

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

Complaint/Representation No. 10/2021/250

Shri. Jaideep Bhosle,
Care of Marbela Resort,
H.No. 782, Sy.No. 183/2,
Gawdewada Morjim,
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 III,
Agarwada - Goa.

..... Respondents

Present:

1. Shri. Anand Herekar

..... for the Complainant

2. Shri. Vattu Sawant

..... for the Respondent

Dated: - 23/02/2021.

ORDER

Per Smt Sandra Vaz e Correia, Independent Member.

The complainant Jaideep Bhosle is the owner of a resort known as "Marbela Resort" at Gawdewada Morjim. In his complaint by email, he

Sandra Vaz e Correia

alleged improper assessment and threat of disconnection by the Department.

The facts as culled out from the complaint and the Department's response is that during inspection of the complainant's LTC installation bearing CA no. 60002793648 on 01.11.2018, it was found that the connection was extended unauthorizedly for temporary structures. Provisional assessment order was passed on 18.12.2018 and final assessment order under Sec. 126 of Electricity Act was issued on 25.06.2019 and demand for Rs. 53,08,600/- was made. The complainant preferred an appeal before the designated appellate authority i.e. the Electrical Inspector, wherein the appellant/complainant was asked to deposit 50% of the assessed amount as a prerequisite for hearing the appeal. However, it appears that the appellant failed to comply with the direction even after four hearings; as a result, the appeal was closed/dismissed on 23.12.2020. Thereafter, Department moved for disconnection vide notice dated 14.01.2021.

Since the email complaint disclosed threat of imminent disconnection, I telephonically requested the concerned AE Shri Vatu Sawant not to disconnect the supply until the hearing on 22.02.2021.

I called the parties for a hearing on 22.02.2021 at which time Shri Anand Herekar appeared for the complainant while Shri Vattu Sawant AE represented the Department. I heard them at length.

I perused the records in the file and gave due consideration to the submissions advanced by the parties. This is a matter concerning alleged unauthorized use of electricity that has been proceeded under Sec 126 of Electricity Act. Matters coming under Sec 126 of Electricity Act are expressly exempted from the jurisdiction of this Forum.

Shankar Jay Chavhan

Regulation 3 (f) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 reads as follows;

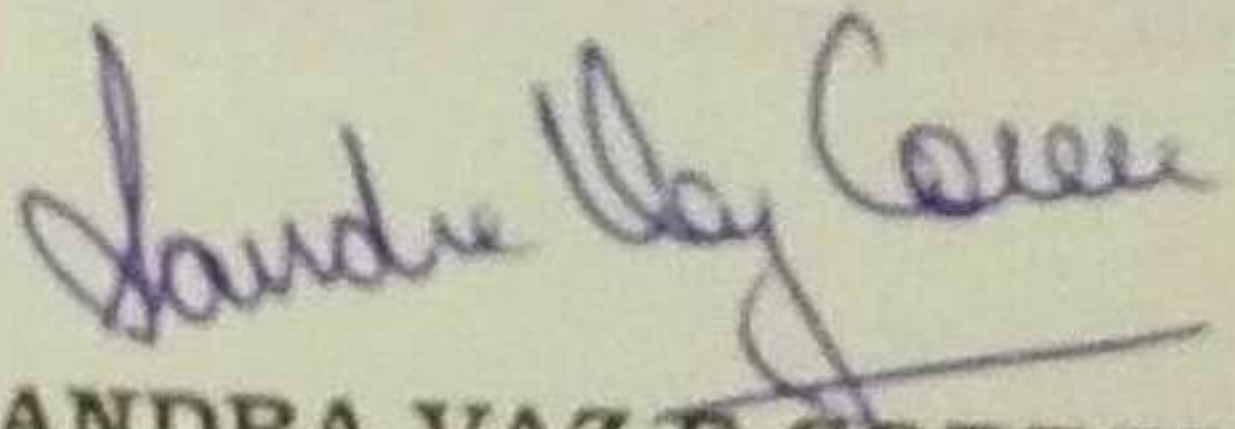
"Complaint" means an application made by consumer before the forum seeking redressal of any grievance with regard to supply of electricity by the licensee;

Provided that the following shall not be considered as the complaint namely,

- (i) **any grievances arising out of application of Sections 126, 127, 135 to 139, 142, 143, 149, 152 and 161 of the Act;**
- (ii) any matter pending before, or decided by, any court of law, or authority (except an authority under the control of the licensee) or the Forum, and
- (iii) any complaint in regard to recovery of arrears where the billed amount is not disputed

Admittedly, the subject matter of the complaint pertains to unauthorized use of electricity in respect of which final assessment order has been issued by the competent authority and an appeal is pending before the designated appellate authority. The appeal has been dismissed on account of the complainant not depositing 50% of the assessed amount. It is clearly beyond the jurisdiction of this Forum to entertain.

In view of the foregoing, I do not find any merit in the complaint. The same stands dismissed. Needless to state, the interim direction stands vacated.


SANDRA VAZ E CORREIA
 (Member)