

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Abhinav Garg
S/o Shri Virendra Garg
Railway Station Road,
Kashipur, Distt. Udham Singh Nagar,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Kashipur, Distt. Udham Singh Nagar,
Uttarakhand

Representation No. 50/2023

Order

Dated: 20.02.2024

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone, (hereinafter referred to as Forum) order dated 27.10.2023 in complaint no. 257/2023 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Kashipur, Distt. Udham Singh Nagar, Uttarakhand (hereinafter referred to as respondent), Shri Abhinav Garg S/o Shri Virendra Garg, Railway Station Road, Kashipur, Distt. Udham Singh Nagar (petitioner) has preferred this appeal for setting aside IDF bill and to issue a revised bill based on MRI.

2. The petitioner has averred that

- i. his complaint no. 257/2023 has been dismissed by the Forum vide its order dated 27.10.2023 against law which is liable to be quashed
- ii. IDF bills for 6 months amounting to Rs. 2,39,829.00 has been issued.
- iii. A revised bill based on past consumption or consumption recorded by the new meter be issued.
- iv. MRI report and sealing has not been given to him.
- v. In the checking report initially it was written that there is no display but later they mentioned that the meter is burnt.
- vi. The department said that MRI cannot be done.

- vii. A wrong bill has been issued without readings which is for excessive consumption, which is causing loss to him.
- viii. A corrected bill based on the readings of the new meter be issued so that his complaint may be redressed.
- ix. He has already deposited a sum of Rs. 2,00,000.00 and the balance amount shall be deposited, if corrected bill is issued.
- x. No case is pending in any of the Court.

In the premises aforesaid the petitioner has requested that Forum order dated 27.10.2023 be quashed. A revised bill based on past consumption or based on the consumption recorded by the new meter be ordered to be issued and IDF bills issued be quashed. He has also requested that if it is not possible to issue a revise bill as aforesaid then the corrected bill be issued on the basis of MRI.

- 3. The Forum vide its order dated 27.10.2023 in complaint no. 257/2023 has dismissed the complainant's request for correction of the IDF bill, however the Forum has directed the opposite party to refund the check meter fee deposited by the complainant by adjustment in the coming bill.
- 4. The respondent Executive Engineer submitted his written statement along with affidavit under oath vide letter no. 101 dated 08.01.2024, wherein he has submitted as follows:
 - i. No comments on point no. I and ii of the appeal as these points are based on records.
 - ii. In reference to point no. iii he has submitted that IDF bill of petitioner's connection was issued for the month of 08/2022, 09/2022 and 10/2022 due to the meter being defective, based on average monthly consumption of 5749 units recorded in the past 3 months for 05/2022, 06/2022 and 07/2022.
 - iii. Regarding point no. iv to vi the respondent has submitted that AE (Meter) Test lab Kashipur was asked to submit MRI and sealing certificate of the above connection. The said AE (Meter) reported vide his letter dated 11.07.2023 that the defective meter at the premises of the consumer was replaced by the new meter on 09.11.2022. Check meter could not be installed as the old meter had become defective, further he reported vide his letter dated 26.08.2023 that MRI of the old meter could not be done as the meter was defective.



- iv. Regarding point no. vii he has submitted that the connection is under commercial category for a hotel. As per billing history in the past years consumption from the month of May to October has been the same as an average. The average consumption in the month of 05/2022, 06/2022 and 07/2022 has been 5649 units per month and IDF bills have accordingly been issued on the said average consumption.
- v. Regarding point no. viii the respondent has submitted that as per UERC tariff order there is no provision for issuing IDF bills on the basis of the consumption recorded by newly installed meter.
- vi. No comments on point no. ix and x of the appeal.

Additional submissions

- vii. A complaint no. 257/2023 was lodged by the petitioner before the Forum on 14.09.2023 for revision of the IDF bills which was raised on average consumption for the month of 05/2022, 06/2022 and 07/2022.
- viii. Reply to the complaint was submitted by the division before the Forum vide letter dated 05.10.2023.
- ix. Bills against consumer's connection no. 370K000108492 were issued on IDF for the month of 08/2022, 09/2022 and 10/2022 for the meter became defective, so the IDF bills were issued on the average consumption of 5749 units per bill based on the average consumption recorded in the 3 billing cycles in the past.
- x. Request has been made by the petitioner for revision of the IDF bills which were raised on average consumption of 5749 units per bill recorded in the billing cycles for the month of 05/2022, 06/2022 and 07/2022. The bill cannot be revised as IDF billing has duly been done as per UERC regulations.
- xi. The consumer served a legal notice through an advocate requesting for revision of the IDF bills on the basis of consumption recorded by the new meter. Advocate for the consumer has already been informed that revision of IDF bills as requested for cannot be done.
- xii. In spite of division's reply as aforesaid under para xi the consumer has still been requesting for revision of the bills. AE Meter was asked vide letter dated 28.12.2023 and 07.07.2023 to submit MRI of the old meter and the sealing certificate.



- xiii. The AE Meter reported vide his letter dated 11.07.2023 that the old meter being defective was replaced by a new meter on 09.11.2022. As the old meter was defective check meter could not be installed. Further AE Meter reported vide his letter dated 28.08.2023 that MRI of the old meter could not be done because the meter was defective.
- xiv. The Forum vide its order dated 27.10.2023 dismissed the complaint.
- xv. OM for refunding check meter fee Rs. 413 in compliance to Forum order was issued on 25.11.2023.
- xvi. A copy of consumer's billing history and ledger is submitted herewith.
- xvii. The consumer was requested vide AE Meter's letter dated 08.11.2023, to appear in test lab to see the condition of the old meter.
- xviii. The consumer accordingly visited test lab on 16.11.2023, the old meter was tested by AE Meter in his presence and after checking of the meter the consumer and his representative agreed that MRI of the old meter cannot be done.
- xix. Referring to tariff provisions the respondent has submitted that the IDF billing has been done in accordance with tariff provisions.

In view of his submissions the respondent has requested that the appeal be decided in department's favour.

- 5. The petitioner has submitted a rejoinder dated 29.01.2024 along with an affidavit. No new facts about the case has been adduced in the rejoinder except his allegations that the IDF bills have not been issued correctly and needs to be revised. He has also made an allegation that neither MRI was given nor a check meter was installed and has again requested that his appeal is liable to be allowed and the same should e allowed.
- 6. Hearing in the case was held on pre-decided date 08.02.2024. The petitioner appeared himself. Respondent was represented by Shri Deep Chand Pandey AE(R) and Shri Pankaj Agarwal, Accountant (Revenue). Hearing was concluded with mutual consent and 20.02.2024 was fixed for pronouncement of order.
- 7. Arguments from both parties were heard and documents available on file were perused. It is found that a connection no. 370K000108492 was released in favour of the petitioner on 25.09.2013 for 15 KW contracted load under non domestic category. The instant appeal has been preferred by the petitioner on being aggrieved with



Forum order dated 27.10.2023 in his complaint no. 257/2023 for revision of IDF bills. According to him IDF bills for 6 months for a sum of Rs. 2,39,829.00 were issued, which according to him were not consistent with regulations and he has requested that disputed bills be revised either on the average of past readings or the new meter reading. He has also asked for the MRI of the old meter. He has submitted that out of total dues Rs. 2,00,000.00 has already been deposited and the balance shall also be paid on receiving the revised IDF bills as requested for by him. The petitioner applied for installation of check meter on 09.11.2022 as in his view the bills were for exorbitant consumption. IDF bills for the month of 08/2022, 09/2022 and 10/2022 were issued on the basis of average consumption recorded in three previous billing cycles for the month of 05/2022, 06/2022 and 07/2022 average consumption per billing cycle for these months has been 5749 units per billing cycle. As the meter had become defective the check meter was not installed and it was also not possible to take MRI of the old meter. The IDF meter was replaced on 09.11.2022 i.e. the date on which the petitioner applied for check meter. Relevant UERC regulations have also been referred. Sub regulation 5.1.4 (1) and 5.1.7 (1) of UERC regulation 2020 are applicable in the instant case, which have duly been complied with by the respondents as the defective meter was replaced without any delay and IDF bills for 3 billing cycles for the month of 08/2022, 09/2022 and 10/2022 were issued on the average consumption of 5749 units per billing cycle recorded in the month of 05/2022, 06/2022 and 07/2022. As IDF bills have been issued strictly in accordance with UERC regulations, petitioner's request for revision of the bills would have not been acceded to by the respondents. The Forum has rightly dismissed the complaint and Forum order need not be interfered with and the same is upheld. Petition is dismissed.

Dated: 20.02.2024


(Subhash Kumar)
Ombudsman