

## **THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

M/s Shree Ganesh Industries  
Plot No. 32, Sector – 5,  
IIE SIDCUL, Haridwar,  
Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
SIDCUL, Distt. Haridwar, Uttarakhand

Representation No. 39/2021

### **Order**

**Dated:** 04.02.2022

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar Zone (hereinafter referred to as Forum) order dated 18.11.2021 in their complaint no. 94/2021, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, SIDCUL, Haridwar (hereinafter referred to as respondent) M/s Shree Ganesh Industries, Plot No. 32, Sector 5, IIE, SIDCUL, Haridwar (Petitioner) filed this representation for correction in their bills from November 2019 to May 2020.

2. Shri Virendra Singh Rawat, Managing Director/Proprietor of M/s Shree Ganesh Industries has preferred this appeal for a number of shortcomings and infirmities in Forum's order and therefore has requested that the said Forum order may be quashed. The petitioner has stated that they have a connection no. HRK000002468 for 45 KVA load under industrial category. Bills having been paid from time to time as received. Have mentioned that units consumed from April 2019 to October 2019 which varies from 140 units in the month of September 2019 to 2860 units in the month of July 2019, which all have been duly paid, but in the month of November 2019 due to electric supply high voltage and short circuit on the line resulting into high voltage at their premises, a complaint for the same was lodged with the department but no action was taken and the Forum has passed order on 18.11.2021 in their complaint by

ignoring the aforesaid fact and therefore the said Forum's order is liable to be set aside.

3. A check meter was installed by the department on their complaint. In the check meter the consumption of 30 units in the month of June 2020, 60 units in July 2020, 75 units in August 2020 and 60 units in the September 2020 were recorded. The respondent installed a new meter and removed the existing one, without any information to them. The forum has passed order dated 18.11.2021 without examining the facts of sealing certificate and for this reason also the said order is liable to be quashed.
4. All the machines installed in their factory were sold in the month of October 2019, which had duly been shown in the income tax return for the year 2019-20. In spite of no machinery at their premises the meter was recording consumption due to high voltage, being 23320 units in the month of November 2019, 2360 units in January 2020, 2360 units in February 2020, 2928 units in March 2020, 4900 units in the month of April 2020, when there was lockdown, bills have been issued on wrong meter readings. A check meter was installed at their complaint in which low consumption was recorded. The Forum has passed order dated 18.11.2021 without considering their complaint for above abnormalities made to the department and therefore the said Forum order is liable to be quashed on these grounds also.
5. Their existing meter was removed without informing them. Fabricated facts has been mentioned in the sealing certificate and as the Forum has passed order dated 18.11.2021 without considering the sealing certificate, therefore it is liable to be quashed. The respondents were requested for correction of the bills but no action other than assurance that the bills may be deposited and the excess amount so paid by them shall be adjusted or shall be refunded. The respondent's did not take any action, neither the excess amount paid by them has been refunded. The Forum have passed its order dated 18.11.2021 by ignoring all such facts, it is therefore liable to be quashed. The Forum did not take any cognizance of their complaint regarding bills from November 2019 to May 2020 and without any examination of test lab report the order dated 18.11.2021 upholding bill of November 2019 has been issued, which is therefore liable to be quashed. Having averred as above the petitioner has requested that the aforesaid Forum order may be set aside.

6. The Forum relying upon the opposite party submission dated 18.10.2021 before them, wherein the opposite party informed that no error in the disputed bill was found as per check meter report and the disputed bill has been issued as per MRI report. Further the Forum observed that as per Load Survey Report available on file no abnormal voltage was recorded in the meter in the month of 09/2019, 10/2019 and 11/2019. The Forum therefore concluded that no effect of the short circuit in the line and transformer has reached to the meter. The meter continued to work correctly even after the incident occurred on the line. They further observed that the KVAH consumption of the petitioner's premises in the month of 11/2019 had increased due to low power factor, they were therefore of the opinion that the disputed bill for the month of November 2019 is correct and it is liable to be paid by the complainant. They therefore dismissed the complaint.
7. The respondent Executive Engineer has submitted his written statement vide letter no. 1749 dated 23.12.2021. The respondent has submitted that the Forum has passed the order after considering and examining all the facts, as the Forum was duly apprised with all the facts of the case. The petitioner is a consumer of UPCL for 45 KVA load with connection no. HROk000002468 and the bills are regularly being issued on the basis of MRI report. A complaint was received from, the petitioner consumer on 12.11.2019 regarding fuse blown out which was promptly attended to and the complaint was removed. The petitioner has applied for check meter on 10.01.2020. The same was installed on 15.01.2021 vide sealing certificate no. 36/595 (as per sealing certificate the correct date is 15.01.2020). In the check meter study the old meter was found running fast @ 1.36%. Both sealing certificates carries petitioner's signature and the sealing reports were handed over to the consumer, then and there at his premises, so the petitioner's statement that meter was removed and new meter was installed without their notice is a false submission. He has further submitted that it is not possible for them to find out from income tax return as to when the petitioner installed the machinery and when these machines were removed. The petitioner's statement that the meter was jumping due to high voltage is also false because the MRI report of the meter was examined and the Forum has also perused it and as per MRI report the meter was found ok and the bills are also being issued as per MRI. He has further stated that all the facts mentioned in the sealing certificate are as per MRI report and therefore no irregularities have been committed, as no abnormality was

found in check meter so there is no basis of any correction in the disputed bill. He has substantiated his submissions with MRI reports and monthly bills as well as sealing certificates dated 15.01.2020 and 09.06.2020 which duly carries consumer's signature.

8. The petitioner has submitted his rejoinder dated 05.01.2021 (the non judicial stamp paper on which notarized affidavit with the rejoinder has been submitted, has been issued on 04.01.2022 at 04.40 pm, the correct date of rejoinder cannot therefore be 05.01.2021 but it should be 05.01.2022). In the rejoinder the petitioner has reiterated the contents of his petition and denied the submission of the respondent being wrong and false and he has again reiterated that Forum's order dated 18.11.2021 is liable to be quashed.
9. In his subsequent submission vide his letter no. 71 dated 15.01.2022 the respondent has submitted copies of the bills from January 2020 to December 2021 as also the copy of consumer billing history. He has submitted that the connection of the petitioner was disconnected on 08.10.2020 for nonpayment of dues and the same was restored on 20.09.2021 after payment of the outstanding dues.
10. The hearing in the case was fixed for 18.01.2022 which was adjourned on respondent's request and was fixed for 28.01.2022. Shri Virendra Singh Rawat Proprietor of the firm appeared himself. The respondent was represented by Shri Ashwini Kumar SDO/AE(R). Both parties argued their respective case. Admittedly no dues are outstanding against the petitioner as on date as all the dues have duly been paid. The billing history also shows 0 (zero) outstanding dues as up to the bill for the month of 11/2021. However a sum of Rs. 10,929.00 has been shown as the balance amount against the bill for the month of 12/2021.
11. All documents available on file have been perused and argument from both parties were heard. As per billing history connection no. HROK000002468 under industrial category was released in favour of the petitioner for 38 KW (45 KVA) load on 17.03.2007. The billing history from February 2010 to 12/2021 adduced by the respondent shows MU bills issued shows 0 (zero) outstanding dues up to the month of 11/2021, which is admitted by the both parties where after a bill for the month of 12/2021 was issued on 05.01.2022 for a metered consumption of 780 units and

maximum demand 6.6 KVA for a sum of Rs. 10,929.00 with no arrears. As admitted by both parties and also shown in the billing history, all the dues including the amount of the disputed bill for the month of 11/2019 have duly been paid by the petitioner. As observed by the Forum in their order as also is evident from the check meter study. The phenomenon of short circuit/high voltage occurred on line and transformer, and which was promptly attended to by the respondents, there was no effect of this abnormal phenomenon on consumer's meter. The veracity of which was certified by the check meter study when it was found running fast only by 1.36% which is well within the permissible limits of accuracy  $\pm 3\%$ . This meter continued to work correctly even after the short circuit and high voltage phenomenon occurred on the line and transformer and as such the disputed bill for the month of 11/2019 is a correct and genuine bill issued by the respondent for actual consumption and demand as per MRI and therefore there is no reason or ground for its revision, which was therefore liable to be paid by the petitioner and which has duly been paid by them. There is no justification or ground to interfere with Forum's impugned order dated 18.11.2021 and the same is therefore upheld. The petition is dismissed.

Dated: 04.02.2022

(Subhash Kumar)  
Ombudsman