

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Rajkumar
52/124, Arya Nagar,
Block 2, Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Central),
Uttarakhand Power Corporation Ltd.
18, EC Road, Dehradun,
Uttarakhand

Representation No. 29/2024

Award

Dated: 11.11.2024

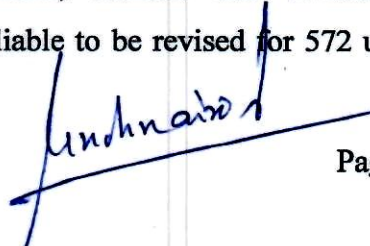
Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Garhwal Zone, (hereinafter referred to as Forum) order dated 18.06.2024 in complaint no. 08/2024 by which Ld. Forum has allowed the complaint of appellant Shri Rajkumar, 52/124, Arya Nagar, Block 2, Dehradun (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Central), Uttarakhand Power Corporation Ltd., 18, EC Road, Dehradun, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner, Shri Rajkumar has preferred the instant representation dated 15.07.2024, wherein she has averred as follows:
- i) His name and address are correct.
 - ii) He is aggrieved with Forum order dated 18.06.2024 passed in his complaint no. 08/2024.
 - iii) An application was submitted to SDO on 15.04.2024 for checking of his existing meter installed in his shop at Raja Road, Dehradun and for replacement of his defective meter. The department installed the new meter which recorded 1100 units in a month, which according to him was wrong.

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- iv) The department was duly informed that his shop is closed since period of corona. He informed to the department that he is ready to pay the minimum charge.
- v) The department installed a check meter which remained installed for 3 months and recorded 1100 units in a month, so the check meter is also defective.
- vi) The bill dated 13.12.2023 was issued on average consumption recorded in the month of July, August and September 2023 being $386 + 530 + 801 = 1717$ units, which is not possible in a shop which was locked, therefore so much consumption was not possible in a closed shop.
- vii) He has requested that a new meter be installed in his shop in the interest of justice.
- viii) He has adduced a copy of Forum order dated 18.06.2024, copy of his application dated 15.04.2023, sealing certificate and a copy of the bill.
- ix) No case is pending in any of the Court or Forum on the same subject.

3. After perusal of records and hearing arguments from both parties, the Forum observed that the old meter was replaced by a new meter where after the new meter recorded 1100 units in 1 month, while the shop was closed. Forum observed that from the consumer billing history it is revealed that so much consumption was never recorded, either before or after the disputed bill. Further the Forum also observed that as per consumer billing history bill from 06.09.2023 to 13.12.2023 (98 days) was issued for 1126 units, which is not possible for 1 KW load. The Forum also mentioned that even on the formula LDHF the maximum consumption in a month for 1 KW load could not be more than 470 units, so the consumption billed in the aforesaid bill cannot be accepted. Consumer history also shows that all bills other than the disputed bill were issued on metered reading. The opposite party could not establish the consumption of 1126 units in 1 month as billed in the bill dated 13.12.2023. The Forum was of the opinion that the disputed bill is liable to be revised on the basis of average consumption recorded in 3 billing cycles prior to the disputed bill i.e. based on the consumption recorded in the month of 09/2023, 08/2023 and 07/2023 being $(386+530+801)/3 = 572.33$ units, so the bill is liable to be revised for 572 units and

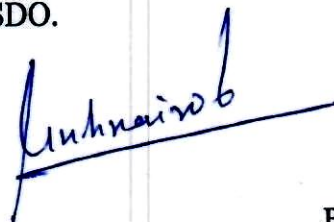


accordingly the Forum passed order dated 18.06.2024, wherein the opposite party was directed to revise the disputed bill for 572 units.

4. The respondent, Executive Engineer has submitted his written statement vide his letter no. 4121 dated 14.08.2024 along with a notarized affidavit, wherein he has submitted as follows:

- i) Connection no. CD6/7376/112043 is existing at the consumer's premises for 1 KW load under non domestic category.
- ii) A complaint was made by the petitioner before Forum against the excessive bill, which was registered as complaint no. 08/2024. The Forum directed to revise the bill vide its order dated 18.06.2024. The bill was accordingly revised in compliance to Forum order.
- iii) As per billing history it is established that the meter no EL8733 was replaced by a new meter no. 55376 on 01.10.2023, as the old meter was found IDF and it was creeping @ 806% so the bill was liable to be revised. Accordingly an adjustment of Rs. 15,028.00 was allowed on 05.02.2024 as per ledger, so after revision of the bill consumer's complaint is baseless.
- iv) No energy consumption appears to have been recorded from corona period to 11/2021 as per billing history.
- v) The old meter was replaced by a new meter on 01.10.2023, however it was advised to the system on 02.12.2023, so the first bill after replacement of meter from 06.09.2023 to 13.12.2023 (3 months) was issued for 1126 units, which appears to be at par with the recorded consumption in one month from 07.08.2023 to 06.09.2023 being 386 units, so his submission is baseless.
- vi) Baseless.
- vii) Does not pertain to the respondent.

He has substantiated his submissions with a copy of consumer billing history, consumer ledger, copy of Forum order, report of SDO.



5. The petitioner has submitted a letter dated 27.08.2024 wherein he has stated that he has nothing to say other than what he has already averred in his appeal. He has also submitted that he will appear for hearing as and when he is called for.
6. Hearing in the case was fixed for 23.10.2024. Both parties appeared and argued their respective case. The arguments were concluded and order was reserved. Subsequently 11.11.2024 was fixed for pronouncement of judgment. During hearing the respondents were directed to verify the present status of the meter. Report was submitted vide letter no. 513 dated 23.10.2024 in which present meter reading installed meter no. 10301699 was reported as 1118 KWH. A copy of revised bill from 07.09.2024 to 10.10.2024 also submitted in which total payable dues have been shown as Rs. 11151.00. Consumer billing history from 09.04.2024 to 10.10.2024 has also been submitted which shows zero (0) consumption in each of the billing cycles and each bill during this period has been issued only for fixed charges. Calculation statement dated 04.01.2024 has also been adduced which shows adjustment of Rs. 3795.00 in compliance to Forum order in addition to that LPS Rs. 1246.00 has also been shown as waived off.
7. All documents available on file have been perused and arguments from both parties were heard. It is borne out that a 1KW non domestic category connection was released in favour of the petitioner on 20.07.2000. As per billing history billing continued till August 2024 no consumption has been shown in the billing history in all the billing cycles right From January 2024 to August 2024 when meter reading continued to be fixed as 1118 which has also been reported as the current reading in the meter on 23.10.2024 which suggests that there has been no consumption in the meter from January 2024 to 23.10.2024 and bills for fixed charges have been issued during this period. On the complaint of the consumer a check meter was installed at consumer premises as per sealing certificate during the period the check meter remained installed 193 units were recorded in the check meter while during the same period 1743 units were recorded in the old meter as per the sealing certificate as such the existing meter was found running fast by 806%. In fact this is not the actual consumption made by the consumer but this consumption is recorded due to creeping the old meter (as admitted by the respondent under para 3 of his written statement) and hence it is the false consumption. The respondents have already considered this fact and revised the bills during which false consumption was recorded in the old

meter and an adjustment of Rs. 15028.00 was allowed on 05.02.2024 as a result of which the outstanding dues which were 27846.00 on 08.01.2024 were reduced to 12818.00 on 05.02.2024. Further in compliance to Forum's order 554 units were reduced from total 1126 unit billed in the bill dated 13.12.2023 which is the disputed bill and is the basis of grievance of the consumer and a sum of Rs. 5041.00 was adjusted from the arrears in compliance of Forum order reducing the total outstanding dues to Rs. 8897.00 as on 19.07.2024 which is also reflected in the consumer billing history as well as in ledger.

8. It is pointed out here that the Forum erred in passing its order dated 18.06.2024 wherein treating the consumption 1126 unit for 01 billing cycle and thus treating it as excessive consumption they ordered for revision of the bill on the basis of average of the consumption recorded in past 03 cycles for the month of September 2023, August 2023 and July 2023 being 386 units, 530 units and 801 units (total 1717 units) and thus average monthly consumption of 572 units and ordered to revise the bill dated 13.12.2023 for 572 units which has duly been complied with by the respondents by allowing an adjustment of Rs. 5041.00 in the ledger on 19.07.2024.
9. As reported by the respondents in their written statement, in fact 1126 units was the consumption reported in the first bill issued after change of meter for the period of 06.09.2023 to 13.12.2023 (for 03 months) and as such the average consumption during this period was in fact 375 unit per month, for (per billing cycle) which is very near to 386 units recorded and billed for previous month from 07.08.2023 to 06.09.2023 as such the Forum's order directing to revise the bill for 572 units is wrong because actual recorded consumption during this period was 375 unit per month and as such 1126 unit was the total consumption of three billing cycles from 06.09.2023 to 13.12.2023 and as such disputed bill dated 13.12.2023 was not required to be revised. As such Forum order is liable to be set aside.
10. As discussed above adjustment of Rs. 15028.00 was already allowed on 05.02.2024 for creeping of the old meter which in fact is reflected as fast running of that meter @ 806%. Further as discussed above since 1126 units were the total consumption in three billing cycles from 06.09.2023 to 13.12.2023 and not the consumption of one billing cycle only and in fact consumption per billing cycle was 375 units per month so the disputed bill was not required to be revised. As such the adjustment of Rs.

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5041.00 allowed on 19.07.2024 as per ledger has wrongly allowed and has to be added in the arrears shown as Rs. 8897.00 and thus total payable dues as at the end of July 2024 shall be Rs. 8897.00+ 5041.00 = Rs. 13938.00.

AS per billing history there has been no consumption from January 2024 till August 2024 till when billing done on zero monthly consumption and bills for this period were issued only for fixed charges, as the consumer's shop is lying closed. The respondents are at liberty to disconnect the connection of the petitioner for non-payment of dues and they are also at liberty to recover their legitimate dues by adopting such means as are available to them under law/ regulations, including recovery of arrears as arrear of land revenue by issuing RC under section 5 of Government Electrical Undertaking Dues Recovery Act, 1958 as adopted in the State of Uttarakhand.

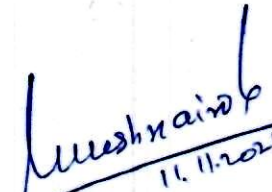
Order

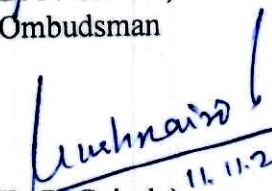
The petition/ representation is dismissed. Forum order is set aside.

Dated: 11.11.2024

Order signed dated and pronounced today.

Dated: 11.11.2024


(D. P. Gairola)
Ombudsman
11.11.2024


(D. P. Gairola)
Ombudsman
11.11.2024