

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

Complaint/Representation No. 31/2020

Victor Hospitals & Medical Services Ltd,
Shri. Varun Albuquerque (Director),
2nd Floor, Alcon Chambers,
Opposite Navhind Times,
D. B. Marg Road,
Panaji, Goa – 403001.

..... Complainant

V/S

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

2. The Executive Engineer,
Electricity Department,
Div- IV, Aquem,
Margao - Goa.

..... Respondents

Present:

1. Shri G. Lamani

..... for the Complainant

2. Shri. Alvito Fernandes

..... for the Respondent

Dated: - 14/01/2021.

ORDER

Per Smt Sandra Vaz e Correia, Independent Member.

This order shall dispose the complainant's complaint dated 23.10.2020. It is a case of escaped billing caused by application of wrong MF to bills after change of CT's in April 2016 over a period of 48 months leading to an unbilled amount of Rs. 2,31,22,390/- that is now sought to be recovered.

Case of the complainant.

The complainants' case in a nutshell is that they are a limited company engaged in rendering of medical services having a hospital known as "Victor Hospital" at Margao. They have availed a high-tension connection. On 21.04.2020, they received a letter dated 18.03.2020 from the Executive Engineer (Division IV) Aquem Margao stating that due to an unintentional error in the billing system, the complainant was under billed between January and February 2016. During the MRT visit on 15.03.2016, there was change of CT's effected from $\frac{25}{5}$ A to $\frac{50}{5}$ A resulting in change of MF from 500 to 1000 that took effect in the bill of April 2016. That was the last bill issued under the old billing software and the bill for May 2016 was issued under new SAP system. The SAP system wrongly indicated the CT ration and MF as 500 and, as such, the complainant was under-billed. The statement of difference had been prepared and worked out to Rs. 2,31,22,390/-.

They were utterly shocked to receive the letter addressed in such a casual and cavalier fashion and reflected the irresponsibility and callous attitude of the Department. The complainant had never delayed in payment of the bills.

The complainant responded to the letter vide its reply dated 09.06.2020. They denied their liability to pay the supplementary bill of Rs. 2.33 Cr and that the hospital was an espousal of a social cause and rendered service to society. It would be extremely difficult to pay the colossal amount demanded in the letter dated 18.03.2020. That the demand that accrued in 2016 was barred by limitation. They requested withdrawal of the supplementary claim. However, with a view to avoiding any substantial loss to the Department, they were willing to consider any just and fair proposal put forth by the Department.

Case of the Department.

Per contra, Department contested the complaint and filed its reply through Executive Engineer (O & M), Division IV, Aquem Margao. They admitted the billing error of January and February 2016. They admitted that that there was

change in CT ratio from $\frac{25}{5}$ to $\frac{50}{5}$ whereby the MF changed from 500 to 1000, and alleged that the complainant was aware of this fact as seen from the MRT test certificate dated 15.03.2016 that was also signed by the complainant's engineer. They admitted that the last bill issued under the old billing software and the bill for May 2016 was issued under new SAP system of Tata Power Ltd that wrongly indicated the CT ratio and MF as 500 and, as such, the complainant was under-billed. The statement of difference had been prepared and worked out to Rs. 2,31,22,390/-. The bill of April 2016 correctly reflects the change in CT ratio from $\frac{25}{5}$ to $\frac{50}{5}$ and consequent MF change from 500 to 1000. The difference between the previous meter reading and current reading displayed on the trivector meter is multiplied with 1000, as such the total units consumed in April after CT change was 144440 units. However, the next bill issued under SAP the units were multiplied by 500, hence the units consumed was indicated in the bill was 74265 units instead of 148530 units. A detailed billing statement from November 2014 to January 2015 was issued to the complainant alongwith the letter dated 18.03.2020. The amount of Rs. 2.33 Cr was the amount under-billed for a period of 48 months including totaling error in bills of January and February 2016 and non-incorporation of average billing in March 2016.

The consumer was also responsible for the error since he ought to have noticed the dropping of the bills from the monthly average of Rs. 8,10,700/- to Rs. 5,51,114/-.

The complainant's reply dated 09.06.2020, in particular the offer for an amicable settlement, was given due consideration by the Department and an internal proposal was made to permit the repayment in 48 installments. The Superintending Engineer was authorized to hold discussions with the complainant. The former tried to contact the latter but to no avail. The attempt to resolve the matter did not bear any fruit, hence it was decided to classify the amount as "amount under litigation" in the bill of September 2020.

As regards issue of limitation, the decision of Hon'ble Supreme Court in **Assistant Engineer, Ajmer Vidyut Vitran Nigam Ltd v. Rahamatullah**

Khan(MANU/SC/0203/2020) was relied upon. According to the Department, the limitation would commence from 21.02.2020 when MRT sub-division reported CT ratio's of all consumers.

Hearing.

The parties were called for final hearing at which time Shri G. Lamani appeared for the complainant while Shri Alvito Fernandes EE represented the Department. I heard them at some length.

Findings.

As stated earlier, this is a case of escaped billing caused by application of wrong MF to bills after change of CT's in April 2016 over a period of 48 months leading to an unbilled amount of Rs. 2,31,22,390/-. The Department admits its lapse that occurred due to change in billing software but maintains that the consumer is liable to pay for the electricity consumed.

There is no dispute as regards quantum of electricity consumed during the 48-month period. However, the fact remains that the arrears accrued due to serious billing errors committed by the Department leading to Rs. 2.31 Cr of unbilled amounts. The consumer cannot be penalized for errors or lapses committed by the Department. In its internal correspondence placed on record, the Department had suggested extending installment facility of 48 equal installments to the complainant. In course of the final hearing, the complainant's representative, on instructions, requested for 150 installments, a request that was reiterated later in writing.

In my considered opinion, in the peculiar facts and circumstances and in the interest of justice, the complainant - consumer ought to be permitted to pay the supplementary bill amount of Rs. 2,31,22,390/- in equal installments over the next 100 (one hundred) months/billing cycles.

Order.

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

1. The complaint is partly allowed.
2. The supplementary bill amount of Rs. 2,31,22,390/- claimed in the

communication dated 18.03.2020 issued by Executive Engineer (Division IV) Aquem Margao shall be recovered from the complainant in equal installments over the next 100 (one hundred) months/billing cycles without DPC.

3. Compliance shall be reported to this Forum within 40 days.
4. The complaint stands disposed accordingly.

SANDRA VAZ E CORREIA
(Member)