

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Sushil Chauhan
Parshad Ward no. 33,
Singh Colony, Gali No. 4,
Rudrapur, Distt. Udham Singh Nagar,
Uttarakhand

Vs

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

Representation No. 45/2023

Order

Dated: 23.02.2024

Being aggrieved with Consumer Grievance Redressal Forum, Udham Singh Nagar Zone, (hereinafter referred to as Forum) order dated 27.09.2023 in complaint no. 79/2023-24 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division – II, Uttarakhand Power Corporation Ltd., Rudrapur, Distt. Udham Singh Nagar, Uttarakhand (hereinafter referred to as respondent), Shri Sushil Chauhan, Parshad ward no. 33, Singh Colony, Gali No. 4, Rudrapur, Distt. Udham Singh Nagar (petitioner) has preferred this appeal for refunding balance amount after adjustment of security.

2. In the instant appeal dated 26.10.2023 the petitioner has averred that he had applied for PD of his connection no. RUOK000009834 for which necessary fee Rs. 400.00 was deposited on 22.08.2016. His connection was disconnected on 29.08.2016 and last bill was not given to him. Earlier bill amounting to Rs. 25,099.00 was duly paid. After disconnection the meter was not removed so he himself removed the meter on 11.07.2019 and deposited to the department whose sealing is with him.
3. On his request for refunding security amount, he was informed that PD has yet not been done. Having not received amount of security after repeated requests he approached Forum, where after he was informed that Rs. 6,629.00 shall be refunded to him towards security, while his security deposit was Rs. 28,276.39, still fictitious

billing is being done by the department for 1605 unit per month. He has averred that he is liable to pay only the last bill till date of disconnection. He has requested that balance amount against last bill of Rs. 9,871.00 after adjustment of security be given to him, if any for payment. He has also submitted an affidavit under oath with his petition.

4. Relying upon the opposite party's submission that the final bill after permanent disconnection has been prepared and after adjustment of security deposit Rs. 28,276.00 the final bill for Rs. (-) 6,629.00, the Forum disposed off the complaint vide its order dated 27.09.2023 in complaint no. 79/2023-24.

5. The respondent Executive Engineer has submitted his written statement vide letter no. 2251 dated 23.01.2024 along with affidavit under oath. The respondent has submitted as follows:

- i. His name and address is correct.
- ii. This affidavit is being submitted in respect of connection no. RUOK000009834 of Shri Sushil Kumar Chauhan in compliance to Hon'ble Ombudsman letter dated 26.12.2023 in reference to petitioner's appeal dated 26.10.2023.
- iii. As per records the consumer applied for permanent disconnection of his aforesaid connection and deposited necessary fees Rs. 400.00 vide receipt no. 36 dated 22.08.2016.
- iv. In the month of May 2019 the consumer visited his office and informed that meter has yet not been removed from his premises, so indent for meter removal due to PD of the said connection was sent to Executive Engineer, Test Division Rudrapur vide letter no. 3104 dated 14.05.2019 and test division accordingly removed the meter on 11.07.2019.
- v. In the month of August 2022 the petitioner submitted a letter in the division for refunding his security deposit. After checking of the records it was observed that the final bill after PD was not prepared till then. Action for PD could not be done in the year 2022 due to frequent transfers of the Executive Engineers of this division.
- vi. The consumer filed a complaint no. 79/2023-24 before the Forum for PD of his connection and for refund of security deposit. The case then came to the notice

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of the present Executive Engineer. SDO was accordingly directed for PD and submission of final bill. The SDO accordingly submitted a PD report after checking he reported that the connection was temporarily disconnected on 01.10.2016.

- vii. The final bill thereafter was prepared manually and the same was sent to the consumer vide his letter no. 1763 dated 25.09.2023 and the same was also submitted before the Forum vide his letter no. 1781 dated 27.09.2023. The Forum disposed off the complaint vide its order dated 27.09.2023.
- viii. As per calculation of the final bill a sum of Rs. 21,646.00 were outstanding against the consumer and after adjustment of security amount Rs. 28,276.00 a net bill for Rs. (-) 6,629.00 which were to be refunded to the consumer was given to his representative.
- ix. He has further submitted that the consumer may get the aforesaid amount Rs. 6,629.00 on any working day from his office.

He has substantiated his submissions with a copy of PD finalization ON no. 1763 dated 25.09.2023, a calculation sheet of dues, copy of consumer billing history from 10/2010 to 10/2017.

- 5. The petitioner has submitted a rejoinder along with a notarized affidavit. The petitioner has submitted that his connection was disconnected on 22.08.2016 after payment of Rs. 25,099.00 on the same date and depositing Rs. 400.00 for disconnection fee. Final reading as per MRI on 29.08.2016 was 54598, while reading in the bill dated 01.09.2016 was shown as 54550 and amount of the bill was shown Rs. 9,871.00. MRI dated 29.08.2016 also show that the connection has been disconnected. Bills were continued to be issued even after disconnection as is evident from consumer history. He is liable to pay till 29.08.2016 as per MRI reading. And he has requested that a final bill after adjustment of security from Rs. 9,871.00 be given. A copy of consumer billing history has been enclosed with rejoinder as also a copy of intermediate reading dated 29.08.2016.
- 6. Hearing in the case was held on pre-decided date 16.02.2024. The petitioner was absent and Shri Prakash Chandra Saha SDO appeared on behalf of the respondent. Arguments from the respondent were heard, documents available on file were perused. It is found that the petitioner applied for PD on 22.08.2016 and deposited

disconnection fee Rs. 400.00. Temporary disconnection was done on 01.01.2016 and PD was done on 11.07.2019 when meter was removed. As per PD OM no. 1763 dated 25.09.2023, TD was done on 01.10.2016 and PD was done on 05.05.2023 and total dues till billing was done were Rs. 1,05,600.00 out of which only Rs. 21,646.00 were realizable being the dues till date of temporary disconnection and balance out of Rs. 1,05,600.00 were waived off, being fictitious dues, after adjustment of security deposit Rs. 28,276.00 net dues has been worked out as (-) 6,629.00 i.e. this is the balance to the credit of the consumer as per final bill and PD OM and has to be paid to him.

8. Such being the case there appears no ground to interfere with Forum's order dated 27.09.2023 passed in complaint no. 79/2023-24 and the same is upheld. The petition is dismissed. The respondents are advised to pay the aforesaid amount Rs. 6,629.00 to the consumer either by Bank draft or cross check as per department's standing instructions in such matters.

Dated: 23.02.2024


(Subhash Kumar)
Ombudsman