

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Lily Sharma
60-D, Pocket U & V,
Block B, Shalimar Baag,
New Delhi

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Rishikesh, Distt. Haridwar,
Uttarakhand

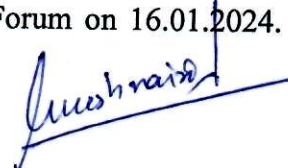
Representation No. 25/2024

Award

Dated: 25.10.2024

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 22.05.2024 in complaint no. 157/2023 by which Ld. Forum has directed the respondent to revise the bill on LDHF formula, the complaint of appellant Smt. Lily Sharma, 60-D, Pocket U&V, Block B, Shalimar Baag, New Delhi (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Rishikesh, Distt. Dehradun, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner has averred that a connection was released in her flat on 31.03.2023. Bills prior to 17.08.2023 have duly been paid and there was no dispute. Bill dated 17.08.2023 was received for Rs. 13,675.00, which was excessive for a closed flat. On receiving message of the said bill she immediately made 2 nos. complaints to the respondent in response of which she was asked to pay Rs. 60.00 for installation of check meter. Next bill dated 12.09.2023 was received for Rs. 23,307.00. A complaint was made to the respondent against this bill. Subsequent bills were being received correctly. LPS was being levied on the disputed bills. A complaint was again made on 26.12.2023 for correction of the bills. Having received no solution from the respondent, complaint was filed before Forum on 16.01.2024. Forum granted leave



her from personal appearance for hearing. The Forum passed order on her complaint in her absence. The Forum directed for installation of check meter but no check meter was installed by the respondent. The Forum directed the opposite party to replace the meter but had not asked for installation of check meter. The respondent could not establish as to how so much consumption can be made for a 2 KW connection, neither details of meter consumption were provided by the respondent to the Forum. Forum directed to revise the bill @ highest consumption that could be made on a 2 KW connection and issue revised bill without levy of LPS. Her complaint was for 2 nos. bills dated 17.08.2023 and 12.09.2023, but Forum passed order in respect of the bill for 17.08.2023 only. Although her flat was closed before 20.09.2023, but the Forum ordered for revision of the bill on the maximum consumption possible for 2 KW load. The respondent refused to accept payment of the bills, subsequent to the bill dated 23.09.2023, correct date of the bill is 12.09.2023. In view of her averments, the petitioner has prayed that the bills dated 17.08.2023 and 12.09.2023 be ordered to be re-revised keeping in view the fact that the flat was closed. The meter was replaced at a later stage on her written complaint. The Forum directed for revision of the bill @ 192 units per bill and further she has requested that no LPS be charged as the department did not accept payments of the undisputed bills issued after the bill dated 23.09.2023, correct date is 12.09.2023.

The petitioner has substantiated her averments with documentary evidences such as a letter dated 27.12.2023 addressed to SDO. Yet another letter addressed to SDO a copy of a complaint dated 16.01.2024 to the Forum. Copies of bills for the period 31.03.2023 to 10.05.2023 and all subsequent bills till the bill from 12.04.2024 to 14.05.2024. A supplementary petition dated 12.06.2024 and also a copy of Forum's order dated 22.05.2024. As also a copy of letter dated 07.06.2024 from SDO addressed to Executive Engineer, Rishikesh.

The petitioner has again submitted a letter dated 12.06.2024 contents of which are the same as in her principle representation. She has again submitted a copy of Forum's order dated 22.05.2024 as also copies of bills for the period from 21.03.2023 to 14.05.2024 as also a notarized affidavit dated 14.06.2024.

3. After perusal of records the Forum was of the opinion that consumption of 34.55 units per day for a 2 KW load cannot be allowed as consumption of 2004 units was shown

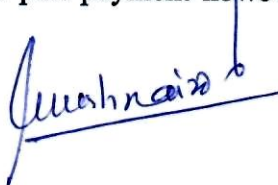


in the bill for the period 20.06.2023 to 17.08.2023. The Forum was of the opinion that even the consumption for this load on LDHF formula comes out to be 192 units per month. Having observed as above the Forum passed order dated 22.05.2024 wherein the respondent were directed to withdraw the bill dated 17.08.2023 and issue a revised bill for 384 units per bill (as per LDHF formula) and no surcharge LPS be charged in such a revised bill. The Forum further directed that the existing meter be replaced immediately.

4. The respondent, Executive Engineer has submitted his written statement vide letter 1639 dated 05.07.2024 along with a notarized affidavit wherein pointwise reply to the petition has been submitted as follows:-

- i. Bill of petitioner's connection no. Rk22123148793 for the month of 08, 2023 was issued for 2002 billed units for Rs. 13675.00 and bill for the month of 09, 2023 was issued for billed unit 1312 for Rs. 9290.70 so total amount of the aforesaid 02 bills was Rs. 23307.00 which was not paid by the consumer.
- ii. Being aggrieved with the aforesaid 02 bills she filed a complaint no. 157/2023 before the Forum which was decided by the Forum vide its order dated 22.05.2024 wherein the Forum directed to cancel the bill dated 17.08.2023 and issue a revised bill for 384 units based on LDHF formula in compliance of which revised bill was issued by allowing adjustment of Rs. 10350.00 through CCBR as also waiver of LPS.
- iii. No application was sent by the petitioner to his office for part payment.
- iv. After further examination of the revised bill it was observed that further adjustment of Rs. 4501.00 was also to be allowed. So, adjustment of the said amount was also allowed on 04.07.2024 through CCBR. He has also submitted a notarized affidavit. The respondent has also adduced a copy of SDO's letter no. 651 dated 04.07.2024 addressed to him as also a copy of consumer ledger as also a copy of billing history and his affidavit dated 29.06.2024.

5. The petitioner has submitted a rejoinder dated 12.07.2024 along with an affidavit dated 13.07.2024. She has admitted that bill for 08,2023 was issued for 2002 billed units for Rs. 13775.00 and billed for 08 ,2023 was issued for 1312 unit for Rs. 9290.00. No request was made for part payment however, she repeatedly requested



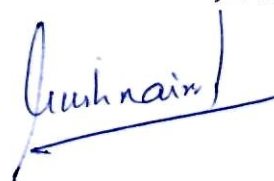
that payments for the bill issued after 23.09.2023 be accepted but the department kept on saying that complete payment shall be accepted and surcharge shall not be charged after receipt of judgment in her pending petition. She has again reiterated that her bills from 20.06.2023 to 23.09.2023 (the bills dated 17.08.2023 and 12.09.2023) be re-revised based on actual consumption expected in a closed house. She has again reiterated her request as made in her original representation dated 02.06.2024. She has also submitted copies of bills dated 14.05.2024 and 12.09.2024.

6. Hearing in the case was fixed for 16.10.2024 for arguments while Shri Rajiv Kumar SDO appeared for hearing on behalf of the respondents and argued his case and also submitted a copy of the latest bill dated 14.10.2024 for the period 14.05.2024 to 14.10.2024 for a sum of Rs. 19793.00 as also a copy of the billing history and also a copy of the consumer ledger from 01.04.2024 to 15.10.2024. The petitioner however did not come for arguments but telephonically informed that as she was unable to appear personally for arguments, her case be decided on the basis of documents already submitted. The arguments were concluded and 25.10.2024 was fixed for pronouncement of award/ order.
7. Documents available on file have been perused and arguments from respondent were heard. It has been observed that a 2 KW domestic connection was released to the petitioner on 31.03.2023 by installing a meter no. 10345364. As per billing history and the documents submitted by the respondent the billing continued till 14.10.2024. The final reading in the old meter as on the date of its replacement on 04.06.2024 was 3844 KWh so the total metered consumption w.e.f. the date of release of connection on 31.03.2023 till 04.06.2024 till which date the old meter was in circuit at the premises of the consumer. So this period comes out 14 months 11 days and therefore average monthly recorded consumption during the above period was 265 units per month. The petitioner's grievance was regarding 2 bills dated 17.08.2023 and 12.09.2023 for billed units 2004 and 1312 respectively for Rs. 13,075.00 and Rs. 9,290.70 respectively which according to the petitioner were excessive for a 2 KW load in her flat which remains close.
8. A perusal of billing history also shows that average metered consumption except these 2 bills was from 36 units to 64 units per bills, except for first 2 bills issued after release of connection which were of only 1 unit per bill and bill dated 13.10.2023



which was for 163 units. While the Petitioner's prayer was for correction of 2 bills dated 17.08.2023 and 12.09.2023, the Forum vide its order dated 22.05.2024 ordered to revise the bill for 17.08.2023 only @ 384 unit per bill based on formula LDHF and no orders have been passed about the bill dated 12.09.2023. It is pointed out, that the formula LDHF is not applicable in the instant case in which all the bills have been issued on metered consumption recorded by the installed meter. this formula is however applicable in case of unauthorized use of electricity under section 126 and theft of electricity under section 135 of Electricity Act, 2003, as per UERC Supply Code Regulation, 2020. Sub regulation 7.1.1 (10) and 7.2.1 (10) of UERC, 2020, as the case may and as per Annexure XII. Such being the case the Forum's order is liable to be set aside not being consistent with the relevant regulations. Further the Forum have directed to replace the meter, Which was duly replaced by the respondents on 04.06.2024 by a new meter no. GU352476 and the billing afterwards till October 2024 was done on the metered consumption by this new meter, hence it is clear that billing for the entire period right from date of release of connection i.e. 31.03.2023 till 14.10.2024 was done on metered consumption. It is also mentioned that a check meter no. U971472 was installed on the old meter on 05.02.2024 and was finalized on 05.03.2024 in which the old meter was found running fast only by 2 % with reference to the check meter which was within the prescribed limit of variation being $\pm 3\%$ as per Rule 57 (1) of Electricity Rules 1956 which is still in force and has not been repealed. As such veracity of the old meter was certified.

As the pattern of consumption was not uniform throughout the period 31.03.2023 to 04.06.2024 as already mentioned above, the highly excessive consumption of 2002 units and 1312 units as per bills dated 17.08.2023 and 12.09.2023 respectively, on which the petitioner has grievance and have approached to the Forum and being aggrieved with Forum order has preferred this representation before Ombudsman, her grievance appears to be genuine which has not been redressed by the Forum as aforesaid in this order, the highly excessive consumption billed in aforesaid disputed bills cannot be the actual consumption for these 2 billing cycles, It may be the accumulated consumption for the pas period in which probably correct meter readings have not been reported as is evident from the pattern of consumption for the period other than the period for the disputed bills. Since the veracity of the meter is established and all bills have been issued on metered units, it will be reasonable and in

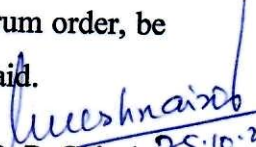


the interest of justice if all bills right from 31.03.2023 to 04.06.2024 are revised on average monthly consumption recorded by the meter. As per records this meter was installed on 31.03.2023 at 0 (zero) initial reading and was removed on 04.06.2024 at 3844 final reading, so the total period during which this meter remained at the connection of the petitioner as per records is 14 months 11 days so average monthly consumption for this period comes out as 265 units per month. It will therefore be justified if all the bills for the said period are revised @ 265 units per month on appropriate tariffs remained in force during the said period and without levy of LPS and after adjustment of payments if any made by the petitioner against the bills issued by the respondent during the said period.

Order

Representation is allowed. Forum order is set aside. Respondents are directed that all bills issued earlier including during the period 31.03.2023 to 04.06.2023, the period of old meter, the revised bill issued by the respondent in compliance to Forum order, be withdrawn and a revised bill for the said entire period be issued as aforesaid.

Dated: 25.10.2024


(D. P. Gairola)
Ombudsman

Order signed dated and pronounced today.

Dated: 25.10.2024


(D. P. Gairola)
Ombudsman