

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Mohd. Saleem
S/o Late Shri Umar Siddiqui.
Lakdi Mandi, Jashpur,
Distt. Udham Singh Nagar, Uttarakhand

Vs

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

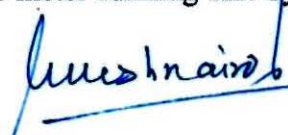
Representation No. 11/2024

Award

Dated: 13.09.2024

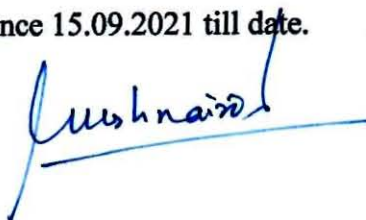
Being aggrieved with Consumer Grievance Redressal Forum, Udham Singh Nagar Zone, (hereinafter referred to as Forum) order dated 21.02.2024 in complaint no. 262/2023-24 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Jashpur, Distt. Udham Singh Nagar, Uttarakhand (hereinafter referred to as respondent), Mohd. Saleem S/o Late Shri Umar Siddiqui, Lakdi Mandi, Jashpur, Distt. Udham Singh Nagar (petitioner) has preferred this representation for giving adjustment on check meter results basis for last 4-5 years.

2. The petitioner Mohd. Saleem has averred that he has a domestic connection no. JS7H151057521 for 5 KW contracted load (before the year 2021, his contracted load was 1 KW). He has been paying all the bills timely but for last 4-5 years bills for excessive amount were being issued, payment of which he was unable to make on approaching the department, they replaced the meter and advised for getting a check meter installed. He accordingly applied for check meter and deposited check meter fee Rs. 177.00 on 21.10.2023. The respondent installed a check meter on 03.11.2023 which was finalized on 12.11.2023. He was informed that his old meter was running fast. The check meter was made the main meter and the old meter was removed. the respondent although replaced the meter but bills were not corrected. Being aggrieved he approached the Forum. The Forum found meter running fast by 84%. The Forum



ordered for correction of the bill only for 9 months from 02.02.2023 to 12.11.2023. But he has been receiving excessive amount bills for last 4-5 years. He had applied for check meter earlier on 15.01.2023 also. The respondent refused to install check meter on this application, but replaced the existing meter. This meter was recording fast. He has prayed that his bills for last 4-5 years be corrected on the basis of check meter results.

3. The Forum in its order dated 21.02.2024 observed that the old meter no. 8805998 which was installed on 18.12.2021 at the time of enhancement of load, which was replaced on 02.02.2023 due to its TP found burnt, by a new meter no. 9146207. A check meter study on this meter was conducted. In which the installed meter was found running fast by 84% with reference to the check meter, which was finalized on 12.11.2023. Forum observed that the opposite party after allowing adjustment for fast running of meter @ 84% for the period 02.02.2023 to 12.11.2023, issued a revised bill for a sum of Rs. 3,13,529.00. The Forum relied upon the calculation of the corrected bill, check meter report and consumer history and redressal of consumer's complaint. In view of its above observations the Forum disposed off the complaint.
4. The respondent, Executive Engineer has submitted his written statement vide letter no. 937 dated 27.03.2024 wherein he has submitted that the installed meter no. 9146207 was replaced by a new meter on 12.11.2023 due to the installed meter found running fast by @ 84% in check meter study. Adjustment for a period of 9 months from 02.02.2023 to 12.11.2023 based on check meter report was given to the petitioner. The petitioner wants correction of the bills for the last 4-5 years, which cannot be allowed. He has substantiated his submission with a copy of billing history and calculation of adjustment on the basis of check meter report. As the billing history check meter report were not submitted with his written statement, he was asked to submit these documents vide this office letter no. 1119 dated 29.05.2024, which he submitted vide his letter no. 1882 dated 26.06.2024, which is available in case file. According to the calculations submitted by the respondent adjustment of Rs. 84,652.00 has been given.
5. The petitioner has submitted a rejoinder dated 12.04.2024. He has reiterated his averments as made in his representation. He has also mentioned that he has already deposited a sum of Rs. 3,48,000.00 since 15.09.2021 till date.



6. Hearing in the case was fixed for 04.09.2024, both parties appeared. The petitioner appeared himself but authorized his brother Mohd. Anis to argue his case. Shri Saddam Ali SDO appeared on behalf of the respondent. The petitioner submitted that his billing was correct till July 2019, where after he has been receiving bills for excessive amount. His meter was replaced 4 times before check meter study on 06.03.2021, 02.12.2021 and 02.02.2023, without any checking and finally a check meter was installed on 03.11.2023 and was finalized on 12.11.2023, wherein his existing meter which was installed on 02.02.2023 was found running fast @ 84%. Respondent has allowed adjustment for the period 02.02.2023 to 12.12.2023 on the basis of check meter study, but no adjustment for the past 4-5 years has been allowed and he has pressed that adjustment on the basis of this check meter study be allowed for last 4-5 years also.
7. The SDO who represented the respondent, admitted that the meters were replaced in the past at four occasions. These meters were replaced as the TP of these meters were found burnt. The petitioner applied for a check meter and deposited check meter fees on 21.10.2023 in pursuance of which the check meter was installed on 03.11.2023 and was finalized on 12.11.2023 vide sealing certificate no. 2216/06 in which the installed meter, which was installed on 02.02.2023 was running fast by 84% with reference to the check meter and therefore adjustment amounting to Rs. 84,652.00 was given in the bills for 9 months for the period 02.02.2023 to 12.11.2023 and adjustment as requested for by the petitioner for last 4-5 years cannot be allowed not being consistent with the regulations. Further the meter on which the check meter study was conducted was installed on 02.02.2023 and therefore no adjustment beyond that period is admissible.
8. During hearing the petitioner argued that he had earlier applied for check meter on 15.01.2023, but check meter was not installed in pursuance of that application. He also submitted a receipt vide which he claimed that check meter fee was deposited. Respondent's representative categorically stated that no such application or receipt is available. The receipt adduced by the petitioner during hearing was not legible, so his claim that he had earlier applied for check meter on 15.01.2023 was not sustainable.
9. All records available on file were perused, relevant UERC regulations sub regulation 5.1.3 (10) (a) of Supply Code, regulation, 2020 applicable in case were gone through.



Where existing meter is found fast with reference to the check meter, which is reproduced below provides that adjustment on the basis of check meter results can be allowed only for a maximum period of 12 months or less depending upon period of installation of the meter.

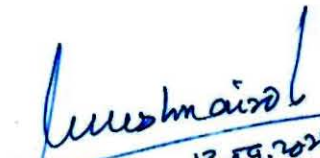
“(a) fast beyond limits specified by Bureau of Indian Standards (BIS), the Licensee shall replace/rectify the defective meter within 15 days of testing. The Licensee shall adjust/refund the excess amount collected on account of the said defect, based on percentage error, for a maximum period of 12 months or less depending on period of installation of meter or previous testing date prior to the date of consumer’s complaint and up to the date on which effective meter is replaced/rectified.

10. After perusal of records, regulatory provisions and facts of the case it is borne out that a check meter was installed on 03.11.2023 and finalized on 12.11.2023, wherein the existing meter which was installed on 02.02.2023 was found running fast by 84% with reference to the check meter on which there is no dispute between the parties and the same is admitted by both of them and adjustment for a period 02.02.2023 to 12.11.2023 amounting to Rs. 84,652.00 has rightly been allowed by the respondent and appreciated by the Forum also being consistent with above referred regulatory provision. No further relief as asked for by the petitioner is admissible under the provisions of the regulations. And the same has rightly been disallowed by the Forum. In view of the facts of the case and regulatory provisions the representation is likely to be dismissed and Forum order need not be interfered with and is liable to be upheld.

Order

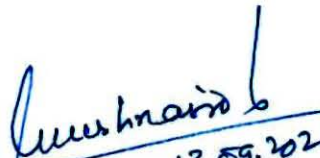
The representation is dismissed. Forum order is upheld.

Dated: 13.09.2024


(D. P. Gairola) 13.09.2024
Ombudsman

Order signed dated and pronounced today.

Dated: 13.09.2024


(D. P. Gairola) 13.09.2024
Ombudsman