

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Dharam Singh Bhandari
M/s Vishnugarh Stone Crusher
Helang, Chamoli,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Gopeshwar, Distt. Chamoli,
Uttarakhand

Representation No. 45/2024

Award

Dated: 30.04.2025

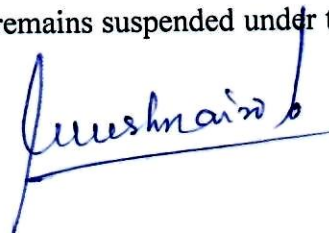
Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Karanprayag Zone, (hereinafter referred to as Forum) dated 30.09.2024 in complaint no. 410/2024-25 by which Ld. Forum has dismissed the complaint of appellant Shri Dharam Singh Bhandari, M/s Vishnugarh Stone Crusher, Helang, Chamoli, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Gopeshwar, Distt. Chamoli, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner, Shri Dharam Singh Bhandari, has preferred this instant petition dated 15.11.2024. In the outset he has averred that the Forum did not address even a single point of his complaint neither any solution to his grievances has been given and hence the instant appeal is preferred, in which point wise submission is as follows:

- i. He has a 180 KVA industrial connection for his Vishnugarh Stone Crusher at Helang.
- ii. Irregular bills were being issued right from the date of connection (08.09.2016). Meter readings were not taken. No action was taken by the department even after repeated requests.

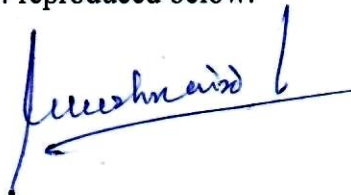


- iii. While irregular bills were being issued tariffs RTS7/RTS5 as applicable from time to time, has also not been applied.
- iv. Manual bills were being issued for 6 years continuously, while bills should have been issued under KCC-R-APDRP system. Details of manual bills from 08.09.2016 till 31.12.2021 have been given in the petition showing irregular bills from 3 months to 13 months were issued. Even after ledgerisation the bills from 01.02.2022 to 31.05.2022 were issued for 4 months together and thereafter from 09.03.2023 to 14.12.2023 for 9 months together.
- v. As per UPCL website bills from 08.09.2016 to 31.01.2022 for connection no. 8743 were issued for, Indus Tower Ltd. at Simlasupokhri, which shows that bills issued were for connection no. 8743 due to which payment on online could not be made.
- vi. The date of connection in UPCL records has been shown as 01.02.2022, which is wrong, while correct date of release of connection is 08.09.2016.
- vii. In spite of repeated requests monthly bills on MU have not been issued.
- viii. Photocopies of the bills from 08.09.2016 to 30.11.2016 and 30.07.2017 to 31.12.2017 as also bill for the period 01.03.2018 to 28.02.2019, for 12 months in which serious mistakes in billing and application of tariff has been made. Details of mistakes have been mentioned in the appeal.
- ix. Records of billing of connection no. 8743 under RAPDRP billing system has been retrieved which is available at annexure 4. A sum of Rs. 3,00,000.00 deposited vide receipt no. 23/142403 dated 28.03.2027 was accounted for in the account of connection no. 8743 of Indus tower. While bill amount of the said connection was only Rs. 17,483.00. Copy of aforesaid receipt is enclosed at annexure 7. A serious financial irregularity was created due to issuing bill of wrong connection no. to him.
- x. Due to issue of bills without meter readings he has suffered financial loss as wrong amounts has been shown in the bills issued on 13.04.2022, 14.06.2022 and 26.07.2022 details of which are enclosed as annexure 8
- xi. Bill dated 11.01.2024 was issued for 8,42,308.00 for 28 days which is wrong. He has averred that no construction works are carried out in Joshimath area, in winter areas so work in his Stone Crusher remains stopped completely. Further construction works in winter season remains suspended under the orders of DM,



Chamoli. Comparison of consumption in the months of December and January can be done with the consumption in the corresponding months in the previous years. Hence his bill under reference is liable to be cancelled (Annexure 9).

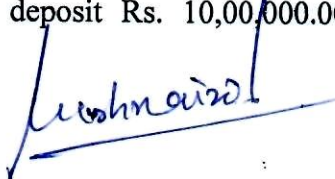
- xii. Bills of heavy amounts have been issued during corona period (March 2020 to September 2021) in spite that the Stone Crusher remained completely closed during the said period. No action for revision of the bills was taken by the department in spite of requests. His connection was disconnected by the department against rules on 10.06.2024, resulting into financial loss of about Rs. 1,00,000.00 per day which should be compensated by the UPCL.
 - xiii. Compensation under SOP should be given to him as per UERC regulations for issuing irregular bills by the department.
 - xiv. Executive Engineer, Gopeshwar was requested vide letter no. 10.06.2024 to grant the facility of installments as bills for a number of months have been issued instead of monthly bills. He has quoted that the Executive Engineer, Shri Pradeep Kumar asked for Suvidha shulk and threatened disconnection and the connection was disconnected on the same very date.
 - xv. Copy of Forum order dated 30.09.2024 was received through whatsapp on 07.11.2024 causing delay in preferring the instant appeal.
 - xvi. In view of above facts of the case he has prayed for the following reliefs:
 - a. Revised bills w.e.f. the date of connection based on monthly bills on billable demand and load factor and after adjustment of payments made by him be issued.
 - b. Monthly MRI reports with full load survey from the date of connection be made available as provided for in the tariff orders. He is ready to pay necessary charges for MRI reports.
 - c. Bill issued on 11.01.2024 be cancelled.
 - d. Interim orders for reconnection of the supply disconnected on 10.06.2024 be ordered.
 - e. Compensation @ Rs. 1,00,000.00 per day be granted from date of disconnection dated 10.06.2024 in addition to above any further relief as deemed fit by the Hon'ble Ombudsman may also be granted.
3. After perusal of records and hearing arguments, the Forum decided the complaint vide its order dated 30.09.2024 reproduced below:



मंच अनुज्ञप्तिधारी को उपभोक्ता द्वारा 2016 से वर्ष 2021 तक दिये गये अनियमित अवधि के बिलों में विलम्ब शुल्क अधिभार को निरस्त करते हुए भुगतान की गई राशियों का, रसीद सं० की तिथि अनुसार सूचिका बनाकर उपभोक्ता को प्रेषित करने, एवं उपभोक्ता के बिल एवं दिनांक 11.01.2024 के विद्युत बिल भी बिना विलम्ब शुल्क अधिभार के तथा देय तिथि विस्तार करके परिवादी की एम०आर०आई० द्वारा वास्तविक मीटर रीडिंग के अनुसार संशोधित कर प्रेषित करने का आदेश देता है। मंच उपभोक्ता के बिल टैरिफ ऑर्डर के अनुसार न बनाने के परिवाद स्वीकार नहीं करता है।

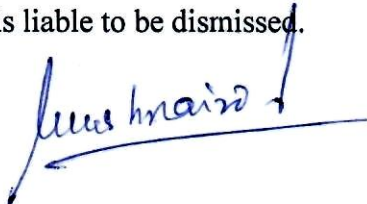
4. The respondent has submitted a written statement vide his letter no. 1119 dated 07.12.2024 wherein point wise reply has been submitted as follows:-

- i. A 180 KVA connection was released to Shri Dharamvir Singh Bhandari on 08.09.2016 by installing meter no. 1558005354 at 0 initial reading with MF 2. In the starting billing was manually done with connection no. 8743. From the month of February 2022 billing was started under KCC with a change connection no. GP0K000500738.
- ii. The connection exists at Helang under sub division Joshimath. Due to certain unavoidable circumstances such as multiple charge held by the SDO, non connectivity and some other reasons the billing was done manually, but all the bills were issued on MU as obtained in the meter. Bills in the instant case were issued manually up to the month of January 2022 as on meter readings up to the final reading 364193. Whereafter billing from the month of February 2022 were generated on KCC software. All the bills were duly sent to the consumer and payments were made by him. He has submitted that in the manual bills as well as thereafter also bills were generated only on NH (Normal Hours) slot. As such bills were not generated on actual consumption, with the result meter readings were gone on accumulated. Bill for the month of 12/2023 was prepared on actual readings recorded in all the slots as per MRI report. This bill was for a sum of Rs. 8,42,308.00. After adding arrears Rs. 9,22,672.00 the gross amount of the bill had become Rs. 17,64,980.00 (copy of the bill enclosed as annexure 1).
- iii. The petitioner was repeatedly requested to deposit the bill but he did not pay this bill. The connection was therefore disconnected in the month of 07/2024. On this he approached the Forum. During hearing the Forum directed the consumer to deposit Rs. 10,00,000.00 and also directed the division to



reconnect the supply. In compliance to Forum's order the connection was reconnected, but he did not comply with Forum's orders therefore the connection was again disconnected for nonpayment of dues.

- iv. The manual bills were prepared for the consumption recorded in the single slot (NH slot) therefore bills for the lesser consumption than the actual consumption was issued. However the consumer did not made any complaint for such bills. Under KCC billing monthly bill under the system on MRI report were issued on actual readings (as previously the bills were not being issued as per slots). Billing for the consumption/reading in 3 slots (NH 580515, EP 12005, OP 11995 and MP 11975) was not being done. As such the bill for Rs. 8,42,308.00 was issued, which includes the bill for the old left over readings.
 - v. The consumer has alleged that Rs. 3,00,000.00 deposited by him were not adjusted. The fact is this amount was duly accounted for in the bill for the month of 03/2019 vide receipt no. 23/D0142403 dated 28.03.2019, which is also noted in annexure no. 1.
 - vi. The consumer Shri Dharamvir Singh Bhandari often misbehaves in division office in drunken state as also on the phone. On 22.07.2024 at 05:10 Pm he misbehaved and abused Shri Yogeshwar Prasad Prohit and other staff and threatened to face the consequences.
5. The petitioner has submitted a rejoinder dated 04.02.2025 along with affidavit. He has submitted on oath that:-
- i. Reasons for issuing manual bills for a period of 6 years in contravention of UERC regulation 2020, have not been clarified by the respondent.
 - ii. There is no clarification as to how load factor was worked out in manual billings in absence of MRI report. No record about maximum demand has been adduced neither monthly readings were taken.
 - iii. This is a false submission by the respondent that the Forum directed him to deposit Rs. 10,00,000.00 against the bills. No written order was received from the Forum. If any such order is available with the respondent, the same should be put up. He has been requesting the respondent to revise the wrong bills issued by them.
 - iv. Not admitted and is liable to be dismissed.



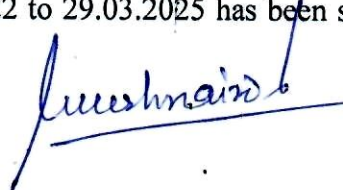
- v. The complaint regarding non adjustment of Rs. 3,00,000.00 was made because the said amount was accounted for in connection of Indus Tower Ltd. situated at Simlasupokhri. (a perusal of opposite party's online system the said connection indicated that of Indus Tower Ltd. On his complaint this amount was duly adjusted in his account.
- vi. The respondent's submission under this point is liable to be dismissed. The petitioner is a responsible citizen. No misbehavior or abusing by him with staff was ever done and in case it was done by him then FIR should have been lodged. The allegation is wrong and has been alleged due to some jealousy. The sealing certificate was not submitted by him earlier with the appeal, however, it is enclosed with rejoinder.
6. Final hearing in the case were conducted on 16.04.2025. Both parties were present and argued their respective case. Billing details as submitted by respondent vide his letter no. 19 dated 11.04.2025 were also given to the petitioner. The petitioner orally submitted for installment. The respondents were directed to allow installments, if an application for the same is submitted by the petitioner. Order was reserved.
7. The respondent has submitted billing details right from the month of September 2016 to April 2024 along with copies of all the bills, vide letter no. 19 dated 11.04.2025. Further during the time of hearing the respondent submitted a copy of consumer ledger from 13.04.2022 to 29.03.2025, as also a copy of the bill from 31.01.2025 to 28.02.2025 amounting to Rs. 18,53,417.00 including arrear Rs. 17,78,250.00. These documents has also been taken on file.
8. After perusal of records available on file and hearing arguments from both parties, the following facts of the case has come to notice.
- i. A 180 KVA connection under industrial category was released in the name of Shri Dharam singh Bhandari on 08.09.2016 with connection no. 8743 due to a number of reasons and circumstances as explained by the respondents billing up to the month of January 2022 was done manually. Billing from the month of February 2022 was however started under KCC, when the connection no. was changed from 8743 to GP0K000500738. The petitioner has made a number of allegations such as DOC in respondent's records is 01.02.2022 instead of 08.09.2016. It is clarified that in respondent's records also the date of

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connection is 08.09.2016, however 01.02.2022 is the date from which billing was started under KCC RAPDRP system, as such it is not the date of release of connection as alleged by petitioner.

- ii. He has alleged that gross irregularities in manual billing have been committed by the respondents for the period 08.09.2016 to 31.12.2021, when monthly bills were not issued but since bills for a number of months raising from 03 months to 13 months were issued. A perusal of the billing details submitted by the respondents vide letter no. 19 dated 11.04.2025 clearly shows that monthly bills were issued right from September 2016 to April 2024, however serious mistakes such as issuing manual bills for the consumption recorded only in one slot i.e. NH were committed. So this allegation also does not sustain.
- iii. He has alleged that wrong tariffs have been applied for issuing the bills. A perusal of bills submitted by respondent clearly shows that bills have been issued on tariffs rate schedules as applicable to industrial consumer under the category to which the petitioner pertains. The appropriate tariff either RTS 7 or RTS 5 as are applicable from time to time in the appropriate tariff has been issued. So this allegation also proves to be false.
- iv. He has also alleged that the Forum in deciding his complaint has not considered even a single point of his complaint. A perusal of Forum's order shows that the Forum in its order has discussed the matter in detail viz a viz the relevant UERC regulations and tariffs applicable in the case. As such this allegation also does not sustain.

9. It is also noted from records that the respondents have issued monthly bills from 08.09.2016 to January 2022 manually, but these bills were wrong as consumption recorded only in one slot i.e. NH were issued while the bills should have been issued for the consumptions recorded in all the 4 slots i.e. NH, EP, OP and MP. This is a gross mistake by the respondents which continued for a long period of 6 years, however the billing under KCC was done w.e.f. the month of February 2022 based on MRI report on appropriate tariffs. It is also noticed that the consumer has been very irresponsible in payment of bills as it is found that he has not paid the bills regularly, but he has paid against the dues casually and after interval of several months. The accounts have been corrected by the respondents by revising the bills on MRI reports. A copy of ledger from 13.04.2022 to 29.03.2025 has been submitted, which shows 0



(Zero) opening balance at the start of financial year 2022. Bill wise amount debited and the credit of the amounts paid by the consumer have duly been shown in this ledger. According to which last payment of Rs. 5,00,000.00 is shown in the ledger on 29.03.2025 while this amount was deposited by the consumer on 28.02.2025 and after accounting for this payment, the latest outstanding dues against the consumer as ending March 2025 are Rs. 13,52,717.00, which are payable by the petitioner and the respondents are at liberty to recover their outstanding dues by adopting such means as are available to them. However, facility of installment may be given to the consumer for payment of these dues, if he submits an application for the same. However, normal rules for levy of LPS on the unpaid amount and payment of current bills, if facility of installment is granted, shall apply. As the bills have duly been revised, no relief is admissible and the petition is liable to be dismissed. Forum order is liable to be amended as per this order.

Order


Petition is dismissed. Forum order stands amended, as per this order.

Dated: 30.04.2025

Order signed dated and pronounced today.

Dated: 30.04.2025


(D. P. Gairola) 30.04.2025
Ombudsman


(D. P. Gairola) 30.04.2025
Ombudsman