

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt Sajda
W/o Late Shri Chand Mohommad,
Moholla Peerdhadi, Manglaur,
Tehsil Roorkee, Distt. Haridwar,
Uttarakhand

Vs

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

Representation No. 36/2021

Order

Dated: 04.02.2022

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar Zone (hereinafter referred to as Forum) order dated 25.10.2021 in her complaint no. 93/2021, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Roorkee (hereinafter referred to as respondent) Smt. Sajda W/o Late Shri Chand Mohommad, Moholla Peerdandi, Manglaur, Roorkee, Distt. Haridwar (petitioner) has preferred this petition for correction of her bill.

2. The petitioner has averred that a 2 KW domestic connection was released in the name of her late husband in the year 2007. Bills after June 2012 till August 2013 (14 months in a stretch) were received in NA, NR and IDF in violation of UERC regulations. Bills from August 2014 to February 2015 were received on metered units. Again bills from March 2015 to June 2018 (40 months in a stretch) were received on NA, NR and IDF out of which IDF bill for June 2018 was for 8000 units, which is again in violation of UERC regulations. The department although replaced the IDF meter after 40 months on 21.07.2018 but this meter change was advised to the billing system on 22.12.2018 i.e. after a delay of 5 months. The respondents submitted before the Forum that bills from April 2015 to June 2018 were corrected in the bill for the

month of October 2018 and adjustment was allowed. She has stated that the said statement is false and misleading. The adjustment claimed to have been allowed by the respondents is wrong and not consistent with the meter readings obtained in the meter and reflected in the billing history. She has raised a question that if the meter was replaced on 21.07.2018 then how the bill was revised for the difference of units from October 2018. If the meter was replaced on 21.07.2018 and advised to system on 22.12.2018 as per billing history then on which basis the bills claimed to have been revised in the month of October 2018.

3. On the basis of replacement of meter the respondent again revised the bill on 21.01.2019 in which the disputed amount Rs. 44,138.00 for IDF bill for 8000 units has been shown as arrears in the revised bill. The initial reading of the new meter installed on 21.07.2018 has been shown as 459 where after MU bills as per new meter were being issued. Bill for the month of June 2020 was prepared on reading 715 but the department instead of correcting the bill, the connection was disconnected in the month of August 2020 against rules.
4. A registered application for correction of the bills was sent to the respondent Executive Engineer on 31.03.2021. Prescribed format for LPS waiver scheme was also sent with the aforesaid letter. The respondent Executive Engineer neither took any action nor gave any reply on the said application till September 2021. As per standing rules of the department, the connection should have been permanently disconnected after 6 months of temporary disconnection and a corrected bill after finalization of PD should have been given to the consumer, which has not been given, which shows deficiency of service. She has requested that keeping in view the aforesaid facts of the case, the bills be got corrected and in case the waiver scheme for surcharge has already closed, then treating the respondent Executive Engineer on fault for not correcting the bills, the LPS may be waived off and may be ordered for recovery from the salary of the Executive Engineer. Issuing of bills without meter reading for a prolonged period and delay in finalizing the PD is a deficiency in service, so necessary compensation may be granted.
5. Relying upon opposite party's submissions before them, the Forum having observed that the bills from April 2015 to June 2018 have since been duly corrected in the month of October 2018 and necessary adjustment allowed and further disconnection

due to non payment and issue of final bill amounting to Rs. 66,198.00 after PD finalization and further the ongoing LPS waiver scheme is applicable up to 31.12.2021 and the complainant may avail this facility for waiver of LPS amounting to Rs. 26296 out of the aforesaid total dues, by depositing the principal amount by 31.12.2021 till which date the scheme was in force at that time. The Forum thus disposed of the complaint in view of the fact that grievance has duly been redressed by the opposite party.

6. The respondent Executive Engineer has submitted his written submission, vide letter no 5253 dated 10.12.2021 along with an affidavit. The respondent has submitted that bills of the domestic connection of the petitioner were being issued on NR from April 2015 to June 2018. NR bills for the aforesaid period were revised in the month of October 2018 wherein fictitious amount was adjusted. The supply was disconnected on 28.09.2021 for nonpayment of outstanding dues and PD was also done. As per PD OM the final payable dues have been worked out as Rs. 66,196.00. Regarding petitioner's submission that she had applied for waiver of LPS under LPS waiver ongoing scheme, the respondent has submitted that the scheme is applicable up to 31.12.2021 so if she wants to avail the facility of LPS waiver then she may be given that facility if principal amount of Rs. 39,934.00 is paid by 31.12.2021 and thus LPS amounting to Rs. 26,292.00 may be waived off. The respondent has corroborated his submission with a copy of bill from 22.04.2018 to 21.10.2018 for metered consumption 1279 units for a total payable amount of Rs. 22,727.00, which shows adjustment of provisional amount as well as payable arrears, PD OM no. 276 dated 28.09.2021 showing TD date as 15.07.2020 and PD on 01.08.2020 and balance payable amount after adjustment of security, as Rs. 66,196.00, copy of ledger from 01.04.2011 till 06.11.2021.
7. The petitioner has submitted her rejoinder dated 23.12.2021. No new facts of the case except the contents of the petition has been given in the rejoinder, but she has adduced a copy of the billing history from February 2010 to June 2020 and copy of the bills from 26.12.2014 to 28.02.2015 and 20.06.2018 to 21.12.2018, copy of receipt dated 13.03.2012, showing payment of Rs. 10,000.00 and a self generated calculation sheet showing up to date arrears. 3 nos. bills for the period 20.04.2018 to 20.06.2018, 22.04.2018 to 21.10.2018 (revised bill) and a bill from 20.06.2018 to 21.12.2018.

8. The respondent Executive Engineer has subsequently submitted letter no. 400 dated 27.01.2022 at the time of hearing held on 28.01.2022, wherein consequent to revision of already submitted PD Om no. 276 dated 28.09.2021, he has submitted a revised PD OM no. 1764 dated 27.01.2022 issued after revision of the bills from 03/2015 to 07/2020. According to this revised PD OM the total payable outstanding dues has been shown as Rs. 45,790.00 against Rs. 66,996.00 shown payable in the earlier PD OM dated 28.09.2021 and thus in the revised PD OM dated 27.01.2022, fictitious arrears Rs. 21,206.00 generated after temporary disconnection have been waived off and Rs. 45,790.00 is shown as realizable as per this revised PD OM. After adjustment of security Rs. 800.00 the net payable amount has been worked out as Rs. 44,990.00. As mentioned in his aforesaid letter dated 27.01.2022 the net payable amount Rs. 44,990.00 includes Rs. 31,222.00 as principal amount and Rs. 13,768.00 as LPS. He has further stated that the benefit of surcharge waiver shall be available to her, if the principal amount is paid by 31.03.2022 till which date the LPS waiver scheme shall be in force.
9. Documents available on file have been pursued and arguments from both parties were heard. It is found that a 2 KW domestic connection no. RD21714090397 was released on 23.10.2007 in the name of Late Shri Chand Mohommad, husband of the petitioner Smt. Sajda. The consumer billing history adduced by the petitioner shows that NA, NR bills were issued from 08/2012 to 08/2013 in a single stretch and again from April 2015 to April 2018 in a single stretch and 1 no. IDF bill for the month of 06/2018. Although adjustments for these bills have duly been allowed by the respondents on metered consumption and thus the consumer has been charged only for the metered consumption and NA/NR bills have duly been adjusted but issue of NA/NR bills for such a period of 14 months at a single stretch in the first instance and again for a period of 40 months in a single stretch in the second instance is a gross violation by the concerned officers/officials of the respondent company. The relevant UERC regulations read with tariff provisions provides that provisional bills for NA/NR can only be issued for 2 billing cycle in case where bi-monthly bills as in the case of the petitioner are being issued and where after the Licensee is not entitled to issue provisional bills. In the instant case NA/NR bills have been issued for a prolong period in violation of the regulations, while only 1 IDF bill has been issued which is in accordance with the relevant regulations.

10. As per revised PD OM dated 27.01.2022 the connection was temporarily disconnected on 15.07.2020 followed by permanent disconnection on 01.08.2020. This OM has been issued after necessary corrections in the bill and after waiver of fictitious arrears of Rs. 21,206.00 out of total outstanding dues Rs. 66,996.00, the net payable dues after adjustment of Rs. 800.00 towards security and aforesaid fictitious arrears has been worked out as 44,990.00. This includes a sum of Rs. 31,222.00 as principal amount and Rs. 13,768.00 as LPS. As in accordance with relevant UERC Regulations, read with Tariff provisions, the Licensee is not entitled to issue NA/NR bills beyond two billing cycles, in case of bi-monthly billing. NA/NR bills issued for more than two billing cycles in both the aforesaid instances are not payable by the consumer (petitioner). The respondent is therefore directed to revise NA/NR bills accordingly and revised bill and revised PD OM may also be issued accordingly. While the petitioner is not liable to pay NA/NR bills for more than two billing cycles, in each instance, as per relevant regulations, at the same time UPCL cannot be put to financial loss due to the irregularity committed by its concerned employees, it is therefore, further directed that the amount of the NA/NR bills, revised on metered units, beyond two billing cycles in both the instances, be worked out and the same be realized from the salary of the erring officials/officers in proportion to their responsibility/duty and period of their posting in the division. Compliance be reported within one month from the date of this order.

Petition is allowed. Forum order stands modified as per this order.

Dated: 04.02.2022

(Subhash Kumar)
Ombudsman