

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

Complaint/Representation No. 39/2021 *1148*

Zara Infrastructure Pvt. Ltd.,
Shed No. S.Y. No. 3/2 Bardez Goa,
Street No Reis Magos Verem
Landmark Ambhekhand.

..... **Complainant**

V/S

1. The Chief Electrical Engineer,
Electricity Department,
Government of Goa,
Vidyut Bhavan, Panaji, Goa.

2. The Executive Engineer,
Electricity Department,
Div-VI, Mapusa – Goa.

..... **Respondents**

Dated:- 03/11/2021

ORDER

The complainants operate a hotel property at Reis Magos, Bardez Goa. They are aggrieved by the inclusion of demand charges for months of May, June and July 2021 amounting to Rs. 1,86,000/- and of DPC of Rs. 1,69,152/- from October 2020 to August 2021.

Case of the complainant.

Succinctly stated, it is the complainant's case that since inception of the hotel property, they had installed a meter of 270 KW rating and the monthly demand charges/fixed charges along with meter rent was Rs. 6000/- per month. The Covid-19 national lockdown imposed in March 2020 caused huge losses, and fixed/demand charges

Shankar Chavhan 

accrued even though the hotel was closed. The complainant availed of the OTS floated by the Department in January 2021 whereunder DPC and demand charges of two months were waived off and the outstanding amount had to be paid in 6 EMI's. They were liable to pay Rs. 4,91,881/- in six equal monthly instalments of Rs. 81090/- each. They paid five out of the six instalments. However, when it was time to pay the sixth instalment in April 2021, a curfew/lockdown was imposed by the State Government. Consequently, the complainant's property had to be shut down again and business came to a standstill, and the complainant failed to pay the sixth instalment. As a result, the Department reversed the DPC waiver amounting to Rs. 53,000/-. The DPC was repeated from April 2021 to July 2021 even though the lockdown was in force from April 2021 to July 2021.

The complainant approached the Department on 24.08.2021 with a request to consider the difficulties. The Department responded by agreeing to convert the due amount in three instalments. The complainant paid two out of the three instalments of Rs. 3,99,995/- each and the current bill. Thereafter the complainant submitted a letter dated 02.09.2021 to the Chief Electrical Engineer requesting for relief towards demand charges and DPC.

The complainant tabulated the billing details of period from October 2020 to August 2021 showing demand charges (Rs. 6,46,250/-) being higher than energy charges (Rs. 5,56,755/-), coupled with DPC of Rs. 1,69,152/-.

The complainant prays for waiver of demand charges for May to July 2021 amounting to Rs. 1,86,000/- and waiver of DPC from October 2020 to August 2021 amounting to Rs. 1,69,152/-



Case of the Department.

Upon being noticed, Department filed its reply through Executive Engineer Div. VI, Mapusa. It is their case that the demand charges towards the complainant's installation are Rs. 58,750/-. Despite the lockdown, the consumer used the HT supply as recorded by the energy meter albeit on a lower scale. Demand charges and DPC are levied as per JERC norms.

As per relief measures, the Department gave credit of Rs. 1,12,862.50/- to the consumer on 01.09.2020 as per State Government directives. Insofar as the OTS was concerned, the benefits were subject to all instalments being paid on time. Even in lockdown w.e.f. April 2021, the offices of the Department were functioning, and online payment modes were available to the consumers. DPC is levied as approved by JERC and department has no powers to alter them. Relief was granted to the consumer to pay the outstanding amount in three instalments, out of which two are received.

Hearing.

We heard the complainant through its representative Mr. Rakesh Datta and the Department through Mr. Pradip Narvekar on videoconference. They reiterated their case set out in the pleadings.

Findings.

We perused the file and gave due consideration to the submissions of the parties. The facts of the case are admitted. The question that arises for our consideration is whether the complainant is entitled to waiver of demand charges and waiver of DPC aggregating to Rs. 3,55,152/-.





At the outset, it is pertinent to note that the complainant-consumer was given credit of Rs. 1,12,862.50/- as Covid-19 relief by the State Government in September 2020.

Insofar as the demand charges are concerned, the terms of the OTS mandated that timely payment of the instalments was condition precedent to availing of the benefits. The complainant was aware of this precondition when it entered the OTS. Admittedly, the complainant defaulted in payment of the third instalment due in April 2021. The complainant's justification for the delay was the curfew/lockdown measures imposed by the State Government in April 2021. On the other hand, the Department countered that although curfew/lockdown was declared, their offices were open and functioning in addition to online platforms being available to effect payment.

We are inclined to accept the contention of the Department in this regard. Timely payment of instalments was of the essence to avail the OTS Scheme. The consumer has not disclosed any attempt/s to make payment; neither is there any averment to the effect that they were unable to make payment of the last instalment though funds were available.

Insofar as DPC is concerned, the consumer is bound to compensate the Department for late payment of bill amounts by way of delayed payment charges (DPC) as per JERC norms. Admittedly, the complainant has received relief from the State Government to the extent of Rs. 1,12,862.50/- towards loss of business due to Covid-19 pandemic.

Considering the foregoing discussions, we did not find any merit in the claims of the complainant.

Lastly, the complainant prays for facilitating the reduction of load from 270 KW to 135 KW. In case the complainant makes a request for such reduction complete in all respects as per rules, we direct the Department to process and grant the application within two weeks.

The complaint stands disposed accordingly.

In case the complainant is not satisfied with the above decision, he is at liberty to file an appeal before the Hon'ble Electricity Ombudsman for State of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Udyog Vihar-Phase IV, Sector 18, Gurgaon (Haryana) 122015, Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in.



ASHLEY LEONARD CAMILO NORONHA
(Chairperson)



SANDRA VAZ B. CORREIA
(Member)