

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

Goa/C.G. No. 46/2024/203

Shri. Mukundraj Mudras,
R/o FF3, H.No. 296, Mudras Mansion,
Corte Real, St. Cruz Goa – 403 005.

..... 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-III,
Bambolim – Goa.

..... Respondents

Dated : - 26/11/2024

ORDER

1. This order shall dispose of the complaint by email received on 04.11.2024. The complainant alleges harassment and financial loss due to a fraudulently issued bill and delayed refund of the security deposit by the licensee Department, despite having cleared all dues and receiving a 'No Dues Certificate' in 2016.

Case of the complainant.

2. Succinctly, the complainant's case as culled from his complaint is that he was a consumer of the Department concerning an electricity connection (C.A. No. 60002119075) availed in 2016. After settling the

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final bill of ₹20735/- on 04.10.2016, the complainant received a 'No Dues Certificate' confirming the closure of all outstanding payments. Despite this, the complainant was shocked to receive a bill for ₹11138/- on 09.10.2024, purportedly dated 12.06.2019, which included DPC of ₹7409/-. This bill was issued three years after the final bill settlement and was never communicated to the complainant in 2019. Furthermore, no reminders, notices, or RRC proceedings were initiated as required by law.

3. The complainant suspected fraudulent tampering with the Department's computerized billing system, intended to cause financial harm and delay the security deposit refund. The complainant also alleges persistent harassment by the concerned Assistant Engineer (A.E.), including baseless allegations of fraud and coercion to pay an additional ₹1515/- for an allegedly outstanding bill. Repeated attempts to resolve these issues through the Chief Electrical Engineer and Executive Engineer have gone unanswered.
4. The complainant seeks relief by requesting the revocation of the disputed bill, refund of all amounts collected post-issuance of the 'No Dues Certificate' (along with applicable interest), and disciplinary action against the responsible A.E. for misconduct and harassment.

Case of the Department.

5. Per contra, the Department filed its reply through the third respondent opposing the complaint. Their case is that the complainant's grievance regarding electricity connection C.A. No. 60002119075 is delayed and lacks merit. They have provided a chronological overview of the connection, stating that while the connection was permanently disconnected on 08.10.2016 and the complainant paid a final bill, subsequent billing continued due to delays in system updates. The permanent disconnection was corrected in March 2018, leading to adjustments and a final bill of ₹11138/- raised in June 2019. The security deposit of ₹7000/- was adjusted against this amount in January 2021.

Sandeep Singh

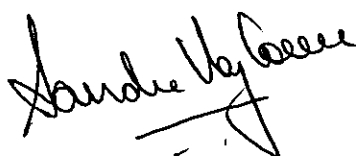
6. The respondents contend that they rectified any billing errors beyond the disconnection date and attributed it to administrative oversight. They emphasize that the complainant was provided certified receipts and informed of applicable regulatory clauses, including amendments to the Electricity Supply Code, justifying adjustments against the security deposit. Further, the respondents admit an oversight of ₹4138/- arrears during the issuance of the 'No Dues Certificate' but claim this was subsequently corrected, with the amount paid by the responsible staff member.
7. They deny serving any new bill to the complainant in October 2024 and refute allegations of harassment or fraud, asserting the claims are unsubstantiated and intended to create an illusory dispute. They argue the complaint is baseless, as no recovery is being pursued, and request its dismissal as misleading and not maintainable.

Hearing.

8. I heard the parties at length. The complainant appeared in person while Shri. Prasad Prabhu, A.E. represented the Department. They reiterated their case set out in the pleadings.

Findings.

9. I perused the records and gave due consideration to the submissions advanced by the parties at the hearing.
10. The only issue that crystallizes for my consideration for determination of this complaint is the validity and finality of the 'No Dues Certificate'.
11. The complainant asserted that the 'No Dues Certificate' issued on 04.10.2016 conclusively settled all outstanding dues, as per Clause 9.9 of the Electricity Supply Code. He argued that the issuance of a bill dated 12.06.2019, along with the delayed adjustment of the security deposit, violates the terms of the certificate and the



applicable regulations. On the other hand, the respondents contend that administrative oversights, such as delayed system updates and the unintentional omission of ₹4138/- in arrears, led to discrepancies but were subsequently rectified. They argue that the adjustments made post-disconnection, including against the security deposit, are valid under the Electricity Supply Code and its amendments.

12. The 'No Dues Certificate' issued on 04.10.2016, in the form of a receipt with "Final Bill" stamped, is prima facie evidence of the complainant having no outstanding dues at that time. Clause 9.9 of the JERC Electricity Supply Code 2018 explicitly states that such a receipt shall be treated as a 'No Dues Certificate'. This provision creates a legitimate expectation that the consumer's liability ceases upon issuance of the receipt.
13. While the respondents argue that administrative oversights caused delayed billing and adjustments, they failed to follow the procedural requirement of notifying the complainant promptly about any outstanding dues identified post-disconnection. The prolonged delay in raising the bill dated 12.06.2019 and the adjustment of the security deposit in January 2021 violate the principle of reasonable time and procedural transparency. Such actions undermine the certainty and finality attached to the 'No Dues Certificate'.
14. Clause 9.9 of the JERC Electricity Supply Code 2018 does not contemplate subsequent modifications or adjustments once a 'No Dues Certificate' is issued. The issuance of the certificate signifies the end of the contractual relationship concerning financial liabilities. The 2022 amendment to the JERC Supply Code (Clause 8.2)¹ permits adjustments against the security deposit for post-final-bill consumption; however, this amendment came into effect after the transaction in question and cannot retrospectively alter the terms agreed upon in 2016.




¹Notified in Official Gazette Series I No. 53 dated 31.03.2022.

15. The 'No Dues Certificate' issued to the complainant on 04.10.2016 is valid and final. The respondents' subsequent bill generation and adjustments are not enforceable against the complainant as they conflict with the provisions and intent of the provisions of the Electricity Supply Code applicable at the time.
16. At para 6 of his complaint, the complainant has claimed he was "*illegally forced to pay a sum of ₹1515/- towards a bill alleged to be outstanding*" by the concerned Assistant Engineer. In reply, the respondents have asserted that no bill beyond the final bill is generated or served to the complainant and further deny that any bill was served to the complainant after a lapse of 5 years. They have submitted that the complainant has misrepresented by presenting a copy of an old bill, asserting that no bill was served to him post-2016 and that no recovery is being sought from him. The complainant has not substantiated his claim of alleged recovery of ₹1515/- even in the rejoinder to the Department's reply. Hence, I am not inclined to grant any relief on this count.

Order.

17. In view of the foregoing discussions, the complaint is partly allowed. I hold the impugned bill for ₹11138/- dated 12.09.2019 to be unsustainable in law and is accordingly set aside. Proceedings closed.
18. The Complainant, if aggrieved, by non-redressal of his/her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal in prescribed Annexure-IV, to the Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs, 3rd Floor, Plot No.55-56, Service Road, Udyog Vihar, Phase-IV, Sector-18, Gurugram-122015 (Haryana), Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in within one month from the date of receipt of this order.


SANDRA VAZ E CORREIA
(Member)