

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

Complaint/Representation No. 09/2020/138

M/s. Jophin Electrical Products,
H. No. 01, Talapwada,
Kumbharjua,
Tiswadi - 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. I, Panaji - Goa.

3. The Assistant Engineer,
Electricity Department,
Div. I, S/D-I,
Corlim - Goa.

..... Respondents

Present:

1. Shri. John Manas

..... for the Complainant

2. Shri. Satish Palyekar

..... for the Respondent

Dated: - 08/07/2020.

ORDER

Per Smt Sandra Vaz e Correia, Nominated Member.

This order shall dispose the complainant's representation dated
09.06.2020.

Sandra Vaz e Correia

Case of the Complainant

In a nutshell, it is the complainant's case that his small-scale cottage industry manufactures meter box covers. The average monthly energy bills were around Rs. 3500/-. However, he was shocked to receive a bill dated 05.07.2019 for Rs. 12,53,503/- that included "sundry charges" of Rs. 12,48,927/-. Upon inquiries, he was informed that it was unbilled amount due to omission to consider multiplying factor (MF) from 11.09.2008 to 20.09.2008. He entered into correspondence with the Department, however it culminated with Department's letter dated 28.05.2020 threatening disconnection of supply in case the arrears of Rs. 15,17,405/- was not paid within 15 days. The complainant then approached this Forum for relief.

Case of the Licensee Department

Per contra, Department through Asst Engineer (Com), Corlim, submitted that the consumer availed load increase from 12HP to 45HP on 28.02.2008 at which time the meter placed was off MF 20. However, the billing was erroneously continued with MF 1. The error was noticed during an inspection by concerned JE and letters dated 25.10.2019, 11.02.2020 and 28.05.2020 were issued.

Hearing.

At the hearing via video conferencing, the complainant appeared through its proprietor Shri John Manas while Shri Satish Palyekar AE represented the Department. They conveyed their no-objection to a single member deciding the complaint. The complainant submitted that the unbilled dues were exorbitant and beyond his means to pay. Departmental representative submitted that the supplementary bill was raised on 10.05.2019 after the billing error had been discovered, and that it pertained to power actually consumed by the complainant.

Findings.

I perused the records and gave due consideration to the submissions canvassed by the parties. This is a case of discovery of a billing error after almost eleven years i.e. from 11.09.2008 onwards. An amount of Rs. 12,48,926.91/- is claimed in the revised bill dated 10.05.2019.

Shande V. Corim

Apparently, the arrears have touched Rs. 15,17,405/- as on 28.05.2020 leading the Department to threaten disconnection.

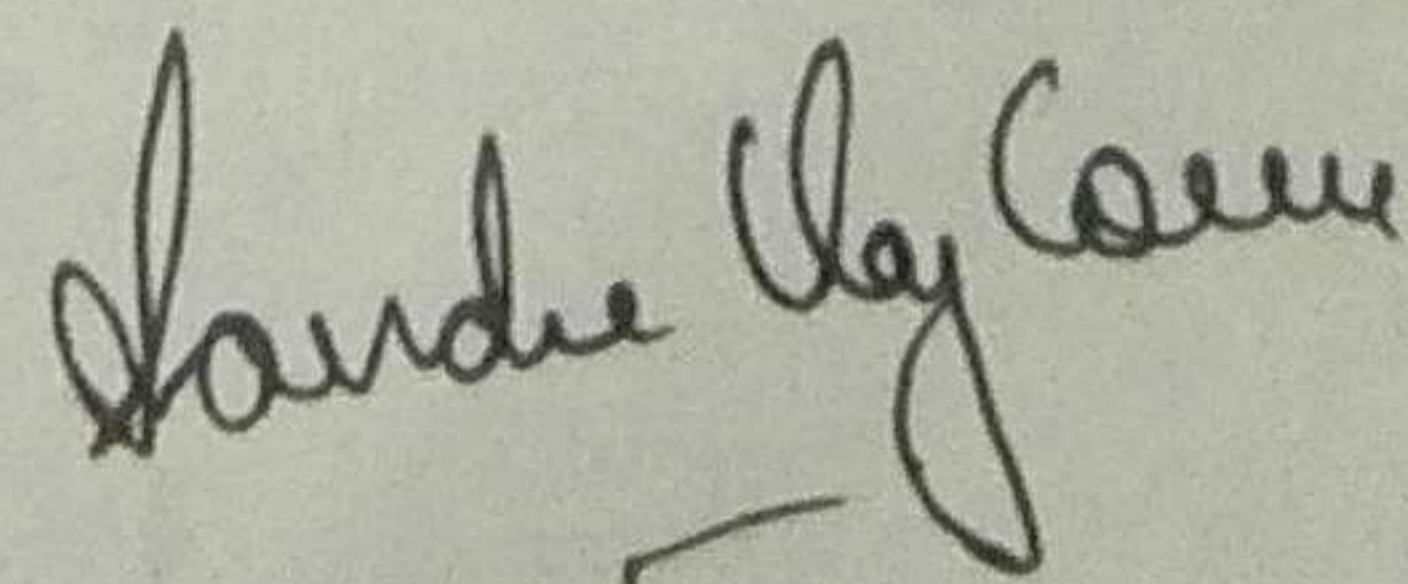
Section 56 (2) of Electricity Act 2003 bars the licensee - Department from taking recourse to disconnection of supply for non-payment of arrears that accrued two years prior to discovery of the mistake. This interpretation is no longer *res integra* in view of Hon'ble Supreme Court's decision in *Asst Engineer (D1) Ajmer Vidyut Vitran Nigam Limited v. Rahamatullah Khan* (MANU/SC/0203/2020), while also holding that does not restrict other modes of recovery which may be initiated by the licensee for recovery of the supplementary demand.

Secondly, in my opinion, the consumer cannot be penalised for the error committed by the licensee and coerced to pay unbilled arrears in a lumpsum. He would be entitled to facility to pay the same in installments.

Order.

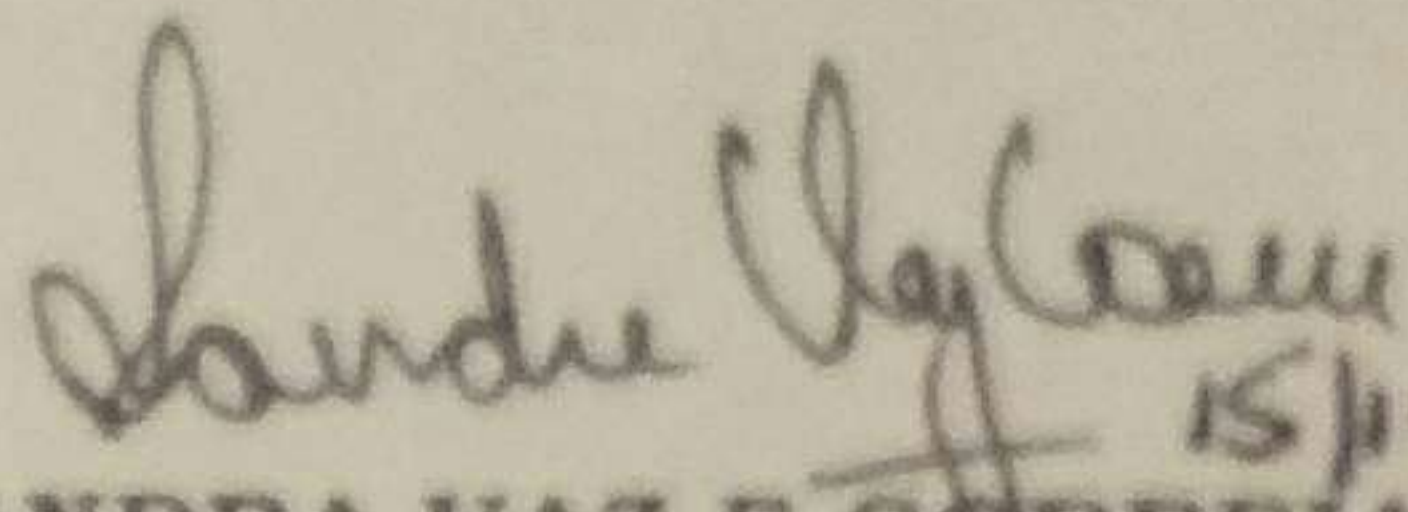
In view of the foregoing, I pass the following order:

1. The Licensee Department's communications bearing ref no. AE/COR/SD-I/®/Com-01/2019-20/90 dated 10.05.2019 and AE/COR/SD-I/®/Com-41/20-21/88 dated 28.05.2020 are hereby set aside;
2. Licensee Department shall re-calculate the energy charges against the complainant's installation that have accrued between 11.05.2017 to 10.05.2019 without DPC charges and communicate the same to the complainant within 30 days from receipt of this order;
3. The energy charges as calculated above shall be recovered by the Licensee Department from the complainant in equal installments over the next 12 (twelve) billing cycles without DPC.



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4. Licensee Department shall report compliance of this order within 40 days of its receipt.
5. Needless to say, the Licensee Department is at liberty to recoup the balance arrears through other recovery modes as may be advised.
6. The complaint stands disposed accordingly.


15/10/20
SANDRA VAZ E CORREIA
(Member)