

BEFORE THE CONSUMER GRIEVANCES REDRESSAL  
FORUM (CGRF), GOVERNMENT OF GOA,  
ELECTRICITY DEPARTMENT, VIDYUT BHAVAN,  
4<sup>TH</sup> FLOOR, VASCO, GOA.

Complaint/Representation No. 25/2021/35

Shri. Hire Mahadev Parab,  
H. No. 17,  
Khalchawada, Vironda,  
Pernem - Goa.

..... Complainant

V/S

1. The Chief Electrical Engineer,  
Electricity Department,  
Government of Goa,  
Vidyut Bhavan, Panaji, Goa.
2. The Executive Engineer,  
Electricity Department,  
Div - XVII, Mapusa - Goa.
3. The Assistant Engineer,  
Electricity Department,  
Div. XVII, S/D - I,  
Pernem - Goa.

..... Respondents

Dated: - 10/05/2021.

**ORDER**

Per Smt Sandra Vaz e Correia, Independent Member

The complainant is a consumer of the licensee Department in respect of LTAG category installation under CA no. 60007542008 at Virnoda, Pernem Goa. He is aggrieved by the alleged abrupt disconnection of supply on 01.04.2021.

*Sandra Vaz e Correia*

The Brief Facts.

Succinctly, the facts of the case as culled from the pleadings can be narrated as follows:

The complainant was a low-tension agricultural (LTAG) consumer under CA no. 60007542008 with the installation at his premises situated in property bearing Sry no. 42/6 of village Virnoda Taluka Pernem. He is holder of "Krishi Card" issued by Directorate of Agriculture, Govt of Goa. The connection was released on 21.02.2020 apparently for agricultural operations upon obtaining NOC from the Zonal Agricultural Officer dated 11.02.2020 and after completing all formalities. The Deputy Collector/SDO Pernem, on a complaint from one Shri Ranganath Kale Parab and exercising jurisdiction under the Goa Land Revenue Code, passed an interim order dated 04.06.2019 directing the complainant to restore the land/well. The complainant submits that this interim order was arbitrary, illegal and beyond jurisdiction of the Ld Deputy Collector. Subsequently, the Zonal Agricultural Officer, based on complaint of said Ranganath Kale Parab, withdrew the NOC dated 11.02.2020.

Based on a complaint by said Ranganath Kale Parab, the concerned Assistant Engineer issued a notice dated 02.03.2021 under Rule 9.3 (2) of JERC (Electricity Supply Code) Regulations 2018 and called upon the complainant to produce fresh NOC of the Agriculture Department. The notice was responded on 30.03.2021. However, the connection was disconnected on 01.04.2021 and complainant intimated vide letter dated 01.04.2021 and also given option to apply for LTC connection. Receipt of this communication dated 01.04.2021 is denied by the complainant.

Hearing.

At the VC hearing, the complainant was represented by his son Shri Pravin Parab, while Shri Damodar Tari AE represented the Department. I heard them at length and gave liberty to file written arguments via email within 5 days, which option was exercised by both sides.



### Issues.

I have perused the records and given due consideration to the submissions advanced by the parties. In light of the rival contentions, the only issue that crystallizes for my consideration is whether the temporary disconnection of the complainant's installation effected on 01.04.2021 was in accordance with the JERC (Electricity Supply Code) Regulations 2018.

### Findings.

The relevant facts are largely undisputed. An LTA/G service connection was released to the complainant in Sry no. 42/6, Kharchawada, Virnoda Pernem on 21.02.2020. Acting on a complaint by Shri Ranganath Kale Parab and on basis of the information provided, the concerned Assistant Engineer issued a notice dated 02.03.2021 to the complainant calling upon him to produce fresh NOC of the Agriculture Department failing which the connection would be temporarily disconnected. Rule 9.3 (2) of JERC (Electricity Supply Code) Regulations 2018 was cited. The notice was responded by the complainant on 30.03.2021; there is no specific denial of its receipt by the Department. The installation was temporarily disconnected on 01.04.2021. A letter dated 01.04.2021 was allegedly issued to the complainant, though the complainant denies its receipt even as on date.

Before proceeding, it would be beneficial to advert to the provisions <sup>of</sup> Para 9.3.3 of JERC (Electricity Supply Code) Regulations 2018 notified in Official Gazette Series I No. 47 dated 21.02.2019 dealing with temporary disconnection, that read as follows:

**9.3. Temporary Disconnection. — The supply may be disconnected temporarily in following cases:**

(1) On non-payment of the Licensee's dues: The Licensee may issue a disconnection notice in writing, as per Section 56 of the Act, to any consumer who defaults on his payment of dues, after giving him a notice period of minimum 15 working days to pay the dues. Thereafter, the Licensee may disconnect the consumer's installation on expiry of the said notice period by removing the service line/meter as the Licensee may deem fit;

(2) **If the conduct/continuance of any business/industry/activity being carried out in any premises becomes unlawful due to lack of necessary permission or withdrawal of permission from the competent authority;**

*Yashwantrao Chavan*

(3) If the wiring, apparatus, equipment or installation at the consumer's premises is found to be defective or there is leakage of electricity or if the consumer is found to have altered the position of the meter and related apparatus or if the consumer uses any apparatus or appliance or uses the energy in such manner as to endanger the service lines, equipment, electric supply mains and other works of the Licensee, or is found to be using it in any manner which unduly or improperly interferes with the efficient supply of energy to any other consumer;

(4) If at any time, the consumer is found to be using energy for a purpose other than for which it was intended/provided or tampers with the meter and/or other apparatus of the Licensee on his premises or extends/allows supply of energy to any other premises from his connection;

(5) If the consumer remains unavailable for meter reading for two or more billing cycle after factoring in advance payment for the period of absence, if any as per the provisions of this Supply Code, 2018.

**9.4 The supply shall be disconnected after giving a notice period of minimum 15 days. The supply shall be disconnected only if the cause of the disconnection is not removed within the notice period. (Emphasis supplied).**

Admittedly, the notice of temporary disconnection was issued vide letter dated 02.03.2020 wherein the complainant was asked to remove the cause of the intended temporary disconnection i.e., produce fresh NOC of ZAO, within 30 days. It is not known from the records when the letter was delivered to the complainant, but assuming that the same was served on

02.03.2020 itself, the notice period would have expired on 01.04.2021. The complainant claims that he submitted a reply on 30.03.2021 which averment is not denied by the Department. Be that as it may, disconnection could have been done only on 02.04.2021 at the earliest. The disconnection on 01.04.2021 was bad in law, in clear violation of the notice dated 02.03.2021 and in breach of JERC (Electricity Supply Code) Regulations 2018, and cannot be sustained. The act of disconnection is hereby set aside, and the Department through the Respondent no. 3 is directed to restore supply within 48 hours from receipt of this order. The Department has not explained the tearing hurry to disconnect the supply without considering the complainant's alleged reply and waiting for even a day longer.

Besides, there is nothing on record to show that the temporary disconnection order claimed to have been issued on 01.04.2021 was

*Jayaram Jayaram*

served on the complainant. The Department could have produced a copy of the said order/letter with the complainant's acknowledgement, but opted not to.

I do agree that Department was well within its rights to require the complainant to produce fresh NOC of the ZAO to continue with the subsidized tariffs available to LTAG consumers, more so in view of cancellation of the NOC by the competent authority based on which the connection was released. However, due process of law and principles of natural justice ought to have been followed, which was omitted in this case.

Nonetheless, Department shall be at liberty to issue fresh show cause notice for temporary disconnection and proceed in accordance with law and following principles of natural justice.

The complainant has submitted in course of arguments that NOC of ZAO is not required to maintain an LTAG service connection. This issue can be raised before the Department in the event a fresh notice is issued as above.

Order.

In conclusion, the order is summarised as under:

1. The complaint is allowed.
2. The disconnection of the complainants' LTAG installation on 01.04.2021 is bad in law and hereby set aside.
3. The Department, through Respondent no. 3, is directed to restore electricity supply within forty-eight hours of receipt of this order.
4. Department shall act on basis of advance scanned copy of this order sent by email.
5. However, Department shall be at liberty to initiate fresh proceedings for temporary disconnection of the complainant's installation in accordance with law and following the principles of natural justice.

*Yashdeep Jayaram*

6. Respondent no. 3 shall report compliance of this order to the registry of this Forum within seven days.

7. The complaint stands disposed accordingly.



SANDRA VAZ E CORREIA  
(Member)