

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Jagdish
S/o Late Shri Phool Singh
Shivam Vihar, Phase 3,
Salempur Mehmood Second, Thana SIDCUL,
Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Jwalapur, Haridwar, Uttarakhand

Representation No. 37/2023

Order

Dated: 29.12.2023

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) order dated 27.06.2023 in his complaint no. 63/2023 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Jwalapur, Haridwar, Uttarakhand (hereinafter referred to as respondent) Shri Jagdish S/o Late Shri Phool Singh, Shivam Vihar, Phase 3, Salempur Mehmood Second, Thana SIDCUL, Haridwar Uttarakhand (petitioner) has preferred this appeal for Setting aside Forum order and reconnection of his disconnected connection and correction of the bills.

2. The instant appeal dated 26.07.2023 has been preferred by the petitioner Shri Jagdish through legal counsel, wherein he has averred as follows:
- i) He was the complainant in the complaint.
 - ii) The Forum did not see the evidences submitted by him before the Forum and passed the impugned order dated 27.06.2023 which is liable to be quashed.
 - iii) The Forum did not apply mind while deciding the complaint and passed the impugned order dated 27.06.2023 based on the surmises and possibilities and is therefore liable to be quashed.



- iv) The Forum did not see that the opposite party did not give any intimation to him for change of meter which was necessary and thus the impugned order 27.06.2023 is liable to be quashed.
- v) The Forum did not see that no complaint was made by him for replacement of meter, therefore the Forum order is liable to be quashed.
- vi) The details of the complaint filed before Forum are as follows:
- a) He constructed 25 number rooms for letting out on rent as he had no other means of income. These rooms were constructed on his residential land at Shivam Vihar, Phase 3, Salempur Mehdood second, SIDCUL, Haridwar.
 - b) A 5 KW connection no. 71217136748 was given by UPCL in the year 2013, bill of which is regularly being paid by him and he never defaulted.
 - c) SDO, Haridwar, JE and other staff of the department came at his premises on 23.10.2022 in his absence and took away the meter. This he came to know through the tenants when he came home in the evening.
 - d) Nothing about the reading appearing in the meter at the time of removal was told by them, neither nothing about the reading was given to his family in writing.
 - e) On contacting the SDO and JE after 23.10.2022, to know the reading of the removed meter nothing was told by them and no information was given.
 - f) They installed a new meter on 23.10.2022 of which no sealing certificate was given either to him or his family or tenants.
 - g) No bill was given prior to 22.03.2023 and no satisfactory information was given to him on contacting to them neither any bill was given.
 - h) On 22.03.2023 the JE, SDO and the staff came to his premises and disconnected his connection and a bill for Rs. 5,01,729.00 was given. So much reading was not appearing in the meter so the bill was wrong, in which about 50000 units have been shown in excess. Due to disconnection of supply the tenants left the rooms and his source of income was perished and resulted in poor financial position.

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- i) In view of the aforesaid facts reconnection of his supply is very necessary in the interest of justice
 - j) Thus for the above facts as well as other reasons, Forum order dated 27.06.2023 is liable to be quashed.
 - k) He has requested that the appeal be admitted Forum order be set aside and following reliefs be granted.
 - a. His disconnected connection no. JW71217136748 be ordered to be reconnected.
 - b. The bill issued for excessive readings be corrected.
 - c. Compensation for the loss sustained by him due to disconnection be granted.
 - d. Compensation for financial loss, mental harassment and social defamation caused due to disconnection of supply be granted.
3. The Forum after hearing arguments from both parties and perusal of records available on file was of the view that the complaint has no force and is liable to be dismissed and thus they have dismissed the complaint vide their order dated 27.06.2023.
4. The respondent Executive Engineer has submitted a written statement vide his letter no. 3563 dated 19.08.2023, wherein he has submitted point wise reply as follows:
- i) A 5 KW connection no. JW71217136748 was released to the consumer on 22.08.2013. The complainant in his appeal has wrongly submitted that there are 25 rooms while there are 75 rooms in his premises.
 - ii) A 5 KW 3 phse connection was released to the petitioner on 22.08.2013.
 - a) Payment of the bill dated 22.06.2022 amounting to Rs. 65,477.00 was not made by him till 23.03.2023, the date of disconnection. (The payment of Rs. 65,477.00 was made on 24.03.2023)
 - b) Checking at the premises of the petitioner was carried out by SDO on 23.03.2023 in his presence (checking report duly signed by the consumer). In the checking the connected load 17.603 KW as per details given as also in the written statement was found connected at the premises. Meter no. 9139110 was found installed at the premises. MRI



was done and meter reading as per MRI was found 20289 KWH, copy of the checking report as well as MRI has been adduced with the written statement.

- c) As per MRI of the new meter found installed at the premises the maximum demand was ranging from 11.54 KW in October 2022 to 16.84 in the month of January 2023.
- d) MRI of the old meter and the new meter were made available by AE (Meter). The reading in the old meter at the time of removal as per MRI was 248361 KWH and maximum demand recorded in the meter was ranging from 11.59 KW in the month of November 2021 to 18.66 in the month of May 2022. Copy of MRI of old meter and sealing certificate no. 25/1303 dated 23.10.2022 adduced.
- e) Bill dated 24.03.2023 was prepared on the basis of MRI readings of the old meter no. 14771182 and that of new meter 9139110 and after adjustment of Rs. 65,477.00 paid by the petitioner on 24.03.2023 bill amounting to Rs. 5,01,729.00 was issued, payment of which was not made till 12.04.2023 , copy of ledger and consumer history has been adduced.
- f) The SDO II, Jwalapur vide his letter no. 644 dated 25.03.2023 requested the petitioner to get his load enhanced within 15 days in view of the excessive load of 17.60 KW found at his premises against contracted load of 5 KW.
- g) In response to SDO's aforesaid letter the consumer applied for enhancement of his load from 5 KW to 18 KW vide application dated 10.04.2023, but he did not pay the outstanding dues till 12.04.2023, which was a necessary connection for enhancement of load.
- h) A checking was again carried out at his premises on 04.06.2023 by SDO vide checking report no. 031/1547 dated 04.06.2023 in which following remarks were mentioned by SDO:
“उपरोक्त संयोजन के स्थलीय निरीक्षण करने पर बकाया पर कटा संयोजन का मीटर 9139110 जो कि बाहर पोल पर लगा था टूटा हुआ पाया गया। जिसे शक के आधार पर सील (seal) किया गया (अग्रिम जाँच हेतु)”



- i) The consumer was requested vide SDO's letter no. 664 dated 10.04.2023 to be present in test lab mayapur at 11 am on 11.04.2023 for checking of meter no. 9139110 in the lab.
- j) The sealed meter no. 9139110 was checked on 11.04.2023 by SDO second, Jwalapur, AE Meter and JE Meter in the presence of the consumer copy of checking report no. 104 dated 11.04.2023 has been adduced.
- iii) The consumer lodged an online complaint through his mobile no. 8057454634 on 09.08.2022 on toll free number 1912 regarding no display on his meter. The complaint was registered at no. 20908220028. The TDS Company employed for meter readings, a list of IDF meters for the month of August 2022 and September 2022 was submitted in the division office. The AE Meter concerned was directed vide his letter no. 4664 dated 07.10.2022 to replace the meters reported as IDF and meter faulty in the list. In accordance with the above the old meter no. 14771162 was replaced by new meter no. 9139110 on 23.10.2022 vide sealing certificate no. 25/1330 dated 23.10.2022.

points iv) v) & vi). As per point iii) above.

vii) A bill based on MRI readings of the above referred old and new meters was repaired on 24.03.2023 and after adjusting payment of Rs. 65,477.00 made on 24.03.2023, bill for the net payable amount Rs. 5,01,729.00 was issued, which was not paid till 12.04.2023.

viii) Contents are the same as at point no. vii) above.

ix) After payment of Rs. 65,477.00 made on 24.03.2023, the total outstanding dues were Rs. 5, 01,729.00 payment of which was not made till 12.04.2023 and has yet not been made till 19.08.2023, so his connection is lying disconnected for nonpayment of outstanding dues. The respondent has submitted that in view of above, the complaint is baseless and liable to be dismissed. The respondent has corroborated his submissions with



documentary evidences as mentioned in the respective paras of the written statement and copies of which are enclosed with the written statement.

5. The petitioner has submitted a rejoinder dated 22.9.2023 along with affidavit under oath, in detail. However, in para i) to ix) he has held the averments of the respondent in these paras of written statement as untrue and lie except para ii) and ii) f). Under para ii) and ii) f) he has admitted the contentions of the respondent as true. Further he has also submitted special submissions (विशेष कथन) from para x) to xi). His para wise reply are as under.
- i) x) The Forum did not look into the evidences submitted by him before the said Forum and passed its order dated 27.06.2023, which is liable to be quashed.
 - ii) xi) Forum did not apply its mind and passed order dated 27.06.2023 on the basis of surmises and possibilities.
 - iii) xii) the Forum did not mention in its order that the respondent gave no intimation to him for replacement of the meter which was necessary but the Forum passed order without considering these facts and so the order is liable to be quashed.
 - iv) xiii) Forum did not see that no complaint for meter replacement was made by him and the mobile numbers 8057454634 referred by the respondent. This number was not found in existence, when contacted. This has been mentioned by the respondent, but the Forum passed its order without giving any cognizance to this fact and hence the order is liable to be quashed.
 - v) xiv) A brief description of the complaint made before Forum is as under. Under sub para i) to xi) of this para he has reproduced the averments made by him in his petition. .
6. Hearing in the case was fixed for 17.10.2023, the respondent appeared for argument but the petitioner requested through email for fixing other date for hearing, so 30.10.2023 was fixed for hearing. On 30.10.2023 both parties were present and made oral submission for adjournment, which was allowed and 20.11.2023 fixed for



hearing. Both parties appeared, petitioner requested for adjournment so no arguments could be held and 08.12.2023 was fixed as next date of hearing. Both parties came for arguments on 08.12.2023. The petitioner was represented by his advocates and respondent was presented by Shri Neeraj Kumar, SDO and Shri Sunil Kumar Gupta, AE (R). Both parties argued their respective case, mainly on the basis of their averments made in the petition and the rejoinder by the petitioner and on the basis of written statement by the respondents. The arguments could not be concluded for want of certain documents, mainly the sealing certificate for removal of this meter which was installed at consumers premises because the initial reading was shown as 119909. The respondents were directed to submit the desired documents in the next hearing which was fixed for 23.12.2023.

7. Both parties appeared for arguments on pre-decided date 23.12.2023. The petitioner was represented by advocate and SDO and AE (R) appeared on behalf of respondent. The respondent submitted a sealing certificate no. 10/367 dated 15.03.2019 vide which the old meter was replaced by the new meter on no display while initial reading of the new meter was shown as 119909. The respondent also submitted 2 nos. bills one for the period 13.03.2019 to 14.05.2019 amounting to Rs. 6,453.00 and another bill for the period 22.06.2022 to 24.03.2023 amounting to Rs. 5,01,729.00 for metered unit 70835.
8. After hearing arguments and perusal of records available on file, it is observed that a 5 KW connection was released to the consumer on 22.08.2013 with no. K-JW71217136748, a sum of Rs. 65,477.00 was due on 22.06.2022, which were not paid till 23.03.2023 and therefore the connection was disconnected, the said dues were paid on 24.03.2023. Therefore no dues were outstanding till 22.06.2022. On checking by SDO on 23.03.2023, the connected load was found 17.603 KW and it was being used in 75 nos. rooms. A metered unit consumption bill for 70835 units (Including 52625 left over units of old meter and 18210 units recorded by new meter) was issued for the period from 22.06.2022 to 24.03.2023 for a sum of Rs.5,01,729.00, the same amount of outstanding dues is also replaced in ledger, which have not been paid by the petitioner, due to which the connection which was temporarily disconnected on 23.03.2023 was not restored. The Forum has also observed in its order that bills have been issued on actual metered consumption

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recorded through the meters installed at petitioner's premises and which also confirmed in the MRI reports. The Forum also held that since the bills have been issued on actual metered consumption and the petitioner has been using excess load varying from 11.59 KW to 18.66 KW against his contracted load of 5 KW, the actual recorded consumption appears to be correct in view of his actual connected load and maximum demands recorded in different billing cycles as per MRI reports, which are much more than his contracted load of 5 KW. In view of the facts of the case the petition fails, the Forum order is upheld being consistent with the metered consumption on which the bills has been issued and therefore the Forum order is upheld and needs not be interfered with. The petition is dismissed. The petitioner is liable to pay the outstanding dues amounting to Rs. 5,01,729.00 failing which the respondent are at liberty to get their dues liquidated by adopting such means as available to them including issue of RC under Dues Recovery Act, 1958, which Act has duly been adopted in the State of Uttarakhand.

Dated: 29.12.2023


(Subhash Kumar)
Ombudsman