

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Sahanawaz  
S/o Shri Yusuf  
Village Bhukkanpur, P.O Landhora,  
Roorkee, Distt. Haridwar,  
Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Rural),  
Uttarakhand Power Corporation Ltd.  
Civil Lines, Roorkee, Distt. Haridwar,  
Uttarakhand

Representation No. 01/2024

**Order**

Dated: 15.04.2024

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) order dated 21.11.2023 in complaint no. 170/2023 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Uttarakhand Power Corporation Ltd., Civil Lines, Roorkee, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent), Shri Sahanawaz S/o Shri Yusuf, Village Bhukkanpur, P.O. Landhora, Roorkee, Distt. Haridwar (petitioner) has preferred this appeal for correction of the bill for the month of December 2021 based on past consumption.

2. The petitioner in his petition dated nil received in this office on 09.01.2024 has averred that a PTW connection for 10 HP No. RD009L019652133 is existing since the year 2001 (date of connection 14.12.2001 in the name of his grandfather Late Saddiquie. The Forum's order suffers from the following shortcomings.

- i. The consumption on the said connection are as

December 2017	4302 units
June 2018	3292 units
December 2018	3820 units
June 2019	3101 units
December 2019	3449 units



December 2020                      2272 units

June 2021                              9651 units

But consumption in the bill for December 2021 has been shown as 104316 units as per billing history which is not technically possible.

- ii. The reading shown in the billing history is due to high jump and is defective.
  - iii. Forum held the said reading as correct as per MRI in which reading is shown 162919, while so much consumption is not possible in a period of 6 month.
  - iv. The Forum has accepted in its order that bills as per actual reading obtaining in the meter were not issued by the respondent w.e.f. 07.04.2016 the date of change of meter till 30.12.2021. A consolidated bill dated 30.12.2021 was issued by respondent for 104316 units, while the respondent is a defaulter for deficiency in services but the Forum did not held the respondent a defaulter for deficiency in service.
  - v. It is the responsibility of respondent to issue bills on metered consumption while bills were issued without meter readings. The petitioner is not responsible for such a mistake but either UPCL or the meter reader is responsible for this mistake.
  - vi. If the bills before December 2021 were not issued as per meter readings the Forum should have taken action against the erring staff and the Forum should have ordered for recovery of amount of this bill from the erring staff.
  - vii. The Forum has held that the consumer was using 2 times (20 HP) of his sanctioned load but if the load was 2 times the sanctioned load even then consumption of 104316 units is not possible technically.
  - viii. It is clear that the UPCL has been careless in issuing the bills as IDF bills were issued continuously from January 2009 to December 2015, while as per regulation such bills cannot be issued for more than 2 billing cycles. As such respondent is not only careless but also violating regulations.
  - ix. It is requested that while respondent should be a defaulter for deficiency in service the disputed bill of December 2021 for 104316 units be cancelled and a revised bill based on past consumption be issued.
3. The Forum observed that a 10 HP connection is running from 14.11.2001. Bills from 07.01.2016 to 30.12.2021 were issued on the readings recorded in meter no. 15575736. Bill dated 30.12.2021 was issued for a metered consumption for 104316





units from initial reading 58603 to final reading 162919, which is the disputed bill. Existing meter no. 380040 was replaced by a new meter no. 15575736 at initial reading 01 on 07.01.2016 on becoming the existing meter IDF, where after bills were issued on meter readings. Meter reading in the bill dated 30.12.2021 has been shown 162919 which appears to be correct as per MRI report. From the billing history it appears that w.e.f. the date of replacement of meter on 07.04.2016 till 30.12.2021 bills were not issued on actual meter readings. As a result, bill dated 30.12.2021 was issued for accumulated consumption of 104316 units. From MRI report it is clear that the consumer has been using twice of its contacted load of 10 HP. Bill on the consumption recorded by meter no. 15575736 has been issued, which is also confirmed from MRI report. The Forum therefore dismissed the complaint for having no force.

4. The respondent Executive Engineer has submitted his written statement along with affidavit under oath vide letter no. 774 dated 09.02.2024. At the outset he submitted that complaint no. 170/2023 filed by the petitioner before the Forum was dismissed by the Forum vide its order dated 21.11.2023, after observation of the facts of the case. He has also submitted that the referred P/TW connection was released in the name of Shri Saddique S/o Shri Meeda. The petitioner Shri Sahnawaz S/o Shri Yusuf has never applied for mutation of the said connection in his name and as such Shri Sahnawaz S/o Shri Yusuf is not a consumer in accordance with sub regulation 1.2 (c) of UERC regulation 2019, so the petition is liable to be dismissed. He has submitted point wise replies as follows:

- i. Connection no. RD9L196521331 is running since 14.11.2001 for a PTW connection of 10 HP in the name of Shri Saddique S/o Shri Meeda.
- ii. Before January 2022 readings were taken manually. Having received complaints of reporting wrong readings by the meter readers the JE of the area was directed for verification and billing was started to be done based on MRI. The concerned meter readers were also removed causing financial loss to the department.
- iii. The matter of consumption from 12/2017 to 06/2021 raised by the petitioner, the said consumption was as per verification by the JE for reading 162919.
- iv. From a perusal of MRI of the meter it came to notice that readings were reported lesser than what was obtaining in the meter, resulting consumption if



- 104316 units in the bill for the month of 12/2021. Petitioner's connection was disconnected on 19.01.2022 at meter reading 1629196 for nonpayment of outstanding dues Rs. 3,09,879.00.
- v. The consumer was continuously using electricity, even after temporary disconnection which is established from MRI report. Meter readings on 01.06.2022 and 05.12.2022 has been given as 172621.60 and 188896.79 respectively with maximum demand as 16.3157 KW and 16.4690 KW respectively, therefore meter no. 15575736 was removed from petitioner's connection.
  - vi. As per readings in MRI report consumption from 01.02.2022 to 01.11.2022 from reading 165543.35 to 18884.36 was 22541.01 KWH, which is about 2049 KWH per month.
  - vii. Meter no. 15575736 was installed at petitioner's connection on 07.01.2016 at initial reading 01. As per MRI report the consumption recorded by the meter from 07.01.2016 to 19.01.2022 (the date of temporary disconnection) the consumption in 72 months was 147528 KWH which establishes that the consumption recorded in the meter is correct as per MRI report.
  - viii. MRI report of the installed meter also shows that consumer has been using about 21HP load against his sanctioned load of 10 HP.

Since bills have been issued as per meter readings recorded in the meter so the petition is liable to be dismissed He has corroborated his submissions with documentary evidences adduced with written statement.

- 5. The petitioner has submitted a rejoinder dated 29.02.2024 along with an notarized affidavit. No new facts about the case except allegations on UPCL for misreporting the readings and issuing the disputed bill for December 2021 for exorbitant consumption. He has also alleged that issue of IDF bills continuously for 7 years from January 2009 to June 2016 is in violation of sub regulation 5.2.1 (7) of UERC LT regulations, 2020 and he has requested that bills issued from June 2017 to December 2021 be cancelled.
- 6. Hearing in the case was held on pre-decided date 08.04.2024. Both parties were present and argued their respective case. Arguments were concluded and 15.04.2024 was fixed for pronouncement of order.





7. Arguments from both parties were heard, documents available on file were perused. It is found that a 10 HP PTW connection no. RD9L196521331 was released on 14.11.2001 in the name of Shri Saddique S/o Shri Mida, this connection is now being used by his grandson, the petitioner Sahanawaz S/o Shri Yusuf. The respondent has averred that since this connection has yet not been mutated in the name of the petitioner so the petitioner not being a consumer in accordance with sub regulation 1.2 (c) of UERC regulation, 2019, this petition is liable to be dismissed. **(It is clarified that respondent's objection is not sustainable because as a licensee it was his duty and responsibility to get the connection transferred in the name of the present user or he should have disconnected the connection permanently, if it was illegally used by someone else other than the person in whose name it was given, so this objection is turned down).**
8. However it has no concern with the present petition, which is regarding issue of wrong bills and a disputed bill for the month of 12/2021 for exorbitant consumption. It is found that the old meter no. 380040 having been defective was replaced by a new meter no. 15575736 on 07.01.2016 at initial reading 01. The respondent has categorically admitted that before 2022 bills on metered consumption were being issued but this consumption in various billing cycles was not the actually recorded consumption as the then meter readers misreported lesser consumption. This allegation has also been made by the petitioner and has also been mentioned by the Forum in its order, so it is an admitted fact that billing was not being done on the actual consumption due to misreporting of meter readings. However, the connection was reported to have been temporarily disconnected on 19.01.2022 at reading 147528. The disputed bill for the month 12/2021 issued on 30.12.2021 has been issued for a consumption of 104316 units from reading 58603 to 162919, which suggests that after temporary disconnection on 19.01.2022 at reading 147528 respondent continued to issue bills till 30.12.2021 up to the final reading 162919. It suggests that despite irregularities committed in issuing bills by the respondent the total recorded consumption by this meter from 07.01.2016 (its date of installation) at initial reading 01, the total consumption recorded on 30.12.2021 at 162919 reading, was 162918 units, which is also in conformity with MRI report. During this period of 72 months from 07.01.2016 to 30.12.2021 the average monthly consumption has been 2263 units per month. It is also reported that consumer has been using about twice of his






contracted load of 10 HP as per MRI report i.e. about 20 HP. The maximum demand as per respondent's submission in written statement, has been 16.3157 KW on 01.06.2022 and 16.4690 on 05.12.2022, so taking the maximum demand drawn by the petitioner as 15 KW (20 HP) against his contracted load of 7.5 KW (10 HP), the average load factor on this consumption comes out 41% on 10 HP load and 20.5% on 20 HP load and since he has been using 20 HP load as per MRI his load factor on this consumption 2263 units per month comes out 20.5% which is quite reasonable. It will therefore be logical and reasonable if the bill from January 2016 to December 2021 for total recorded consumption of 162918 units are revised on average monthly consumption of 2263 unit per month. The respondents are therefore directed to issue a revised bill for the aforesaid period on average consumption of 2263 units per month, on appropriate tariff, without levy of any surcharge (LPS) and after adjustment of payments, if any made by the petitioner against the bills already issued for this period.

9. Forum's order dated 21.11.2023 stands modified as per this order. The petition is disposed off.
10. As the respondent himself has admitted that in the past under billing continued due to misreporting of lesser consumption than what was consumed, which resulted in issue of disputed bill for 12/2021 for exorbitant consumption of 104316, which in fact, is the accumulated consumption for the last period of 7 billing cycles (a billing cycle is of six month in case of PTW). UPCL management should direct the concerned authority that the erring staff responsible for misreporting of consumption and the supervisory staff during the said period, be indentified and administrative action against such staff be taken by the competent authority of UPCL within three months from the date of this order.

Dated: 15.04.2024

  
(Subhash Kumar)  
Ombudsman