

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Anupam Trivedi,
House no. 33, THDC,
Dehrakhas, Near Surkunda Devi Temple,
Dehradun, Uttarakhand

Vs

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

Representation No. 20/2022

Order

Dated: 20.07.2022

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone (hereinafter referred to as Forum) order dated 28.08.2021 in his complaint no. 18/2021 and order dated 18.11.2021 in Misc. complaint no. 23/2021, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Nainital (hereinafter referred to as respondent) Shri Anupam Trivedi, House no. 33, THDC, Dehrakhas, Near Surkunda Devi Temple, Dehradun has preferred this appeal with the request to review the 2 orders passed by the Forum and provide relief from the inflated electricity bills.

2. The petitioner, Shri Anupam Trivedi has preferred the instant appeal dated 04.05.2022 regarding inflated electricity bill and non compliance of Forum's order by the respondent. He has submitted his case as follows:

- i) 1 KVA domestic connection no. 592A232004312 is existing at his ancestral home in Nainital in the name of his father Late Shri M. C. Trivedi, where a meter no. 530856 has been installed. His neighbour Mrs. Lata Shukla also has a connection no. 592A234082624 with installed meter no. 523261.
- ii) They are 2 brothers Anupam Trivedi and B. C. Trivedi, he is stationed at Dehradun and his brother stationed at Rudrapur. Most of the time house is locked.

- iii) Meter no. is linked with mobile no. of his brother Shri B. C. Trivedi. He gets updates through sms from the UPCL on the said mobile no. His brother noted an erratic surge in the bill post 2017. He raised the matter with UPCL officials but with no avail. The last bill paid for Rs. 2,613.00 on 23.10.2019.
- iv) In August 2020 a bill for the period 18.06.2020 to 20.08.2020 was received for Rs. 12,744.00 that time there was a nation wise lockdown and they remained in their homes at Dehradun and in Rudrapur.
- v) In the month of September 2020 his brother filed a complaint with Nainital Police and SDO, UPCL, Nainital when the lockdown was eased.
- vi) After filing written complaints UPCL acted and staff was sent to inspect the meter. The staff checked and revealed 2 electricity bills one in the name of Mr. M.C.Trivedi and another in the name of Mrs. Lata Shukla are linked with only 1 meter number 523261 that belongs to Mrs. Shukla. Perhaps this was the reason why they were getting inflated bills.
- vii) After finding an error UPCL corrected his meter number and from coming billing cycles bills reflected actual consumption. Bill from 11.11.2020 to 11.12.2020 was for Rs. 266.00 and that from 12.12.2020 to 15.02.2020 (appears from it may be 15.02.2021) was for Rs. 120.00 only. This bill also included pending amount and the gross amount of the bill was 14,841.00.
- viii) His grievance was that the consumer should not bear the brunt of the mistakes of UPCL and to find a solution. He approached senior UPCL officials in Dehradun where after SDO Nainital called him on 17.02.2021 and said that the late fee has been waived off and he has to pay the final amount Rs. 12,967.00.
- ix) He approached Forum on 18.02.2021. In a hearing before the Forum the Executive Engineer requested the Forum to dispose off the case since bill has been corrected (Rs. 12,967.00 as per SDO report. And the old meter was changed with a new one on 11.02.2017, which was objected as the service provider cannot change a meter in an arbitrary fashion without consent and knowledge of the consumer.

- x) A copy of the sealing certificate for meter change was provided to him vide UPCL's letter dated 17.07.2021 through Forum. The petitioner has mentioned that there was no signature of the consumer in the sealing certificate. He challenged authenticity of the sealing certificate and in another communication UPCL said that consumer was not available at home. It was again objected by him as their extended family was in Nainital in February 2017, but there was no reply from respondent. The same was with the neighbour Mrs. Lata Shukla's sealing certificate as well. This clearly suggests the entire process of changing meters lacks transparency.
- xi) On 28.08.2021 Forum gave its verdict and asked respondent to rectify bill dated 2016 to February 2021 and asked respondent to file compliance reply by 29.09.2021. Abstract order of Forum is reproduced in the petition.
- xii) In their letter dated 14.10.2021 respondent offered him to pay the same bill of Rs. 12,967.00. There was no relief despite an order. The compliance was shared by Forum on his email and he was asked to submit his version by 29.10.2021, which he did.
- xiii) In its second order dated 18.11.2021 Forum asked respondent to provide consumer complete revised bill for the duration October 2021 to February 2021 (the correct period is from October 2019 to February 2021 as per Forum's order), though the order clearly asked respondent to provide revised bill by 06.12.2021 or by coming billing cycle. Abstract order of Forum is reproduced in the petition.

Prayer:

No compliance report was received from respondent or from Forum, but a bill for the duration 20.02.2022 to 15.04.2022 was received for Rs. 12,499.00. The respondent did not bother to comply Forum's directions. The Forum delivered 2 orders first on 28.08.2021 and second 03.11.2021 (The correct date is 18.11.2021). In its second order the Forum overlapped its own order dated 28.08.2021 and this seems not justifiable considering the grievance. The issue stands where it stood over a year ago when approached the Forum. The petitioner has therefore requested that the Hon'ble Ombudsman may

kindly review the 2 orders passed by Forum and provide him a relief from the inflated electricity bills.

3. **Forum's first order dated 28.08.2021:**

A perusal of this order indicates that the Forum has deliberated the matter in great length after perusal of the records and hearing parties. The Forum observed that a number of mistakes and irregularities have been committed by the opposite party in issuing the bills and they concluded that the bills needs to be revised and the complaint is liable to be allowed. Having concluded as such the Forum allowed the complaint and directed the opposite party that bills from the month of 12/2016 to 02/2021 be revised on the basis of the average consumption from the month of November 2019 till date and the LPS imposed during the said period be deleted and complete revised bill be issued. The Forum further directed the opposite party to submit compliance report by 29.09.2021. Further, the Forum also directed the opposite party to take necessary action on the other directions issued in their order so that the mistakes and irregularities committed by them may be rectified, before a problem gets aggravated.

4. Forum's second order dated 18.11.2021 in Misc complaint no. 23/2021:

On non compliance of Forum's first order dated 28.08.2021 Misc. complaint no. 23/2021 was filed by the consumer and the Forum decided this complaint vide their order dated 18.11.2021, wherein the Forum ordered that bills from October 2019 to February 2021 be revised instead of the bills from 12/2016 to 02/2021 as per their order dated 28.08.2021 and such a revised bill shall be issued after adjustment of the payments made by the complainant against the bills issued for this period and LPS shall also be deleted while revising the bill. The Forum also reiterated that directions issued by them in their earlier order dated 28.08.2021 regarding mistakes and irregularities committed by opposite party be complied with and action as directed may be taken.

5. The respondent, Executive Engineer submitted his written statement vide his letter no. 1038 dated 06.06.2022. He has denied the petitioner's contention that Forum's order have not been complied with. He has stated that Forum's order dated 28.08.2021 have duly been complied with, with the issue of revised bill on the average of the readings

recorded from 11/2019 to 10/2021. Further in compliance to Forum's order dated 18.11.2021, the bill has been revised, as ordered, in which the CCBR amount added earlier has been deleted and LPS charged from 04/2021 to 10/2021 has also been deleted and accordingly adjustment of Rs. 10,692.58 has been allowed. He has corroborated his submissions with a copy of SDO's letter no. 436 dated 08.10.2021 and billing history.

6. The petitioner has submitted his rejoinder along with affidavit on oath dated 21.06.2022. In the rejoinder the petitioner has reiterated the contents of his petition regarding last payment of Rs. 2613.00 made by him on 23.10.2019 when there was no pendency of the bill. The inflated bill of Rs. 12,744.00 received by him for the period 18.06.2020 to 20.08.2020, on which a complaint was raised as the bill was inflated because their house was closed during that period and the matter related to the bill of 09/2020 based on the reading of the meter of his neighbour, Mrs. Lata Shukla, However he has admitted that mistake was corrected by respondent in the subsequent months and electricity bill came down for less than Rs. 280.00. The billing history has also been provided by the respondent for their connection no. 592A232004312 but he has not clarified, which meter no. they have considered and if the readings are based on disputed meter no. then onus should be on UPCL officials. The petitioner has requested that his bills should have been revised on the average after the meter no. was corrected, i.e. 09/2020 onwards or 09/2020 till date.
7. Hearing in the case was held on pre-decided date 11.07.2022, both parties appeared and argued their respective case. The petitioner has admitted that they deposited Rs. 2,613.00 against the bill for 10/2019 when there were no outstanding dues left and there was no dispute. His grievance arose with the change of mechanical meter by electronic meter belonging to him as well as his neighbour Smt. Lata Shukla, on 11.02.2017 when in the sealing certificates no. 05/669 and 04/669 connection no. in both these sealing certificates were mentioned as 592A232004312 which are actually the connection nos. of the petitioner and connection no. of Smt. Lata Shukla in fact is 532A234082629 and the inflated bill according to the petitioner have been issued due to the mistake in recording the connection nos. in the aforesaid 2 sealing certificates.
8. The Forum decided the complaint no. 18/2021 vide their order dated 28.08.2021. On non compliance of this order a Misc. complaint no. 23/2021 was lodged by the

petitioner before the Forum, which was decided by Forum vide order dated 18.11.2021. In their first order dated 28.08.2021, the Forum allowed the complaint and directed the opposite party to revise the bill from 12/2016 to 02/2021 but in their order dated 28.11.2021, the Forum directed that bills from 10/2019 to 02/2021 be revised instead of the bills from 12/2016 to 02/2021. A perusal of records shows that there was no dispute up to 09/2019 as admitted by the petitioner and therefore Forum's second order dated 18.11.2021 appears to be right. The respondent have complied with both the orders as is clear from the documents submitted with written statement while in compliance of the order dated 28.08.2021 a sum of Rs. 7,477.32 has been credited to the department i.e. charged to the consumer and the same is reflected in the ledger through an adjustment entry dated 08.10.2021. In the bill revision in compliance to Forum's second order dated 18.11.2021 in the revised bill for the period 10/2019 to 02/2021, a sum of Rs. 10,692.58 is credited to the account of the petitioner, which includes Rs. 7,477.32 debited earlier in compliance to Forum's order dated 28.08.2021. As such the bills for the period, 10/2019 to 02/2021 has been correctly revised and adjustments duly given as is clear from entries in the ledger dated 08.10.2021 and 23.12.2021 and after this correction of bills and adjustments net payable amount against the petitioner has been worked out as Rs. 11,414.74. Due to nonpayment, the amount of outstanding dues has further enhanced to Rs. 13,080.00 till 06/2022, as per billing history, which as per records is the genuine outstanding dues against the petitioner and are payable by him. A perusal of billing history shows that bills have been issued on the basis of the meter installed at his premises and not on the basis of the meter of his neighbour Smt. Lata Shukla. The mistake committed in mentioning wrong connection nos. in sealing certificates dated 11.02.2017 appears to have been rectified as also admitted by the petitioner. The petition thus stands disposed off as the bills have duly been corrected as per Forum's order. Forum order dated 18.11.2021 vide which Forum's earlier order dated 28.08.2021 has been modified as per records, is upheld.

Dated: 20.07.2022

(Subhash Kumar)
Ombudsman