

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

Goa/C.G. No. 48/2024/220

TRIMART RETAIL LLP,
Through Authorised Representative
Shri. Paresh Atmaram Sinai Sawardekar,
1st Floor, Prudential Panache,
Near Chinmaya Mission,
Gogol , Margao – 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 –IV, Margao – Goa.

3. The Assistant Engineer,
Electricity Department,
Div – IV, S/D-II,
Fatorda – Goa.

..... Respondents

Goa/C.G. No. 49/2024

M/s. TRIDENTIA DEVELOPERS,
Through Authorised Representative
Shri. Paresh Atmaram Sinai Sawardekar,
1st Floor, Prudential Panache,
Near Chinmaya Mission,
Gogol , Margao – 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 –IV, Margao – Goa.

Sancho V. Gouveia

3. The Assistant Engineer,
Electricity Department,
Div – IV, S/D-II,
Fatorda – Goa.

..... Respondents

Dated : - 16/12/2024

ORDER

1. These cases revolve around the recovery of unbilled amounts that were not assessed due to the incorrect application of the multiplying factor (MF) since the connections were released.
2. The parties, facts, submissions, and issues in both complaints are identical. Therefore, I will address them together in a common order.

Case of the complainants in brief.

3. The complainants, M/s Trimart Retail LLP and M/s Tridentia Developers, both represented by its partner Shri Paresh Atmaram Sinai Sawardekar, are aggrieved by the revised demands raised by the respondents. The demands, amounting to ₹1,15,36,249/- and ₹39,91,352/- respectively, are based on a correction in the multiplying factor (MF) of their electricity meters from 1 to 20. The complainants contend that these demands are arbitrary, unexplained, and unclear regarding the period for which such corrections were made. They assert that the impugned demands amount to a deficiency in service rendered by the licensee Department and unfair trade practices, given that the complainants have diligently cleared all prior electricity dues.
4. The complainants further allege that the Department's coercive measures, including threats of disconnection and imposition of a punitive 16% interest on delayed payments, have caused them severe

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mental harassment and financial hardship. Despite repeated representations seeking instalment-based payment arrangements (60 instalments), the licensee - Department has arbitrarily allowed only limited relief of 30 instalments, which remains practically unviable given the complainants' financial constraints. The complainants also aver that the Department's procedural lapses and failure to address their genuine grievances amount to gross negligence and a breach of service obligations.

5. Accordingly, the complainants pray for waiving the entire disputed amount raised by the Department. Alternatively, they seek permission to discharge the liabilities in 60 interest-free instalments as requested in their representations. They further seek an order restraining the Department from disconnecting their electricity supply during the pendency of this matter.

Case of the Department in brief

6. Upon being noticed, the respondents entered their reply through the third respondent. They have justified their demands for revised electricity charges, citing a correction in the MF for the complainant's electricity meters from 1 to 20. This adjustment, they state, was based on discrepancies detected in the Current Transformer (CT) capacity during a routine audit, which led to the under billing of the complainant. The respondents assert that the revised charges amounting to ₹1,15,36,249/- and ₹39,91,352/- were raised in accordance with the law to recover revenue loss to the Department and that there was no intent to harass the complainant. They contend that the revised bill includes only legitimate dues owed for electricity consumed by the complainant and cannot be waived.
7. The respondents rely on the judgment of the Hon'ble Supreme Court in *Prem Cottex v. Uttar Haryana Bijli Vitran Nigam* (Civil Appeal No.

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7235 of 2009) to justify their claim for recovery of the unbilled amounts.

8. The respondents further emphasised that the complainant was offered the option to clear the dues in 24 monthly instalments, which later increased to 30 instalments upon subsequent representations. They deny any deficiency in service, asserting that correcting errors in billing constitutes a lawful adjustment to rectify escaped assessment. The respondents submit that the complainant's failure to pay the first instalment on time necessitated the imposition of interest at 16% per annum on delayed payments as per departmental regulations.
9. The respondents further submitted that the demand raised cannot be construed as arbitrary or excessive, as it represents a correction of underbilling for electricity already consumed by the complainant. They contend that raising the demand was necessary to prevent financial loss to the government. They reject the complainant's allegations of mental harassment and argue that the complainant's request for a waiver lacks merit, given the nature of the charges. In their prayer, they request the dismissal of the complaints and seek directions to enforce recovery of the revised amounts in line with statutory provisions.

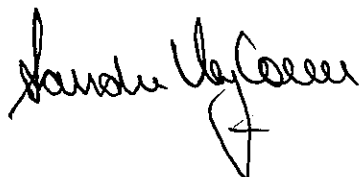
Hearing.

10. I heard the parties on videoconference. Shri Anirudh B. Salkar represented the complainants, while Shri Sunil Ballikar, AE (Com) Fatorda, represented the Department.
11. I have perused the records and given due consideration to the submissions of the parties canvassed at the hearing. In view of the rival contentions, the only issue that crystalises for my consideration is whether the 30-instalment facility extended by the respondents was fair and just in the peculiar facts and circumstances of the case.

Sanjay B. Salkar

Findings.

12. The Department admits that they detected the improper application of MF during a routine inspection. Consequently, they have back-billed the consumers from the inception of the connections. Initially, the amount was sought to be recovered in a lump sum. After that, based on consumer representations, a 24-instalment facility was extended, later increased to 30 instalments. Not satisfied, the consumers have sought relief from this Forum.
13. The complainants have not disputed the consumption of power during the period nor the correctness of the MF claimed by the Department. Though they initially agreed to pay the unbilled amount (in 60 instalments), the challenge to the legitimacy of the licensee's claim was made – albeit belatedly – only in the complaints before this Forum. Nonetheless, the interpretation of Sec. 56 (2) of the Electricity Act and hence the issue of the licensee's right to recover such unbilled amounts is no longer *res integra* in view of the Hon'ble Apex Courts judgment in Prem Cottex's case *supra*, which is a crucial legal precedent in this matter.
14. Be that as it may, the fact remains that recovery of such large amounts in a lump sum or a few instalments amounts to penalising a consumer for no fault of his. Such demands can send any consumer's financial plans into a tailspin. The complainant's request for payment in 60 instalments was justified in the facts and circumstances of the case and ought to have been acceded to.
15. Though I am not convinced by the complainant's claim for a waiver of the entire amount, I find merit in their request to pay the amount in 60 instalments.



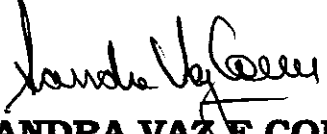
Order.

16. Hence, I pass the following order:

- a. The complaints bearing nos. Goa/CG no. 48/2024 and Goa/CG no. 49/2024 are partly allowed.
- b. The amounts of ₹1,15,36,249/- and ₹39,91,352/- shall be recovered from the respective consumers in equal instalments over the next 60 (sixty) billing cycles without DPC. Needless to say, Department shall be at liberty to apply DPC in case of default in payment of any installment/s.
- c. Department shall report compliance with this order to the Registry of this Forum within 30 days of receipt.

Both complaints stand disposed of as above. Proceedings closed.

17. 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)