

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Hansa Dalakoti
M/s Dalakoti Minerals and Chemicals,
Village Jeetpur Negi, Rampur Road, Haldwani,
Distt. Nainital, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.
Haldwani, Distt. Nainital, Uttarakhand

Representation No. 38/2023

Order

Dated: 21.11.2023

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone, (hereinafter referred to as Forum) order dated 13.07.2023 in complaint no. 185/2023 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Uttarakhand Power Corporation Ltd., Haldwani, Distt. Nainital, Uttarakhand (hereinafter referred to as respondent), Smt Hansa Dalakoti M/s Dalakoti Minerals and Chemicals, Village Jeetpur Negi, Rampur Road , Haldwani, Distt. Nainital, Uttarakhand (petitioner) has preferred this appeal for waiver of excess demand charged by the department.

2. The petitioner in the instant appeal dated 14.08.2023 has averred as follows:

- i) Application for enhancement of load from 110 KVA to 198 KVA was submitted in the department on 08.02.2023 and all formalities as asked for by the department were completed timely. But in the bill for the month in March contracted load was shown 110 KVA instead of enhanced load of 198 KVA. On query from the department it was informed that perhaps load enhancement has not been advised to the system and will be corrected shortly.
- ii) Excess demand Rs. 1,42,003.00 added in the 2 bills for the month of March and April. Formalities after submission of application dated 08.02.2023 for

enhancement were timely completed, other formalities were to be completed by the department. Additional security was deposited when asked by the Executive Engineer. Having received no reply or relief by the department approached Forum where complaint was registered as 185/2023. Forum granted partial relief vide its order dated 13.07.2023. A letter dated 28.07.2023 was sent to the department to know as to how much relief was allowed by the department in compliance to Forum's aforesaid order, but no reply was received from the department till 14.08.2023. In the premises above the petitioner has requested that the excess demand raised by the department be waived off.

3. After hearing argument from both parties and perusal of records available on file the Forum observed that the complaint is related regarding charging excess demand in the month of March 2023 and April 2023 even after enhancement of load from 110 KVA to 198 KVA, in consideration of complainant's application dated 08.02.2023 for enhancement of load. As is evident from the documents adduced by opposite party the enhancement of load was effected from 25.05.2023 as evident from sealing certificate no. 22/445 dated 25.05.2023 when the enhancement of load was done by replacing existing CT of ratio 10/5 by a new CT of ratio 15/5 Amp. The enhancement of load was done by the department after about 38 days from the date of depositing the final charges on 17.04.2023 as required for enhancement of load. It appears that enhancement of load could have been effected after 17.04.2023 promptly which was done with a delay of 38 days from 17.04.2023 to 25.05.2023. The Forum was of the opinion that excess demand charged from 17.04.2023 to 25.05.2023 is liable to be withdrawn. The Forum accordingly directed the opposite party to issue a corrected bill by reducing the demand charges for the period 17.04.2023 to 25.05.2023 and thus partially allowed the complaint.
4. The respondent Executive Engineer has submitted a written statement along with affidavit under oath on 26.09.2023 wherein he has submitted point wise reply as follows:
 - i) Ombudsman letter no. 714 dated 18.09.2023 was received in his office on 22.09.2023.

dr.

- ii) A complaint was preferred by the petitioner before the Forum regarding dispute in the bills where it was registered as complaint no. 185/2023, which was sent by the Forum to his office vide letter no. 185 dated 05.06.2023 and was received on 06.06.2023 via email.
- iii) Reply was submitted to the Forum vide his letter no. 2383 dated 13.06.2023, photocopy of which has been enclosed with his reply.
- iv) Forum vide letter no. 759 dated 14.06.2023 directed to accept payment of current bills excluding the disputed amount. Order was accordingly complied with and compliance submitted to Forum vide letter no. 2484 dated 19.06.2023.
- v) Forum vide letter no. 801 dated 21.06.2023 asked compliance for its above referred order which was submitted to the Forum vide letter no. 2561 dated 27.06.2023.
- vi) Forum fixed 05.07.2023 for hearing. AE (R) was authorized to appear before the Forum for arguments.
- vii) Forum sent its order dated 13.07.2023 vide letter no. 885 dated 15.07.2023.
- viii) A sum of Rs. 39,421.00 was reduced from the disputed bills in compliance to Forum's above referred order dated 13.07.2023 and compliance was reported to the Forum vide his letter no. 3109 dated 07.08.2023.

The respondent has substantiated his above replies with submission of documents as referred under above written statement.

- 5. The petitioner has submitted a rejoinder along with an affidavit dated 14.10.2023. No new facts about the case except what she has mentioned in her petitioner have been submitted in the rejoinder.
- 6. 31.10.2023 was fixed for hearing arguments in the case, while the respondent vide her letter dated 26.10.2023 requested to decide the case on the basis of the documents already submitted by her and as are available on file and has sought exemption from personal appearance in view of her health condition, being a senior citizen, however the respondent was represented by Shri Vidhya Bhaskar joshi SDO. In his oral arguments he submitted that the petitioner has applied for enhancement of load on

08.02.2023 which was approved on 24.02.2023 and enhancement of load was effected on 25.05.2023 when a sealing certificate no. 22/445 dated 25.05.2023 was filled in for enhancement of load from 110 KVA to 198 KVA by replacing existing CT of ratio 10/5 Amp to new CT of ratio 15/5 Amp which is available on file. Arguments were concluded and 21.11.2023 was fixed for pronouncement of order.

7. After hearing argument from the respondent and perusal of records available on file it is found that the petitioner has applied for enhancement of her contracted load from 110 KVA to 198 KVA. Formalities except depositing additional security were completed timely the security was deposited on 17.04.2023 even after that the enhancement of load was made effective from 25.05.2023 as is evident from the sealing certificate i.e. after a delay of 38 days, which was against regulations. However the respondent billed for the month of April 23 and May 23 treating the contracted load as 110 KVA instead of enhanced load of 198 KVA. The Forum has rightly ordered to reduce the excess demand charges levied in the month of April 2023 and May 2023 from 17.04.2023 to 25.05.2023. The Forum order has duly been complied with vide respondent's office order no. 2976 dated 27.07.2023, wherein order issued reducing excess demand charges by Rs. 39,421.00 for the period 17.04.2023 to 25.05.2023 in the month of April 2023 and May 2023. Forum order dated 13.07.2023 passed in complaint no. 185/2023 needs not to be interfered with being consistent with the relevant regulations on merits of the case and the same is upheld. NO further relief is admissible. The petition is dismissed.

Dated: 21.11.2023


(Subhash Kumar)
Ombudsman