

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Usha Nautiyal
Prop. M/s Hot and Cold Enterprises.
Najibabad Road Chaurah, Kotdwara,
Distt. Pauri Garhwal, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Kotdwara, Distt. Pauri Garhwal, Uttarakhand

Representation No. 08/2023

Order

Dated: 17.05.2023

Being aggrieved with Consumer Grievance Redressal Forum, Srinagar Zone (hereinafter referred to as Forum) order dated 25.11.2022 in his complaint no. 23/2022 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Kotdwara, Distt. Pauri Garhwal (hereinafter referred to as respondent) Smt. Usha Nautiyal, Prop. M/s Hot and Cold Enterprises, Najibabad road chauraha, Kotdwara, Distt. Pauri Garhwal has preferred the instant petition for setting aside the demand of additional security.

2. The petitioner, Smt Usha Nautiyal has preferred the instant petition dated 06.02.2023 wherein she has averred that Forum order dated 25.11.2022 is against facts, law and UERC regulations, so it is not maintainable. Forum passed order relying upon the report of respondent for demand of additional security. All facts of the case were submitted to the Forum on 24.11.2022, but the Forum has taken no cognizance of the facts, neither they considered sub regulation 4.2 (1) of UERC relevant regulations in passing the impugned order. The adequate amount of security is already deposited with the respondents as required under sub regulation 4.2 (1). The impugned order dated 25.11.2022 is liable to be set aside. She has therefore requested that the Forum order dated 25.11.2022 be set aside demand of additional security as per respondent's letter dated 19.05.2022 may also be set aside. The petitioner has substantiated her

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submissions with relevant regulation and other relevant documents as mentioned in her petition and copy of which have also been enclosed with the petition.

3. The Forum after perusal of records was of the view that the demand of additional security amounting to Rs. 24,830.00 is genuine being in accordance with UERC relevant regulations and is therefore payable by the complainant and the Forum has therefore dismissed the complaint.
4. The respondent, Executive Engineer has submitted his written statement along with an affidavit under oath. The respondent has submitted that notice demanding additional security was issued to the petitioner in accordance with sub regulation 4.2 of UERC regulation, which provides that additional security at the end of each financial year shall be demanded for the difference of the average n+1 months consumption during the previous financial year in terms of sub regulation 4.2 (1) of UERC regulation. Notice for depositing additional security amounting to Rs. 24,829.65 was issued to the petitioner vide letter dated 19.05.2022. Calculations for working out the demanded additional security and photocopies of 12 nos. bills issued during the financial year 2021-22 has also been adduced with the written statement.
5. The petitioner has submitted a rejoinder dated 06.04.2023 along with an affidavit duly notarized. The respondent Executive Engineer has not correctly interpreted the provisions of UERC sub regulation 4.2 (1) and as such the demand of additional security is not genuine in accordance with the aforesaid regulation. According to her the interpretation of regulation is that the additional security has to be work out on the basis of actual energy consumed and not the amount of the bills. She has submitted a self generated calculation details for additional security and according to which no additional security is required to be deposited by her as the security already deposited by her is in excess of the total security required to be deposited. She has also submitted copies of bills from 21.03.2021 to 31.03.2022.
6. Hearing in the case was held on prescheduled date on 03.05.2023. Authorized representative of the petitioner appeared for arguments and the respondent Executive Engineer herself appeared for arguments. Both parties argued their respective case. In addition to verbal arguments the respondent has submitted a written argument dated 02.05.2023. She has submitted that the petitioner has misinterpreted the provisions of sub regulation 4.2 of UERC regulations. In fact the average consumption mentioned

in the said regulation actually means the total amount of a bill payable by the consumer which includes all the charges as are mentioned in the bills. The calculation of additional security is uniformly done by RAPDRP from headquarter in which the total amount of a monthly bill is taken as the basis for working out the amount of additional security. Further she has stated that the calculation statement given by the petitioner is wrong. Further she has stated that additional security for the financial year 2022-23 amounting to Rs. 38,779.65 is payable by the petitioner. The said amount of additional security has been worked out by the billing software, a copy of which has also been adduced.

7. Records available on file have been perused and arguments from both parties were heard. The written arguments dated 02.05.2023 submitted by the respondent has also been perused and taken on records. Relevant regulation 4.2 (1) of UERC (The Electricity Supply Code, Release of New Connection and Related Matter) Regulations, 2020 as well as section 47 of the Electricity Act, 2003 which empowers the Licensee to charge additional security has also been gone through. From reading of the aforesaid statutory provisions it is clear that their interpretation for working out additional security by the respondent is correct and that by the petitioner is wrong. The demand of additional security amounting to Rs. 24,830.00 made by the respondents vide notice dated 19.05.2022 is upheld and the petitioner has to pay the amount of additional security as demanded by the respondent. Forum order is upheld. Petition is dismissed. The respondents are at liberty to realize the demanded additional security by using such means as are available to them including disconnection, if the petitioner does not pay the demanded additional security.
8. Further the additional security in respect of financial year 2022-23 amounting to Rs. 38,779.65 has also become payable by the petitioner. The respondents may take necessary action for realizing the additional security in respect of the year 2022-23 as per their calculation memo submitted with their written arguments dated 02.05.2023.

Dated: 17.05.2023


(Subhash Kumar)
Ombudsman

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