

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Gajendra Prashad Nautiyal
S/o Shri Ambika Prasad Naitiyal
Vill. & P.O Badahaat,
Bhatwari, Uttarkashi, Uttarakhand

Vs

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

Representation No. 42/2021

Order

Dated: 16.03.2022

Being aggrieved with Consumer Grievance Redressal Forum, Uttarkashi/Tehri Zone (hereinafter referred to as Forum) order dated 17.12.2021 in his complaint no. 75/2021, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarkashi (hereinafter referred to as respondent) Shri Gajendra Prashad Nautiyal S/o Shri Ambika Prasad Nautiyal Vill & P.O. Badahaat, Bhatwari, Uttarkashi has preferred this petition for correction of his bills.

2. The petitioner Shri Gajendra Prasad Nautiyal has submitted that he is aggrieved with Forum order dated 17.12.2021 in his complaint no. 75/2021 before the Forum as Forum has passed orders without considering that no adjustment for NR and IDF bills has been given as also the amount deposited by him against the bills have not been adjusted, he has made three payments for the meter readings up to 36607. He has requested that his bills may be corrected after taking into account adjustment of NR and IDF bills and the amount deposited by him.
3. The Forum after hearing both parties observed that final bill amounting to Rs. 1,16,368.00 on MU on final reading 36607 as obtained in the meter on 18.01.2015 has been issued and PD has been accordingly finalized, so the petitioner is liable to pay dues up to the date of temporary disconnection and have dismissed the complaint.

4. The respondent Executive Engineer has submitted a written statement vide his letter no. 81 dated 22.01.2022. He has denied that the petitioner's averment that the amount deposited by him against his service connection no. UK11214002282 at meter reading 36607 has not been adjusted, the fact is this that the payments amounting to Rs. 17,069.00 dated 28.12.2011, Rs. 10,000.00 dated 15.03.2014 and Rs. 49,547.00 dated 31.01.2012 has duly been accounted for as is evident from consumer ledger and consumer history which have duly been adduced with the written statement. He has also denied. Petitioner's claim that IDF bills were issued and not adjusted because IDF bills to the consumer were never issued, however NR bills have been issued at a number of times as shown in the billing history which has automatically been adjusted by the system itself. The Forum has passed order based on the record and the evidences submitted before it. He has also submitted that connection no. UK11214002282 for 2 KW load with meter no. 769357 existed in the name of the petitioner under domestic category. He has filed a complaint before the Forum for bill correction and after perusal of records and hearing both parties the Forum dismissed the complaint vide order dated 17.12.2021. He has further stated that the connection has permanently been disconnected after temporary/permanent disconnection on 18.01.2015 when the meter was removed at final reading 36607. PD has accordingly been finalized vide OM no. 13 dated 29.11.2021 according to which out of total billed amount of Rs. 2,14,401.00 the payable amount after waiver of fictitious arrears amounting to Rs. 85,971.00 generated after the date of temporary disconnection on 18.01.2015 has been worked out as Rs. 1,28,430.00, which are payable by the petitioner and which has also been upheld by the Forum.
5. A rejoinder dated 31.01.2022 has been submitted by the petitioner wherein no new facts about the case have been submitted but it is merely a repetition or reiteration of what he has already averred in his petition.
6. Hearing in the case was held on pre decided date 02.03.2022. Both parties appeared and argued their respective case. Arguments were concluded and order was reserved for 16.03.2022.
7. After perusal of records and hearing arguments from both parties it is borne out that a domestic connection for 2 KW existed in the name of the petitioner with connection no. UK11214002282 which was released on 17.09.1991 as recorded in consumer

billing history. As per billing history last bill was issued on 06.06.2017 on which date the total outstanding dues were Rs. 2,14,406.00. As per ledger also the dues were Rs. 2,14,401.00 till 21.01.2022. The total payment amounting to Rs. 76,616.00 as claimed by the petitioner have duly been adjusted. No IDF bills have ever been issued, however NR bills have been issued a number of times viz. 2 bills dated 19.11.2009 and 19.01.2010, again NR bills from 19.09.2010 to 15.11.2011 have been issued at a single stretch and again NR bills have been issued from January 2015 to May 2017 at a single stretch. The connection was disconnected temporarily on 18.01.2015, which is also the date of permanent disconnection. The final bill as per PD OM has been issued for a sum of Rs. 2,14,400.00 out of which only Rs. 1,28,403.00 has been held as payable being the dues up to the date of disconnection 18.01.2015 and balance dues Rs. 85,971.00 have been waived off vide this PD OM dated 29.11.2021 being fictitious arrears generated after the date of disconnection. The respondent has claimed Rs. 1,28,430.00 as the realizable dues payable by the petitioner. The Forum has also held these dues as payable by the petitioner.

8. The NR bills at 2 occasions as aforesaid have been issued for more than 2 billing cycles as admissible under regulation and the tariff provisions, while NR bills from January 2015 to May 2017 already stands waived off as per PD. The NR bills issued from 09/2010 to 02/2011 have been issued by the respondent in contravention of relevant regulations and therefore out of these 8 number bills issued in a single stretch only 2 bills are payable by the petitioner and remaining 6 bills of NR are not payable by him being in contravention to regulations. The respondents are directed to revise the payable amount after deleting the amount of 6 nos. NR bills issued in contravention to the regulations and issue revised PD OM accordingly. However as the UPCL cannot be put to bear a financial/revenue loss due to the mistake or irregularity committed by the staff in issuing 6 nos. NR bills in contravention to regulation, it is directed that amount of these 6 nos. NR bills be recovered from the erring staff. Forum order stands modified as per this order. Petition is allowed.

Dated: 16.03.2022

(Subhash Kumar)
Ombudsman