

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

**Complaint/Representation No. 21/2021/30**

Shri. Raymond Fernandes,  
C/o Mr. Longuinhos Fernandes ( Constituted Attorney)  
H. No. 325, EI – Monte Theatre,  
Desterro Wado, Vasco – 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 - XI, Vasco - Goa.

3. The Assistant Engineer,  
Electricity Department,  
Div. XI, S/D - III,  
Vasco - Goa.

..... **Respondents**

**Dated: - 15/04/2021.**

**ORDER**

Per Smt Sandra Vaz e Correia, Independent Member

The complainant is a resident of Desterro, Vasco da Gama; he is aggrieved by the exorbitant bills issued to him by the licensee Department.

**Case of the complainant.**

In brief, it is his case that he has LTD electricity connection since 1983 under CA no. 60001741788. The installation was availed at his residence for domestic purposes and no commercial activity was ever carried out in

*Sandra Vaz e Correia*

the premises. He is partially blind and always needed assistance to carry out outdoor activities. Under bonafide belief that he was paying the electricity bills every month for domestic connection, he used to hand over the amount to his neighbours or friends to pay off the monthly electricity bills.

On 27.01.2016, officials of the Department inspected the complainant's premises and replaced the old meter with an electronic meter. However, the meter displayed abnormal readings and a request was made to the concerned AE that the bill for Rs. 50807/- was exorbitant. In April 2018, he received a bill for Rs. 4340/- including arrears of March that seemed exorbitant. Thereafter, between April 2018 to June 2018, the current meter reading was taken as 30431 instead of 3431 units and was erroneously charged Rs. 1,84,647/-. A request was made on 18.05.2018 to change the defective meter. Subsequently, the bill for the period June 2018 to July 2018 with current meter reading 32776 was issued for a sum of Rs. 201332/-.

The complainant again represented to the respondent no. 1 on 27.08.2018 regarding excess billing, followed by an RTI query to furnish copies of all bills issued from 1983 till date. Only bills between April 2017 to November 2019 were furnished. He paid a sum of Rs. 10000/- under protest with a demand to rectify the errors and issue bills under domestic category. However, the plea fell on deaf ears.

The complainant then approached the Consumer Conciliation Committee in the department of Civil Supplies & Consumer Affairs at Panaji. It was only then that the complainant was informed by his advocate that he was being charged under commercial tariff since 2010.

The complainant received a disconnection notice on 12.10.2020 demanding Rs. 3,29,061/- within 15 days. The complainant sought to avail of OTS floated by the Department, but was told that he would have to pay Rs. 2,30,000/-. Unable to meet the demand, the complainant paid a sum of Rs. 30,000/- on 30.01.2021 under protest.

*Danda V. Gove*

The complainant states that he was erroneously and illegally charged under commercial tariff from 2010 without his consent, which resulted in the piling up of arrears. He is running a restaurant known as "Newton Restaurant" in another premises under H. no. 10/325 which has a separate meter and no commercial activity is carried out in H. no. 325. He claims to be entitled for readjustment of excess amount paid under commercial tariff from 2010 till date and for conversion of the meter back to LTD.

Case of the Department.

Upon being noticed, Department contested the complaint and filed its reply through Assistant Engineer S/D III (M) Vasco da Gama. Briefly, it is their case that during an inspection in May 2010, the concerned Junior Engineer and meter reader had found that the installation was being used for commercial purposes, hence bills were issued under LTC. The bills were paid regularly without any objection or protest. Bills were issued based on actual consumption/reading; however, the consumer was not paying the monthly bills and the arrears started accumulating. Erroneous billing in April 2018 was admitted; the reading was recorded in 4 digits instead of 5 digits. However, the error was rectified and manual adjustment of credit was done on 13.08.2018 of Rs. 83503/- instead of Rs. 98117/- as the consumer had made payment of bills for the period of 12.01.2017 to 10.04.2018. In addition, the consumer was given manual adjustment of credit late after the bills were issued and he was charged DPC for the said bills for the period from 11.06.2018 to 10.07.2018 of Rs. 1943/- and from 10.07.2018 to 09.08.2018 of Rs. 4083/-, so manual adjustment of credit of Rs. 14614/- was given to the consumer. The same was communicated to the consumer on 19.11.2019. The meter was replaced was replaced on 11.06.2019; the old meter sent for MRT testing was found OK and copy of test report was also submitted to the consumer. It was denied that the consumer sought change in category in November 2019.

Before the Consumer Conciliation Committee, Department gave credit of Rs. 117266/- (DPC) and issued fresh bills for March 2021. However, the consumer only paid an amount of Rs. 30000/- on 30.01.2021.

*Shankar Das*

Hearing.

Parties were called for a hearing at which time the complaint was represented by Kum. Snehal Jane Fernandes while Shri Nitin Verlekar AE represented the Department. I heard them at length; essentially, they reiterated their case set out in the pleadings.

Issues & Findings.

I perused the records in detail and gave due consideration to the submissions advanced by the parties. In view of the rival contentions, the only issue that crystallizes for determination of this complaint is whether the conversion of the complainant's installation from domestic (LTD) to commercial (LTC) was fair and proper. The complainant's case in brief is that following an inspection by the concerned JE and meter reader in 2010, the category was converted. He was unaware of this change, and being partially blind, he paid the bills thinking that they were billed under domestic category. At para 17 of the complaint, he states that it was only in January 2020 when he handed over the file to his advocate to petition the Consumer Conciliation Committee that he learnt about the LTC tariff imposed from the year 2010, and at para 30 he claims that the cause of action arose when he approached the Consumer Conciliation Committee. Department has contested the claim on the ground that the consumer was aware of the category change to LTC in 2010 and was paying the bills with commercial tariff regularly since then without any protest.

I did not find any merit in the case of the consumer. He seeks revision of bills of last eleven years to LTD tariff instead of LTC. Such a claim is clearly stale and untenable and barred by limitation. The bills were paid without any protest or demur. The complainant states that he is partially blind; however, there is nothing on record to substantiate this claim and whether he was suffering the disability in 2010 when the tariff category was changed by the Department. The complainant has claimed that there is no commercial establishment in his house, and that "Newton Restaurant" run by him was in a different premises. He has claimed that the house number of the installation was "325" and that of "Newton

Jaydev Bajwa

Restaurant" was "10/325". There is a striking similarity in the two house numbers. The complainant has not produced anything on record to discharge this burden of proof.

Turning to the issue of erroneous billing, the meter reading error is admitted by the Department. However, the error was rectified by giving manual adjustment of credit of Rs. 83503/- instead of Rs. 98117/- as the consumer had paid Rs. 8760/-. Further, manual adjustment of credit of Rs. 1943/- and Rs. 14614/- were given to the consumer for the period from 11.06.2018 to 10.07.2018 and 10.07.2018 to 09.09.2018 respectively. The same was communicated to the consumer. The meter was also replaced on 11.06.2019 and found OK upon testing.

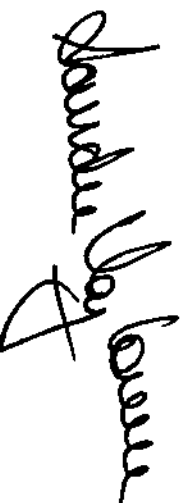
On its part, in an effort to amicably resolve the dispute, Department agreed to give credit of Rs. 117266/- (being DPC charges) against pending bills before the Consumer Conciliation Committee, Department of Civil Supplies & Consumer Affairs, Govt of Goa, and revised bill for Rs. 209054/- was issued for March 2021. The complainant paid only Rs. 30000/- against the said revised bill. I feel that the credit of Rs. Rs. 1,17,266/- was fair and reasonable in the facts and circumstances of the case.

In the interest of justice, the consumer can be given the facility of payment of the outstanding amount in equal installments over the next 12 billing cycles without DPC.

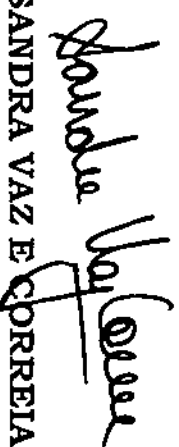
It was brought to my notice in course of the hearing that the complainant has made an application for change of category from LTC to LTD on 20.10.2020, but that SAP would not accept the request in view of pending arrears. The department is requested to process the said application in accordance with rules in view of the order passed below.

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

(1) The complaint is partly allowed.



- (2) The amount of Rs. 209054/- raised by the Department in bill dated 11.03.2021 is fair and reasonable and has to be paid by the complainant. However, the balance amount against the said bill shall be recovered from the complainant in equal installments over the next 12 (twelve) billing cycles without DPC.
- (3) Department shall process and grant the complainant's application for change in category made on 20.10.2020 within 15 days from receipt of this order, on condition that the same complies with rules in force.
- (4) Department shall report compliance of the order to the Registry of this Forum within 30 days.
- (5) The complaint stands disposed accordingly.

  
SANDRA VAZ E CORREIA  
(Member)