

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Harish Singh Bisht
S/o Shri Amar Singh Bisht
Panchsheel Colony, Phase-II
Peelikothi, Badi Mukhani, Haldwani
Nainital, Uttarakhand

Vs

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

Representation No. 09/2024

Award

Dated: 13.09.2024

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone, (hereinafter referred to as Forum) order dated 08.02.2024 in complaint no. 11/2023-24 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), Shri Harish Singh Bisht, S/o Shri Amar Singh Bisht, Panchsheel Colony, Phase-II, Peelikothi, Badi Mukhani, Haldwani, Nainital (petitioner) has preferred this representation.

2. The petitioner in his representation dated 26.02.2024 has averred that he has a electricity connection No. 392E125097548 at his residence Panchsheel Colony, Phase-II. The staff of the respondent visited his residence on 05.09.2023 for checking of the meter, according to them, his meter was running slow. They installed a new meter at my residence and took away the old meter saying that the meter will be opened in his presence wherein reason of the slow running will be ascertained. He received respondent's letter on 05.01.2024 in which while intimating the reason for slow running meter and assessment for Rs. 15545.00 was also intimated. When he approached respondent's office for knowing the reasons for assessment Rs. 15545.00. The staff harassed me with a threat of jail for causing hindrance in government work. He was informed that meter will be opened in his presence but no information was given to him and he has been making payment of all the bills timely and no foul play



has been done with the meter. He lodged the complaint with the Forum on 31.01.2024. The Forum fixed a number of dates for hearing. After hearing on 07.02.2024 the Forum passed order dated 08.02.2024 for depositing the assessed amount Rs. 15545.00 in three monthly equal installments. During hearing on 07.02.2024 while arguing his case he asked that was there any guarantee that the new meter installed at his residence would not run slow and no further assessment for that reason shall be raised. No reply was however given by members of the Forum. Complying with Forum's order he deposited Rs. 6500.00 as the first installment receipt of which dated 19.02.2024 is adduced. That he would pay the balance two installments also but he was not satisfied with Forum's order and therefore this representation is preferred before the Hon'ble Ombudsman for want of justice. Documentary evidences as referred in the representation have also been adduced by the petitioner.

3. The complainant submitted before the Forum that he received an assessment intimation for Rs. 15545.00 for slow running of his meter which was removed on 13.09.2023 and a new meter installed at his premises. The meter was not opened in his presence. The opposite party submitted before the Forum that the installed meter was found running slow as per report of Electricity Test Division, Haldwani, according to which the assessment was raised as per rules. During hearing on 07.02.2024 before the Forum, The Forum observed that the complainant had admitted that if his meter is running slow in fact then he may be allowed the facility to pay the assessment in installments. The opposite party agreed to that. The Forum was of the view that it would be appropriate to allow payment of assessment in three installments and accordingly the Forum ordered that facility of payment in three equal installment may be granted.
4. The respondent Executive Engineer submitted his WS vide his letter no. 988 dated 04.08.2024 along with notarized affidavit. The respondent submitted that the petitioner filed a complaint before the Forum against the assessment raised by his office. Reply was submitted to the Forum vide his letter no. 437 dated 31.01.2024. The Department appeared before the Forum for hearing on the scheduled date 07.02.2024. Forum decided the complaint vide his order dated 08.02.2024 which was received in the office vide Forum's letter no. 141 dated 08.02.2024 wherein Forum directed to accept the assessed amount in three equal monthly installments. The respondent has substantiated his WS with documentary evidence including a checking

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report dated 05.09.2023, sealing certificate dated 13.09.2023, calculation of assessment amounting to Rs. 15,545.00 for slow running of meter @ 46.69% and consumer billing history from the month of 04/2019 to 10/2023.

5. The petitioner has submitted a rejoinder dated 23.03.2024 along with a notarized affidavit wherein he has inter alia submitted that no tampering with the meter was done. The meter was installed by departmental staff and the department alleged that the meter was found slow. The meter was not opened and tested in the lab in his presence as no intimation was given to him. An assessment for Rs. 15,545.00 was raised by the department for slow running of meter. The meter was removed on 13.09.2023 and was taken by the departmental staff for testing in the lab. Department informed him about the assessment vide letter dated 14.12.2023 i.e. after about 3-4 months, when the meter was removed. The Forum did not hear his arguments.
6. Hearing in the case was fixed for 08.04.2024 which was postponed till further order as the then Ombudsman was to relinquish office on 16.04.2024. Next date of hearing was fixed for 04.09.2024. The petitioner informed vide his letter dated 04.09.2024 that he would not be able to appear for arguments and desired that his case be decided on the basis of documents he has already submitted. SDO appeared on behalf of the respondent, however he could not explain as to how the department treated the existing meter running slow by 49.69% and raised assessment Rs. 15,545.00 on the basis of this checking report dated 05.09.2023. Arguments were concluded and 13.09.2024 was fixed for pronouncement of order.
7. Documents available on file were perused. Relevant UERC regulations as applicable in check meter study were gone through. A perusal of the so called checking report dated 05.09.2023 shows that this report is not in accordance with the relevant regulations. What is mentioned in the checking report is voltage, current and power factor parameters on running load and maximum load and it shows percentage error (-) 52.66% and (-) 49.69%. Respondent's representative during hearing could not explain as to what this percentage error means and how they have taken the meter running slow by 49.69% on the basis of this checking report. The sealing certificate dated 13.09.2023 vide which petitioner's old meter was replaced by a new meter carries a remark as "उपभोक्ता का मापक *sands* (company) द्वारा चैक किया गया जिसमे उपभोक्ता का मापक slow चलता पाया गया जिसके आधार पर उपभोक्ता का मापक सील करके नया मापक परिसर में लगाया गया।"




8. Both these documents i.e. checking report dated 05.09.2023 and sealing certificate dated 13.09.2023 are not the valid document to raise assessment by the respondent. It is clarified that the veracity of a meter installed at any consumer's premises has to be decided through a check meter study which should have been conducted strictly in accordance with sub regulation 5.1.3 of UERC Supply Code, 2020 and any assessment should have been raised on the basis of results of such an study where the existing meter have been found running slow with reference to the check meter.
9. Since in the instant case no such study has been conducted so declaring meter running slow by 49.69% based on the checking report dated 05.09.2023 and raising assessment amounting to Rs. 15,545.00 based on such checking report cannot be upheld. The Forum order granting payment of the aforesaid assessment in 3 equal monthly installments is also not sustainable and is liable to be set aside not being consistent with the relevant UERC regulations. A sum of Rs. 6,500.00 deposited by the petitioner vide receipt dated 19.02.2024 as first installment is therefore liable to be refunded to him by way of adjustment in future electricity bill(s) starting from the first bill to be issued after the date of this order, till full amount paid by the petitioner is adjusted. In view of above facts of the case and irregularity committed by the respondent the assessment raised amounting to Rs. 15,545.00 is liable to be quashed and the Forum order is also liable to be set aside.

Order

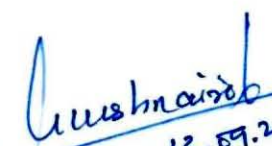
In view of above deliberations and regulatory provisions, the assessment amounting to Rs. 15,545.00 is quashed. Representation is allowed and Forum order is set aside. The respondents are directed to refund Rs. 6,500.00 deposited by the petitioner as first installment against the impugned assessment in the manner as aforesaid.

Dated: 13.09.2024


(D. P. Gairola) 13.09.2024
Ombudsman

Order signed dated and pronounced today.

Dated: 13.09.2024


(D. P. Gairola) 13.09.2024
Ombudsman