

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Chanda Rawat
P.O. Sherpur, Simla Bypass Road,
Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Mohanpur, Premnagar,
Uttarakhand

Representation No. 39/2024

Award

Dated: 29.01.2025

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Garhwal Zone, (hereinafter referred to as Forum) dated 05.09.2024 in complaint no. 44/2024 by which Ld. Forum has dismissed the complaint of appellant Smt. Chanda Rawat, P.O. Sherpur, Simla Bypass road, Dehradun (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Mohanpur, Premnagar, Uttarakhand (hereinafter referred to as respondent).

2. In her representation, the petitioner Smt. Chanda Rawat has averred that a complaint was registered with the Forum against arbitrary illegal, unjustified and unwarranted bills issued by the respondent. She has applied for a 2 KW connection in her newly constructed house, necessary charges were deposited, where after the connection was released (date of release of connection was 09.01.2024). However no sealing certificate was given to her. First bill for the period 09.01.2024 to 22.02.2024 was received for a sum of Rs. 427.00 which was duly deposited where after representatives of the opposite party visited her house and shifted the meter at a pole outside the house, however no sealing certificate was given to this time also, where after a bill for the period 22.02.2024 to 15.03.2024 was received for Rs. 24,885.00. She observed that the meter was running even after switching off the MCB installed at outgoing of the meter. JE concerned was apprised about the same. She was advised to

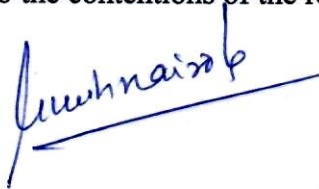
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get a check meter installed. Check meter fee was deposited, check meter was installed and no difference, between the consumption recorded in her installed meter and the check meter, was found. She has also mentioned that test results of the meter which was installed as check meter were not provided before installing the check meter. The respondent did not do anything to resolve her grievance forcing her to raise a complaint before the Forum.

3. There was total denial of principles of natural justice by the Forum in passing its order vide which the complaint was dismissed. She has further mentioned that no tampering with the meter was done by her and no allegation regarding the same has been leveled by the respondent. The grounds taken by the Forum in dismissing the complaint is not sustainable, technically possible and the Forum did not apply judicial mind and did not consider the documents submitted, in passing the order. The Forum in its impugned order categorically stated that the bill has been issued as per actual consumption. The Forum did not consider the documentary evidences, which tells a different story, which is contrary to what has been relied upon. She has submitted some calculations showing consumed units as per bill for the month of March 2024 as 3456 units, while the maximum possible consumption in a month for a 1 KW load could be only 720 units, which shows that the units charged in the bill are impossible. The maximum recorded demand in the month of April 2024 is shown as 4 KW which is not possible as their contracted load is only 2 KW. On the basis of her above averments she has submitted that it is established beyond doubt that the MRI report and the bills generated post February 2024 are erroneous and are technically not possible as such are liable to be quashed.
4. The Forum never appreciated her argument that respondent's lab was not NABL accredited for the site testing and thus they are not competent to carry out any test on the metering system. Under the above circumstances she has left with no alternative but to prefer this representation before the Hon'ble Ombudsman with the submission that impugned bills are liable to be quashed and set aside. In the premises above she has prayed as follows:
 - a) Quash and set aside order No. 44/2024 dated 05.09.2024 of Forum.

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- b) Direct the respondent change the defective meter and to revise the abnormal bill from February 2024 and onwards on the basis of the consumption that will be recorded by the new meter.
 - c) Direct the respondent not to charge any LPS on the revised bill.
 - d) Pass any other order or direction, which this Hon'ble Court may deem fit and proper, on the facts and circumstances and in the interest of justice.
4. After perusal of records available on file and hearing arguments from both parties, the Forum observed that during the period under dispute bills were issued on actual recorded consumption as evident from MRI report, which are correct as per rules and no revision is admissible, so no relief under the circumstance and facts of the case is liable to be granted and the complaint is liable to be dismissed. Accordingly, complaint no. 44/2024 was dismissed by the Forum vide its order dated 05.09.2024.
4. The respondent Executive Engineer has submitted his written submission vide letter no. 3765 dated 04.11.2024 along with a notarized affidavit, wherein he has submitted as follows:
- i) All the bills have been issued as per actual consumption recorded in the meter, as per meter readings.
 - ii) The consumer has requested for check meter installation online based on her bill for the month of March 2024 in consideration of which check meter was installed on 04.04.2024, which was finalized on 10.04.2024. As per final report of the check meter a variation of only 2% was found, which is within the permissible limits.
 - iii) After finalization of the check meter she informed sub division office regarding excessive bill. In response of which the then SDO carried out MRI of the meter, in which earth tamper was found in the meter. MRI report is adduced. A copy of the billing history has also been adduced.
5. The petitioner has submitted a rejoinder dated 25.11.2024 along with a notarized affidavit. Point wise replies to the written statement has been submitted as follows:
- i. At the outset contents of written statement are specifically and categorically denied being devoid of merits, baseless and no cogent explanation has been furnished, with respect to the contentions of the respondent hence denied, except



to the extent which were specifically and categorically admitted in the forthcoming paragraphs.

- ii. The respondent has neither denied nor disputed any of the averments made by her in the appeal and hence are now admitted position with respect to the dispute at hand.
- iii. Content of para i) is not admitted and denied in totality. The recorded consumption was not the actual consumption made by her.
- iv. Contents of para ii) as far as pertains to record is admitted. However, it is pertinent to bring on record that the respondent took the entire case in incorrect perspective. The instant fault is linked to earth tamper and carrying out check meter study is of no relevance as check meter study can only make comparison and not the detection of fault, without prejudice to the fact that the respondent has been categorically told that after switching off the power supply from the main MCB installed at outgoing of meter, the meter was still found running.
- v. That the content of para iii) pertains to record and hence need no reply.
- vi. That the content of para iv) pertains to record and hence need no reply.
- vii. That the content of para v) is not admitted and denied.

Supplementary points

- viii. The Forum did not provide copy of the MRI to her and never provided any chance to her to have her submission on the submitted documents of the respondent.
- ix. The Forum did not peruse the MRI report and without applying judicial mind dismissed the complaint, which is illegal more so when the technical member has been specifically appointed in the Forum.
- x. The MRI report established that MRI was done on 21.06.2024 and establishes following beyond doubt as under.
 - A. The first earth event occurred on 01.11.2022 at 16:14:21 which was restored on 02.12.2023 at 10:11:21, whereas supply was released to the petitioner on 09.01.2024 at initial reading zero (0), which is clearly established from billing history.
 - B. The cumulative tamper duration for earth was 459 days 17 hours 59 minutes, whereas the period for which the meter remained installed from

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09.01.2024 (when meter was installed) to 21.06.2024 (MRI was done) comes 164 days only.

- C. MRI has recorded three nos. tamper of CT reverse, whereas the meter under dispute is a LT meter and not a CT connected meter, as such there cannot be any occasion for the meter to record such tamper.
 - D. The maximum demand of 3.4165 KW has been recorded on 24.12.2023 and similarly maximum demand has also been recorded on occasions prior to installation of meter at site of petitioner.
 - E. The cumulative energy on 01.01.2024 was 835 KWH whereas the billing history establishes that meter was installed on 09.01.2024 at zero units.
 - xi. The preceding paragraph makes it abundantly clear that the alleged MRI report is not technically and logically possible and thus the installed meter was defective right from the date of installation.
 - xii. It is therefore most humbly prayed that the Hon'ble Ombudsman would be pleased to take on record the rejoinder and allow the petitioner to argue the matter both on the averments made in the appeal as countered to written statement in her rejoinder. Application as well as the petitioner would crave leave of the Hon'ble Court to allow furnishing of any evidence/documents/judgment to substantiate the pleadings of the petitioner for which act of kindness the petitioner shall as is duty bound ever pray.
6. Hearing was fixed for 20.12.2024 vide letter no. 1429 dated 05.12.2024 while the petitioner was present the respondent was absent on the aforesaid date of hearing so, 08.01.2025 was fixed as the next date of hearing. Both parties appeared on the scheduled date of hearing dated 08.01.2025 and presented their respective arguments. The respondent apart from oral submissions also submitted certain documents which includes a copy of sealing certificate no. 11/153 dated 09.01.2024 vide which the connection was released on 09.01.2024 at zero initial reading by installing meter no. 10361627, (although no sealing certificate was given to the consumer or adduced with WS by the respondent earlier) they also submitted a copy of the MRI report which is also the same as was submitted by the respondent along with WS, however with some extended date, which were taken on record. Arguments concluded the judgment was reserved.

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7. Documents available on file have been perused. Arguments from both parties were heard. It is found that a 02 kw domestic connection was released in favor of the petitioner by installing meter no. 10361627 on 09.01.2024 (although no sealing certificate for meter installation is available on file but it is established from the bills available on file as well as the billing history that the connection was released on 09.01.2024 at zero initial reading in the meter 10361627. The first bill was issued for the billing cycle 09.01.2024 to 22.02.2024 for 79 consumed units from previous reading zero and present reading 79 for a sum of Rs. 427 which was duly paid. The next bill was issued for the period 22.02.2024 to 15.03.2024 for 3456 kwh (from reading 79 to 3535) for a sum of Rs. 24885.00 and this is the disputed bill. The billing history shows billing from the month of 02, 2024 to 10, 2024 all bills for this period have been issued for metered units total consumption for this period has been 5588 units except 01 bill for the month of 05, 2024 which was for NR. A total outstanding dues upto the month of 10, 2024 are Rs. 38660.00 as per billing history.
8. A check meter was installed on the request of consumer on 04.04.2024 was finalized on 10.04.2024 variation in the consumption recorded by the 02 meter was only 02 percent which was within permissible limits and therefore the old installed meter still is consumer's meter. As no meter change is shown in the billing history. However, no sealing certificate for installation and finalization of check meter is available on the file which confirms petitioner's averment that no sealing certificate or test results of the check meter were provided to her.
9. A perusal of MRI report submitted by respondent suggests that averments made by the petitioner in her rejoinder under para 10 and 11 are correct and are as per respondent's records. Such being the case it is established that the installed meter had some inherent fault right from the date of its installation or even earlier than that, as the duration of cumulative tamper earth fault as per MRI has been 459 days 17 hours 59 minutes from 09.01.2024 to 21.06.2024 whereas the duration of meter from its date of installation 09.01.2024 to 21.06.2024 on MRI was done was only 164 days. Cumulative energy on 01.01.2024 was shown as 835 KWH while the meter was installed at zero units on 09.01.2024. Maximum recorded demand has been shown as 3.465 kw as on 24.12.2023 while the meter was not in existence at consumer's premises on 24.12.2024 as it was installed only on 09.01.2024 as per billing history, as per bills and as also as per sealing certificate dated 09.01.2024 submitted by

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respondent on hearing. The aforesaid contents of petitioner's rejoinder are not denied or refuted by the respondents. As such reliability of MRI report is doubtful and working of the meter also established to be defective since beginning, so bills issued right from the date of release of connection till now on the basis of the consumption recorded by such meter cannot be appreciated and are liable to be withdrawn and a revised bill for the entire period be issued. It will therefore be justified, logical and desirable that the existing meter be replaced by a new meter duly tested in respondents (UPCL) NABL accredited lab and all bills issued on the recorded consumption by the existing meter, from the date of release of connection till installation of the new meter as proposed above be revised on the basis of the average consumption recorded by the new meter for a period of 03 months, without levy of any LPS and after adjustment of payments made by the petitioner against already issued bills (after verification of ledger) be issued.

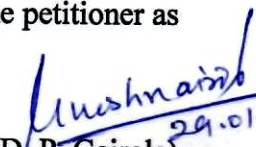
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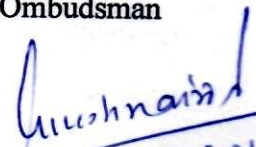
Petition is allowed. Forum order is set aside. Revised bill be issued to the petitioner as discussed in para 9 of the award.

Dated: 29.01.2025

Order signed dated and pronounced today.

Dated: 29.01.2025


(D. P. Gairola)
Ombudsman
29.01.2025


(D. P. Gairola)
Ombudsman
29.01.2025