

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Manish Bhatt  
S/o Shri Yamuna Prasad Bhatt,  
Village Badowala, Prem Nagar,  
Arkediya Grant, Dehradun  
Uttarakhand

Vs

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

Representation No. 34/2024

**Award**

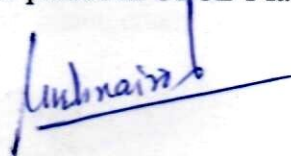
Dated: 22.01.2025

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Garhwal Zone, (hereinafter referred to as Forum) dated 30.07.2024 in complaint no. 214/2023 by which Ld. Forum has dismissed the complaint of appellant Shri Manish Bhatt, S/o Shri Yamuna Prasad Bhatt, Village Badowala, Prem Nagar, Arkediya Grant, Dehradun (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Mohanpur, Premnagar, Uttarakhand (hereinafter referred to as respondent).

2. In his instant representation, the petitioner Shri Manish Bhatt has averred as follows:-

**Details of case**

- i) A complaint was initially made to the respondent office in December 2023 regarding irregularities in reading calculation by adjusting reading in two consecutive months and not providing printed bills, having found no solution from respondent, a complaint was made to CGRF. Although during hearing the Forum acknowledged and accepted the facts presented by him in his complaint but the final judgment was passed in UPCL's favour.



### **Ground of appeal**

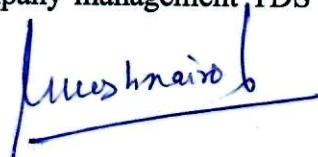
- i. Sub division committed irregularities in generating electricity bills by adjusting units consumed in particular month to next consecutive month to charge higher tariff for the same reading such as for months October, 2023 and November 2023 units were adjusted in the month of December, 2023. Similarly the adjustment of units was made in the months of 05, 2022, 05 2021, and 10, 2020.
- ii. This can be observed from the billing history.
- iii. The billing office was unable to provide photo of meter reading for the same month, only for which reading irregularity was conducted.
- iv. The CGRF neglected the main issue/ complaint while passing judgment.
- v. The CGRF conducted partiality in judgment.

### **Prayer**

- i. Prayer for hearing regarding irregularities in billing by UPCL and partial judgment by CGRF.
- ii. He has been caused financial loss due to irregularities in billing, so justified decision may be passed.
- iii. Appropriate compensation be granted and disciplinary action against the persons responsible for irregularities and causing financial loss.

The petitioner has submitted documentary evidences such as authorization, copies of letter to billing of his dated 18.12.2023, its reminder dated 28.12.2023. Consumer history record dated 11.01.2024, copy of complaint to CGRF, copy of letter dated 22.04.2024 to CGRF, copy of CGRF Judgment dated 30.07.2024. He has also submitted an affidavit.

3. After perusal of records and hearing arguments from both parties, the Forum observed that the opposite party violated the provisions of sub regulation 5.2.1(2) in issuing the bills under reference. The Forum also observed the TDS management hired by UPCL for meter readings and billings are committing irregularities in taking meter readings and issuing bills and the Forum in its order dated 30.07.2024 in complaint no. 214/2024 has issued warning to the licensee that in future relevant sub regulation 5.2.2(2) of UERC Supply Code, 2020 be complied with and also directed to issue necessary instruction to the higher company management TDS for taking necessary

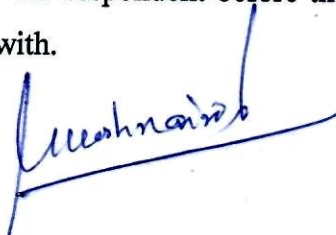




action in taking meter readings and issuing bills correctly as per meter readings obtaining in the installed meter in billing cycles. However no order on petitioner's complaint has been passed by the Forum.

4. The respondent Executive Engineer has submitted his written submission vide letter no. 2659 dated 19.09.2024 along with a notarized affidavit, The respondent has submitted point wise reply as follows

- i) The petitioner Manish Bhatt, resident of Badowala has made a complaint dated 18.12.2023 and 28.12.2023 regarding irregularity in his bills for his connection no. MP21427094225. In response to his complaint the meter reading was got verified by site inspection and it was found that the bill was issued on actual meter reading. Further for verification of his further complaint "and the meter reading has not been appropriately adjusted". It was tried to take MRI but MRI could not be done as the meter was made of Comet company and having no MRI facility.
- ii) As the photo copy of consumer's meter for the month of October, 2023 and November 2023 was not clear and due to upload of photo of the meter of other consumer, the TDS Management official was asked vide letter dated 12.01.2024 and a reminder dated 02.03.2024 to submit a photo copy of the meter reading obtaining in the meter for the month of October 2023 and November 2023 which was not submitted by TDS management till date.
- iii) Regarding petitioner's complaint that payment of Rs. 414 made by him has not been reflected in the bill, It is clarified that the said payment was made by him on 03.12.2023 against the bill generated on 29.11.2023 which could not be reflected in the bill dated December 2023 due to data updating in SBM. The consumer was duly informed about this.
- iv) As no mistake was found in the meter reading shown in bill and obtaining in the meter so no correction was required in the bill.
- v) Not being satisfied with the action taken by the Department, a complaint was lodged by the petitioner with CGRF which was registered as complaint no. 214/2024. The report submitted by the respondent before the Forum against the said complaint is enclosed herewith.



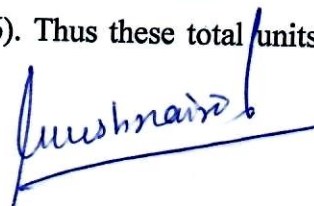
- vi. Further the consumer as asked photo copy of the meter readings from 02.02.2020 till now which was duly submitted before the Forum vide letter no. 270 dated 01.05.2024. Copy of which is also submitted herewith. Photo copy of the meter reading for the month of October 2023 and November 2023 were inadvertently submitted by TDS for some other meter due to some error in their software. The TDS management was asked to submit photo copies of the meter readings for the aforesaid months vide his letter dated 12.01.2024 and 02.03.2024, which has yet not been submitted and so it could not be submitted to the Forum. The respondent has substantiated his submission with documentary evidences adduced by him along with the written statement.
5. The petitioner has submitted a rejoinder dated 28.09.2024 along with a notarized affidavit para wise replies to the written statement has been submitted in the rejoinder:
- i. UERC notification 29.10.2020 chapter V readings of meter 5.1.2(1), metering and billing 5.2.1(2) (3) have been violated by the respondents in issuing bills under reference.
  - ii. As per regulations the UPCL is responsible to the consumers for issuing bills as per actual meter readings and TDS management is a third party engaged by UPCL but the sole responsibility to the consumer lies on UPCL.
  - iii. As per sub regulation 5.2.1(4) of UERC notification 29.10.2020 which provides that bill must be uploaded within 03 days however in this case the respondent division has not been able to do so even in 17 days but have generated another bill without complying billing cycle regulation.
  - iv. It is clarified that complaint was not about over billing instead it was about misinterpretation of meter reading leading to a significant increase in electricity. Since billing process was not based on actual reading at the time of billing, it leads to reading adjustment in consecutive months and therefore due to accumulation of reading it leads to over billed. However, the final reading remain same as per meter.
  - v. The respondent still unable to submit photo proof for irregularities in the billing months.
  - vi. After observation of billing history and photo proof of meter readings it is clear that this lead to accumulation of used of meter reading of particular months it leads to higher tariff slot charge in the consecutive months. As the installed

*[Signature]*



meter model does not has MRI facility the said meter has yet not been replaced. It is therefore requested that the matter of complaint be resolved.

6. Hearing in the case was scheduled for 19.12.2024. Both parties appeared and argued their respective case. The arguments were concluded. Order was reserved. The respondent was directed at the time of hearing to change petitioner's meter and submit sealing certificate within 3 days. The respondent had duly complied with the directions and replaced the meter vide sealing certificate no. 41/232 dated 19.12.2024, which was submitted the same day and was taken on record.
7. Documents available on file has been perused, relevant UERC regulations 2020 has also been gone through. The petitioner's case is that the respondent division has committed error in issuing bills for the month of Oct, Nov and 12/2023 in violation of UERC sub regulation 5.2.1 (2), as the readings shown in these bills are not as were actually obtaining in the meter, while bill for October 2023 was for 131 units, Nov 23 111 units and for 12/2023 383 units. That way he has been put to financial loss as the bill for 12/2023 has been issued under higher rate slabs of the tariffs, such irregularity was also committed in the past and therefore he has requested that the matter be resolved and the necessary corrections in the bills be ordered.
8. On the other hand the respondent's case is that no irregularity has ever been committed in issuing the bills, all the bills have been generated as per the meter readings obtaining in different billing cycles and hence the petitioner's allegation does not prove to be true.
9. Apart from all the documents the consumer billing history as available on the file for the period 09/2011 to 08/2024, as well as the photocopies of the meter showing readings from 11.02.2020 to 25.04.2024 shows that meter readings in these 2 documents for different billing cycles tallies and therefore it is established that bills during the entire period right from 09/2011 to 08/2024 have been issued on metered consumption recorded by the meter in different billing cycles. The reading on 19.12.2024 as reported in the sealing certificate was 31091 KWh as per the aforesaid documents reading on 21.09.2011 i.e. previous reading in the bill for 09/11 was 6416 and final reading in the bill for 08/2024 was 29990 units. This suggests that the total units consumed by the meter for which bills were issued from 21.09.2021 to 19.12.2024 was 24675 units (31091 - 6416). Thus these total units were consumed

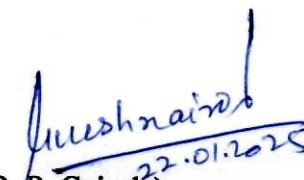


from 21.09.2021 to 24.12.2019, i.e. in 159 months and for this period the average monthly consumption works out 155 units (24675 / 159). From this average consumption the average load factor for the entire period comes out 21.5% ( $155/790 \times 100$ ). This average consumption for the entire period and load factor appears quite genuine for domestic load of 1 KW of the consumer. The billing history also suggests that there have been wide variations in the recorded consumption in different billing cycles during the entire period covered in the billing history. Such being the case the petitioner's allegations that irregularities have been committed by the respondents in issuing bills and sub clause 5.2.1 (1, 2 3 4) has been violated by the respondents does not prove to be true and as no irregularity or violation of UERC regulations have been done in issuing the bills and all the bills have been issued on metered consumption recorded by the meter, no correction in the bills is admissible. Therefore the petition is liable to be dismissed.

### Order

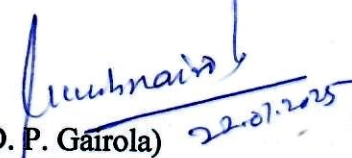
The petition is dismissed. Forum order stands modified as per this order.

Dated: 22.01.2025

  
(D. P. Gairola)  
Ombudsman

Order signed dated and pronounced today.

Dated: 22.01.2025

  
(D. P. Gairola)  
Ombudsman