

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt Kavita Devi  
W/o Shri Naresh Singh,  
Vill & P.O. Ambari,  
Vikasnagar, Distt. Dehradun  
Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division  
Uttarakhand Power Corporation Ltd.  
Vikasnagar, Distt. Dehradun,  
Uttarakhand

Representation No. 20/2023

### Order

Dated: 31.07.2023

Being aggrieved with Consumer Grievance Redressal Forum. Garhwal Zone. (hereinafter referred to as Forum) order dated 29.04.2023 in her complaint no. 180/2022 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Vikasnagar, Distt. Dehradun, Uttarakhand (hereinafter referred to as respondent) Smt. Kavita Devi W/o Shri Naresh Singh, Village and P.O. Ambari, Vikasnagar, Distt. Dehradun, Uttarakhand (petitioner) has preferred this appeal for setting aside the bill of Rs. 10,906.00 which is issued without installation of the meter and for directing the respondent to install meter on the connection applied for by depositing necessary charges on 01.03.2021.

2. The petitioner, Smt. Kavita Devi W/o Shri Naresh Singh, Vill. & P.O. Ambari, Vikasnagar, Distt Dehradun has preferred the instant appeal dated 19.05.2023 followed by a supplementary submission vide her letter dated 02.06.2023. She has averred as follows: that:-

- i) She has applied for a 2 KW non domestic connection application was registered at no. 447041220006 and Rs. 2,600.00 were deposited vide receipt no. 344701032120200003 dated 01.03.2021 (Rs. 2,000.00 security deposit +

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Rs. 600.00 service line charges) but the connection was never released and no meter was ever installed.

- ii) In the month of February 2023, respondent's staff visited her premises informed that a sum of Rs. 10,906.00 is outstanding against her connection and therefore they have come to disconnect the supply.
  - iii) The outstanding dues according to the respondents have mounted to Rs. 18,071.00 up to the month of 04/2023. The dues have been raised without any meter reading as no meter was installed at her premises.
  - iv) She preferred a complaint dated 28.02.2023 before the Forum against the aforesaid outstanding dues Rs. 10,906.00 created without installation of a meter and she requested the Forum to quash the said amount and order to get the meter installed.
  - v) The Forum dismissed the complaint vide order dated 19.04.2023 (correct date of Forum order is 29.04.2023) on the basis that she doesn't want to get the meter installed.
  - vi) The petitioner has prayed that the aforesaid outstanding dues Rs. 10,906.00 be quashed and respondents be directed to install the meter. She has substantiated her averments with documentary evidences such as copy of Forum's order, receipt of Rs. 2,600.00, consumer billing history from 10/2021 to 04/2023, copy of complaint made before the Forum.
3. After perusal of records and hearing arguments from both parties and relying upon the submissions of the opposite party, observing that the complainant did not cooperate the departmental staff in installing the meter, which suggests that she does not want to get the meter installed, as such the Forum was of the opinion that the complaint is liable to be dismissed and the Forum have accordingly dismissed the complaint vide their order dated 29.04.2023 in her complaint 180/2022.
4. The respondent, Executive Engineer submitted his written statement vide letter no. 1641 dated 16.06.2023 along with an affidavit on oath. He has submitted as follows:

*[Handwritten signature]*



- i) The petitioner lodged a complaint no. 180/2022 before the Forum that meter for a new connection applied for by her has not been installed by the respondents in spite of depositing Rs. 2,600.00 on 01.03.2021.
- ii) After perusal of the complaint and scrutiny of records it was found that the connection with a number VN63116697743 was released in favour of the petitioner on 02.03.2021 by installing a meter no. SS15588139.
- iii) In a site verification by SDO no meter was found at petitioner's premises. Further it was also observed that the petitioner was using electricity for commercial use from her domestic connection, while as per records a meter was installed for the connection applied by her.
- iv) The SDO tried to install the meter but the petitioner did not allow to install the meter.

No documentary evidences has however been adduced by the respondent to support his submissions.

5. The petitioner submitted a rejoinder dated 01.07.2023 along with an affidavit under oath. Contents of the rejoinder are merely a reiteration of her averments made in the petition except her submission that she did not allow to install the meter because the departmental staff refused to give a copy of the sealing certificate for meter installation.
6. Hearing in the case was held on prescheduled date on 19.07.2023. Both parties appeared for arguments. The petitioner authorised her husband Shri Naresh Singh to submit arguments on her behalf and SDO concerned appeared and argued on behalf of the respondent. Arguments were concluded and 31.07.2023 was fixed for pronouncement of judgment.
7. Records available on file has been perused and arguments from both parties were heard. Relevant UERC regulations 2020, which are applicable in the instant cases were also been gone through. The petitioner had applied for a 2 KW nondomestic connection and deposited necessary charges vide receipt dated 01 03.2021 (A total of Rs. 2,600.00 (Rs. 2,000.00 security deposit + Rs. 600.00 service connection charges)). The connection was never released. Although the respondents have claimed that the connection was released on 02.03.2021 by installing a meter no. 7715588139 and



service connection no. VN63116697743 was allotted. However, no documentary evidence such as an advance notice for installing of the meter, copy of sealing certificate etc. have not been adduced as are mandatory under the following sub regulations of UERC regulation, 2020.

i) Sub regulation 5.1.1. (7)

*“(7) Initial installation and replacement of the meter shall be done by the Licensee in presence of the consumer or his authorized representative after giving one week’s notice. At the time of Initial installation and replacement the Licensee shall record the particulars of meter in the Sealing certificate (1<sup>st</sup> copy) which shall be jointly signed by the Licensee and the consumer, the same shall be kept in master file of the consumer 2<sup>nd</sup> copy of the sealing certificate shall be issued to the consumer at the time of installation of the meter under proper receipt 3<sup>rd</sup> and 4<sup>th</sup> copy of sealing certificate shall be submitted to the concerned sub-divisional/divisional office, The meter seals shall be in accordance with Regulation (12) of Central Electricity Authority (Installation & Operation of Meters) Regulations, 2006 as amended from time to time.”*

As no document referred in the above regulation have been adduced by the respondents, their claim that the meter was installed and the connection was released on 02.03.2021 proves to be a false submission.

ii) Sub regulation 5.1.2 (7) & 5.1.2 (10)

*“(7) If the meter is rendered inaccessible on two consecutive meter reading dates, the Licensee shall serve a 15 days clear notice to the consumer under proper receipt, to keep the premises open for taking meter reading on date & time indicated in the notice. If the consumer does not comply with the notice, the Licensee shall after expiry of the notice period cut off supply of the consumer for so long as such refusal or failure continues.”*

*“(10) Licensee shall ensure that no new case of Not Read (NR) shall be added to its billing data base. The Licensee is required to make necessary changes in its billing software for identification and highlight such cases of*

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*provisional billing for more than 2 billing cycles continuously to the higher authorities."*

There is no documentary evidence on file to show that the above Sub-regulation have been complied with by the respondent however, a perusal of the consumer history available on file for the period 10/2021 to 04/2023 suggests that only first 1 bill for the month of 10/2021 was issued on metered units and all subsequent bills up to 04/2023 were issued on NR according to which total outstanding dues has been shown as Rs. 18,071.00. Issue of NR bills for such a long period is against the aforesaid sub-regulations and the respondents are not entitled to realize the dues against such NR bills, as it is established that the connection was never released.

iii) Sub regulation 5.1.1 (3) Installation of meter.

*"(3) Licensee shall have the option of installing the meter at the consumer's premises or outside the premises such as on pole/ boundary of premises etc. Where meter has been installed outside the consumer's premises, the responsibility of safe custody of metering unit shall lie with the Licensee. Where meter has been installed at the consumer's premises, the responsibility of keeping the meter under safe custody shall lie with the consumer."*

Licensee shall have the option of installing the meter at the consumer's premises or outside the premises such as on pole/boundary of premises etc. Where meter has been installed outside the consumer's premises, the responsibility of safe custody of metering unit shall lie with the Licensee, Where meter has been installed at the consumer's premises, the responsibility of keeping the meter under safe custody shall lie with the consumer.

As claimed by the respondent, they installed the meter on 02.03.2021 outside petitioner's premises and as submitted under para 3 of their written statement the meter was not found installed at site by a site verification by the SDO. Since it was the responsibility of the respondent to ensure safety and security of the installed meter, which they have failed, if as claimed by them the meter was installed.

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8. In view of the above relevant sub regulations of UERC regulation, 2020 the respondent's have not been able to establish and prove their claim that they had installed a meter on 02.03.2021. Further their claim also does not prove to be a fact that as they continued to issue NR bills for such a long period from 02/2022 to 04/2023 issuing of NR bills suggests that the consumer premises for taking meter readings but as averred by the petitioner no bill was ever received and no meter was ever installed as no sealing certificate was given to her at the time of installation of meter, if it was actually installed and as was mandatory under aforesaid sub regulation 5.1.1 (7) of UERC regulation, 2020.
9. Such being the of the case it is clearly established that non domestic 2 KW connection was never released and all the billing purported by respondents are fictitious and the outstanding dues are also fictitious. Such dues are therefore hereby quashed and Forum order is also set aside. The petition is allowed. The respondents are directed to release the long pending connection in favour of the petitioner by installing a meter and following the provisions of aforesaid sub regulation 5.1.1 (7) of regulations, 2020 within 15 days from the date of this order. Compensation as admissible under schedule III of UERC (Standard of Performance) Regulations, 2022 for delay in release of connection beyond 15 days is also ordered to be paid to the consumer.
10. The respondent in his written statement has also submitted that in the site verification by the SDO the petitioner was found using her domestic connection for commercial use also. In this connection the respondents are advised to ensure billing as per the following provisions given in rate schedule RTS 1 domestic.

**"This rate schedule shall also be applicable to consumers having contracted load up to 2 KW as also consumption upto 200 kWh/month and who are using some portion of the premises mentioned above for non-domestic purposes. However, if either contracted load for such premises is above 2 KW or consumption is more than 2kWh/month, then the entire energy consumed shall be charged under the appropriate Rate Schedule unless such load is segregated and separately metered."**

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(Subhash Kumar)  
Ombudsman