

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Dinesh Kumar  
S/o Late Shri Tikam Singh  
Village Bhud, P.O. Langha,  
Distt. Dehradun, Uttarakhand

Vs

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

Representation No. 13/2023

**Order**

Dated: 17.05.2023

Being aggrieved with Consumer Grievance Redressal Forum, Garhwal Zone, Dehradun (hereinafter referred to as Forum) order dated 31.01.2023 in his complaint no. 141/2022 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Vikasnagar, Distt. Dehradun (hereinafter referred to as respondent) Shri Dinesh Kumar S/o Late Shri Tikam Singh, Village Bhud, Post Office Langha, Dehradun has preferred this appeal for revision of his bills.

2. The petitioner, Shri Dinesh Kumar has preferred this appeal dated 01.03.2023 along with an affidavit wherein he has averred that he has a domestic connection no. VN131434410291 at his residence. Bills against the aforesaid connection were being issued exorbitantly high due to technical problem in the meter. He lodged a complaint with the Forum on 01.01.2023 which was decided by the Forum vide its order dated 31.01.2023. He is not satisfied with the Forum's order for the following reasons:

- a) The department has not been able to justify the higher consumption technically neither they could submit MRI report of the meter. In spite of agreeing to this fact the Forum has ordered for revision of 2 bills only.

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b) The Forum's order for revision of the bills on the average consumption recorded in 3 nos. billing cycle in the past does not appear legally correct because the meter was defective during the said period and out of 3 bills 2 bills were disputed. It could have been justified if order for revision would have been issued on the basis of average consumption of all the bills issued after correction of the meter.

c) The revised bill given by the respondent in compliance to Forum's order has been issued for 10.31 units per day against Forum order for 5.73 units per day. Further rates have also been wrongly applied. He has adduced a copy of the revised bill with the petition. He feels that respondent has knowingly made mistakes in the calculation for the revision of the bills.

3. In view of his submissions he has stated that the petition has been preferred for getting a judicious decision so that he may get rid of the mental harassment being caused to him.

4. After perusal of records and hearing arguments from both parties the Forum was of the view that recorded consumption of 2638 units as per consumer history in 129 days from 16.01.2021 to 25.05.2021 for a 2 KW load which gives 20 units per day consumption appears to be high, specially for non submission of any documentary evidence and MRI report by the opposite party to justify the consumption. The Forum therefore was not inclined to accept the same, for want of documentary evidences. The Forum further observed that so much high consumption was never recorded either before neither after the disputed bills. The opposite party has not been able to justify the high disputed consumption. The Forum was therefore of the view that in such a situation the bills for 03/2021 and 05/2021 are liable to be quashed and bills for the above period are liable to be revised on the basis of average consumption recorded in the bills for the month of 01/2021, 11/2020 and 09/2020, according to which the bills for the disputed period are liable to be revised on average consumption of 309.33 units per bill cycle. Having observed as above the Forum directed the opposite party to withdraw the already issued bill for billing cycle 03/2021 and 05/2021 and issue a revised bill for the said period on the basis of average 309.33 (say 310) units per billing cycle of the recorded consumption in the billing cycles 01/2021, 11/2020 and 09/2020. No LPS shall be levied on such a revised bill.

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5. The respondent Executive Engineer has submitted his written statement vide letter no. 969 dated 05.04.2023 along with an affidavit.
- i) The petitioner has a 2 KW domestic connection no. VN13134410291 at his residence which was released on 04.11.2018. He has made a complaint of exorbitantly high consumption shown in the bill from 11/2019 to 09/2021.
  - ii) On the complaint of the consumer check meter was installed on his premises on 11.04.2022 and finalized on 04.06.2022 in this study the old meter was found running fast by 7.79%. Bills from 25.05.2021 to 22.05.2022 were revised on the basis of check meter results wherein adjustment on 73 units was allowed.
  - iii) The petitioner filed a complaint before the Forum. The Forum vide their order dated 31.01.2023 in the complaint directed to revise the bills from 03/2021 to 05/2021 on the basis of average consumption recorded in the bills from 09/2020 to 01/2021. In compliance of Forum order the bills were revised and billing amount Rs. 25,315.00 was reduced to Rs. 17,395.00.
  - iv) The Forum ordered revision of bills on the basis of average consumption treating the existing meter as defective, while the meter in fact was not defective. The bills have been revised to make compliance of Forum order and to avoid charge of order's non compliance.
6. The petitioner has submitted a rejoinder dated 12.04.2023 along with an affidavit. No new facts of the case other than his averments in the appeal has been adduced in this rejoinder.
7. Hearing in the case was held on prescheduled date 03.05.2023. Petitioner himself and Shri Manoj Karniwal, AE (R) appeared on behalf of the respondent. They argued their respective case. The arguments were concluded and 17.05.2023 was fixed for pronouncement of judgment.
8. Records available on file have been perused and arguments from both parties were heard. It is found that a 2 KW domestic connection was released at consumer's premises on 04.11.2018. A perusal of the consumer history shows that from the date of release of connection (04.11.2018) till 29.11.2019 only first 2 bills were issued for metered units and 4 nos. bills were issued on NR. Bill dated 28.11.2019 (bill for the

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month of 11/2019) was also issued on MU since 4 nos. bills were on NR the next bill dated 23.01.2020 (bill for the month of January 2020) was issued on metered units up to the reading 778. The total consumption from 11/2018 to 01/2020 has been recorded as 778 units, next bill (bill for the month of 03/2020) was also a NR bill and thereafter MU bills were issued. Bills from 11/2018 to 11/2020 have been issued for a total recorded consumption of 1735 units in 13 bimonthly billing cycles i.e. in 26 months, where after the bill for 01/2021 and 03/2021 although have been issued on metered units but consumption appears to be exorbitant being 1284 and 1354 units per billing cycle i.e. 2638 units which the Forum has also considered as unreliably exorbitant consumption for a 2 KW load and the petitioner has also made a complaint about this consumption.

9. A check meter was installed at consumer's premises on 11.04.2022 which was finalized on 04.06.2022 and in this check meter study the existing meter was found running fast by 7.79%. The respondent have accordingly revised the bills for a period from 25.05.2021 to 22.05.2022 as per check meter study and in accordance with relevant UERC regulation 2020. As no test results of the check meter from NABL accredited lab has been adduced by the respondents, the check meter study cannot be appreciated as a legal document for non compliance of CEA regulations 2006 and its subsequent amendments which are duly applicable in the State of Uttarakhand (UPCL) by way of its adoption in Supply code 2007, which has been repealed by UERC Regulation 2020 (Gazette notification dated 28.11.2020) and therefore this check meter study and revision of bills on its results as mentioned in para 2 of the written statement are held null and void and set aside.
10. The Forum's order dated 31.01.2023 directing the respondent to revise the bills for billing cycle 03/2021 to 05/2021 on the basis of average consumption recorded from 09/2020 to 01/2021 treating the meter as defective is also set aside, as the meter was not a defective one but it was a running meter as per check meter study and accordingly the revision of the bills for 03/2021 to 05/2021 reducing the amount of the bills from Rs. 25,315.00 to Rs. 17,395.00 as mentioned under para 3 of written statement is also held null and void not being consistent with the relevant regulations and the revised bills are also quashed.

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11. As per billing history and as already mentioned in this order the bills from the date of release of connection i.e. from 11/2018 to 11/2020 (13 bimonthly billing cycles, total 26 months) the total billed consumption as recorded by the meter is 1735 units which gives a monthly consumption of 67 units per month, giving a load factor of 4.65% appears quite reasonable and therefore bills for this period need not be disturbed or revised, however bills for the next 2 billing cycles being 2638 units and thereafter till 09/2021 appears to be of higher consumption for a 2kw domestic load and needs to be revised. The respondents are directed to revise the bills for this period i.e. from 01/2021 to 09/2021 on the basis of average monthly consumption 67 units per month, as mentioned above in this para, may be revised without levy of LPS and after adjustment of payments if any made by the petitioner. The petition is allowed. Forum order is set aside.

Dated: 17.05.2023

  
(Subhash Kumar)  
Ombudsman

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