

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Ms. Dinesh Kumar
S/o Late Shri Samuel
R/o Maryampur No.2
Gram sabha Mundiyaapur
Distt Udham Singh Nagar,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Bazpur, Udamsingh Nagar Uttarakhand

Representation No. 37/2022

Order

Dated: 29.03.2023

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone Haldwani (hereinafter referred to as Forum) order dated 10.11.2022 in his complaint no. 185/2022 against Uttarakhand Power Corporation Ltd. through Executive Engineer, EDD, Bazpur hereinafter referred as the Respondent, Shri Dinesh Kumar S/o Shri Late Samuel, R/o Mariyampur No. 2, Mundiyaapur Kala Bazpur (hereinafter referred to as petitioner), has preferred this appeal for correction in his bills.

2. The petitioner, Shri Dinesh Kumar has submitted instant petition dated 26.11.2022, which was subsequently corrected vide revised petition dated 14.12.2022 after removal of certain shortcoming in the original petition dated 26.11.2022. The Petitioner has averred as follows: -

That, a complaint was made by him to the Forum on 26.09.2022, against the excessive bill received for the period 29.07.2022 to 14.08.2022 (for 16 days for a sum of Rs. 16,707.00 with due date of payment as on 29.08.2022 which was duly paid by him on 18.09.2022. Again bill for a sum of Rs. 27,210.00 was received for the period 14.08.2022 to 21.09.2022 (for 38 days) while his meter was removed by a vigilance team on 25.08.2022 and was reinstalled on 19.09.2022 as such there was no meter and supply at his residence for the aforesaid period. So the aforesaid bill of Rs. 27,210.00

was only for 13 to 15 days. In the process of making payment of the aforesaid bill the amount was shown as Rs. 10,500.00, which was duly paid on 07.10.2022.

3. He has further submitted that earlier to the aforesaid period bills amounting to Rs. 2000 to Rs. 3000 per bill were being received and which were duly paid. The load and consumption pattern has remained almost the same but it is not understood as to how the excessive bills were issued for the above period. Instead of resolving the complaint a new bill for Rs. 1,548.00 was sent and which was also duly paid on 15.10.2022. However assurance was given that bill shall be corrected but no correction was made. Against the disputed bills a sum of about Rs. 29,000.00 has duly being paid which is in excess by Rs. 25,000.00 as compared to the normal bills received prior to the disputed period. He has requested that his bills may kindly be got corrected and excess paid be credited to his account.
4. The Forum perused the documents and heard the arguments from both parties on 31.10.2022. The Forum observed that the opposite party submitted before them that benefit for the difference of consumption shown in MRI report and as shown in the disputed bills can be given and bills can be revised accordingly as per appropriate Tariff Rates and adjustment of about Rs. 2,107.00 can be allowed. The Forum perused the MRI report, the billing history and calculation of proposed corrected bill as per MRI report. The calculations for the revised bill shows that bill is proposed to be revised on the basis of average consumption recorded from 11.06.2022 to 16.10.2022 on appropriate Tariff. Further consumption from 26.08.2022 to 18.09.2022 in the calculation has been shown as zero and no LPS has been proposed in the calculations. As per this proposal adjustment of Rs. 2,107.00 has to be given which was considered justified in the opinion of the Forum and the Forum accordingly directed the opposite party to issue revised bill accordingly by allowing adjustment of Rs. 2,107.00.
5. The Respondent Executive Engineer has submitted his WS vide letter no 228 dated 23.01.2023 wherein he has submitted that a service connection number 367U236885105 exists in the name of Shri Dinesh Kumar S/o Shri Samuel at his premises Maryampur No. 2, Village Moriyakala Bazpur. Bill dated 25.05.2022 was issued for a sum of Rs. 3,168.00 with reading 5711KwH which was fully paid on 29.05.2022 hereafter 03 nos. bills were issued up to the month of 09.2022 which were wrong therefore these bills were revised on 10.10.2022 for the period 25.05.2022 to

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21.09.2022 up to the reading 10482 KWh for a sum of Rs.31317.97 against which the Petitioner deposited a sum of Rs. 29,770.00 and so a balance of Rs. 1,548.00 was outstanding against him as on 21.09.2022 further after 21.09.2022 and till 12.01.2023, 04 nos. bills were issued up to meter reading 11481 further adjustment of Rs. 2,107.00 was given on 24.12.2022 in compliance to Forum order dated 10.11.2022.

The Respondent has substantiated his submissions with the documentary evidences viz. bill, billing history Forum's letter no 1261 dated 10.11.2022 and MRI report.

6. The Petitioner has submitted his rejoinder dated 14.12.2022(the date appears wrong, because as pointed out vide this office letter no dated 15.2.2023 the rejoinder was not submitted till 15.02.2023) No new facts of the case has been submitted in this rejoinder it is merely a copy of his petition.
7. Hearing in the case was fixed for 27.02.2023 which was adjourned for 13.03.2023 and again adjourned and fixed for 23.03.2023. The Petitioner himself appeared for hearing and the Respondent was represented by Shri Lalit Mohan SDO Both parties submitted their oral arguments. Respondent also submitted a copy of checking report by a team headed by SDO (Distribution) dated 25.08.2022 in respect of his inspection at the premises of one Smt. Savitri W/o Late Shri Samuel vide which a case of theft electricity against the aforesaid Smt Savitri has been framed by direct tapping from the LT Pole. So Petitioner is not concerned with theft of electricity as per this checking report. The arguments were concluded. However the respondent was asked to submit billing and consumption details of the petitioner from 25.5.2021 to 25.5.2022 as also a copy of MRI Report by 23.3.2023. The date of pronouncement of order was fixed as 29.03.2023. The desired documents viz., bill for the period 23.02.2023 to 17.03.2023 billing history, and MRI report, has been submitted on behalf of Respondent Executive Engineer vide his office letter no 653 dated 21.03.2023 received in this office on 27.03.2023 the same as also been perused and taken on file.
8. From perusal of records and hearing of arguments it is borne out that a 5 KW domestic Connection was released to the Petitioner on 25.05.2021 the total consumption recorded by the meter from 25.05.2021 to 25.05.2022 as per billing history is 5711 KWh in these 12 months and thus average per month consumption during this period was 476 KWh which is duly reflected in the billing history and


there is no dispute in billing for the aforesaid period. The dispute on the bills is for the period 25.05.2022 to 21.09.2022 during which period the bills from reading 5711 to 10482(as per billing history and MRI report) for a total consumption of 4771 KWh were issued thus average consumption during this period has been 1193 KWh per month. The total billed amount for this period of 4 months was Rs. 31,317.97 against which the Petitioner paid a sum of Rs. 29,770.00 and thus balance outstanding against him were Rs. 1,548.00. The Petitioner has argued that these bills are for excessively high consumption as compared to his consumption for the earlier period from 25.05.2021 to 25.05.2022 and he has therefore requested for correction of these bills. The Respondents have also admitted in their written statement that these bills were wrong and thus these bills were revised on the basis of average consumption recorded from 11.06.2022 to 16.10.2022 and as a result of this correction an adjustment of Rs. 2,107.00 was given on 24.12.2022 and where after a sum of Rs. 1,548.00 was outstanding against the Petitioner as on 21.09.2022. The Forum relying upon the proposal of the respondent has ordered accordingly. There is no dispute after 21.09.2022 till the bill dated 17.03.2023 which was issued for meters reading from 11723 KWh to 12086 KWh and for a total consumption of 363 KWh. The total payable amount as per this bill is Rs. 2,375.00.

9. The correction in the bills made by the Respondent on average consumption recorded from 11.06.2022 to 16.10.2022 and also approved by the Forum does not appears to be logical and thus is not justified as the aforesaid period has been taken randomly. As per records the total consumption for the period 25.05.2021 (the date of release of connection) to 25.05.2022(in 12 months) has been 5711Kwh thus an average consumption has been 476 KWh per month during this period. But in the disputed period 25.05.2022 to 21.09.2022 during which excessive billing has been done which is the grievance of the petitioner, and the Respondent also admitted bills issued during this period as wrong and the consumption during these 4 months as reported in the bills has been 4771 units is not correct. Thus average consumption during these 4 months as per bills has been 1193 KWh per month. This clearly suggests that although the bills were claimed to have been issued as per meter reading appearing in the meter in the billing cycle but in fact there has been inconsistency in reporting the readings on which the bills were issued, although the total consumption recorded by the meter from 25.05.2021 (the date of release of connection) till 21.09.2022 (in 16

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months) has been 10482 KWh which is correct as per records and thus the average monthly consumption from 25.05.2021 to 21.09.2022 is worked out as 655 units per month($10482 / 16$). It would therefore be justified if the bills, right from 25.05.2021 to 21.09.2022, are revised on average consumption of 655 units per month on appropriate tariff and without levy of any LPS and after adjustment of the total payments made by the Petitioner during the aforesaid entire period. The Respondent therefore directed to prepare revised bill as aforesaid and issue to the Petitioner within a period of 7 days from the date of this order. The petition is allowed Forum order stands modified as per this order. Billing after 21.09.2022 and onwards as reflected in this billing history need not be disturbed as there appears no irregularity in issuing the bills for the period after 21.09.2022 and onwards as is evident from the billing history submitted vide letter dated 21.03.2023.

Dated: 29.03.2023


(Subhash Kumar)
Ombudsman