

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

Complaint/Representation No. 38/2021/147

Shri. Melroy M. Pinto,
Splashdown Waterpark,
Anjuna, Bardez - Goa.

..... **Complainant**

V/S

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

..... **Respondents**

Dated:- 03/11/2021

ORDER

The complainant is the owner of an establishment under the name and style of "Splashdown Waterpark" at Anjuna Goa. He is aggrieved by the inflated bills raised by the licensee Department during the Covid-19 national lockdown.

Case of the Complainant.

In a nutshell, it is his case that units consumed were calculated on average basis (about 6700 units per month) even though there was

no commercial activity, and the unit was closed for the public. The unit was closed between 14.03.2020 to 20.10.2020 and then again from 29.04.2021 to 27.08.2021. The only consumption during this period was by his staff who were stranded and unable to go home. He requests that the billing be done as per domestic tariff. However, he had paid all the bills up to date.

Case of the Department.

On the other hand, the Department's case as culled from its reply filed through AE (Com), Mapusa is that billing was due based on actual consumption recorded by the meter. Billing details of the period from 13.01.2021 to 19.08.2021 were furnished. The connection was released to LTC purposes and There is no provision in the gazette to bill the LTC consumer on LTD tariff during the temporary closure of commercial activity.

Hearing.

We heard the parties on videoconference. The complainant appeared in person while Mr. Prabhakar Pednekar, AE represented the Department.

Findings.

We have perused the pleadings and have duly considered the submissions of the rival parties. The question that arises for our consideration is whether the complainant is entitled to billing during the lockdown periods as per domestic tariff.

At the outset it is undisputed that on account of the pandemic the commercial establishment of the complainant had to be compulsorily shut down temporarily by the complainant on account of the order by the Government of Goa under the Disaster Management Act, 2005 whereby no commercial activity could be conducted.



The complainant has stated that the unit was closed for the public between 14.03.2020 to 20 10.2020 and then again from 29.04.2021 to 27.08.2021. During these periods the consumption of electricity was by his staff for domestic purposes who were stranded and unable to go home. The complainant has requested that the billing for the said periods be done as per domestic tariff.

The Department has stated that the billing was done on actual consumption recorded by the meter and that there is no provision in the gazette to bill the LTC consumer on LTD tariff during the temporary closure of commercial activity.

It is undisputed that there was a *Force Majeure* situation due to lockdown enforced by the Government of Goa under the Disaster Management Act, 2005. The complainant had no choice but to close the unit for commercial activity as mandated under the said Act.

The respondent has not disputed that the consumption of electricity during the lockdown periods was only for domestic purposes by the stranded staff.

Admittedly the complainant has not committed any defaults in the payment of electricity bills. There is however no provision to bill the LTC consumer on LTD tariff as prayed by the complainant.

Taking into consideration all the given peculiar facts and circumstances, as there was a *Force Majeure* situation due to the compulsory lockdowns imposed by the Government of Goa to control the pandemic under the Disaster Management Act, 2005, we are of the considered view that the complainant who has been regular in payment of the bills and was precluded from engaging in his commercial activities, is entitled to some reasonable reliefs towards payments made of the energy charges during the said lockdown periods.



Order.


In the result, we pass the following order: -

- (a) The complaint is partly allowed.
- (b) The bills issued during the lockdown periods shall be revised, and LTC energy charges shall be reduced by 50%.
- (c) The respondent shall adjust the said excess charges already paid against future electricity bills issued to the complainant.
- (d) 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, Gurugram (Haryana) 122015, Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in.



ASHLEY LEONARD CAMILO NORONHA
(Chairperson)



SANDRA VAZ E CORREIA
(Member)