

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Surya Mohan Khanduri
S/o Late Shri Brij Mohan Khanduri,
B-5/street no. 6,
Ajabpur Danda, Shastri Nagar,
Dehradun, Uttarakhand

Vs

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

Representation No. 28/2022

Order

Dated: 31.10.2022

Being aggrieved with Consumer Grievance Redressal Forum, Garhwal Zone (hereinafter referred to as Forum) order dated 28.07.2022 in his complaint no. 23/2022 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Raipur, Dehradun (hereinafter referred to as respondent) Shri Surya Mohan Khanduri S/o Late Shri Brij Mohan Khanduri, B-5/street no. 6, Ajabpur Danda, Shastri Nagar, Dehradun has preferred this appeal for correction of his bills.

2. The petitioner has averred that he is deeply dissatisfied with Forum order in his complaint before the said Forum referred above and has therefore preferred this appeal. The excessive consumption as per meter readings is not his actual consumption, but due to earth leakage. The Forum has not fixed responsibility of the department for this fault. Earthing was continuing for more than 8 months and was been noted by meter reader, but he was never informed about this fault. The meter has been installed outside the premises by the department but defect in it were never informed to him. He had applied for check meter and deposited fees on 10.05.2022 but the check meter was installed on 21.06.2022 after a delay of 40 days. Compensation has not been correctly given to him for delay in installation of check meter. Bills amounting to Rs. 41,000.00 were sent to him during this period against


which he has deposited Rs. 27,000.00. The excess charge in the bills be waived off and deposited by him be refunded by way of adjustment in future bills.

3. After perusal of records and hearing both parties the Forum observed that check meter was installed on 21.06.2022 which was finalized on 09.07.2022. No variation in the consumption recorded in the installed main meter and check meter, was found during this study. Excessive bills were issued from January 2022 to May 2022. The complainant applied for check meter on 10.05.2022 i.e. after a delay of 27 days beyond the permissible time limit and therefore compensation for $25 \times 27 = \text{Rs. } 675.00$ is admissible as per SOP regulation, 2007, Schedule III (4). Since the bills during the disputed period were issued as per actual consumption recorded in the meter, so no correction in the bill is admissible. The Forum accordingly ordered to allow compensation of Rs. 675.00 for delay in installation of check meter and disallowed any correction in the bills.
4. The respondent Executive Engineer has submitted a written statement vide letter no. 4422 dated 16.09.2022 along with an affidavit on oath. He has submitted that excessive consumption was due to earth fault in the internal wiring of the consumer, for which department is not responsible as department's responsibility ceases at the outgoing terminal of the meter and department has no responsibility towards any fault in consumers metering beyond meter's outgoing terminal and therefore no relief is admissible and the Forum has rightly not given any order for bill revision. Forum's order is based on facts and evidences. Petitioner's submission that earth fault was being noticed by meter reader is misleading. His submission is not admitted. Compensation has rightly been granted by the Forum in accordance with SOP regulation, 2007, Schedule III (4) as the meter was installed after 43 days of depositing fee and therefore there has been a delay of 27 days beyond permissible time limit of 15 days and therefore the compensation of Rs. 675.00 has rightly been granted. The bills for each billing cycle during the disputed period have been issued on actual recorded consumption in the meter and therefore no correction is required. He has further stated that the consumer himself is responsible for any fault in his internal wiring and therefore no relief on account of excessive consumption recorded in the meter due to such fault, if any is admissible.

5. The petitioner has submitted a rejoinder on 30.09.2022. No new facts about the case has been mentioned in the rejoinder and it is merely a reiteration of what he has already averred in his petition.
6. Hearing in the case was held on 17.10.2022. Both parties, Shri Surya Mohan Khanduri, the petitioner and Shri K.D.Joshi SDO appeared and submitted their oral arguments. Hearing was concluded with mutual consent and 31.10.2022 was fixed for pronouncement of judgment.
7. Documents available on file have been perused. Arguments from both parties were heard. The petitioner submitted that due to earth fault in his internal wiring, which was known to the department but not informed to him, the meter recorded excessive consumption which was not his actual use of electricity and therefore his bills needs to be revised and excessive amount billed and deposited by him be refunded. But the department have denied his statement and has submitted that the department is not responsible for any fault in the internal wiring of the consumer beyond outgoing terminal of the meter and it was not in department's notice, as such no relief in the bills or any revision in the bills is admissible, which has rightly been denied by the Forum. It is admitted by both parties that the check meter was installed on 21.06.2022 and finalized on 09.07.2022. As such there has been 27 days delay in installation of check meter beyond permissible limit as allowed under the regulations. The compensation amounting to Rs. 675.00 as granted by the Forum has already been allowed by the respondent as is evident from an entry in consumer's ledger submitted by the respondent during hearing. The consumer ledger also shows that the petitioner has deposited Rs. 14,482.00 on 20.04.2022 and Rs. 13,500.00 on 17.08.2022, a total of Rs. 27,982.00 which is very close to the figure of Rs. 27,000.00 claimed to have been deposited by him, and after adjustment of these deposits and Rs. 675.00 allowed as compensation a sum of Rs. 12,852.00 is outstanding against the consumer as on 30.09.2022.
8. As regards the check meter study conducted by the respondent as there is no evidence available on file to show that sub regulation 5.1.3 (5) regarding giving advance information for installing check meter and providing a copy of valid test report of such test on the check meter to the consumer before initiating testing, were complied with by the respondent, the SDO who appeared for arguments was asked to clarify

whether the above regulation were complied with, he categorically admitted that the aforesaid regulation was not complied with. However, he was asked to submit documentary evidences by 21.10.2022 in this matter. The respondent has submitted a letter no. 4944 dated 21.10.2022 with which a copy of AE (Meter)'s letter no. 258 dated 21.10.2022 has been enclosed. This is a misleading reply and does not confirm that the aforesaid regulations were complied with in conducting check meter study in the instant case. Such being the case the check meter study is held null and void and therefore no action on such a study could have been taken. Although it shows that there was no difference in recording consumption by the existing meter and the check meter. The respondent's are directed to strictly follow relevant UERC regulations in conducting any check meter study on consumer's existing meter. The petition is dismissed and Forum order is upheld.

Dated: 31.10.2022


(Subhash Kumar)
Ombudsman