

## **Before the Electricity Ombudsman**

(Appointed by the Joint Electricity Regulatory Commission  
for the State of Goa and UTs, under Section 42 (6) of the Electricity Act, 2003)  
Second Floor, HSIIDC Office Complex, Vanijya Nikunj, Udyog Vihar, Phase-V, Gurgaon (Haryana)  
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**Appeal No. 5/2012**

**Representation No. 5/2012 Before the Electricity Ombudsman for Goa and UTs, filed by Consumer No. HTC-44 (M/s Sardesai Engg. Works, Shri Prakash B Sardesai and Naguesh Prasad, Madant Cortalim -Goa)-High Tension Industrial Connection with Contract Demand of 100 KVA against Order dated 11.01.2012 of CGRF, Electricity Department , Goa in the matter relating to erroneous and wrongful billings and illegal disconnection of supply.**

1. M/s Sardesai Engg. Works,  
Shri Prakash B Sardesai and Naguesh Prasad,  
Madant Cortalim Goa- 403710

**Appellant**

V/s

2. The Chief Electrical Engineer,  
Electricity Department,  
Govt. of Goa, Vidyut Bhawan,  
Panaji, Goa- 403001

**Respondent**

**Present:** Mr. V.K. Khanna, Electricity Ombudsman for JERC for Goa and UTS.

**On behalf of the Appellant:** Shri Prakash B. Sardesai and Vishvesh P. Sardesai of M/s Sardesai Engg. Works, in the **hearings on 20.03.2012 and 26.04.2012 at Goa.**

**On behalf of the Respondent:** Shri Sivasankaran K., Executive Engineer, Div. XI, Vasco-Goa (as per Authorisation letter dated 19/03/2012 from the Chief Electrical Engineer) in the **hearing on 20.03.2012 at Goa, and**

Shri Nirmal Braganza, Chief Electrical Engineer, Electricity Department, Govt. of Goa, in the **hearing on 26.04.2012 at Goa.**

### **ORDER**

21.05.2012

The above cited Representation delivered in the office of Electricity Ombudsman for JERC for Goa and UTs on 07.02.2012 was admitted on 27.02.2012 after the Chief Electrical Engineer, Electricity Department, Govt. of Goa, having clarified and confirmed vide his letter dated 23.02.2012 (in response to the Ombudsman's letter dated 13.02.2012) that the said representation is in no way related to unauthorised use of electricity and, therefore, no assessment of energy and dealing on the matter under Sections 126 & 127 of the Electricity Act, 2003, arises.

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A copy of the above said representation which was forwarded to the Chief Electrical Engineer, Electricity Department, Govt. of Goa (the Respondent herein) on 13.02.2012 itself (while seeking their clarification and confirmation as to whether the complaint/ grievance of the Consumer under the said representation on the matter relating to erroneous and wrongful billings and illegal disconnection of supply is on account of unauthorised use of electricity or otherwise) was again referred to in the letter dated 27.02.2012 from the office of Electricity Ombudsman to the Chief Electrical Engineer, Govt. of Goa, intimating admission of the representation with the direction to submit their remarks/ counterstatement on each of the points/ issues relating to the matter of this representation to the office of Ombudsman latest by 09.03.2012, supported by copies of relevant documents with a copy of the same to the petitioner of this representation.

**The brief facts of the case are as follows:**

The Appellant is an industrial consumer of Electricity Department, Govt. of Goa with contract demand of 100KVA in term of an agreement dated 03.01.1975 executed between Electricity Department, Govt. of Goa and the Consumer (the Appellant herein).

The grievance of the Appellant is that, firstly, they have been wrongly and erroneously billed for electricity consumption from the year 2000 onwards in contravention of the terms and conditions of Agreement dated 03.01.1975 between them and the Electricity Department, Government of Goa. Secondly, delayed payment surcharge has been wrongly levied by the Respondent. Thirdly, the supply was disconnected by the Respondent from 28.01.2010 without observing the laid down time frame of 15 days' notice as stipulated in the Electricity Act, 2003.

The Appellant's submission is that they have been wrongly levied energy charges for contract /connected load of 137KVA whereas the actual load had all along been much less than the contract demand of 100 KVA as per the Agreement. Neither the contract/ connected load has ever exceeded 100KVA nor has the Appellant ever made any request to the Respondent for enhancing the contract demand. Delayed payment surcharge is obviously not payable by the Appellant as the Respondent has wrongly and erroneously raised the bills for payment from time to time. The Appellant's submission is that according to the tariff schedule Notification No. 2/20/92- HD (G) notified by Govt. of Goa on 02.05.2000 (applicable for the purpose of billing from 01.07.2000) and Notification No.120/2/CEE/TECH notified by the Government of Goa on 11.04.2002 (applicable for the purpose of billing from 01.04.2002), tariff applicable to supply of power at 11 KV and above for a **contract demand above 100 KVA** for Industries is 'HTI/ Industrial', whereas for other industrial units with **connected load not more than 100 KVA**, the tariff applicable is under the consumer category 'Tariff- LTP/Motive power'. The Appellant's contention is that since they fall under the latter category of tariff, they should have been correctly billed for energy consumption at the rates applicable under the latter tariff category i.e., 'Tariff- LTP/Motive power' instead of the rates of tariff under 'HTI/ Industrial' category, continuously from the year 2000 onwards.

The Appellant's submission is also that the action of the Respondent to disconnect supply to his installation was illegal as it was done without abiding by due provisions of law as provided under Section 56 of the Electricity Act, 2003. This illegal action of the Respondent caused damages to his plant and machinery.

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The Appellant, after having failed to have the grievance settled with the Respondent and faced with a threat of disconnection of supply of power to his industrial unit had, in the normal course, the remedy of approaching the CGRF for redressal of their grievance. But unfortunately the Electricity Department, Govt. of Goa (deemed licensee), despite there being clear mandate under Sub-section (5) of Section 42 of E.A, 2003 to establish the forum for redressal of consumers' grievances within 6 months from the appointed date or date of grant of licence, had not created such a Forum. Under the then prevailing circumstances, the Appellant had no other option except to knock at the doors of the courts. The Petitioner had approached the Hon'ble High Court of Bombay at Goa by way of Writ Petitions No. 536/2009 & 159/2010 seeking relief from the Court among others for setting up CGRF by the Respondent. The Hon'ble Court had directed the petitioner (the Appellant herein) to pay a sum of Rs. 8 Lakh to the Respondent within the period of 6 weeks to avoid disconnection of supply which will be subject to the decision of the CGRF who will have to eventually decide the dispute between the parties. In the order dated 10.03.2010 relating to review petition (No. 159/2010), the Hon'ble Court accepted the plea of the respondent that in case the petitioner deposit the amount of Rs. 8 lakh (as earlier directed by the Court) within 48 hrs the electricity connection will be reconnected subject to payment of reconnection charges. With this the petition was dismissed by the Court, keeping all the issues open for the petitioner to agitate before appropriate statutory Forum.

Eventually, since the CGRF had been established by the Electricity Department, Govt. of Goa, the Appellant filed his grievance application before the Forum initially on 13.07.2011 which was heard on 11.08.2011 and 22.08.2011. The Appellant submitted before the Forum all the documents and details of events of his having earlier approached the Hon'ble High Court, expressing the view that as per the orders of the Court, all the issues were to be decided by the Forum notwithstanding the fact that no payment was made by them. The Forum did not accept this plea and directed the Appellant vide order dated 28.08.2011 that they may make payment within 2 weeks or again approach Hon'ble High Court for modification of the earlier order. Aggrieved with this order of the Forum the Appellant filed a Writ Petition No. 641/2011 before the Hon'ble High Court of Bombay at Goa. The Hon'ble Court in its order dated 17.11.2011 to this Writ Petition quashed and set aside the Forum's order dated 28.08.2011, observing that the payment of Rs. 8 lakh was not a condition precedent for entertaining the grievance/ complaint filed by the petitioner and the impugned order is patently unsustainable in law. The Hon'ble Court directed the Forum to decide the complaint/ grievance of the petitioner expeditiously and in any case, within a period of 2 months from the date of the order 17.11.2011.

Equipped with this order of the Hon'ble High Court the Appellant filed another application along with the rejoinder dated 09.12.2011 before the Forum with a prayer to continue the proceedings.

The CGRF in its order dated 11.01.2012, by taking a majority view and by rejecting enblock the views expressed by one of the members of the Forum (views expressed by this member Mr. P.K. Kamalan, quoted as note of dissent in the order), dismissed the petition with the conclusions that

- (a) bills raised by the Department from the year 2000 onwards are correct and that Delayed Payment Surcharge (DPS) have also been levied correctly.

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- (b) disconnection of supply, as contended by the consumer at his premises, carried out illegally by the Department, is devoid of substance and is dismissed.
- (c) damages caused on account of disconnection by the Department is not supported by record of any evidence and hence the claim on this account is rejected.

Aggrieved by this order passed by the Forum, the Appellant filed this representation/ appeal before the Electricity Ombudsman for JERC, with the following prayer.

### **Prayer**

1. To quash and set aside the order dated 11.01.2012 by the Forum.
2. To restore forthwith the illegal disconnection undertaken from 28.01.2010.
3. To direct the Respondent to revise the bills from July 2000 onwards till date in terms of the agreement dated 03.01.1975 between the Appellant and the Respondent.
4. All delayed payment surcharges (DPS) from July 2000 till date be quashed.
5. All bills raised during illegal disconnection period be quashed.
6. Excess amount of bills recovered be refunded with interest.
7. Damages incurred to Plant & Machinery and continuing loss of revenue amounting to rupees one crore be indemnified.

### **Settlement by Agreement**

Both the parties to the dispute were informed by the Office of Electricity Ombudsman on 12.03.2012 to appear before the Ombudsman for the preliminary hearing on 20.03.2012 at Goa, indicating them to put forth and explain the case in person, answer all material questions and produce relevant documents relating to the subject matter of the representation. It was indicated that the endeavour of the Ombudsman during this preliminary hearing primarily shall be to facilitate and explore the possibilities of settlement of the grievance/dispute through conciliation and mediation.

Both the parties appeared and were heard. During the hearing efforts were made to find out if they were prepared for any settlement agreeable to both of them. However, no accord or settlement agreeable to both the parties could be reached. It was therefore decided to pass an award only after another hearing and providing further reasonable opportunity to both the parties to argue and put forth their pleadings on the matter.

**In the meanwhile, during this preliminary hearing, it was ordered that pending further hearing on the matter and settlement of the billing payment including levying of delayed payment surcharge (DPS), electricity supply to M/s Sardessai Engg. Works (the Appellant) shall be reconnected by the Electricity Department, Govt. of Goa, immediately within three days from the issue of this interim order dated 26.03.2012 without causing any hardship to the Appellant with a proviso that payment of electricity bills for the consumption consequent upon this reconnection as may be raised by the Respondent Department, shall, be paid by M/s Sardessai Engg. Works, subject to adjustment, if any, necessitated after the final award of the Ombudsman.**

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The next hearing in the matter was held at Goa on 26.04.2012. The Respondent during this hearing, on a query, confirmed of their having complied with the above interim order of the Ombudsman.

## **Pleadings by the parties to the Dispute**

### **I. The Appellant**

During this hearing, the Appellant reiterated the grievances as detailed in the representation/appeal. In nutshell, their submission is as follows:

1. Firstly, they have been wrongly and erroneously billed for electricity consumption from the year 2000 onwards which is in contravention of the terms and the conditions of Agreement dated 03.01.1975 between the Appellant and the Respondent. They have been wrongly levied energy charges for contract/ connected load of 137KVA. Neither they have ever made any request to the Respondent for enhancing the contract demand nor their contact/ connected load ever exceeded 100KVA. In this connection, an affidavit with the CGRF had been filed that no application to the Respondent was made by them at any stage for enhancement of their originally agreed contract demand. There has been no modification or amendment to the Agreement between the Appellant and the Respondent. Usage of electricity by the Appellant all along has been in accordance with the provision of the Agreement. Hence, the change in contact/ connected load does not arise.
2. According to the tariff schedule Notification No. 2/20/92- HD (G) notified by Govt. of Goa on 02.05.2000 (applicable for the purpose of billing from 01.07.2000) and Notification No.120/2/CEE/TECH notified by the Government of Goa on 11.04.2002 (applicable for the purpose of billing from 01.04.2002), **tariff category** applicable to supply of power at 11 KV and above for a **contract demand above 100 KVA** for Industries is 'HTI/ Industrial' whereas for other industrial units with **connected load not more than 100 KVA**, is 'Tariff- LTP/Motive power'. Since the Appellant fall under the latter category of tariff, they should be correctly billed for energy consumption at the rates applicable under the latter tariff category i.e., 'Tariff- LTP/Motive power' instead of the rates of tariff under 'HTI/ Industrial' category, continuously from the year 2000 onwards.
3. As for delayed payment surcharge (DPS) levied on them, since the Respondent has wrongly and erroneously raised the inflated bills for payment from time to time in contravention of the Agreement and not for tariff category applicable to them as per the tariff schedule notified by the Govt. of Goa in the year 2000 and again in 2002 as put forth above, the same are obviously not payable by them. In support of this contention, the Appellant cited the decision of the Hon'ble High Court of Patna in the case of Shri Manvendra Narain Agarwal V/s The Bihar State Electricity Board which they had placed before the CGRF during the hearing on 28.12.2011. The decision held in here is that if it is held that the bills raised are erroneous, DPS is not leviable.

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(6)

4. Action of the Respondent to disconnect the supply to their installation from 28.01.2010 was illegal. Only three days notice was issued to them as against the laid down time frame of 15 days notice as provided under Section 56 of the Electricity Act, 2003. This illegal action of the Respondent caused damages to their Plant & Machinery.
5. The Appellant submitted that Forum's order dated 11.01.2012 (by taking a majority view) is bad in law and is in breach of facts, evidence, documents on record etc. and requested it to be examined as to whether the findings of one of the member recording dissenting view in the order that 'No liability in excess of legal liability arising out of contractual obligations in terms of agreement can be claimed and enforced and thereby arriving at finding that raising of bills beyond 100KVA of agreed supplied was in breach of law', could be rejected by the majority without giving concrete reasons, legal or others.

## **II. The Respondent**

1. Responding to the above contentions of the Appellant, the representative of the Respondent in the course of their submission/replies and during the hearing denied the contention of the Appellant and submitted that the bills have been raised by the Department correctly. With regard to the contention of the Appellant and an affidavit filed by them that they had not made any request application for increasing the contract demand at any stage, the Respondent had no documents or evidence to deny the same. The Respondent, however, argued that it is technically feasible to have connected load of 137KVA against the contract demand of 100KVA.
2. As regards the contention of the Appellant that he has been erroneously billed under the tariff category HTI/Industrial (supply at 11KV and above for a contract demand above 100 KVA) instead of the tariff category LTP/Motive Power (connected load of not more than 100KVA) as per the tariff schedule notification of Goa Govt. in the year 2000 and again in 2002, the Respondent clarified and submitted that since the Appellant continued to get the supply even after these notifications at HT for contract demand not more than 100KVA, they do not qualify for tariff applicable under the tariff category of LTP/Motive Power. Hence, the Department from the year 2000 has been billing the Appellant correctly under the tariff category HTI/ Industrial even though their contract demand may not be above 100 KVA.
3. Delayed payment surcharge levied is in accordance with the relevant provisions of the tariff notifications from time to time and is correctly levied by the Respondent as there has been no wrong and erroneous billing as being alleged by the Appellant.
4. As for disconnection of supply without adhering to the stipulated notice period of 15 days, the Respondent submitted that the Department took this step because the Appellant who had approached the Hon'ble High Court of Bombay at Goa (in absence of CGRF of ED, Govt. of Goa for redressal of grievances being then not in

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place) did not pay a sum of rupees eight lakh as per order by the Court to avoid disconnection. The Respondent further submitted that the letter dated 25.01.2010 sent to the Appellant regarding disconnection was merely an intimation. The representative of the Respondent also informed that the Appellant was billed up to 6 months after temporary disconnection on 28.01.2010 and the same was in accordance with the laid down procedures.

5. The Respondent out rightly disputed the contention of the Appellant as regards his claim of damages of their Plant & Machinery caused on account of disconnection and submitted that the Appellant was consciously in the know of the situation and the repercussion that would be in the offing in the event of his failure to pay the sum of rupees eight lakh as per order by the Hon'ble Court. It was their own responsibility to take care of Plant & Machinery and its maintenance. The onus of this is therefore on the Appellant and the claim for damages is simply baseless.
6. Finally the Respondent submitted that the CGRF by taking a majority view and after considering all the facts of the case has already disposed off the complaint/ grievance of the Appellant in favour of the Electricity Department, Govt. of Goa. Keeping in view the clarifications furnished by them during the hearings and the written replies of the department, the representation of the Appellant, may be dismissed.

### **Issues**

The issues arising from the above are as under:

1. Why did the Respondent Department bill the Appellant consumer exceeding the contract demand as per the Agreement, from the year 2000 onwards particularly, when there was no request application by the Appellant for enhancing the contract demand or actual increase in contract/ connected load or amendment to the Agreement or supplementary Agreement to this effect?
2. Why did the Respondent categorised the Appellant for billing from the year 2000 onwards under tariff category HTI/ Industrial when a separate tariff category LTP/Motive Power for industries with connected not more than 100KVA, distinctly existed in the Tariff Schedule Notifications in the year 2000 and again in the year 2002?
3. Was the Appellant consumer billed wrongly and erroneously and to what extent?
4. Were the levying of DPS on bills so raised on the Appellant for payment, warranted?
5. What compelled the Respondent to contravene the provision of Section 56 (1) of the Electricity Act, 2003 and carry out disconnection illegally on 28.01.2010?
6. Consequent of loss and damage and on whom lie the onus?

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## Findings

The dispute under this representation is regarding wrong and erroneous billing from the year 2000 onwards. As already narrated under the head 'Brief facts of the case' of this order, it follows that the matter in this dispute could not be resolved for long and lingered on in the Department itself mainly on account of the fact that the institutional mechanism for redressal of consumers' complaints/ grievances had not been established by the Electricity Department of Govt. of Goa despite there being clear mandate under Sub-section (5) of Section 42 of EA, 2003 to establish the Forum for redressal of consumers' grievances.

**The very first issue** is the Respondent billing the Appellant exceeding the contract demand of 100KVA as per the terms and conditions of Agreement dated 03.01.1975 between them. The contention of the Appellant is that their actual connected or contracted load at no time or on any of the occasions exceeded the sanctioned load /contracted Demand nor had they ever requested the Respondent to enhance the same. Their contract Demand as per the original Agreement remained unchanged. The Respondent in their written submissions or during the hearing failed to substantiate or in other words unable to provide any valid information or evidence to prove that the connected load/ contracted load of the Appellant ever exceeded the contract demand of 100KVA.

Increase in connected or contracted load in excess of the sanctioned load as per the Agreement is deemed as unauthorised use of electricity. In this connection Clause 10.1 (2)(i) on the subject of 'Unauthorised Use Electricity and Theft of Electricity' in the 'JERC (Electricity Supply Code) Regulations, 2010', refers and is reproduced as under:

*The following acts on the part of the consumer shall also be considered as unauthorised use of electricity and shall also be dealt with for assessment under the provision of Section 126 of the Act.*

- (i) *Increase in connected or contracted load in excess of the sanctioned load as per the agreement.*

The Chief Electrical Engineer of the Respondent Department right in the beginning, even before this representation of the Appellant was admitted, had clarified and confirmed that 'this representation is in no way related to unauthorised use of electricity and, therefore, no assessment of energy and dealing on the matter under Sections 126 and 127 of the Electricity Act, 2003 arises'.

It follows from the above that the Respondent themselves have admitted that the connected/ contracted load had not exceeded the sanctioned load of 100KVA as per the Agreement. Had it been otherwise the Respondent would have themselves dealt with this case as for unauthorised use of electricity in accordance with the provision of the Electricity Act, 2003.

The grievance of the Appellant that they have been wrongly billed for load exceeding 100KVA stands justified. There is no reason why the Respondent shall bill them for load exceeding 100KVA.

Hence, the decision on this issue is in favour of the Appellant.

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**The next issue** following from the above is the applicability of tariff category based on which the Appellant consumer should be billed in terms of tariff schedule Notification No. 2/20/92-HD (G) notified by Govt. of Goa on 02.05.2000 and Notification No. 120/2/CEE/TECH notified by Govt. of Goa on 11.04.2002. Whereas the Appellant's contention is that they should have been correctly billed for energy consumption at the tariff rates applicable under the category 'Tariff- LTP/ Motive Power' from the year 2000 onwards because this is the tariff applicable for industrial units where connected load is

not more than 100KVA both under the Tariff schedules of 2000 and 2002 (mentioned above), the Respondent's counter submission is that since the Appellant continued to get the supply even after these notifications at HT (even for contract demand not more than 100KVA), the tariff applicable to them is under the tariff category 'HTI/ Industrial' and has been correctly billed by them.

In this connection, it would be logical to refer to the contents or provisions of both the above cited tariff schedules notified by Govt. of Goa.

**Schedule General conditions** under items (4) and (5) in both the tariff schedules of the year 2000 and 2002, provide as under:

- (4) *As a general rule, no low voltage services shall be given where the connected load per service is over 100KVA nor high voltage service shall be given where the connected load is less than 100KVA. Exceptions may be made in special cases at the discretion of the Chief Electrical Engineer.*
- (5) *Supply to consumers having a connected load between 100KVA to 1000KVA will be generally at 11KV, and for more than 1000KVA at 33KV exceptions may be made in special cases at the discretion of the Chief Electrical Engineer.*

So the General Conditions of tariff schedule itself mandates to supply electricity to consumers having connected load of 100KVA at HT (11KV) and hence there is no special dispensation granted by Respondent to continue to supply power to the Appellant consumer at HT. The contention of the Respondent therefore to treat the Appellant consumer where the connected load is not more than 100KVA under the tariff category HTI/ Industrial is not valid.

According to tariff schedules notified in 2000 and 2002, whereas 'Tariff – LTP/ Motive Power' is applicable to consumer of industrial units where connected load is not more than 100KVA, tariff category 'HTI/ Industrial' is applicable to supply of power at 11KV and above for industries for a contract demand above 100KVA.

It follows from the above that the tariff applicable to the Appellant in this case is logically under the tariff category LTP/ Motive Power and hence billing in their case from 2000 onwards shall be on this basis and not under the tariff category HTI/ Industrial.

Hence, in accordance with the tariff schedule notified by Govt. of Goa in 2000, the tariff applicable to Appellant, which shall apply for the purpose of billing w.e.f 01.07.2000, shall be at the rates as prescribed under tariff category 'Tariff -LTP/ Motive Power'. Further in accordance with the tariff schedule notified by Govt. of Goa in 2002, the tariff applicable to Appellant, which shall apply for the consumption of energy w.e.f 01.04.2002, shall be at the rates as prescribed under the tariff category 'Tariff- LTP/Motive Power'.

The decision on the issue is in favour of the Appellant.

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**Regarding issues 3 to 5**, the reading of the Rate Schedule notified under tariff notifications by Govt. of Goa in the year 2000 and again in 2002 reveal that the tariff rate actually applicable to the Appellant from the year 2000 onwards is much less than the rates they had been billed by the Respondent. It is sheer due to unfair action of the Respondent towards the Appellant, imagining the connected or contracted load exceeding the contract demand of 100KVA as per the Agreement and the Respondent's misinterpreting the provision of tariff schedules as regard categorisation of the Appellant industrial consumer which led to their billing excessively and heavily. The inordinate delay in establishing the redressal mechanism of CGRF by the Respondent Department caused unnecessary hardship and harassment to the Appellant consumer and timely delivery to resolution of their grievance. The treatment meted out to the Appellant was unwarranted and unjust.

**As for the issue (6) concerning loss and damages**, I am, conclusively, of the view that consequent to illegal disconnection, the matter needs to be considered not merely as that of material loss and damages claimed by the Appellant but also as that of mental stress, anguish and agony caused to them.

As for damages to their equipment, plant & machinery, I admit that it is the function and responsibility of the Appellant industrial consumer to keep their plant & machinery intact, functional and operational. They should have consciously kept themselves abreast with the likely emerging situation and foreseen the obvious action of the Department as per the order of the High Court and should have taken advance remedial measure to safeguard and protect their plant & machinery from any damages. This besides, it is concluded that the onus, for the loss caused to the Appellant due to illegal disconnection which led to loss due to closure of the unit and resultantly the mental stress and the agony caused, definitely lies on the Respondent and for this the liability for compensation also lies on them. A token compensation of rupees one lakh towards this is awarded which shall be paid to the Appellant consumer by the Respondent Department.

## **ORDER**

Based on the above, the representation of the Appellant is disposed off with the following order:

1. The impugned order of CGRF, Electricity Department, Goa, is quashed and set aside.
2. The electricity bills of the Appellant shall be revised by the Respondent (month- wise or as per the period of billing cycle) from the year 2000 onwards (effective 01.07.2000) to date at the tariff rate under the tariff category 'Tariff- LTP/Motive Power' (applicable to industrial consumers where connected load is not more than 100KVA) in accordance with the tariff schedule notified by the Govt. of Goa in the year 2000, again in the year 2002 and/or thereafter (if any) till date.
3. Month-wise statement, showing in rupees (i) amount payable as per the revised bill, (ii) amount of bills already paid by the consumer (the Appellant herein) and (iii) amount paid in excess or to be recovered, shall be prepared, thoroughly checked/ verified and delivered to the Appellant.

4. Amount paid in excess (if any) by the Appellant shall be refunded to them by the Respondent Department with interest equivalent to the bank rate (currently 6% p.a).
5. Delayed payment surcharge (DPS) shall be levied only on the amount remaining to be recovered but not paid by the Appellant by due date. If none, all delayed payment surcharges from July 2000 onwards till date, shall stand quashed.
6. Towards losses and mental stress and agony caused to the Appellant due to illegal disconnection and consequent closure of their unit, a token compensation of rupees one lakh, shall be paid to the Appellant by the Respondent Department.
7. Bills raised during the period of illegal disconnection from 28.01.2010, shall stand quashed.
8. No order on costs.

Dated: 21<sup>st</sup> day of May, 2012

Sd/-

(V. K. Khanna)

Electricity Ombudsman for JERC for the State of Goa and UTs

Ref File No. 1/15/2012-EO

Forwarded to:

1. M/s Sardessai Engg. Works,  
Shri Prakash B Sardessai and Naguesh Prasad,  
Madant Cortalim Goa- 403710

They shall furnish to the Chief Electrical Engineer, Electricity Department, Govt. of Goa, within a period of one month from the date of issue of this order, a letter of acceptance that the award is in full and final settlement of their representation/ claim. If they do not intimate the acceptance, the order shall not be required to be implemented by the Respondent Department/ licensee.

2. The Chief Electrical Engineer,  
Electricity Department,  
Govt. of Goa, Vidyut Bhawan,  
Panaji, Goa- 403001

The Respondent shall comply with the award/ order within 15 days of the receipt of the intimation letter of acceptance from the Appellant and intimate the compliance to the Electricity Ombudsman for JERC. Non-compliance shall constitute violation of JERC regulations and may attract remedial action under Sections 142 and 146 read with Section 149 of Electricity Act, 2003.

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Copy also to:

1. The Secretary, JERC for Goa and Uts
2. The Secretary (Power), Govt. of Goa, Panjim.
3. The Chairman, CGRF, ED, Govt of Goa.

## **Before the Electricity Ombudsman**

(Appointed by the Joint Electricity Regulatory Commission  
for the State of Goa and Uts, under Section 42 (6) of the Electricity Act, 2003)  
Second Floor, HSIIDC Office Complex, Vanijya Nikunj, Udyog Vihar, Phase-V, Gurgaon (Haryana)  
Ph: 0124-2340954, Telefax: 0124-2342853, E-mail: [vkkhanna2002@gmail.com](mailto:vkkhanna2002@gmail.com)

Date: 04<sup>st</sup> June, 2012

**Representation No. 5/2012 Before the Electricity Ombudsman for Goa and Uts, filed by Consumer No. HTC-44 (M/s Sardessi Engg. Works, Shri Prakash B Sardessi and Naguesh Prasad, Madant Cortalim –Goa)-High Tension Industrial Connection with Contract Demand of 100 KVA against Order dated 11.01.2012 of CGRF, Electricity Department , Goa in the matter relating to erroneous and wrongful billings and illegal disconnection of supply- Order dated 21.05.2012 passed in respect thereof.**

### **CORRIGENDUM**

Correction, as indicated below, shall be carried out in the above said order:

The figure 6% appearing after the word ‘currently’ in the bracket under item (4) on page 11 of the Order, shall be read as 9%.

Sd/-  
V. K. Khanna  
Electricity Ombudsman

Ref No. 1/15/2012-EO

**To,**

1. Shri Nirmal Braganza  
Chief Electrical Engineer,  
Electricity Department,  
Govt. of Goa, Vidyut Bhawan,  
Panaji, Goa- 403001
2. M/s Sardessai Engg. Works,  
Shri Prakash B Sardessai and Naguesh Prasad,  
Madant Cortalim Goa- 403710.