

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Ms. Pooja Karanjkar
Rakshapuram, Lane A, Ladpur
Raipur Road, Dehradun,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Raipur, Dehradun, Uttarakhand

Representation No. 11/2022

Order

Dated: 31.05.2022

Being aggrieved with Consumer Grievance Redressal Forum, Garhwal Zone, Dehradun (hereinafter referred to as Forum) order dated 25.01.2022 in her complaint no. 40/2021 before the said Forum against UPCL through Executive Engineer, Electricity Distribution Division, Raipur, Dehradun (hereinafter referred to as respondent) Ms. Pooja Karanjkar, Rakhsapuram, Lane A, Ladpur, Raipur Road, Dehradun has preferred this undated appeal with an affidavit under oath dated 10.03.2022 for correction of her bills and action against erring staff of the respondents.

2. **The petitioner apart from her averments about her case and grievances, she has made allegations at a number of places against the Hon'ble Commission (UERC) regarding working and competence of the Hon'ble Commission. It is clarified that the Hon'ble Commission in reference to her application dated 21.09.2021 before the Hon'ble Commission had advised her vide their letter no. 590 dated 27.09.2021 to approach CGRF (Garhwal zone), UPCL, Victoria Cross Vijeta Gabar Singh Bhawan, Kanwali Road Dehradun for redressal of her grievances and the Hon'ble Commission has no concern about redressal of her grievances as it was to be addressed by the said Forum but her act of framing so many allegations against the Hon'ble Commission in her instant petition is a**

condemnable act on her part and the same is therefore condemned. Further it is noted that in her affidavit dated 10.03.2022 submitted with the appeal she has claimed herself as a retired UPCL employee, while in her other affidavit dated 29.04.2022 submitted with her rejoinder she has claimed herself as a serving person in times of India. These 2 claims about herself are contradictory and herself claiming a retired UPCL employee in her affidavit dated 10.03.2022 appears to be false and misleading.

The petitioner has averred that she has lodged a complaint before the Forum on 21.09.2021. A 2 KW domestic connection no. 9711318861436 was released at her residence on 27.04.2020 with installation of a meter for which sealing certificate was not given to her. Having not received any bill till 27.01.2021 a bill from 27.04.2020 to 27.01.2021 based on assessed consumption was given to her on approaching sub division office in which book no. and readings both were wrong which were brought to notice of SDO then and there. A bill for 14 months from 27.04.2020 to 17.06.2021 was given from initial reading 1 to reading 1480 against which a sum of Rs. 5,948.00 were deposited. The aforesaid bill was not correct and it has not been corrected on actual meter readings. She has requested that a consolidated bill duly corrected based on meter readings and after adjustment of payments made for a period of 14 months from 27.04.2020 to 27.06.2021 may kindly be ordered to be issued. Further, the erring staff be punished for the irregularity and mistakes committed in making the bills and not issuing duly corrected bill.

3. The Forum after perusal of records and hearing arguments from both parties have observed that the impugned bill for the period of the bills have duly been corrected by the opposite party. This duly corrected bill has also been given to the complainant which suggests that the opposite party has duly resolved complaint of the complainant regarding the bills. Having observed as such the Forum were of the view that there was no reason for any further proceedings in the case and they ordered that as the complaint has already been resolved by the opposite party on which the complainant has also shown her satisfaction so they disposed off the complaint.
4. The respondent, Executive Engineer has submitted written statement dated 18.04.2022. Point wise contents of which are as follows:

Brief facts

- i) The appeal has been erroneously filed without any application of mind as is also evident from the fact that the affidavit given with the appeal is false. The said affidavit stipulates the appellant as retired UPCL employee which is not true. Further, grievance of the appellant has already been resolved as is evident from Forum's order dated 25.01.2022.
- ii) The petitioner has a domestic connection no. 9711318861436 with 2 KW contracted load which was released on 27.04.2020.
- iii) The discrepancy in the book number was removed when brought to notice. Forum order dated 25.01.2022 clearly stipulates that the grievance of the petitioner has duly been resolved and the bill has been amended/revised strictly in accordance with UERC provisions and as such the Forum disposed off the complaint.
- iv) The Forum after perusal of all the relevant records has rightly disposed off the complaint vide order dated 25.01.2022, however the instant appeal has been preferred with no valid grounds, so it is not maintainable.
- v) A perusal of pleadings and submissions made in appeal it becomes clear that no grievance exists and the pleadings have been made targeting the manner in which the decision of Forum has been arrived at.

Parawise reply

- vi) Contents of unnumbered para no. 1 of appeal are matter of record and hence require no comments, however it is submitted that the Forum has rightly disposed off the complaint after considering all the relevant documents. The petitioner is trying to put baseless questions on the integrity of the Forum which cannot be considered good in eyes of law
- vii) Contents of unnumbered para 2 of the appeal are wrong, false and hence denied. It is submitted that the petitioner has raised submissions beyond provisions of Electricity Act. Further when the main grievance of the petitioner has been resolved then no cause of action sustains.
- viii) Contents of unnumbered para 3 requires no comments, however the petitioner is raising baseless and vague question mark on the integrity of the Forum.

- ix) Contents of point no. 1 to 6 after the unnumbered paragraph no. 3 of the appeal pertains to the proceedings before the Forum and does not at all stipulates the grievance of the petitioner, thus requires no comments. Further the petitioner is merely pleading beyond remedy as provided under Electricity Act. Moreover a consumer needs to be vigilant about the rights and if grievances arises then appropriate Forum need to be knocked to avail remedy under the statutes but making baseless allegations and that too beyond the statutory provisions cannot be justified. Further all the grievances have been resolved and revised. Bills has also been handed over to the petitioner so the appeal has been preferred with no ground at all.
- x) Contents of unnumbered paragraph no. 4 after point no. 1 to 6 of the appeal are general in nature and requires no comments, however the allegations made are false and denied. In reply it is submitted that the rules, regulations and orders have been strictly followed and adhered to. The petitioner approached the Forum where all grievances were resolved by the department and the instant appeal is more or less general in nature and that too beyond statutory provisions. Further the petitioner has not even mentioned a single ground to challenge Forum order dated 25.01.2022 to show where Forum erred in disposing off the complaint.
- xi) The last unnumbered paragraph is prayer of the petitioner which is based on arm-twisted facts and erroneous interpretation of law, therefore it is most respectfully prayed that the Hon'ble Court be pleased to dismiss the appeal.

The respondent has corroborated his replies with a copy of consumer history and ledger. He has also given an affidavit under oath.

- 5. The petitioner has submitted a rejoinder with an affidavit dated 29.04.2022 under oath. She has mentioned that her bills have yet not been corrected. She has alleged that connection has not been released to her within the prescribed time limit fixed by the Commission as after submission of application for connection and depositing necessary charges on 16.02.2020 the connection was released after 2 months on 27.04.2020 which is in violation of the regulation. Due to giving wrong book number the meter reader was not able to approach the site of meter and could not take meter readings. After making correspondence and pursuing with the department she got the bill after 1 year on 27.04.2021. Necessary adjustment have not been given till

02.05.2022. Application for correction of the bill was given to AE (R) on 06.04.2021 but a wrong bill was issued based on wrong meter readings. She has requested that as bills have not been issued on actual meter readings and have further not been corrected, she has requested that the matter may kindly be taken seriously and necessary action as per rules may be taken.

6. Hearing in the case was held on prefix date on 23.05.2022. Both parties appeared and argued their respective case. Arguments were concluded with mutual consent, order was reserved for 31.05.2022. Records available on file have been perused and arguments from both parties were heard. It is found that a 2 KW domestic connection no 9711318861436 was released on 27.04.2020. There has been delay in release of connection as after submission of application and depositing necessary charges on 16.02.2020 the connection was released after 2 months on 27.04.2020 after a delay in violation of regulations and therefore the departmental staff concerned are responsible for the delay in giving connection. Further there has been extra ordinary delay in issue of bills after release of connection as the first bill was issued on 27.06.2021 and that too on assessed consumption and not on actual metered units, this is also in violation of relevant regulations. The bills have not been corrected by the respondents on the request of the petitioner so she has approached the Forum with a complaint dated 21.09.2021 which was registered as a complaint no. 40/2021 with the Forum, however during the course of proceedings in the Forum the bills were revised on metered units and the Forum being convinced that the bills have rightly been corrected disposed off the complaint. They have categorically mentioned in their order that the complainant had also shown her satisfaction on the revised bill.
7. A perusal of the consumer ledger submitted by the respondents shows that the first bill was issued on 27.01.2021. This ledger shows billing up to 11.02.2022. The petitioner has made payments against the bills and after allowing adjustment of Rs. 1,517.70 on 28.02.2022 as per reading. This credit of Rs. 1,517.70 appears in the ledger account of the petitioner as on 18.04.2022 also. No details of bills and payments thereafter has been given by the respondents. The details of consumer ledger shows that the bills have duly been corrected on meter readings adjustments on account of bill revision as well as all the payments made by the consumer have duly been allowed and a sum of Rs. 1,517.70 is appearing as a credit to her account. It

shows that her grievances regarding correction in the bills and adjustment due to correction of bills and payments made by her, had duly been redressed and the Forum has rightly disposed off the complaint, as such the Forum order is upheld. The petition is dismissed.

8. However, it is found that respondent's staff responsible for release of connection and issue of bills have committed mistakes for delay in release of connection and not issuing bills on metered consumption timely and further making unnecessary delays in correcting the bill on metered consumptions. The respondent's competent authority is directed to identify such erring staff and take necessary action against them as per departmental rules for delay in release of connection, issuing wrong bills and unnecessary delay in correcting the wrong bills, in violation to the relevant regulation within a period of 3 months from the date of this order.

Dated: 31.05.2022

(Subhash Kumar)
Ombudsman