

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Saheed Ahmed  
S/o Shri Mohommad Ali,  
Village Nagla Imarti,  
P.O. Milap Nagar, Roorkee,  
Distt. Haridwar, Uttarakhand

Vs

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

Representation No. 33/2021

### **Order**

**Dated:** 28.01.2022

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar Zone (hereinafter referred to as Forum) order dated 08.10.2021 in his complaint no. 58/2021, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (Urban), Roorkee (hereinafter referred to as respondent) Shri Saheed Ahmed S/o Mohommad Ali R/o Village Nagla Imarti, (Roorkeet), Distt. Haridwar has preferred this petition for correction of his disputed bill.

2. The petitioner has submitted that a complaint was filed by him before the Forum on 22.04.2021 against the disputed bill in respect of his PTW connection no. RD9L291710692. He averred that the said PTW was not in use for last 4-5 years as the land has been sold out in plots, but the Forum have not considered the facts of the case and dismissed his complaint vide their order dated 08.10.2021 and hence the present appeal is preferred before the Ombudsman. He has further submitted that he has adduced copy of Khasra and Khatauni in evidence of having sold out the land in plots and to establish that the said PTW connection was not in use for last 4-5 years. The book number of the connection was being shown under EDD (Rural) instead of EDD (Urban) Roorkee. The book no. was changed after his application. He has

further submitted that since the PTW was not in use so a commercial connection for carpenter shop was taken at the same place where PTW connection existed for which application was submitted in the year 2019 and the connection was released on 01.01.2020, which has SC no. 6861210206192. He has questioned that if the PTW connection was alive at the place then why another aforesaid commercial connection was released by the department which matter may kindly be got investigated. In view of the facts of the case the disputed bill has wrongly been issued by the respondent and therefore the same is liable to be quashed.

3. The petitioner has further substantiated his averments by submission of an affidavit duly notarized dated 11.11.2021 apart from his submissions in the petition he has further averred that a sum of Rs. 21,540.00 was deposited by him on 26.03.2017 as per the final amount of the corrected/revised bill and no dues were remained outstanding after the said payment. His connection comes under EDD (Urban), Roorkee but no bill was issued by Urban Division, but bill were issued by Rural division for this connection which is outside the jurisdiction of Rural division. The department should have disconnected his connection for nonpayment of the dues against the bills issued after 27.03.2017. Neither any notice was given by the department. Payment of the bills issued from 27.03.2017 and onwards were not made by him as no electricity was used on the said connection since 27.03.2017.
4. The Forum observed that the complainant has requested for correction of his bill after site verification. Accordingly the opposite party was directed to submit a site inspection report as well as meter's MRI report, while the opposite party failed to submit MRI report neither the manufacturer could submit the same report, the opposite party however submitted the site inspection report wherein they found meter and incoming and outgoing cable existing at site. Meter reading bills were continued to be billed till 30.11.2020. A sum of Rs. 1,06,295.00 has been shown as outstanding dues on 16.01.2021 as per consumer billing history as no payment has been made by the complainant after 26.03.2017. The Forum have observed that the department did not disconnect the supply in spite of outstanding dues against the connection, neither the complainant had applied for permanent disconnection in spite of the tube-well not being in use for last 4-5 years and the land said to have been sold out in plots. Having

observed as such the Forum were of the opinion that the complainant is liable to pay the outstanding dues and in view of their observation they dismissed the complaint.

5. The respondent Executive Engineer has submitted a written statement dated 12.12.2021 along with an affidavit under oath. He has stated that the petitioner has an electric connection no. RD9L291710692 for 10 HP PTW as per billing history he has not paid any bill since 26.03.2017. As per bills raised a sum of Rs. 1,06,295.00 is outstanding against him as on 16.01.2021. He just escaped the liability of paying the said dues and preferred a complaint before the Forum on 22.04.2021 registered as complaint no. 58/2021 in the Forum. Having received the aforesaid bill he came up with a frivolous plea that he had already sold out the property on which the said tube-well connection existed and since the said tube-well connection is not in use so he is not liable to pay the said amount demanded by the department. Admittedly he did not move any application to the department with the request to revoke/cancel the said connection but approached Forum with complaint no. 58/2021. The department in a site inspection report found the tube-well installed along with incoming and outgoing cables. The meter was also found in completely damaged condition so MRI could not be procured. The Forum after perusal of the records and site inspection report dismissed the complaint.
6. In parawise reply the respondent has submitted that contents of para 1,2,3&4 of the petition are matter of record. He has specifically denied that the tube-well was not in use since 4-5 years back. He has substantiated his reply on the basis of site inspection report wherein the tube-well was found existing with meter and incoming outgoing cables, which clearly stipulates usage and further mandates, the petitioner to pay the bills raised by the department (date of site inspection has not been mentioned). Contents of para 5 have been denied being wrong and false and that of para 6, 7 & 8 have also been denied being wrong and false. In view of his submissions, the respondent has requested that the appeal may kindly be dismissed.
7. A rejoinder has been submitted by the petitioner, all contents of the rejoinder are the same as in his petition except that he received a bill in the month of January 2021 from electricity sub division, Landhora. The same office was requested vide his letter dated 03.02.2021 for correction/cancellation of the aforesaid bill. He was a consumer of electricity sub division Urban Roorkee II, so the bill issued by sub division

Landhora is beyond jurisdiction and as such, it is liable to be quashed. In response to his application dated 03.02.2021, the connection was transferred from Landhora sub division to sub division Roorkee on 11.03.2021 and connection no. 689BKH9710692 was allotted in place of connection no. RD9L-291710692. The first bill was issued on this service connection no. as IDF holding the meter defective on technical grounds. The connection was not within the jurisdiction of Landhora sub division., Electricity was not being consumed on this connection. No reading was taken by Landhora sub division after the year 2017 and a wrong bill based on estimation was issued, so because of these reasons the written statement is liable to be quashed. Affidavit on oath has also been submitted with the rejoinder.

8. Hearing in the case was held on prescheduled date 10.01.2022. The respondent submitted during arguments that a bill amounting to Rs. 58,221.00 was revised to Rs. 21,540.00 which was duly paid by the petitioner on 26.03.2017, after this payment dues were cleared till that date and no arrears were left outstanding. Site inspection was also conducted on 27.09.2021 wherein meter and incoming and outgoing cables were found installed on the petitioner's connection of PTW which were removed on spot. Since there was some confusion regarding jurisdiction which could not be clarified by the respondent so he was directed to submit the complete details regarding the jurisdiction by 18.01.2022, the second hearing was therefore held on 18.01.2022. Petitioner himself appeared and the respondent was represented by their legal counsel. The date of site inspection was this time told as 21.09.2021 instead of 27.09.2021 as claimed in the earlier hearing. He reiterated that last payment Rs. 21,540.00 as the amount of corrected bill was made on 26.03.2017 where after no dues remained pending. It is also clarified by the respondent's advocate that connection of the petitioner was under EDD, Rural, Roorkee till 12.02.2020 and where after due to bifurcation of the divisions jurisdiction it came under EDD, Urban, Roorkee. A commercial connection was given at the premises of the petitioner on 01.01.2020. Billing on the PTW connection of the petitioner continued till 16.01.2021, up to which date the total outstanding dues were Rs. 1,06,295.00 including LPS. The respondent was asked to show the outstanding dues as on 01.01.2020 and 21.09.2021, the date of release of commercial connection and PTW's site inspection respectively as the respondent's representative was not in a position to

reply the queries he asked for a few days time for submission of the reply, so 25.01.2022 was allowed for submission of reply to the queries.

Both parties appeared on 25.01.2022. The counsel for the respondent submitted a photocopy of letter no. 1575 dated 23.06.2021 with its enclosures which are SDO's letter dated 18.06.2021, consumer billing history till 16.01.2021 and a bill from 30.11.2020 to 31.05.2021 which is not reflected in the billing history as also a letter no. 163 dated 21.09.2021 of AE (Meter). The petitioner still argued that they did not use any electricity on their PTW after payment of dues amounting to Rs. 21,540.00 as the full and final payment after correction of the bills from Rs. 58,221.00 to Rs. 21,540.00 till then when no outstanding dues were left to be paid by them.

9. Documents available on file have been perused, arguments from both parties were heard. Admittedly the bills up to 26.03.2017 were corrected/revised from Rs. 58,221.00 to Rs. 21,540.00 which were duly paid on 26.03.2017, thus no outstanding dues were remained against the consumer till 26.03.2017. Billing in the case continued till 16.01.2021 when total outstanding dues against the petitioner were Rs. 1,06,295.00, this is the disputed amount. As per submissions and records no billing was done thereafter i.e. 16.01.2021. Keeping apart the matter of jurisdiction of the divisions, the PTW connections was not disconnected by the respondents on nonpayment, although they should have done it and which is a lack of responsibility and duty on their part but on the other hand the petitioner also did not apply for permanent disconnection of his PTW connection as according to them they have sold out the land 4-5 years back in plots and the connection of PTW was never used by them since then. Since neither the respondent disconnected the connection nor any request for permanent disconnection was ever made by the petitioner so the PTW connection of the petitioner still existed till 21.09.2021, on respondent's record, when it was disconnected by the respondents during site inspection by removing meter and incoming and outgoing cables and therefore this was the date of permanent disconnection, according to the respondents. It is also not understood as to why the respondents stopped billing after 16.01.2021, when a disputed bill amounting to Rs. 1,06,295.00 was issued. According to the respondents the amount of the disputed bill dated 16.01.2021 is thus the final demand of dues and thus they are not entitled to raise any further demand. Further in violation to the regulations they released a

commercial connection at the same premises on 01.01.2020 in spite of the facts that dues against PTW connection at the same premises were outstanding on that date.

10. As explained above since they have stopped billing on 16.01.2021 and carried out site inspection on 21.09.2021, report of which has not been adduced, so this inspection report cannot be treated as genuine for want of documentary evidences. A perusal of their letter dated 04.08.2021 as submitted by the respondent on 25.01.2022 shows that the JE visited the site and found that the meter having incoming and outgoing cable was found on a wooden board at the premises of the LT consumer which suggests that although the meter and cable were available at the site in possession of the present consumer to whom commercial connection was given on 01.01.2020 but was not in use. No display was appearing in the meter and as per test lab receipt the said meter was handed over to the test lab, so it is clear that no inspection as claimed was carried out at the premises by respondent's officers, on 21.09.2021.
11. Further as another connection under commercial category was released at the same spot on 01.01.2020 in spite of outstanding dues on the premises against a PTW connection in violation of the regulations and in view of the fact that the land was sold out by the petitioner in plots 4-5 years back, in evidence of which copy of khasra and khatauni was submitted. A perusal of the consumer history shows that a sum of Rs. 58,221.00 were outstanding on 31.12.2016, after correction of the bill a sum of Rs. 21,540.00 was paid on 26.03.2017 when no arrears were left to be paid, but in the bill dated 03.07.2017 a sum of Rs. 34,021.00 has been shown as opening balance, it shows that instead of showing zero balance they have shown the balance as Rs. 34,021.00 which is wrong as no arrears were left after payment of Rs. 21,540.00 on 26.03.2017 against the revised bill of Rs. 58,221.00. Thus arrear on 16.01.2022 till when billing continued shown as Rs. 1,06,295.00 appears to be wrong. It appears correct that electricity was not consumed at the PTW connection after the land was sold, it would therefore be proper and reasonable if the petitioner be charged for his PTW connection till 31.12.2019 i.e. immediately before the date 01.01.2020 when a commercial connection was released at his premises. The respondents are therefore directed to issue a revised bill from 27.03.2017 when arrears were admittedly 0 (zero) till 31.12.2019 on appropriate tariff and without levy of any LPS as the revised bill shall be issued now, as per this order, within a period of 15 days from the date of his

order. PD OM may also be issued accordingly. Petition is allowed. Forum order is set aside.

Dated: 28.01.2022

(Subhash Kumar)  
Ombudsman