

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18,
Gurugram (Haryana) 122015,
Phone No.:0124-4684708, Email ID:
ombudsman.jercuts@gov.in

Appeal No.187 of 2022

Date of e-hearing: 19.01.2023

Date of Order: 08.02.2023

Shri Tarzan D'Costa,
Goa

.... Appellant

Versus

The Chief Electrical Engineer,
Electricity Department,
Goa and others

.... Respondents

Parties present:

Appellant(s) Mr. Tarzan D'Costa,
Advocate/ Appellant

Respondent(s) 1-Shri Arun Patil,
Executive Engineer
2-Shri Sydney D'Costa,
Assistant Engineer



Date of Order: 08.02.2023

The Appellant has preferred an Appeal against CGRF-Goa order No-10/2022/78 dated-25.07.2022 and orders in Review Petition No-01/2022/125 dated-06.10.2022. The appeal/representation received in this office on 22.11.2022 by email and the same was admitted for examination and consideration on 24.11.2022. Copy of the same as received was forwarded to the Respondents with a direction to endeavour to settle the representation through mutual agreement within 10 days. In case no settlement is achieved through mutual agreement, Respondents should file the affidavit of counter reply in the required format, to the appeal/representation within 20 days from the date of Admission Notice.

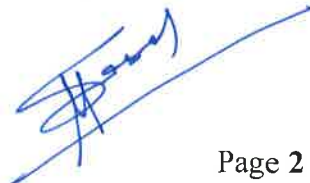
(A) Submissions by the Appellant:

Appellant submitted the brief facts as under: -

a) The Complainant was given Electricity connection to his premises through Meter No. 10234510 on 11/02/1992. The monthly bills as per the billing cycle was regularly issued to the Complainant and regularly paid by the Complainant.

b) On 06/05/2020 the Complainant was issued Bill No.10032331538 for Meter No. 10234510. The bill was for the period from 05/05/2019 to 23/06/2019. The Complainant promptly paid the due amount billed.

c) However, in the said Bill No.10032331538 dated 06/05/2020 for the first time another Meter bearing No.A-1004402 was mentioned therein along with the Meter No.10234510. The bill No.10032331538 mentioned that Meter bearing No.A-1004402 was for the period from 24/06/2019 to 26/02/2020 and the current reading as on 26/02/2020 was '0' Units. It was further mentioned in the said Bill No.10032331538 dated 06/05/2020 that Meter bearing No.A-1004402 was "NP" as on 06/05/2020 (this mean that there was. "no power" (NP) supply to the meter bearing No.A-1004402 as on 06/05/2020 and so the said meter No.A1004402 could not be read as on 06/05/2020 when the Bill No.10032331538 was issued on 06/05/2020.



d) The Complainant states that two different meters i.e. Meter bearing No.A-1004402 and Meter No.10234510 could not have been shown in one bill No.10032331538. This is not as per the Electricity Act and Rules.

e) The Complainant was never informed by the Electricity Department that Meter No. 10234510 is disconnected and was replaced by Meter bearing No.A-1004402. The Meter is only disconnected if the same is not working or damaged. The Meter No. 10234510 was in a working state till the time the same was replaced by Meter No.A-1004402.

f) When the Meter No.A-1004402 was installed the Complainant was never called upon by the Electricity Department to verify that the said Meter No.A-1004402 was in a working condition and the number of Units as on the date of installation was '0' Units.

g) Suddenly on the very next month i.e. on 10/06/2020 (the last bill No.10032331538 was issued on 06/05/2020) the Complainant was issued ANOTHER bill No.10026017755 for Meter No. A-1004402 for the period from 24/04/2019 to 06/05/2022. In the said bill No.10026017755 it was mentioned that the current reading as on 06/05/2020 is 7860 units (Seven Thousand Eight Hundred and Sixty) and the amount payable is Rs. 28,533/- (Rupees Twenty Eight Thousand Five Hundred and Thirty Three Only).

h) The Complainant met the Officials of the Electricity Department and informed them that the bill No.10026017755 for Meter No. A-1004402 for the period from 24/06/2019 to 06/05/2020 was faulty

and wrong as it was clearly shown in the bill No.10032331538 issued on 06/05/2020 that from 24/06/2019 to 26/02/2020 the

current reading as on 26/02/2020 was '0' Units. Therefore, for the period from 26/02/2020 to 06/05/2020 -7860 Units could not have

been consumed. Further the Meter No. A-1004402 could not have been read on 06/05/2020 as in the Bill No. 10032331538



dated 06/05/2020 the reading remark was "NP" (i.e No power) for meter bearing No.A-1004402 as on 06/05/2020.

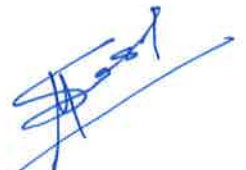
i) The Department of Electricity directed the Complainant to deposit Rs. 10,000/- towards the bill No.10026017755 for Meter No. A1004402 dated 10/06/2020 pending the investigation to be done by the Electricity Department on the said bill. The Complainant paid the said amount Rs. 10,000/- and further amount of Rs. 34,789/- (Rupees Thirty Four Thousand Seven Hundred & Eighty Nine Only) towards the Meter No. A-1004402 under protest.

j) However, before the result of the investigation were given to the Complainant the Department of Electricity disconnected the Electric supply to the premises of the Complainant on two occasions i.e. on 02/03/2021 and 05/04/2021. This action was deliberately done by the Electricity Department in order to pressurize the Complainant to pay the said bill No.10026017755 for Meter No. A-1004402 dated 10/06/2020.

k) However, on protest of the disconnection by the Complainant to the Chief Electrical Engineer the Electric supply was restored to the premises of the Complainant. Therefore, the Complainant was constrained to file the Complaint on the arbitrary and false bill No.10026017755 for Meter No. A-1004402 dated 10/06/2020 before the Consumer Grievances Redressal Forum (CGRF) Govt. Of Goa, Vidyut Bhavan, Vasco - Goa. The Complaint was registered under No.10/2022/78.

l) By Order dated 25/07/2022 the Consumer Grievances Redressal Forum (CGRF) dismissed the said Complaint No.10/2022/78 on the ground that " we have no reason to disbelieve the explanation put forth by the Department". No finding were given by the CGRF on:-

i) Whether the Department of the Electricity could disconnect the working Meter No.10234510 and Install another Meter No.A-1004402 in place of Meter No.10234510 without the knowledge and consent of the Complainant and without informing the Complainant to verify the Units shown in the newly installed Meter No.A-1004402 at the time when the same was installed?



- ii)** Whether the Electricity Department was mandatorily bound to issue the monthly Electricity bill as per the billing cycle for Meter No.A-1004402 after the same was installed? And why the monthly bills were not issued to the Complainant as per the billing cycle for Meter No.A-1004402 from 24/06/2019 to 06/05/2020.
- iii)** Whether the Electricity Department could mention two Meters in one Electricity bill No. 10032331538 dated 06/05/2020?
- iv)** Whether when the Electricity Department in bill No. 10032331538 dated 06/05/2020 mentioned that the reading of the Meter No.A-1004402 from 24/06/2019 to 26/02/2020 is '0' Units could the Electricity Department issue the subsequent bill No.10026017755 dated 10/06/2020 on 24/06/2019 or should the subsequent bill No.10026017755 be issued commencing from 27/02/2020 to 06/05/2020.
- v)** Whether when the Meter No.A-1004402 from 24/06/2019 to 26/02/2020 showed '0' Units in the bill No. 10032331538 dated 06/05/2020 could the Electricity Department include the said period again in the subsequent bill No.10026017755 dated 10/06/2020?
- vi)** Whether the Electricity Department should have only shown the consumption of units from 26/02/2020 to 06/05/2020 in the subsequent bill No.10026017755 dated 10/06/2020?
- vii)** Whether the Complainant could have consumed 7860 units from 26/02/2020 to 06/05/2020 i.e in a period of two months only?
- viii)** Whether when in the reading remark column of bill No. 10032331538 dated 06/05/2020 the Meter No.A-1004402 was shown as "NP"(No Power) as on 06/05/2020 could, the subsequent' bill No.10026017755 dated 10/06/2020 mention / state that the Meter No.A-1004402 was read on 06/05/2020 i.e when there was no power supply to the said meter on the said date?
- ix)** Whether when the Electricity Department claims that it had the monthly readings done by the Meter Reader of Meter No.A-1004402 in the SAP system as mentioned in their statement of month wise Units consumed of Meter No.A1004402 for the period from 26/06/2019 to 06/05/2020 than why did they not issue the monthly bills to the Complainant from 26/06/2019 to 06/05/2020 of

Meter No.A-1004402 as mandatorily required under the Electricity Act/Rules?

x) Whether when in the bill No.10026017755 dated 10/06/2020 of Meter No.A-1004402 its shows that from 24/06/2019 to 26/02/2020 there is no consumption i.e "0" Units can, the statement of month wise reading of Meter No.A-1004402 show that in June 2019 the monthly consumption is 173 Units; in July 2019 is 766 Units; in August 2019 is 766 Units; in September 2019 is 742 Units; in October 2019 is 766 Units; in November 2019 is 742 Units; in December 2019 is 766 Units; in January 2020 is 766 Units ; in February 2020 is 717 Units i.e. there is a consumption 6204 Units for the said period from 24/06/2019 to 26/02/2020?

xi) Since there were no cogent findings on the aforesaid points, the Complainant filed Review Petition No. 01/2022/125 and specifically brought to the attention of the CGRF that the Order dated 25/07/2022 did not consider the facts in issue and did not give findings on the dispute/points as raised by the Complainant in his Complaint.

xii) The CGRF by Order dated-06/10/2022 held that held that the grounds raised by Complainant in Review Petition No. 01/2022/125 is "within the province of the Appellant Authority to test and rectify" and the Appellant Authority should correct all manners of errors committed by the subordinate authority. The CGRF informed the Complainant in the said order dated 06/10/2022 that if the Complainant was aggrieved by the Non Redressal of his Grievances by the Forum he may Appeal to the Electricity Ombudsman.

- m) The Appellant filed the Rejoinder also, refuting all the assertions of the Respondents in the counter/additional reply.
- n) Appellant prays for following relief :-
- (i) Quashing and setting aside bill No.10026017755 dated 10/06/2020 of Meter No.A-1004402.
 - (ii) The refund of Rs. 44,7891-(Rs.10,000/-+ Rs. 34,789/- = Rs.44,789/-) paid towards the arbitrary and false bill No.10026017755 dated 10/06/2020.
 - (iii) Cost



(B) Submissions by the Respondents: -

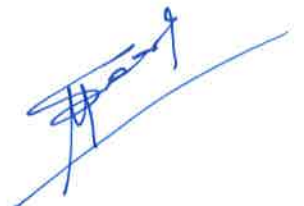
Shri Arun RamraoPatil, working as Executive Engineer in the Electricity Department, Division- I, Panaji solemnly affirm and state on oath as under :-

1. That the deponent is working as Executive Engineer, and is authorized by Electricity Department, Government of Goa being Deemed Licensee) vide letter no 149/03/CEE/TECH/COM/1615 dated: - 10-01-2023 (Certified copy enclosed), to file this reply and represent on behalf of Electricity Department, Government of Goa in this case.
2. That parawise counter reply is as under

PARA 1. With reference to Paragraph 1. The Respondent No 2 accepts that the Order of this Hon'ble Electricity Ombudsman as to the admission and examination of the present appeal on 25-11-2022.

PARA 2. With reference to Paragraph 2, The Respondent No 2 begs to inform the following :-

- (i) Due to no response by the Appellant no mutually agreed settlement could be arrived. On 07 December 2022, The Appellant Mr Tarzan D'costa has been verbally informed by the Respondent No 3 in the presence of Respondent No 2 and Executive Engineer (Commercial) Office of The Chief Electrical Engineer in the chamber of Respondent No 2 to kindly deposit the 1/3rd amount as per para 2 (ii) of the order but he has refused to deposit any amount. The refusal to deposit the 1/3rd amount by the Appellant was intimated by Respondent No 3 through email to Registrar of Honble Electricity Ombudsman and the Appellant on his email address tarzandacosta089@gmail.com on the same day that is Wednesday, 07 December and also the Respondent No 3 prayed for necessary directives.



The copy of the email letter is placed as Exhibit "A "

(ii) With reference to Para 2(ii) The Appellant Vide letter from Respondent No 3-bearing reference No AE/Com/Sd-II(U)/PNJ/22-23/B-64/1151 Dated 07/12/2022 was requested to deposit 1/3rd of outstanding amount in view of Order from Hon'ble Electricity Ombudsman in File No-JERC/E-O/187/Goa/2022 Dated 07/12/2022. The said communication was made to the Appellant Vide Registered AD Post and also Hand delivery but as the Appellant refused to accept the Hand delivery letter the same was pasted on the Meter Box housing the Energy Meter of the Appellant and photographs taken of the same.

The copy of the letter is placed as Exhibit "B".

(iii) With reference to Para 2(iii) the Appellant has repeatedly ignored the appeals of the Respondents to pay 1/3rd amount as once again the Appellant was informed by email on his email tarzandacosta089@gmail.com to pay the 1/3rd amount and also the scanned copy of Exhibit "B" was sent by email also the scanned copy of Photograph of Exhibit "B" which was pasted on the Meter Box housing the energy Meter of the Appellant was sent to the Appellant by same email a copy of the same email was also sent to the Registrar of Hon'ble Electricity Ombudsman praying for necessary directives as the Appellant has refused to pay the 1/3rd amount.

The copy of email letter is placed as Exhibit "C"

(iv) With reference to Para 2(iv), The Appellant has not paid any amount of future bills.

PARA 3. The contents of Paragraph 3 are denied in totality;
The Appellant was served the disconnection notice by hand



delivery. As it was not received, the same was pasted on the meter box housing the energy meter.

PARA 4. With reference to Paragraph 4 it is to inform that the email dated 06-12-2022 was not received, however it was received only on 07/12/2022 as can be confirmed from the records.

PARA 5. With reference to Paragraph 5 it is to inform as the email was not received the same can be confirmed as per the records. It is only after telephonic call from the Registrar of Hon'ble Electricity Ombudsman to the Respondents no 3 the matter was made known and subsequent mail received on 07/12/2022.

PARA 6. With reference to Paragraph 6, the Respondents immediately reconnected the Electricity connection of the Appellant the same was communicated vide "EXHIBIT A" as mentioned above.

PARA 7. With reference to Paragraph 7, the Respondents are pleased to obey the Orders of the Hon'ble Electricity Ombudsman.

PARA 8. With reference to Paragraph 8, the Appellant has not made any payment of any bills nor has he paid the 1/3rd amount as Ordered by the Hon'ble Electricity Ombudsman thereby violating the provisions of regulation 17 of Gazette notification of THE GAZETTE OF INDIA EXTRAORDINARY PART III-Section 4 dated Friday April 5, 2013 of JOINT ELECTRICITY REGULATORY COMMISSION (FOR THE STATE OF GOA AND UNION TERRITORIES). Following is the abstract of the same.

“17Regulation 5(1) in the principal Regulations is to be amended and added as under:- A complainant feeling aggrieved by non- Redressal of his grievance by the Forum, may make a representation to the Ombudsman within sixty (60) days from the date of receipt of the decision of the forum or within sixty (60) days from the date of the expiry of the period within which the forum was required to take decision and communicate the same to the complainant.

Provided that the Ombudsman may entertain a representation filed after the expiry of the said period of sixty (60) days if he is satisfied that there was sufficient cause for not filing it within that period.

Provided further that the person filling the representation deposits an amount equal to one third of the amount assessed by the Forum in cash or by way of bank draft with the licensee and documentary evidence of such deposit is enclosed with the representation.”

PARA 9. With reference to Paragraph 9, The Respondents are duty bound to obey the Orders of the Hon’ble Electricity Ombudsman.

Further in view of Submission of Representation Before Hon’ble Ombudsman by the Appellant it is to respectfully inform that all the issues raised therein have been conclusively addressed by The Hon’ble Consumer Grievance Redressal Forum Vide Order No 10/2022/78 dated 10-06-2022 and Orders in Review Petition No- 01/2022/125 dated 07/09/2022 both the Petition and the review Petition of the Appellant have been dismissed



Further in view of paragraph 8 of the Admission Notice it is to respectfully inform that the Appellant vide his letter dated 02/01/2023 has made an application to the Office of Respondent No 3 requesting for certain documents as he desires to avail the One Time Settlement Scheme (OTS) of Government of Goa . The Copy of The letter of the Appellant has been placed as Exhibit "D".

The Respondent No 3 has Vide Letter No AE/Com/SD-II(U)PNJ/22-23/B-9/1211 Dated 05/01/2023 has provided all the documents and also provided the copy of the Gazette Notification of the One Time Settlement Scheme notified Vide Gazette Notification SERIES I No 38 dated 28th December 2022.

The Copy of the letter No AE/Com/SD-II(U)PNJ/22-23/B-9/1211 Dated 05/01/2023 from Respondent No 3 and the copy of the Gazette Notification has been placed as Exhibit "E and Colly".

Further in view of Paragraph 9 of the Admission Notice the Appellant has not cooperated for the second time testing of the Energy Meter to be done in his presence as the Registered A/D letter bearing reference No AE/SD-II/PNJ/22-23/Tech-10/844 dated 19/08/2022 which was sent to the Appellant address requesting him to be present for the testing has come back from the postal department as unclaimed.

The copy of the Registered A/D letter bearing reference No AE/SD-II/PNJ/22-23/Tech-10/844 dated 19/08/2022 and the "UNCLAIMED" remarks of the postal department are placed as "Exhibit F and Colly".



It is pleaded with The Hon'ble Electricity Ombudsman to dismiss the present appeal as the Appellant is raising the same issues over and over again which are conclusively addressed by Hon'ble Consumer Grievance Redressal Forum Vide Order No 10/2022/78 dated 10-06-2022 and Orders in Review Petition No-01/2022/125 dated 07/09/2022 where in both the Petitions stand dismissed. The Appellant not depositing the 1/3rd amount thereby disobeying the Orders of the Hon'ble Electricity Ombudsman has resulted in violation of violating the provisions of regulation 17 of Gazette notification of THE GAZETTE OF INDIA EXTRAORDINARY PART III-Section 4 dated Friday April 5, 2013 of JOINT ELECTRICITY REGULATORY COMMISSION (FOR THE STATE OF GOA AND UNION TERRITORIES).

It is pleaded that the present Appeal be dismissed.

A handwritten signature in blue ink, appearing to be 'S. S. S.', is written over a horizontal line. A long, thin blue line extends from the top left of the page down to the signature.

3. The respondents further filed an additional reply as under :-
- (i) The Appellant has paid the 1/3rd amount as per Interim Order JERC/EO/187/ Goa/2022 Dated 11/01/2023. The 1/3rd amount of Rs 27976/-(Rupees Twenty-Seven Thousand Nine hundred and Twenty-Six) was paid on 12/01/2023 at about 15:30 hours in the Office of the Respondent No 3.

 - (ii) The Additional Consumption data of the Appellants electricity connections from 01-01-2018 till date is as follows:-

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end, positioned at the bottom right of the page.

Meter Number	Current reading date	Current reading	Previous reading date	Previous reading	Consumption	Remarks
10234510	25-01-2018	22735	14.12.2017	22735	1	OK
10234510	12-03-2018	22735	25-01-2018	22735	0	OK
10234510	20-04-2018	22735	12-03-2018	22735	0	OK
10234510	30-05-2018	22735	20-04-2018	22735	0	OK
10234510	27-06-2018	22735	30-05-2018	22735	0	OK
10234510	24-07-2018	22735	27-06-2018	22735	0	OK
10234510	30-08-2018	22735	24-07-2018	22735	0	OK
10234510	26-09-2018	22735	30-08-2018	22735	0	OK
10234510	30-10-2018	22735	26-09-2018	22735	0	OK
10234510	27-11-2018	22736	30-10-2018	22735	1	OK
10234510	31-12-2018	22736	27-11-2018	22736	0	OK
10234510	01-02-2019	22739	31-12-2018	22736	3	OK
10234510	14-03-2019	22739	01-02-2019	22739	0	OK
10234510	25-04-2019	22739	14-03-2019	22739	0	OK
10234510	05-05-2019	22739	25-04-2019	22739	0	OK
10234510	23-06-2019	22739	05-05-2019	22739	0	OK
A1004402	24-06-2019	0	23-06-2019	22739	0	OK
A1004402	26-02-2020	0	24-06-2019	0	0	NP
A1004402	06-05-2020	7860	26-02-2020	0	7860	OK
A1004402	10-06-2020	9371	06-05-2020	7860	1511	OK
A1004402	22-07-2020	10352	10-06-2020	9371	981	OK
A1004402	28-08-2020	11139	22-07-2020	10352	787	OK
A1004402	30-09-2020	11993	28-08-2020	11139	854	OK
A1004402	29-10-2020	12749	30-09-2020	11993	756	OK
A1004402	02-12-2020	13892	29-10-2020	12749	1143	OK
A1004402	14-01-2021	15193	02-12-2020	13892	1301	OK
A1004402	12-02-2021	16012	14-01-2021	15193	819	OK
A1004402	24-03-2021	17240	12-02-2021	16012	1228	OK
A1004402	27-04-2021	18614	24-03-2021	17240	1374	OK
H009865	28-04-2021	1	27-04-2021	18614	0	OK
H009865	21-05-2021	957	28-04-2021	1	956	OK
H009865	23-06-2021	1807	21-05-2021	957	850	OK
H009865	23-07-2021	2353	23-06-2021	1807	546	OK
H009865	20-08-2021	2866	23-07-2021	2353	513	OK
H009865	20-09-2021	3418	20-08-2021	2866	552	OK
H009865	22-10-2021	4090	20-09-2021	3418	672	OK



H009865	22-11-2021	4801	22-10-2021	4090	711	OK
H009865	23-12-2021	5452	22-11-2021	4801	651	OK
H009865	27-01-2022	6068	23-12-2021	5452	616	OK
H009865	01-03-2022	6534	27-01-2022	6068	466	OK
H009865	28-03-2022	7174	01-03-2022	6534	640	OK
H009865	27-04-2022	7886	28-03-2022	7174	712	OK
H009865	27-05-2022	8489	27-04-2022	7886	603	OK
H009865	25-06-2022	9020	27-05-2022	8489	531	OK
H009865	23-07-2022	9304	25-06-2022	9020	284	OK
H009865	22-08-2022	9683	23-07-2022	9304	379	OK
H009865	20-09-2022	10012	22-08-2022	9683	329	OK
H009865	20-10-2022	10298	20-09-2022	10012	286	OK
H009865	19-11-2022	10632	20-10-2022	10298	334	OK

- (iii) It is to respectfully inform that at the first instance the non-working energy meter bearing meter no: - 10234510 was replaced on 24/06/2019 with a new working energy meter A1004402. Necessary clarification as to the bill generated at the time of replacement of energy meter was provided to the Appellant in view of his application dated 09/04/2021 by Respondent No 3-bearing reference No.AE/Com/SD-II(U)/PNJ/21-22/B-9/103 Dated 26/04/2021. A copy of the Appellant application dated 09/04/2021 and the letter from Respondent No 3 bearing reference No.AE/Com/SD-II(U)/PNJ/21-22/B-9/103 Dated 26/04/2021 is placed as "Exhibit G and Colly"
- (iv) It is to respectfully inform Hon'ble Electricity Ombudsman that Hon'ble Consumer Grievance Redressal Forum Vide Order dated 25/07/2022 at page 5 have clearly mentioned in their findings

"

Findings

We perused the file and gave due consideration to the submissions advanced by the parties. In view of the rival contentions, the first issue that arises for our consideration is whether the bill no. 10032331538 dated 06.05.2020 and bill no. 10026017755 dated 10.06.2020 are proper. The controversy in the first bill appears to have arisen in view of readings of two meters having been considered in the said bill. While the meter no. 10234510 is shown to have consumed "0" units between

05.05.2019 and 23.06.2019, the other meter bearing no. A1004402 is shown to have also recorded "0" units between 24.06.2019 and 26.02.2020.

However, the next bill no. 10026017755 dated 10.06.2020 showed consumption of 7860 units recorded by meter no. A1004402 with bill amount of Rs. 28533/-. The previous reading date is shown as 24.06.2019 and current reading date as 06.05.2020.

At first glance, a serious anomaly is apparent on comparison of the two bills (dated 06.05.2020 and 10.06.2020). However, the Department has explained the perceptible inconsistency. They state that meter no. A-1004402 was replaced on 24.06.2019 as per Departmental procedure (being an analog meter replaced by digital meter) with initial reading "0". The reading of the old meter (meter no: 10234510) showed identical reading of 22739 on 05.05.2019 and 23.06.2019. With respect to the reading shown as "0" in the bill no. 10032331538, it was explained that there was a delay in updating the meter replacement details in the SAP system. The amount of Rs. 677/- shown in the bill no. 10032331538 was rectified with correct reading and reflected in the bill no. 10026017755 dated 10.06.2020. It is also stated that no DPC was charged to the consumer. We have no reason to disbelieve the explanation put forth by the Department. We have perused the correspondence between the Department and the consumer and noted that the former had explained the apparent contradictions in the impugned bills and furnished all information relevant to the controversy to the complainant. We did not find any deficiency in services rendered by the Department to the consumer in this regard. "

(v) As such the grievance of Consumer of bill issue at the time of meter replacement on 24/06/2019 has been repeatedly explained to the Consumer by the Respondent No 3 and also has been conclusively addressed/settled by the Hon'ble Consumer Grievance Redressal Forum Vide Order dated 25/07/2022.

(vi) The Appellants Meter testing report of Meter No: - A-1004402 was received from the Meter and Relay Testing Lab Vide Test Certificate bearing reference No 11/1/AE-II(MRT)/20-21/69 Dated 10/06/2021 when the meter was tested in the absence of the Appeal No.187 of 2022



Appellant and the communication of the same was made to the Appellant by Respondent No 3 bearing reference No AE(Com)/SD-II(U)/PNJ/B-9/21-22/438 Dated 30/06/2021.

The copy of the Meter Testing Certificate and communication letter dated 30/06/2021 are placed as "Exhibit H and Colly".

(vii) The Meter No:- A-1004402 could not be tested in the presence of the Appellant due to complete non-cooperation by the Appellant, The same was informed to the Hon'ble CGRF by the Respondent No 3 Vide letter No : AE/SD-II/PNJ/22-23/Tech-10/965 Dated 09/09/2022.

The copy of the letter of information AE/SD-II/PNJ/22-23/Tech-10/965 Dated 09/09/2022 is placed as "Exhibit I".

(viii) The Respondent No 2 deeply apologizes for the shortcoming in Counter Reply and the same was inadvertently done.

It is pleaded that the present Appeal be dismissed.

(C) CGRF- Goa's Orderin complaint no-10/2022 dated-25.07.2022 and CGRF order in Review petition no-01/2022 dated-06.10.2022 preferred for Appeal:

(i) Hon'ble CGRF-Goa, has passed the following order: -
Order.

Order

In the light of the foregoing, nothing survives in the complaint, and the same stands dismissed. Proceedings closed.

"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.”

(ii) Hon’ble CGRF-Goa, has passed the following order in Review petition: -

Review ORDER

In light of the foregoing, the review application stands dismissed.

“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.”

(D) Deliberations during e-hearing on 19.01.2023 :-

1. Appellant’s Submission:

(a) Mr. Tarzan D’Costa -Appellant, reiterated his version as submitted in the Appeal/Rejoinder.

(b) He informed that his main grudge is against the bill No-10026017755 dated-10.06.2020 which shows a consumption of 7860 units and bill number 10032331538 dated-06.05.2020 in which two meters have been shown.

(c) He further alleged that vide letter dated-10.12.2021 month wise consumption details were supplied. When the month wise readings were available with the Respondents, why monthly bills on consumption basis were not issued. He doesn’t doubt the accuracy of existing meter No-H009865 which was replaced in place of A-1004402.

(d) On being asked by this Court as to whether he had complained about the functioning of the meter no.-10234510 during Appeal No.187 of 2022

the period 25.01.2018 to 23.06.2019 (as per the data supplied by the Respondents). During this period the meter digits were stuck and the meter was showing reading at 22735/22739 which practically showed no consumption during this period (approx.17 months). He replied in negative and said that whatever bills were issued, he had paid all the bills and if the meter was not working, the Respondents should have informed /replaced the meter.

2. Respondent's Submission:

- (a) Shri Arun Patil-Executive Engineer/Shri Sydney D'Costa-Asstt. Engineer, for the Respondent reiterated their version as submitted in the counter reply/Additional reply to the Appeal.
- (b) They clarified that bill number 10032331538 dated-06.05.2020 was for 297 days but bill on actual units could not be prepared by the computer centre. They further submitted that bill No-10026017755 dated-10.06.2020 was prepared on reading/actual consumption basis for 318 days including 297 days and the amount paid by the Appellant for the 10032331538 dated-06.05.2020 was duly adjusted in the bill No-10026017755 dated-10.06.2020. Further Rs.28,533/- was charged from June,2019 to May,2020 for meter number AA1004402 and detailed month wise calculations (7860 units) were provided to the Appellant. They further submitted that records of the month wise consumption were available but due to non-upgradation of software/SAP system by the contractual agency and Covid restrictions, the bills on reading basis could not be issued.
- (c) On being asked by this Court about the functioning of the meter no.-10234510 during the period 25.01.2018 to 23.06.2019. He explained that old analog meter was defective and they have not yet charged any amount for this nil consumption.

(E) Findings & Analysis: -

1. I have perused the documents on record and pleadings of the parties.
2. The documents submitted by the parties have been believed to be true and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations.

Appeal No.187 of 2022



3. The issues which have arisen for considerations in the present Appeal are as under: -

i. Whether the Appellant is entitled to relief for rectification of bill No-10026017755 dated-10.06.2020, as prayed for?

4. (a) Regarding issue no 3(i) as above, as to whether Appellant is entitled to relief for rectification of bill No-10026017755 dated-10.06.2020, as prayed for?

(b) Following provisions have been provided in the Supply Code Regulations, 2018, notified by the Hon'ble Regulatory Commission: -

(i) Section 6.4 :-

1.4 "The Licensee is authorized to review the status of meters already installed in the context of upgraded technology becoming available and suitability of the site where meter is placed in the consumer's premises."

(ii) Section 6.6:-

6.6 "The Distribution Licensee shall make out a plan for introduction and adoption of new technologies such as pre-paid meters, smart meters, time of the day (TOD)/ frequency-based tariff (FBT) meters, automatic remote meter reading (AMR), Automatic Metering Infrastructure (AMI) system through appropriate communication system."

(iii) Section 6.16: -

"6.16- The consumer shall be responsible for safe custody of meter(s), MCB/CB, etc., if the same are installed within the consumer's premises. **The consumer shall promptly notify the Licensee about any fault, accident or problem noticed with the meter.**

(iv) Section 6.35: -

"6.35- A consumer may request the Licensee to test the meter on his premises if the consumer doubts its accuracy, by applying to the Licensee in the format given in Annexure X to this Supply Code, 2018, along with the requisite testing fee. On



receipt of such request, the Licensee shall follow the procedure as detailed in Regulations to of this Supply Code, 2018.”

(v) **Section 6.45 to 6.47: -**

“Replacement of Meters (including MDI) Not Recording

6.45- The consumer is expected to intimate the Licensee as soon as it comes to the notice of the consumer that the meter has stopped or is not recording.

6.46- If during periodic or other inspection any meter is found to be not recording by the Licensee, or a consumer makes a complaint in this regard, the Licensee shall follow the procedure detailed in Regulations 6.37 to 6.39 of this Supply Code, 2018.

6.47 - If the meter is actually found to be not recording, the Licensee shall replace the non-working (stuck, running slow, fast or creeping) meter within 15 working days.”

(vi) **Payment on Self-Assessment by the Consumer**

7.19 In case of non-receipt of bill, the consumer may deposit self-assessed bill in the format

7.19 received, provided that it is not less than the average consumption during the billing cycle over the last six months. The excess/deficient payment so made by the consumer shall be adjusted in the next bill.

7.20 In case of dispute regarding levy of surcharges, the Licensee shall settle the dispute within one billing cycle from the date of protest by the consumer after giving him an opportunity of being heard.

(vi) **Billing in case of Disputed Bills**

7.24 On receipt of the complaint in case of disputed bills in person, the Licensee shall issue a written/electronic acknowledgment on the spot or within three days of receipt, if received by post and give a complaint number for reference.

7.25 If no additional information is required from the consumer, the Licensee shall resolve the consumer’s complaint and intimate the result to the consumer within 7 days of receipt of the complaint. In case, any additional information is required, the same shall be obtained, the issue resolved and result intimated to the consumer



within 7 days of receipt of the additional information. However, if the consumer does not provide information on time, the Licensee shall not be held liable for the consequent delay. Till the complaint on the bill is resolved, the consumer shall pay the amount based on average consumption of corresponding period of the previous year when the meter was functional. Amount so recovered shall be subject to final adjustment on resolution of the complaint.

7.26 If the complaint is found to be correct by the Licensee, a revised bill shall be issued within 5 working days of intimation of the same to the consumer. The consumer shall make the payment within 15 days after receipt of the revised bill. The consumer shall not be charged any late payment surcharge, if the payment is made by the revised due date.

7.27 If the complaint was found to be incorrect the consumer shall be notified and directed to make the payment as per the original bill immediately and the consumer shall be liable to pay late payment surcharge if the payment is made after the due date of the original bill.

7.28 Consumers, who intend to get the special meter reading conducted, shall pay the requisite fee for the same as approved by the Commission from time to time.

4. The consumption data of the Appellant as provided by the Respondents from 25.01.2018 to 19.11.2022 has been reproduced at para-(B) -3(ii) above.

5. The main details of the bill number 10032331538 dated-06.05.2020 and bill No-10026017755 dated-10.06.2020, disputed by the Appellant are given below: -

Bill No-1 Name-Tarzan D'Costa & Quella D'Costa CA No-60000260541	Tariff-LTD San.Load-3.88 KW	Bill Date-06.05.2020 Bill Number-10032331538 Bill Basis- Minimum bill Last Bill Reading Date-05.05.2019 Read Period in Days-297
--	--------------------------------	---



Meter No.	Units	Current Reading Date	Current Reading	Previous Reading Date	Previous Reading	Reading Difference	MF	consumption	Reading Remarks
A1004402	KWH	26.02.2020	0	24.06.2019	0	AVG	1.00	0	NP
10234510	KWH	23.06.2019	22739	05.05.2019	22739	0	1.00	0	OK
Bill no-2									
Name-Tarzan D'Costa & Quella D'Costa CA No-60000260541				Tariff-LTD San.Load-3.88 KW		Bill Date-10.06.2020 Bill Number-10026017755 Bill Basis- Actual Last Bill Reading Date-05.05.2019 Read Period in Days-318			
Meter No.	Units	Current Reading Date	Current Reading	Previous Reading Date	Previous Reading	Reading Difference	MF	consumption	Reading Remarks
A1004402	KWH	26.02.2020	0	24.06.2019	0	AVG	1.00	0	NP
10234510	KWH	23.06.2019	22739	05.05.2019	22739	0	1.00	0	OK

6. Respondents further informed that meter number A1004402 was tested on dated -10.06.2021 in the absence of the Appellant and the communication of the testing results was made to the Appellant by Respondents bearing reference No AE(Com)/SD-II(U)/PNJ/B-9/21-22/438 Dated 30.06.2021. Both parties blame each other for not cooperating in the testing of said meter. Therefore, it was ordered on 20.01.2023 that both parties should witness the testing on 27.01.2023 at 3 pm in the Meter Testing Laboratory . The results of the testing of meter number A1004402 on various dates are tabulated below: -

Sr. No.	Date of Testing report	Name of Consumer	CA No	Meter Make	Meter Number	Result of testing
1.	10.06.2021	Sh.Tarzan D'Costa	60000260541	Genus	A1004402	Percentage error found to be within permissible limits.
2.	27.01.2023	Sh.Tarzan D'Costa	60000260541	Genus	A1004402	Percentage error found to be within

						permissible limits.
--	--	--	--	--	--	---------------------

7. Now let us examine the main contentions of the Appellant: -

(i) His first contention is that two different meters i.e. Meter bearing No. A-1004402 and Meter No.10234510 could not have been shown in one bill No.10032331538 dated-06.05.2022. This is not as per the Electricity Act and Rules.

I have examined the bill dated-06.05.2022. In this bill meter no-10234510 was replaced on 23.06.2019 and new meter number A1004402 was installed. The consumption of meter no-A1004402 was shown Zero(O) for the period 24.06.2019 to 26.02.2020 as there was no power at that particular time and meter reader could not read the meter as there was no power (NP) and the display of the meter shows no reading. For the meter no-10234510, the consumption is shown Zero (0) because the reading digits of this analog meter were stuck since 25.01.2018 as per consumption data supplied by the Respondents. The Appellant never reported that his meter nos. 10234510 was not working nor the Respondents bothered to replace this meter timely to avoid revenue loss to the department. It is pertinent to mention here that Appellant has not paid any bill on the consumption basis for around 17 months. He failed to report regarding non-functioning of meter as required as per Supply Code. Therefore, I do not find any merit in the contention that two meters cannot be shown in a bill. The factual position needs to be shown for transparency.

(ii) His second contention is that he was never informed by the Electricity Department that Meter No. 10234510 was replaced by Meter bearing No. A-1004402. The meter is only disconnected if the same is not working or damaged. The Meter No. 10234510 was in a working state till the time the same was replaced by Meter No. A-1004402. This contention also holds no water. As per consumption data (para-5 above), Meter No. 10234510 was not working/stuck at a reading of 22739 since 25.01.2018. It cannot be treated as functional even if the OK is written on the bill because the consumption data itself speaks that meter digits were stuck. The Appellant never complained to



the Electricity Department to fulfill his obligation as stated at para-4 above. There cannot be least reading than Zero (0) for the new meter number A104402 and the Respondents has shown Zero (0) as initial reading for meter no- A-1004402. As explained in para-4 above , Licensee is authorized to replace the meter as per latest technology .

(iii) His 3rd contention is that suddenly on the very next month i.e., on 10/06/2020 the Complainant was issued ANOTHER bill No.10026017755 for Meter No. A-1004402 for the period from 24/04/2019 to 06/05/2022. In the said bill No.10026017755 it was mentioned that the current reading as on 06/05/2020 is 7860 units and the amount payable is Rs. 28,533/-.

In the bill dated 06.05.2020 it was clearly mentioned that new meter no A1004402 was installed on 24.06.2019 in place of meter no. 10234510. The reading of meter no A1004402 could not be taken as on 26.02.2020, being no power. In the next bill dated-10.06.2020 the bill has been prepared on actual reading basis for 318 days. The AVG (average) charged in the bill dated-06.05.2020 was refunded/adjusted for Rs.702.67/- and bill for Rs.28533/- was charged for the actual units consumed through meter no A1004402. On two occasions (even in the presence of Applicant on 27.01.2023), this meter was tested in the Meter Testing Laboratory and its accuracy was found to be within permissible limits. Monthly chart tabulated by the Respondents shows a consumption of 7860 units, however for all intents and purposes the actual reading shown on the meter at the time of removal of this meter is conclusive and final for billing purposes. The respondents have already clarified that and due to non-upgradation of software/SAP system by the contractual agency and covid restrictions, monthly bills on reading basis could not be generated. In any case Appellant has not been put to loss or charged any surcharge for 318 days in bill dated-10.06. 2020. Therefore, bill dated -10.06.2020 has been correctly prepared and is required to be paid by the Appellant, his contention being devoid of merits.

(iv) All other contentions of the Appellant are baseless and misconceived and repetitive, are hereby rejected.



(E) DECISION

- (i) For the reasons discussed above, the appeal of the Appellant is hereby dismissed with no order as to costs, being devoid of merit.
- (ii) The order passed by Hon'ble CGRF-Goa in order No-10/2022/78 dated-25.07.2022 and orders in Review Petition No-01/2022/125 dated-06.10.2022 are upheld.
- (iii) In case, the Appellant or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
- (iv) The appeal is disposed of accordingly.



(M.P. Singh Wasal)
Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated: 08.02.2023