

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Satpal Singh
S/o Shri Baktawar Singh
Village Harjoli Jat,
P.O. Gurukul Narsan,
Distt. Haridwar, Uttarakhand

Vs

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

Representation No. 21/2022

Order

Dated: 20.07.2022

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar Zone (hereinafter referred to as Forum) order dated 11.04.2022 in his complaint no. 07/2022, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Roorkee (hereinafter referred to as respondent) Shri Satpal Singh S/o Shri Baktawar Singh Village Harjoli Jat, P.O. Gurukul Narsan, Distt. Haridwar has preferred this appeal for correction of the inflated bills

2. The petitioner, Shri Satpal Singh has submitted that he has a PTW connection no. RD9F193722166 for 10 HP load under EDD (Rural) Roorkee. He received bills for 12/2020 and 12/2021 for abnormally high consumption of 59551 and 21538 units respectively. He submitted an application registered at no. 22001210411 dated 20.01.2021 for checking of the meter. No action was taken by the department on the complaint and bill for 06/2021 for 7992 units was issued. Bill for 12/2021 was received for 21538 units and for a sum of Rs. 2,01,402.00. He deposited check meter fee first time on 23.03.2021 and again on 16.02.2022, his supply was disconnected without installing a check meter, thus he has been harassed by the department. Having

found no solution from the department he lodged a complaint before the Forum, but the Forum dismissed his complaint on the grounds that since he has paid Rs. 50,000.00 and Rs. 1,15,000.00 on 18.02.2022 and 31.03.2022 respectively so it suggests that he is satisfied with the bills. He has further submitted that average consumption on his PTW connection for the last 5 to 7 years has been only 3000 to 4000 units so he has requested that his meter may be got checked and bill be revised on the basis of average consumption recorded in previous 5 to 7 years. The petitioner subsequently submitted a undated revised petition contents of which are the same as that of his original petition.

3. After perusal of records and hearing arguments the Forum has observed that a 10 HP connection of the complainant is existing since 01.11.2012, metered units bills are being issued on this connection. The complainant has held bills dated 28.12.2020 and 30.01.2022 for 59551 units and 21538 units respectively as the disputed bills. Billing history also shows that all bills have been issued on actual metered consumption. The veracity of the meter was got checked on his request by conducting a check meter study from 23.02.2022 to 19.03.2022 and as per sealing certificate no. 362/31 dated 19.03.2022, the old existing meter was found working correctly so the complainant's allegation that bills dated 28.12.2020 and 30.01.2022 are disputed is not correct. Further the Forum has observed that since the complainant has deposited the outstanding dues Rs. 1,15,000.00 on 04.04.2022 which shows that he is satisfied with the bills, having observed as such, the Forum has dismissed the complaint being without any force.
4. The respondent Executive Engineer has submitted a written statement dated 08.06.2022 along with an affidavit on oath. He has submitted that a 10 HP PTW connection no. RD9F193722166 is existing in the name of the petitioner Shri Satpal S/o Shri Baktawar Singh at Village Harjoli Jatt, P.O. Gurukul Narsan, Haridwar under EDD (Rural) Roorkee. The petitioner has alleged a dispute on the bills. A check meter was installed on his request on 23.02.2022 and finalized on 19.03.2022 and his meter was found working correctly. The bills issued were correct. He has submitted point wise reply as follows:
 - i) Bill for the month of 12/2020 for consumption of 59551 units was issued for a sum of Rs. 1,23,517.00. The petitioner had applied for check meter on

20.01.2021 vide his complaint no. 22001210411, having held the aforesaid bill as wrong.

- ii) No comments are required as facts of the case have already been mentioned in the beginning of this written statement.
- iii) A check meter was installed on his complaint no. 20302220242 dated 03.02.2022 which was finalized on 19.03.2022, in which the old meter was found OK, where after the petitioner deposited a sum of Rs. 1,15,000.00 on 31.03.2022 against total dues of Rs. 1,51,638.00 under surcharge waiver scheme.

As such bills against connection no. RDF193722166 has been issued on metered consumption, therefore the petition is liable to be dismissed.

(It is noted that while the petitioner's grievance is about exorbitant consumption bills for the billing cycle ending 12/2020 and 12/2021 being 59551 units and 23538 units respectively. Respondent has mentioned nothing about the high consumption bill for the billing cycle ending 12/2021, neither any justification/clarification about the abnormally high consumption has been given. The written statement has been prepared in a very casual manner.)

- 5. The respondent has submitted a copy of billing history and ledger as also a copy of bill dated 30.01.2022 for the period 31.05.2021 to 30.11.2021 for a sum of Rs. 2,01,402.00 and bill dated 28.12.2020 from 31.05.2020 to 30.11.2020 for a sum of Rs. 1,23,517.00.
- 6. The petitioner has submitted a rejoinder dated 20.06.2022 along with an affidavit on oath, contents of which are the same as that of his petition, except that he has admitted that a check meter was installed at his premises on his complaint dated 03.02.2022 which was finalized on 19.03.2022 according to which his existing meter was found working correctly but the check meter was not installed earlier on his complaint dated 20.02.2021 when check meter fee was also deposited.
- 7. Hearing in the case was held on 11.07.2022 as scheduled. Both parties appeared and argued their respective case, while the petitioner insisted that bills for 12/2020 and

12/2021 dated 28.12.2020 and 30.01.2022 for 59551 units and 21538 units for these billing cycles are abnormally high as compared to his consumption in the billing cycles for previous 5 to 7 years and that much consumption was not possible for his PTW connection of 10 HP. Although the respondent have claimed that since as per check meter, the existing meter was working correctly so these are the actual consumption recorded by the meter, on the other hand the respondent represented by SDO Shri Mayank Pant, claimed that, so much consumption has actually been recorded in the meter, whose working was found correct as per check meter study and that much consumption is likely possible because of earth fault leakage at consumer's premises, this argument by the respondent's representative is simply a presumption not supported by any technical study or investigation as no such report has been adduced. Respondent's representative has also submitted manually prepared bill revision calculations and an application by the petitioner for bill revision under surcharge waiver scheme, but there is no mention of these documents in the written statement submitted by respondent Executive Engineer. In the written statement submitted by the respondent Executive Engineer nothing has been mentioned about this exorbitant consumption recorded during these 2 billing cycles, except he has claimed it to be a recorded consumption by the meter whose working has been established as correct as per check meter study. Respondent's claim cannot be accepted in the absence of any investigation or technical report about this abnormally high consumption and/or any unauthorized use of electricity or any excess load found being there at the petitioner's premises to justify such a high consumption as compared to the consumption recorded by this meter from 12/2015 billing cycle to 06/2020 billing cycle which varies from 2591 unit to 4701 unit per billing cycle during these billing cycles, which appears to be a reasonable consumption for a 10 BHP PTW connection. Further it would be appropriate to mention that at a PTW connection of 10 HP or any connection of 10 HP load the highest maximum consumption in a billing cycle of 6 months, as applicable for PTW consumers, at 100% load factor could be 32675 units which is although an ideal condition but is not possible to be achieved in practice because that can only be achieved if round the clock supply is given continuously for 6 months and the consumer also uses the supply continuously which is only preposition and cannot be achieved. Against this the recorded consumption 59551 units as claimed by the respondent to be the actual

consumption of the PTW for the billing cycle ending 12/2020 is possible only at 182% load factor which is beyond imagination. As regards the claimed actual metered consumption of 21538 units in the billing cycle ending 12/2021 can be achieved only at 66% load factor which is practically not possible for a PTW connection of 10HP load. As explained above and as for non submission of any investigation or otherwise technical report or checking report justifying these abnormal consumptions in these 2 billing cycles cannot be accepted as actual consumption on the petitioner's PTW connection during these billing cycles. In spite of check meter report which although has not been conducted as per relevant regulations as test results of the meter installed as check meter were not given to the consumer before initiating check meter study and have neither been submitted here before Ombudsman during the course of proceedings of the case as required in the proviso to sub regulation 5.1.3 (5) of UERC regulations 2020. Such being the case the bills raised for these 2 billing cycles for 59551 units and 21538 units for billing cycle ending 12/2020 and 12/2021 respectively are held illegal and arbitrary and are therefore quashed. The respondents are directed to issue fresh bills for the aforesaid 2 billing cycles on the basis of average metered units consumption for the billing cycles ending 12/2015 to billing cycle ending 06/2020 as shown in consumer billing history. Such revised bill should be issued after adjustment of the payments made by the petitioner against these disputed bills and without levy of any LPS. The petition is allowed, Forum order is set aside. The compliance of this order be ensured within 15 days from the date of this order.

8. A perusal of record available on file suggests that the petitioner had deposited Rs. 95.00 as check meter fee on 23.03.2021 for the first time vide receipt no. 40117914821 on which check meter was not installed. He again deposited check meter fee Rs. 95.00 on 16.02.2022 vide receipt no. 14526160222WS990001. The check meter was installed on 23.02.2022 after depositing check meter fee second time on 16.02.2022 and finalized on 19.03.2022. The petitioner has submitted a statement issued by the respondents wherein it has been shown that check meter pending from 23.03.2021 was not installed till 30.03.2021 as payment not done by consumer so complaint get closed. The respondent's plea for not installing check meter on his first request for the reason that payment not done does not appear to be in order, especially when the petitioner has already held the 12/2020 bill as disputed. Non installation of

check meter after depositing check meter fee on 23.03.2021 for the first time within the prescribed period of 15 days of receipt of complaint as per Schedule III 4 Meter complaints of UERC (SOP) Regulations, 2007 is in violation of the aforesaid regulation and installation of check meter on 23.02.2022 after depositing check meter fee on 16.02.2022 for the second time is not an excuse for non violation of the aforesaid regulation and therefore compensation for the delay beyond the prescribed time is payable for delay of more than 15 days to be reckoned from 23.03.2021 when check meter fee was deposited for the first time till the check meter was installed on 23.02.2022. Further check meter fee Rs. 95.00 deposited on 16.02.2022 may also be refunded to the petitioner.

Dated: 20.07.2022

(Subhash Kumar)
Ombudsman