

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ravindra Singh Rawat,
S/o Smt. Vimla Devi
Village Udaypuri Chopra,
P.O. Peerumadra, Ramnagar,
Distt Nainital, Uttarakhand

Vs

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

Representation No. 08/2022

Order

Dated: 23.05.2022

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone, Haldwani (hereinafter referred to as Forum) order dated 10.01.2022 in his complaint no. 79/2021 before the said Forum against UPCL through Executive Engineer, Electricity Distribution Division, Kashipur (hereinafter referred to as respondent), Shri Ravindra Singh Rawat S/o Smt. Vimla Devi Village Udaypuri Chopra, P.O. Peerumadra, Ramnagar, Distt Nainital has preferred this appeal (case is related with his PTW connection no. K-379KP19534320, which comes under jurisdiction of EDD, Kashipur) for correction of his bills. The appeal was admitted after condonation of delay in submission of the petition.

2. The petitioner has submitted in his instant appeal that he is not satisfied with Forum's order dated 10.01.2022 in his complaint no. 79/2021 before the said Forum and therefore he has preferred this appeal.
3. Having not got his problem resolved by the department in spite of repeated requests and complaints before the concerned officers, a complaint was lodged with the Forum. The partial modification in the disputed bill was done by the respondent on 18.09.2021 after directions issued by the Forum. After partial modification in the bill

a copy of MRI report was asked for but the same was not made available in spite of repeated reminders issued by the Forum. Having not received the MRI report, the Forum fixed 27.12.2021 for hearing. No representative of the department appeared for hearing before Forum neither the wanted MRI report was adduced. He has therefore requested that a hard and soft copy of the MRI report be made available to him from the department so that necessary action either for depositing the bill or getting it cancelled be taken by him. The Forum has not issued any direction to the department for taking necessary administrative action against the erring staff who has not been able to adduce the MRI report in spite of repeated reminders from the Forum. The Forum has neither granted any compensation for the mental and financial harassment caused to him by the department. By partial modification of the bill by the department it is understood that the department has accepted their mistake so he has requested that order for necessary action in the matter may kindly be issued in the interest of justice to him.

The petitioner has submitted a revised petition dated 28.02.2022, contents of which are the same as that of his original appeal dated 10.02.2022 except that he has admitted that no case related to this petition is pending in any court or Forum and he has adduced the documentary evidences of the facts referred in his appeal. He has again requested that a hard and soft copy of MRI of the meter be made available to him.

4. After perusal of the records the Forum has allowed the complaint with the direction to the department that the disputed bill be corrected on the basis of average of previous 3 billing cycles prior to the date when the tube well meter became IDF. The revised bill as directed by the Forum be issued after adjustment of the payments made by the complainant after 31.05.2020 and after deleting LPS imposed during this period.
5. The respondent Executive Engineer, has submitted his written statement vide letter no. 1142 dated 30.03.2022 along with an affidavit under oath. He has submitted that the petitioner has filed complaint no. 79/2021 before the Forum for correction of the bill of his PTW connection no. 379KP19534320. As reported by SDO, on the meter becoming defective in the month of December 2020, the bill was revised as IDF, where after the meter was replaced on 22.02.2021. The average consumption was entered as 2951 units in the sealing certificate by the test lab. The petitioner again

submitted before the Forum that no revised bill for the period 30.11.2020 to 31.05.2021 was ever received neither it is available on department's website. The SDO concerned further reported that bill for the month of 12/2020 based on wrong meter reading was issued only for 10 units, while in fact the meter was defective, so the revised bill for 12/2020 was issued in the month of January 2021 on IDF, which was earlier issued on average consumption 6324 units. The meter was replaced on 22.02.2021 by the test division. On feeding sealing certificate to the system the average consumption was taken as 2951 units by the billing system which was in excess by 707 units. The excess units were adjusted on 16.09.2021 through CCBR, which was challenged by the consumer before the Forum on 06.10.2021 and requested for a revised bill based on MRI report. In reply to that calculations for adjustment of 707 units already allowed were put up before the Forum. The consumer asked for MRI report vide his request dated 23.10.2021 before the Forum. AE (Meter) was accordingly asked for submission of the MRI report the AE meter reported that MRI report could not be made available for no display in the meter. The Forum was accordingly informed that MRI cannot be made available where after the Forum passed order dated 10.01.2022 as:

“परिवाद स्वीकार किया जाता है। विपक्षी/विभाग को निर्देशित किया जाता है कि वह परिवादी के निजी ट्यूबवैल के मीटर के खराब (आई0 डी0 एफ0) होने से पूर्व की तीन बिलिंग चक्रों के औसत उपभोग के आधार पर बिल को संशोधित कर, उसमें से परिवादी द्वारा दिनांक 31.05.2020 के उपरान्त किये गये विद्युत भुगतान की धनराशि को समायोजित कर एवं इस अवधि में प्रत्यारोपित विलम्ब भुगतान अधिभार को हटाते हुए संशोधित बिल जारी करें।”

6. The respondent has further submitted that the bill has duly been corrected as per Forum's order and the compliance of which was duly submitted to the Forum vide his letter no. 524 dated 04.2.2022, a copy of which has been submitted with the written statement. The respondent has substantiated his submissions with copies of documentary evidences. In the end he has submitted that as Forum's order has duly been complied with in totality, no further action in the appeal is pending at the end of department.
7. The petitioner has submitted his rejoinder dated 13.04.2022. The contents of the rejoinder are more or less reiteration or repetition of what he has already mentioned in his appeal except he has insisted for compensation for mental and

financial harassment caused to him, action against the erring staff and a request for making available to him a copy of MRI report.

8. Documents available on file have been perused and arguments from both parties were heard. It has come to notice that a 5HP connection no. 379KP19534320 for PTW was released in the name of Mrs. Vimla Devi, mother of the petitioner, on 10.07.2019. As per tariff provisions billing is done 6 monthly, i.e. billing cycle is of 6 months accordingly the first bill in the instant case was issued on 23.12.2019 for metered units for Rs. 19,457.00. Bill for June 2020 was issued on 25.06.2020 for metered units for Rs. 4,697.00, total dues ending June 2020 have become Rs. 24,154.00 as no payment was made by the petitioner. A sum of Rs. 8,000.00 was paid by him on 28.08.2020 so total dues reduced to Rs. 16,154.00. Bill for the month of December 2020 was issued for Rs. 13,871.00, total outstanding dues have become Rs. 30,025.00. A payment of Rs. 17,208.00 was made by the consumer on 18.12.2020. Aforesaid bill for December 2020 was IDF for 6324 assessed units. The earlier bill for the month of December 2020 was issued for Rs. 17,208.00, which included arrear and current bill for 10 units only, which was inadvertently issued and adjusted on 18.12.2020, so total outstanding dues were reduced to Rs. 12,817.00 from Rs. 30,025.00. The IDF meter was replaced on 22.02.2021 and bill for the month of June 2021 was issued for 4458 units which includes 1507 metered units as per new meter and 2951 assessed units, so total dues ending June 2021 have become Rs. 22,238.00. The respondent themselves found that the assessed units 2951 taken by the system wrongly so they allowed adjustment of Rs. 1,471.00 for 707 units and thus arrears were reduced to Rs. 20,767.00. In compliance to Forum order the bill was again revised and after allowing adjustment and adding the amount of bill for December 2021 the total outstanding dues against the petitioner as on 22.01.2022 have become Rs. 25,860.00, which is duly reflected in the ledger.
9. The petitioner since date of connection have made only 2 payments amounting to Rs. 8,000.00 on 22.08.2020 and Rs. 17,208.00 on 18.12.2020, which have duly been adjusted and after correction of the bill in compliance to Forum order as well as 707 units charged extra by the system for Rs. 1,471.00, the total outstanding dues against the petitioner/consumer are Rs. 25,860.00 as per ledger, which are payable by the

petitioner. No further relief is admissible to him as the bills have already been revised in compliance to Forum's order.

10. Further the petitioner has been insisting for compensation for mental and financial harassment caused to him and action against erring staff. There is no evidence available on file to prove that he has been mentally and financially harassed and the staff of the respondent have committed any mistake for which they need to be punished. Of course there had been a minor procedural lapse in issuing IDF bill which has duly been corrected by the respondent themselves. As regards his demand for compensation, it is clarified that neither there is any provision for granting such compensation and nor it has been granted by the Forum so this demand cannot be acceded to as it is not admissible to him. He has continuously been asking for MRI report. The respondent have submitted before Forum that it was not possible to making him available MRI report as it was not possible to take out the MRI report for no display in the meter. As his grievance regarding billing has already been redressed with the issue of revised bill in compliance to Forum order. No further relief is admissible. The petition is disposed off. Forum order is upheld.

Dated: 23.05.2022

(Subhash Kumar)
Ombudsman