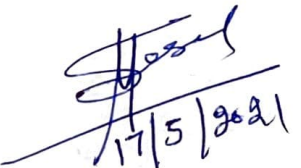
- (i) Authority /Resolution of Vidya Vikas Co-operative Housing Society to file the Appeal before the Electricity Ombudsman against CGRF order dated-08.03.2021.
 - (ii) Name and designation of the authorized person/persons.
 - (iii) List of the members of Vidya Vikas Co-operative Housing Society who has applied for the electricity connection along with the date of submission of application to the Electricity Department.
3. Further vide this office email 08.04.2021, the counter reply of the Electricity Department-Goa was supplied and the Appellant was requested to file the rejoinder within 10days with a copy to the Electricity Department.
 4. Again vide this office email dated-22.04.2021, a further **Reminder-Last opportunity** was afforded to the Appellant to attend the shortcomings and was requested to supply the Name and Identity proof (such as Aadhar Card, passport , Voter Identity Card, Driving License or any such documents) of the of the persons who have signed the Representation/Appeal to this office, within 7 days so that final hearing is conducted at an early date.
 5. As per record, no response has been received from the Appellant in this office, therefore, a Notice was issued to the parties for e-hearing through video conferencing on 20.05.2021 at 11 am, in view of COVID-19 pandemic.
 6. However in the mean while an email from ID kiranvnaik17@gmail.com, was received on 11.05.2021 from Shri Kiran V Naik, said to be Member and POA holder ,Vidya Vikas Co-operative Housing Society, intimating that they wish to withdraw the Appeal as Respondents have released the electricity connections to the said society .
 7. Analysis of above facts shows that Shri Kiran V Naik is representing from email ID kiranvnaik17@gmail.com on behalf of Vidya Vikas Co-operative Housing Society, but he has not submitted any documents to prove his nomination to represent this Appeal. Further the Appeal dated-23.03.2021 filed before this authority, which has been duly signed by Chairman and Secretary of the said society do not authorize/nominate Shri Kiran V Naik, to represent this Appeal. Even the Name and Identity proof (such as Aadhar Card, passport , Voter Identity Card, Driving License or any such documents) of the of the persons (i.e. Chairman and Secretary) who have signed the Appeal dated-23.03.2021 to this office, was not supplied despite Notice as well as Reminder/Last opportunity . The Name and Identity proof of the Appellant/authorized representative is also necessary, as it has been observed from the CGRF-Goa order dated-08.03.2021 (under challenge) that there is a plethora of pending and disposed litigation between the members of the society, each group claiming that they are the true members and that the others are illegal and not authorized.

Therefore in the absence of non submission of any authorized / valid document to prove authority/identity of the authorized persons to file/represent this Appeal , this office recognizes this Appeal as a anonymous Appeal, which is required to be dismissed on this account. In any case this Appeal has been withdrawn.



(E) Decision :-

- (i) For the reasons discussed above, the appeal of the Appellant is dismissed as withdraw.
- (ii) It is made clear that no order has been passed on the merit of the case.
- (iii) In case, the Appellant or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
- (iv) The appeal is disposed of accordingly.



17/5/2021

(M.P. Singh Wasal)
Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated 17.05.2021