

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Afzal
S/o Manjoor
R/o Mohalla Kila Manglaur
Roorkee, Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.
Roorkee, Haridwar,
Uttarakhand

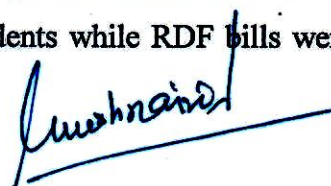
Representation No. 19/2024

Award

Dated: 27.09.2024


Present appeal/representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) dated 18.03.2024 passed in complaint no. 14/2024 by which Ld. Forum has disposed off the complaint of appellant Shri Afzal, S/o Shri Manjoor, R/o Mohalla Kila, Manglaur, Roorkee, (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Uttarakhand Power Corporation Ltd., Roorkee, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner has preferred the instant appeal dated 15.04.2024 which was received in this office on 25.04.2024 and was admitted the same date. The petitioner has averred that RDF bill issued by the respondent for a prolonged period, were not corrected and hence approached to the Forum. A number of shortcomings were committed by the Forum in passing its order under reference.
3. That RDF bills against his domestic connection no. RD21720089343 were issued for prolong period from 10.10.2021 to 13.01.2024. In violation of UERC sub Regulation 5.2.1 (7) and Forum did not pass a judicious order in accordance with the aforesaid regulation which provides that RDF bills cannot be issued for more than 02 billing cycles. The corrected bills only for the period 12.12.2022 to 08.02.2024 were submitted before the Forum by the respondents while RDF bills were issued for the



period 10.10.2021 to 08.02.2024 resulting into non-adjustment for the period 10.10.2021 to 12.12.2022. Forum passed order relying upon the submission of the respondents while period was clearly mentioned in the revised bill as aforesaid. The respondent's submissions were not admitted by his representative before the Forum. Prior to that also RDF bills were issued for the period 01.05.2014 to 16.06.2017. In view of his averments the petitioner has prayed that RDF bills for the period 10.10.2021 to 12.12.2022 are liable to be cancelled and he has further requested that necessary action against the erring staff for this irregularity and violation of the aforesaid regulation be ordered. He has submitted notarized affidavit along with his representation. He has also submitted an application dated 15.04.2024 for granting stay against this connection (*Since there was no Ombudsman in the office after 16.04.2024 till 19.08.2024, so no action on his stay application could be taken*).

4. In his complaint no. 14/2024 the Forum passed order dated 18.03.2024 after hearing both parties and relying upon the submission of the opposite party. Wherein the opposite party submitted before the Forum that a 2KW domestic category connection was released in the name of the complaint on 15.09.2006. His RDF bill have duly been revised to Rs. 27,537.00 the opposite party has further submitted that no payment was made by the complaint after 2020. A copy of opposite party's submission was given to the complainant however, no objection was submitted by him on opposite party's reply. Complainant's representative Shri Salman Khan, advocate was present for arguments however, opposite party did not appear for arguments. The complainant did not raise any objection on the revised bill amounting to Rs. 27,537.00 and assured that the said amount shall be paid by him. After perusal of records available on file the Forum was of the view that the grievance has duly been redressed with the issue of revised bill amounting to Rs. 27,537.00 on which the complainant did not raise any objection and as the grievance has duly been redressed by the opposite party, the Forum was of the opinion that the complaint was liable to be disposed of and accordingly ordered that the complainant should make payment of the amount Rs. 27,537.00 towards the revised bill.
5. The respondent, Executive Engineer has submitted his written statement vide letter 2220 dated 08.05.2024 along with a notarized affidavit. He has submitted that the petitioner had filed a complaint before the Forum against RDF bills issued for his connection, the complaint was decided by the Forum vide its order dated 18.03.2024.



6. A 2KW domestic connection was released in favour of the petitioner on 15.09.2006. His bills were revised on the basis of meter reading appearing in his meter no. U352931 installed at his connection no. RD21720089343. The Forum vide its order dated 18.03.2024 mentioned that as the grievance has duly been redressed by the opposite party with the issue of revised bill amounting to Rs. 27,537.00 so the complainant has to make payment of the said amount immediately.
7. After revision of the RDF bills the petitioner deposited the amount of the revised bill Rs. 28,973.00 on 16.04.2024. He has further submitted that the last payment was made by the petitioner in the month of February 2020 where after no payments were made by him. Since his grievance has duly been redressed with issue of aforesaid revised bill which has duly been paid by him so his representation is liable to be dismissed. The respondent has substantiated his averments by evidences as adduced with his written statement such as the consumer billing history, an inspection report dated 14.02.2024 showing the present reading, present status as RDF and metered units as per bill which are 3334 KWH and 1369 KWH respectively. A copy of Forum order dated 18.03.2024 and a copy of the consumer ledger right from April 2011 till 16.04.2024.
8. The petitioner did not submit his rejoinder to the written statement of the respondent even after repeated request. the last opportunity was given to him vide letter no. 1150 dated 27.06.2024 for submission of rejoinder by 08.07.2024, but no rejoinder was received from him till the scheduled date. So hearing was fixed for 18.09.2024 vide letter no. 1252 dated 10.09.2024. While respondent was represented by SDO for arguments on behalf of the respondent but petitioner did not turn up for arguments and he telephonically informed that he was unable to represent before the Hon'ble Ombudsman for arguments. The respondent's representative argued his case and submitted verbally that his RDF bills have been revised to Rs. 27,537.00 which amount further reached to Rs. 28,973.00 as on 12.04.2024 which was duly paid by the petitioner on 16.04.2024, and hence he requested that the representation is liable to be dismissed.
9. Arguments from the respondents were heard on 18.09.2024 records available on file have been perused. The consumer history submitted by the respondent shows that RDF bills were issued in a single stretch for 16 billing cycles from 12.12.2021 till

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January 2024. The total dues till January 2024 have reached to a sum of Rs. 47002.00. A metered consumption revised bill was issued on 08.02.2024 for the period 12.12.2022 to 08.02.2024 for a metered consumption of 1965 unit from previous reading 1369 KWH to 3334 KWH present reading amounting to Rs. 27,032.00. This also tallies with the balance amount shown as 27032.00 in the billing history also and hence it is observed that RDF bills have duly been revised for the period 12.12.2022 to 08.02.2024 i.e. a period of 423 days for the metered consumption of 1965 KWH for the said period. The consumer history shows that the RDF bills were issued from December 2021 to January 2024 while the revised bill for the period 12.12.2022 to 08.02.2024 have only been issued and duly paid by the petitioner but the RDF bills from December 2021 to October 2022 apparently appeared to have not been revised which is also been alleged by the petitioner. But an examination of the consumer billing history shows that metered unit bills have been issued upto the month of December 2021 upto the metered reading of 1369. The revised bill for the period 12.12.2022 to 08.02.2024 shows initial reading 1369 and present reading 3334. So this revised bill dated 08.02.2024 although have been mentioned for the period 12.12.2022 to 08.02.2024 but it is in fact a revised bill from December 2021 to 08.02.2024 till when RDF bills were issued and total meter consumption for the entire period of RDF billing from December 2021 to 08.02.2024 with a recorded consumption of 1965 (3334 – 1369) units and hence no further revision as requested for by the petitioner is required.

10. Since the petitioner has not raised any objection to this revised bill before the Forum and has duly paid it on 16.04.2024, the Forum order need not be interfered with and the same is liable to be upheld and the petition is liable to be dismissed. However, it is pertinent to mention here that issue of RDF bills for such a prolonged period of 16 billing cycles is a blatant violation of sub regulation 5.2.1(7) of UERC Supply Code Regulation 2020 which provides that RDF bills cannot be issued for more than 02 consecutive billing cycles which is reproduced below:-

“Provisional billing (NA/NR/IDF/ADF/RDF billing based on average consumption) shall not be for more than two billing cycles. In case meter is rendered inaccessible for two consecutive billing cycles, action as per Clause (7) of Sub-regulation 5.1.2 shall be enforced”



Issuing of RDF bills for such a prolonged period of 16 billing cycles in a single stretch reflects towards the lackadaisical working in the division and issue of revised bill at such a later stage does not absolve the concerned officers/officials from their lapse in duty. For which I make an adverse remark on the working in the concerned division which may be noted by the respondent. I would appreciate that if the UPCL management issue a derogative directions to the officers concerned.

Order

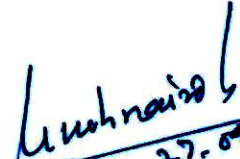
In view of above deliberations and facts of the case, the Forum order is upheld and the representation is dismissed

Dated: 27.09.2024


(D. P. Gairola) 27.09.2024
Ombudsman

Order signed dated and pronounced today.

Dated: 27.09.2024


(D. P. Gairola) 27.09.2024
Ombudsman