

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Shri Sachin
S/o Shri Ompal Singh
Bheemawala, Vikasnagar,
Distt. Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Vikasnagar, Dehradun, Uttarakhand

Representation No. 38/2022

Order

Dated: 31.01.2023

Being aggrieved with Consumer Grievance Redressal Forum, Garhwal Zone (hereinafter referred to as Forum) order dated 23.08.2022 in his complaint no. 31/2022 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Vikasnagar, Dehradun (hereinafter referred to as respondent) Shri Sachin Kshayap S/o Shri Ompal Singh, village Bheemawala, Vikasnagar, has preferred the instant petition for necessary correction in the bills and for adjustment of the excess amount deposited by him against the bills received.

2. The petitioner is a consumer of UPCL under domestic category for 1.0 (one) KW load with service connection no. VN23143404658. He has averred that he is having the aforesaid connection w.e.f. 17.06.2015. Correct bills were being received till 06.12.2018 and where after excessive bills were being received. Against his average bills of Rs. 500 bill of Rs. 7,420.00 was received on 06.12.2018 and bill amounting to Rs. 4,299.00 was received on 25.08.2019. During the course of proceedings on his complaint in Forum the opposite party informed that adjustment for fast running of meter @ 153.33% had duly been allowed online, but in fact no such adjustment was given. The Forum without providing opportunity and relying upon the submission of opposite party decided the case



ex-parte. He has further submitted that a check meter was installed on 22.02.2020 which was finalized on 18.03.2020 and as a result of this study the existing meter was found running fast @ 153.33%. The existing meter was therefore removed and the check meter was left at his premises as a main meter but no benefit of fast running of meter @ 153.33% was given to him. He has requested that order for correction in the bills as per check meter result and allowing adjustments in the past bills may be issued to the respondent. Penalty being imposed on such bills may also be waived off. He has also submitted an application for condonation of delay in submission of the appeal (the appeal has since been admitted after condonation of delay in the interest of justice).

3. After hearing both parties and perusal of the file, the Forum observed that adjustment for fast running of meter @ 153.33% as per check meter study has already been allowed through online system and in view of their observation that the complainant's complaint has already been redressed by the opposite party, they disposed off the complaint.
4. The respondent, Executive Engineer has submitted his written statement vide letter no. 5266 dated 19.12.2022. He has submitted that the petitioner has a domestic connection no. VN23143404658 for 1 KW load. In pursuance of his application dated 12.02.2020 a check meter was installed at his connection on 22.02.2020 which was finalized on 18.03.2020, wherein the existing meter no. 50050716 was found running fast @ 153.33%. He has further submitted that for the existing meter found running fast @ 153.33%, the meter was considered as defective and therefore the bills from 12/2018 till the date of replacement of the meter were revised on the basis of average consumption recorded in the bills for 06/2018, 08/2018 and 10/2018, according to which the average consumption was 99 units per month and accordingly they issued bills for the said period amounting to Rs. 26,683.00 were reduced to Rs. 14,673.00. The respondent has adduced a copy of sealing certificate no. 27/171 showing reading and consumption details recorded by main meter and check meter from 22.02.2020 to 18.03.2020 which shows meter running fast @ 153.33%, a copy of the detailed calculations for the adjustments allowed and an affidavit.
5. The petitioner has submitted a rejoinder dated 28.12.2022. He has averred that although the department has revised the bills wherein bill amount has been reduced to Rs.



14,673.00 from Rs. 26,683.00, but in the bill dated 27.12.2022 amount has still been shown as Rs. 30,347.00 while as per the adjustment allowed by department the amount should have been 14,673.00 which suggests that the so called adjustment claimed to have been allowed by the department has not been fed to the system and has in fact not been allowed.

6. Hearing in the case was fixed for 16.01.2023. The petitioner appeared for arguments but respondent did not appear. The petitioner reiterated that although so called adjustment allowed by the department treating the meter as defective was not as per the check meter study and insisted that directions be issued to the respondent for revision of the bills as per check meter results. He has further stated that instead of the corrected amount of Rs. 14,676.00 the bill still showing amount of Rs. 30,347.00 which suggests that no adjustment has in fact been allowed by the department.

As the respondent did not appear on the aforesaid date, 23.01.2023 was fixed for hearing the arguments of the respondent. The respondent executive engineer appeared and argued that since the meter was found fast by 153.33% it was treated as a defective meter and therefore adjustment on the basis of average consumption recorded in the 3 billing cycles was allowed from 12/2018 till replacement of the meter, whereby the billed amount of Rs. 26,683.00 was reduced to Rs. 14,673.00. He further submitted that since the revision could not be advised to the system, the latest bill is showing gross amount of the bill as Rs. 30,347.00, but the revision has now been advised to the system and the next bill will show the corrected amount.


7. Documents available on file have been perused and arguments from both parties were heard. Admittedly the installed meter was found running fast @ 153.33% as a result of check meter study conducted from 22.02.2020 to 18.03.2020. The department instead of correcting the bills on the basis of check meter results, have corrected the bills from 12/2018 to the date of replacement of meter on the average consumption recorded during 3 billing cycles from 06/2018 to 10/2018 treating the existing meter as defective. This is a wrong action by the department as in terms of the relevant regulations, a meter is held defective when it stops working, but in the instant case the meter was running fast as per check meter study and therefore bills for the disputed period should have been revised on

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the basis of check meter results for the period as admissible under relevant regulations. The respondents are therefore directed to withdraw their earlier correction of the bills based on defective meter and correct the bills in accordance with sub regulation 3.1.3 (5) of UERC (The Electricity Supply Code) Regulations, 2007 (dated 17.04.2007) as the check meter study was conducted from 22.02.2020 to 18.03.2020, so Supply Code Regulation 2007 shall be applicable in the instant case.

8. It will be in the fitness of the things to mention here that in a similar case before Ombudsman of one Shri Vivek Agarwal S/o Mahendra Kunar, 9, Astley Hall, Dehradun in his petition no. 22/2020, the Ombudsman passed order dated 24.11.2020 directing the respondents to revise the bills on the basis of check meter results in which case the existing meter was found running fast by 551% . On non compliance/wrong compliance of Ombudsman's order in the said case the petitioner approached UERC with a petition no. 35/2021 wherein the Hon'ble Commission decided the petition vide their judgment dated 09.12.2021 directing the respondents to revise the bills in accordance with relevant regulations as per check meter results and withdraw the revision of the bills issued by the respondents treating the meter as defective which they held as a wrong compliance of Ombudsman's order.
9. The respondent may refer the Commission's aforesaid orders at Commission's website.
10. The petitioner is allowed. Forum order is set aside. Stay will continue till the due date of disconnection of the revised bill to be issued as per this order.

Dated: 31.01.2023


Subhash Kumar)
Ombudsman