

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Kedar Dutt Joshi
Chota Kishan,
Namuna Chetra, Bhattipuri,
Bazpur, Distt. Udham Singh Nagar,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Bazpur, Distt. Udham Singh Nagar,
Uttarakhand

Representation No. 38/2021

Order

Dated: 25.04.2022

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone (hereinafter referred to as Forum) order dated 02.09.2021 in his complaint no. 41/2021 and Forum's order dated 02.11.2021 in his Misc. complaint no. 25/2021 before the said Forum against UPCL through Executive Engineer, Electricity Distribution Division, Bazpur (hereinafter referred to as respondent) Shri Kedar Dutt Joshi Chota Kishan, Namuna Chetra, Bhattipuri, Bazpur, Distt. Udham Singh Nagar postal address House no. 01, Street No. 02, Sivaji Nagar, Bairaj Colony, Rishikesh, Dehradun has preferred this petition with the request that the appeal be admitted and necessary orders for protection of consumer interest be issued.

2. The petitioner Shri Kedar Dutt Joshi has submitted that he is dissatisfied with the order issued by the Forum. The opposite party UPCL has submitted the fabricated evidences being purported as the legal evidences. The bills based on assumptions were issued and Forum order has yet not been complied with by the officers/officials of the department. He has therefore requested that the appeal be admitted and decided keeping in view the citizen charter and consumer protection.

A revised petition dated 20.01.2022 was subsequently submitted by the petitioner containing all details of his case.

3. **Forum order dated 02.09.2021 in compliant no. 41/2021.**

After perusal of the records and hearing parties the Forum concluded that the final corrected bill amounting to Rs. 14,991.00 for 79 months based on metered consumption was issued, which is a correct bill. However the complainant disputing the billed units has requested that LPS included in the aforesaid bill be deleted. In view of their observations the Forum partially allowed the complaint and directed the opposite party for restoration of the supply immediately after receipt of this order., and metering be done regularly and further directed that out of amount of the revised bill Rs. 14,991.00, after adjustment of payments, if any made in the past and after deleting LPS a revised bill be issued.

4. **Forum order dated 02.11.2021 in Misc. complaint no. 25/2021**

The Forum found that the grievance of the complainant has duly been redressed by the opposite party, which has not been objected to by the complainant, so Forum disposed off the Misc. complaint considering that the problem has duly been resolved.

5. The respondent, Executive Engineer has submitted his written statement vide his letter no. 3620 dated 17.02.2022 along with an affidavit under oath. He has submitted his reply as follows:

The petitioner has requested to AE, EDSD, Bazpur on 11.03.2021 for issuing bill for metered consumption. Bills of PTW are issued 6 monthly, so a revised bill on meter reading 8388 KWH was issued in the month of June 2021. The meter was not removed by the staff. The SDO and JE reported on 15.02.2021, that the meter was recovered from a house besides his agriculture field in the presence of petitioner's Bataidaar (बटाईदार) Shri Furkan Ali. A bill amounting to Rs. 14,991.00 on actual meter reading 8388 KWH was issued. However the petitioner did not agree with meter reading 8388. A photocopy of the meter reading appearing in the meter and a letter from petitioner's Bataidaar certifying the meter reading was 8388, has been enclosed with the written statement. It was submitted before the Forum that LPS under ongoing LPS waiver scheme shall be waived off on payment of full principal

amount. The scheme was operative till 31.03.2022 so LPS shall be waived off on payment up to 31.03.2022. The respondent has submitted that the bill was revised on actual reading 8388 and the meter was recovered from a house nearby his agriculture field and was reinstalled at consumer's premises. The respondent has further averred that petitioner's claim of loss of his crop is false because in his site inspection on 15.02.2022 the SDO found wheat crop in his field. Further as the transformer is installed in the field of the petitioner possibility of theft of electricity for irrigation cannot be ruled out but cable was not found connected at the time of inspection, so no action was taken. The petitioner has given in writing that his connection was disconnected on 16.01.2020 but SDO was informed about this by him only on 11.03.2021. If his crop was destroyed then his claim appears questionable as the complaint was lodged with a delay of 14 months. The petitioner had made last payment in the year 2016. Nonpayment of bills continuously for 4 years and reporting disconnection after lapse of 14 months of disconnection in the year 2020, in view of that the demand of compensation is baseless. A copy of the revised bill for the period 30.11.2014 to 31.05.2021 from reading 7021 to 8388 amounting to Rs. 14,991.00 has been enclosed with the written statement.

6. The petitioner has submitted a rejoinder dated 09.03.2022, it is mostly a repetition of the contents of his revised petition.
7. Hearing in the case was held on scheduled date 18.04.2022. Both the parties, petitioner and the respondent Executive Engineer, appeared and argued their respective case. The petitioner apart from oral arguments has also submitted a written argument.
8. Records available on file have been perused. Arguments from both the parties were heard. It is found that a 5 HP connection for tube-well was released to the petitioner in the year 2012-13. Bills were not being issued on metered units. The petitioner requested the department on 11.03.2021 for issue of revised bill on metered units. The connection was disconnected for nonpayment on 16.01.2020 as no payments were made by the petitioner after 2016. The supply was however restored in the month of February 2022. The Forum had directed vide its order dated 02.09.2021 for issuing metered unit bill without LPS and after adjustment of payments already made, if any. The respondent accordingly issued a bill in the month of 06/2021 at metered unit 8388

amounting to Rs. 14,991.00. His misc. complaint was disposed off vide Forum's order dated 02.11.2021 as the department have already issued revised bill and informed the Forum that LPS included in the revised bill shall be waived off, if the entire principal amount is deposited by 31.03.2022 up to which date the LPS waiver scheme shall be in force. At the time of hearing the respondent Executive Engineer, submitted that revised bill for metered consumption up to 06/20221 is for a gross amount of Rs. 14,991.00 which includes LPS Rs/ 3,306.00 thus the principal amount is Rs. 11,685.00. Next bill for 12/2021 amounting to Rs. 16115 has also been issued which includes LPS Rs. 3,850.00, The Executive Engineer categorically promised that although LPS waiver scheme has already ended on 31.03.2022, but in view of the dispute pending before the Hon'ble Ombudsman, the gross amount Rs. 14,991.00 as per bill for 06/202021 shall be the final payable amount. Out of this LPS amounting to Rs. 3,306.00 shall be waived off and the petitioner shall have to pay only Rs. 11,685.00. Further he also proposed that further amount accrued in the bill of 12/2021 shall also be waived off, to resolve the dispute.

9. In view of the submission of the respondent, Executive Engineer the petition is disposed off with the direction that Rs. 11,685.00 may be realized from the petitioner as the full and final payment till 12/2021. The petitioner was also directed to pay the said amount after receiving correct bill. Forum order is upheld with this above modification.

Dated: 25.04.2022

(Subhash Kumar)
Ombudsman