

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Trilok Chandra Bhatt  
S/o Late Shri Durga Dutt Bhatt,  
Kaladungi, Near GIC,  
Haldwani, Distt. Nainital,  
Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division, (Rural)  
Uttarakhand Power Corporation Ltd.  
79, Hiranagar, Haldwani,  
Uttarakhand

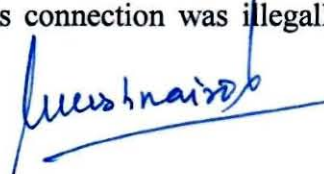
Representation No. 18/2024

**Award**

Dated: 29.11.2024

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Kumaon Zone, (hereinafter referred to as Forum) order dated 02.04.2024 in complaint no. 56/2024 by which Ld. Forum has directed the respondent to issue revised bill for slow running of meter by 24.16% and replace the existing meter by a new meter in complaint of appellant Shri Trilok Chandra Bhatt S/o Late Shri Durga Dutt Bhatt, Kaladungi, GIC, Haldwani, Distt. Nainital (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Uttarakhand Power Corporation Ltd., Haldwani, Distt. Nainital, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner in his instant appeal dated 15.04.2024 has averred that the appeal is being preferred being aggrieved with Forum order dated 02.04.2024 in his complaint no. 56/2024 before the said Forum. Hearing in his complaint was held on 21.03.2024 when he appeared before the Forum. The Forum directed that next hearing shall be held on a date which shall be intimated but without giving next date of hearing the Forum passed the impugned order on 02.04.2024. The installed meter is fully sealed and no foul play or tampering has been done with the meter, so the respondents are not entitled to recover charges illegally. His connection was illegally disconnected



from 13.09.2023 to 18.09.2024 by respondent's staff, complaint against which was made to CM's help line portal no. 112. The illegally disconnected connection was reconnected on 19.09.2023, when check meter was installed (copy of sealing certificate enclosed). After 15 days respondent's staff removed the check meter and took it away with them and he was informed that installed meter is OK. All of a sudden and without any notice a bill amounting to Rs. 22,857.00 was sent to him in the month of February 2024. After filing complaint with the Forum the said bill was cancelled online. The respondent submitted before the Forum that his meter was running slow by 46.59% based on fabricated and false information, where after a check meter was installed under the directions of the Forum and the existing meter was found slow by 24.16%, which has also been mentioned under para 6 of Forum's order dated 02.04.2024. The Forum without examining the sealing for installation of check meter in which existing meter was declared slow by 24.16% passed order for an assessment of Rs. 4,133.00 for slow running of meter. Therefore, Forum order dated 02.04.2024 is liable to be quashed and set aside. No order was passed by the Forum for granting compensation for illegal disconnection from 13.09.2023 to 18.09.2023. So Forum order is liable to be set aside being against law as his existing meter is fully sealed and no tampering in the meter was found, so the assessment raised is wrong and respondent has no legal authority to charge such assessment. Forum's order is also liable to be set aside for that reason also. In view of his averments the petitioner has prayed as follows:

- i) Compensation for his harassment for illegal disconnection from 13.09.2023 to 18.09.2023 be granted and action against erring staff be also taken.
  - ii) The respondent has no right to charge any amount other than due as per meter reading recorded by the meter with which no tampering was found and meter was found completely sealed, so the impugned assessment Rs. 4,133.00 be quashed.
3. After perusal of records and hearing arguments the Forum was of the view that assessment amounting to Rs. 22,857.00 raised for slow running of meter by 46.59% as per report of the company hired by respondent, is liable to be quashed and assessment amounting to Rs. 4,133.00 for slow running of meter by 24.61% based on check meter study conducted in compliance to Forum's direction, is liable to be

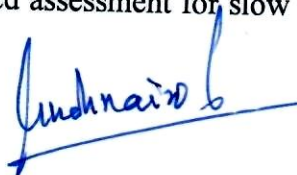




charged from the petitioner. In view of its observations the Forum directed the respondent to issue a revised assessment for slow running of meter by 24.16% and also directed to remove the existing meter and install a new meter and passed order dated 02.04.2024 accordingly.

4. The respondent Executive Engineer has submitted his written submission along with a notarized affidavit dated 03.05.2024 wherein he has submitted as follows:

- i) The petitioner filed a complaint before the Forum registered at sr. no. 56/2024 and which was received in his office vide Forum's letter dated 22.02.2024.
- ii) Reply was submitted to Forum vide his letter dated 23.02.2024.
- iii) Forum sent consumer's bills to his office vide their letter dated 22.02.2024 which was received in his office on 24.02.2024.
- iv) Reply was duly submitted to the Forum vide his letter dated 13.03.2024.
- v) Forum directed vide his letter dated 04.03.2024 to submit the checking report of the existing meter by 13.03.2024
- vi) Reply was submitted to Forum vide his letter dated 13.03.2024.
- vii) Forum fixed hearing date as 21.03.2024 vide its letter dated 13.03.2024.
- viii) AE (R) was authorized to appear before the Forum for hearing vide letter no. 16.03.2024.
- ix) As per hearing in the case the Forum vide its letter dated 21.03.2024 directed to remove the existing meter and install a new meter and fixed 02.04.2024 as the next date of hearing.
- x) AE (M) was directed vide his letter dated 23.03.2024 to replace the existing meter and install a new meter as directed by Forum.
- xi) The complainant did not appear for hearing on the scheduled date 02.04.2024. The department submitted assessment for slow running of meter before the Forum.



xii) The Forum vide its letter dated 03.04.2024 ordered to raise assessment for slow running of meter by 24.16% and immediately to remove the existing meter and install a new meter. Further directed that if the complainant resists in replacement of the meter and installation of new meter then the respondent's may take action as per UERC regulation.

xiii) The AE (M) was asked to replace the existing slow running meter by a new meter as ordered by Forum and submit the sealing report.

The respondent has substantiated his averments by all the documents as referred in his written statement. A notarized affidavit has also been submitted by him.

5. The petitioner has submitted a rejoinder dated 22.05.2024 along with a notarized affidavit. He has alleged that check meter has yet not been installed till now in spite of Forum's directions dated 21.03.2024 and respondent have declared meter slow and assessment has also been raised for slow meter running amounting to Rs. 4,133.00. The other averments in the rejoinder are merely reiteration what he has already averred in his appeal.
6. Hearing in the case was fixed for 11.09.2024, which was adjourned for 25.09.2024, again for 09.10.2024, again for 23.10.2024 and finally 13.11.2024 was fixed for arguments. The petitioner has requested repeatedly and latest vide his letter dated 09.10.2024 for exemption for personal appearance for hearing and to decide his case on the basis of documents available on file. The advocate appeared on behalf of the respondent and verbally admitted that Forum order for raising assessment has duly been complied with but the old meter could not be replaced due to resistance from the petitioner. Arguments were concluded and order was reserved and 29.11.2024 was fixed for pronouncement of award/judgment.
7. Documents available on file have been perused. Argument from the advocate from the respondent were heard. It is found that the existing meter installed at petitioner's connection was earlier declared 46.59% slow as per a checking report of a company engaged by the respondent and assessment on the basis of this report amounting to Rs. 22,857.00 was raised. The petitioner approached the Forum with a complaint no. 56/2024. Before passing final order the Forum directed the respondent to conduct a check meter study. The respondents submitted before the Forum that a check meter

*Amnair*



study had already been conducted as is evident from sealing certificate dated 19.09.2023 and 20.10.2023 for installation and finalization of check meter study. A check meter report has also been submitted, it shows that the existing meter was found running slow by 24.16%. Hence the Forum's order for conducting check meter study stands complied with. So the petitioner's allegation raised in his rejoinder that the check meter study has yet not been conducted proves to be false. His allegations are also in contradiction to his own averments made in the petition, where he has clearly mentioned that a check meter was installed on 19.09.2023 and was removed after 15 days, which suggests that he admitted that check meter was installed and finalized. Assessment amounting to Rs. 4,133.00 has already been raised as per check meter study report for slow running of meter by 24.16%. However, the old meter has yet not been replaced by a new meter due to resistance from the petitioner. Although the Forum has already directed that in case of resistance from the petitioner in replacement of meter, action against the petitioner may be taken as per UERC relevant regulations.

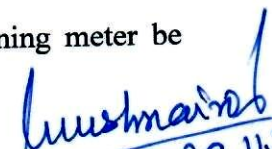
8. In view of documentary evidences, since the meter has been found running slow by 24.16% and assessment for Rs. 4,133.00 has been raised with has duly been upheld by the Forum and Forum order stands complied with as far as assessment and check meter study is concerned. Forum's order appears to be justified and need not be interfered with and the same is liable to be upheld. The petition is liable to be dismissed and the assessment raised by the respondent is liable to be paid by the petitioner. Further the slow running old meter has to be replaced so that correct energy metering could be ensured, which has not been done till now which has categorically been admitted by advocate of respondent in the hearing dated 13.11.2024. As already directed by the Forum in its order, the respondents have to replace the slow running meter by the OK meter and if required necessary help from the administration/police may be taken. The respondents are at liberty to realize the amount of assessment Rs. 4,133.00 from the petitioner for which they are at liberty to adopt such means as are available to them under regulations/Act including recovery as arrear of land revenue by issuing RC under section 5 of Govt. Electrical Undertakings Dues Recovery Act, 1958 as duly adopted in the State of Uttarakhand.



Order

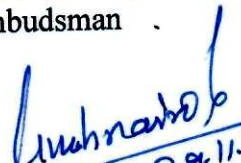
The petition is dismissed. Forum order is upheld. The old slow running meter be replaced without any further delay.

Dated: 29.11.2024

  
(D. P. Gairola) 29.11.2024  
Ombudsman

Order signed dated and pronounced today.

Dated: 29.11.2024

  
(D. P. Gairola) 29.11.2024  
Ombudsman