

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Pravej  
S/o Late Shri Julfikar,  
Mohalla Kila near Bhandra Chowk,  
Manglaur, Roorkee,  
Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Rural),  
Uttarakhand Power Corporation Ltd.  
Roorkee, Haridwar,  
Uttarakhand

Representation No. 15/2024

**Award**

Dated: 14.10.2024

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) order dated 15.02.2024 in complaint no. 07/2024 by which Ld. Forum has allowed the complaint of appellant Shri Pravej S/o Late Shri Julfikar, Mohalla Kila, near Bhandra Chowk, Manglaur, Roorkee, Haridwar, Uttarakhand, (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Uttarakhand Power Corporation Ltd., Roorkee, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent).

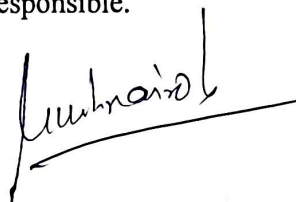
2. The petitioner Shri Pravej has averred as follows in his representation/petition dated 26.03.2024. At the outset he has averred that the Forum has neither passed order in view of his complaint nor in accordance with UERC regulations. His averments are as follows:

- i) He has a 2 KW domestic connection at his premises.
- ii) RDF bill was issued in the month of October 2011 on his meter becoming defective, where after all bills from October 2011 to June 2018 were issued on RDF/IDF continuously for 7 years in violation of UERC regulations, but Forum



did not passed any order on point no. 3 of his complaint, while as per UERC Supply Code, RDF bills cannot be issued for more than 2 billing cycles, therefore RDF/IDF bills issued from October 2011 to June 2018 are liable to be cancelled as per rules.

- iii) On approaching for waiver scheme in 2021 the respondent asked him to pay the entire amount without LPS and the bills shall be corrected later on.
- iv) Repetition of point no. ii)
- v) The Forum was requested under point no. 6 of the complaint that no interest be levied as he had already paid all the bills on 23.03.2021 under LPS waiver scheme, but the respondent has imposed Rs. 6,000.00 as LPS in the revised bills.
- vi) Again RDF bills were issued from December 2021 to December 2023, while meter was correctly working, but the Forum ordered for revision of the bills for the above period on the basis of average bills considering the meter as defective. The respondent accordingly revised the bill on 18.01.2024 on present reading 3450, while the correct reading was 6400 in the meter, which is evident from the meter reading in the next month recorded as 6675 by the meter reader. He has also a video of the reading 6459 appearing in the meter in December 2023.
- vii) He has raised a question that was it not the responsibility of respondent not to issue RDF bills for more than 2 billing cycles. He has requested that orders be issued for action against the erring staff. It was point no. 8 of his complaint.
- viii) The Forum did not order for revision of IDF/RDF bills from October 2011 to June 2018. He has requested that RDF/IDF bills from 02/2012 to 06/2018 be ordered to be revised as per UERC rules.
- ix) RDF bills issued from 12/2021 may also be ordered to be revised again on the basis of meter reading.
- x) IDF/RDF bills may kindly be ordered to be revised without LPS as these bills have been issued beyond 2 billing cycles in contravention to UERC regulation 5.2.1 (7) for which respondent staff is responsible.



He has adduced a copy of his complaint before the Forum as well as Forum's order and RDF bills (No RDF bills are available with the representation, however a copy of consumer history from 04/2010 till 02/2024 is found enclosed with his representation.

3. After perusal of the records available on file and hearing arguments from the opposite party, while the complainant was absent, the Forum observed that a 2 KW connection is running in the name of the petitioner since 13.09.1999. Full payment against the bill issued on 13.02.2021 was duly made by the complainant. Bills from 22.04.2021 to 12.10.2021 were issued on MU where after RDF bills were issued from 12.12.2021 to 18.12.2023 in a single stretch which is in violation of sub regulation 5.2.1 (7) of UERC regulation 2020. The Forum also observed that action against the erring staff is liable to be taken by the department for this irregularity. From the billing history it is evident that meter reading in the existing meter on 18.01.2024 was 3450 KWh, which means that during the period 12.10.2021 to 18.01.2024 (27 months) the total consumption was only 79 units (3450-3371) i.e. about 3 units per month were consumed as an average, which does not appear to be correct. Further the Forum observed that as per billing history from 10.10.2020 to 12.10.2021 (12 months), the total consumption was 1260 units i.e. 105 units per month as an average which appears to be correct for his sanctioned load.

In view of above facts, the Forum was of the view that RDF bills issued from 12.12.20.21 to 18.12.2023 be withdrawn and revised bill for the above period be issued on the basis of average consumption recorded in past 3 billing cycles and the installed meter is also required to be replaced by a corrected meter. Having observed as above, the Forum has allowed the complaint and had directed the opposite party to withdraw all the RDF bills from 12.12.2021 to 18.12.2023 and issue a revised bill for the said period on the basis of average meter consumption recorded in three billing cycles recorded in the period prior to 12.12.2021 and also directed for replacement of the existing meter by a new correct meter.

4. The respondent, Executive Engineer has submitted his written statement vide letter 2566 dated 28.05.2024 along with a notarized affidavit. At the outset he has submitted that the petitioner has filed a complaint before the Forum in respect of his connection no. RD21720085724. The grievance was redressed in compliance to Forum's order dated 16.02.2024. He has submitted point wise reply as under:

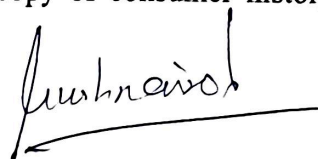




- i) A perusal of RAPDRP system reveals that the aforesaid connection was released for 2 KW domestic load on 13.09.1999 in the name of Shri Julfikar Mohalla Kila, Manglaur.
- ii) The said connection is registered in the name of Shri Julfikar, so the complainant Shri Parvej do not come under the category of a complainant in terms of sub regulation 1.2 (c) of UERC regulation, 2019.
- iii) In view of complaint of Shri Parvej in respect of above connection the RDF bills issued earlier were revised on the basis of metered consumption recorded by installed meter no. 14907011.
- iv) The complainant was asked vide letter no. 512 dated 23.01.2024 to get the above connection transferred in his name within 15 days, but the complainant has still not got the above connection transferred either in his name or in the name of any of his family member.
- v) The Forum after perusal of the documents decided the complaint vide order dated 16.02.2024 which reads as:

“परिवादी को दिनांक 12.12.2021 से दिनांक 18.12.2023 तक आरडीएफ आधार पर जारी समस्त बिलों को निरस्त करते हुए पूर्व में एमयू आधार पर जारी तीन बिलिंग चक्रों के औसत विद्युत खपत के आधार पर बिल संशोधित करते हुए परिवादी के परिसर पर स्थापित विद्युत मीटर को दोष रहित नये मीटर से प्रतिस्थापित करें।”
- vi) The bills for the connection under reference were duly revised in compliance to Forum's order.
- vii) After revising the bill, the petitioner had to pay Rs. 30,510.00, which has yet not been paid by him.

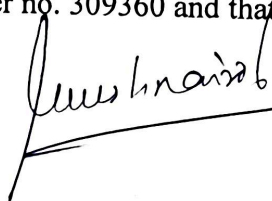
He has also submitted that w.e.f. the date of release of connection he has paid only 3 nos. bills till now. The arrear bill was paid before 3 years and no complaint was made by him regarding wrong bill. The respondent has requested that in view of his above submissions the petition is liable to be dismissed. He has substantiated his submissions with a copy of Forum's order dated 15.02.2024, a copy of consumer ledger from 01.04.2023 to 11.03.2024, copy of consumer history from 08/2010 to



04/2024 and another copy of consumer ledger has also been adduced from 01.04.2011 to 31.03.2024.


5. The petitioner has submitted a rejoinder dated 10.06.2024 along with an affidavit. Pointwise replies has submitted as follows:-

- i. His name and address is correct.
- ii. Regarding mutation the Maglaur office of UPCL informed that the mutation shall be done after the outstanding dues are paid in full.
- iii. The complaint lodge before the Forum was regarding correction of RDF bills issued in a single stretch for 07 years from 2011 to 2018 however, no action has been taken by the Forum.
- iv. Regarding waiver scheme of 2021 for availing facility of surcharge waiver the Sub Divisional office informed that first the bill be deposited and any correction shall be done afterwards.
- v. Issue of RDF bills in a single stretch for 07 years from October 2011 to June 2018 was against UERC Regulations so, bills for more than 02 billing cycles be waived of or withdrawn.
- vi. Bills for the period 12.12.2021 to 18.12.2023 have been revised on the basis of average consumption in compliance to CGRF order while meter no. 309360 was working correctly. He has also submitted that he has taken a video of the reading in the meter as on 11.12.2023 which was 06454 KWH so the RDF bill was to be corrected on  $(6454-337)=3083$  units (the reading taken by him on 11.12.2023 as video recording and claimed to have been sent to this office by mail, has not been received in this office).
- vii. In view of UERC Regulations, the RDF bills beyond 02 billing cycles out of the total RDF bills issued during the period December 2021 to December 2023 should have been withdrawn as UERC Regulations provides that UPCL cannot issue RDF bills for more than 02 billing cycles.
- viii. The UPCL has also charged LPS (interest) while revising RDF bills, while UPCL has erroneously issued RDF bills beyond 02 billing cycles.
- ix. He has requested that RDF bills for the period October 2011 to June 2018 and for the period December 2021 to December 2023 should be revised on the meter reading 6454 appearing in the meter no. 309360 and that to without levy



of interest (LPS). He has requested that the Hon'ble Ombudsman shall take a decision in accordance with UERC Regulations.

6. Hearing in the case was fixed on 11.09.2024 which was subsequently adjourned for 25.09.2024, Shri Altaf the authorized representative appeared on his behalf and Shri Manish Singh Assistant Engineer, Revenue represented the respondent. Both parties argued their respective case by oral submissions. Respondent's representative was asked to submit certified copies of the sealing certificate dated 20.06.2018 as well as calculation sheet for revision of the bill by 27.09.2024, the same were submitted by Assistant Engineer, Revenue on 27.09.2024 personally. Petitioner's aforesaid authorized representative also visited this office on 27.09.2024 and witnessed the documents submitted by respondent. Arguments were concluded on 25.09.2024 and 14.10.2024 was fixed for pronouncement of order.
7. After hearing arguments from both parties and perusal of records available on file, it is observed that a 2 KW domestic connection was released in favour of Shri Julfikar, Late father of the petitioner Shri Pravej. The connection is still existing in the name of Late Julfikar. The connection was released in his favour on 13.09.1999. RDF billings for prolonged periods were issued in 2 episodes 1<sup>st</sup> from October 2011 to June 2018 and again from December 2021 to December 2023 in gross violation of UERC relevant regulations. The petitioner has approached to the Forum for correction of the RDF bills. The Forum vide its order dated 15.02.2024 directed the respondent to revise RDF bills issued from December 2021 to December 2023 on the basis of average consumption recorded in the 3 billing cycles prior to December 2021. However no orders were issued by the Forum for revision of RDF bills for the period October 2011 to June 2018. The petitioner has agitated for revision of these RDF bills on the basis of average consumption recorded in 3 billing cycles prior to October 2011.
8. A perusal of records shows that outstanding dues against the petitioner as on 01.04.2011 were Rs. 17,429.42, due to nonpayment of dues. This amount increased to Rs. 35,318.00 as on 07.02.2014 an adjustment of Rs. 12,396.84 was given under LPS waiver scheme and thus payable dues became Rs. 22,921.16 as on 26.03.2014, which were paid by the petitioner on 26.03.2014 itself and thus all dues were cleared. Where after no dues were paid by him with the result, the outstanding dues increased to Rs.





46,999.00 as on 31.10.2018, which includes amount of bills raised on RDF from October 2011 to June 2018. A sum of Rs. 20,000.00 was paid by the petitioner on 21.12.2018, so the outstanding dues were reduced to Rs. 26,999.00 on 21.12.2018, where after no payments were made. As such the outstanding dues reached to Rs. 49,821.00 on 13.02.2021. Adjustment of Rs. 16,832.00 was allowed on 23.03.2021 under LPS waiver scheme. Therefore payable dues became to Rs. 32,989.00 as on 23.03.2021, which were paid by the petitioner on the same day and therefore all dues were cleared, where after no payments were made by him. Therefore outstanding dues mounted to Rs. 49,844.00 as on 18.01.2024, which includes the amount of RDF bills issued from December 2021 to December 2023 also. An adjustment of Rs. 21,296.92 was allowed in compliance to Forum's order, therefore payable outstanding dues became Rs. 28,547.00, again no payment was made therefore outstanding dues increased to Rs. 41,130.00 as on 01.03.2024. Again the bill was corrected under Forum's order whereby adjustment of Rs. 10,620.00 was allowed on 09.03.2024 reducing the payable outstanding dues as Rs. 30,510.00. Further this amount increased to Rs. 33,219.00 on 31.03.2024 and further increased to Rs. 32,737.00 on 15.04.2024. This figure also reflects in consumer billing history as well as in ledger. The connection has yet not been disconnected as reported by both the parties.

9. Since RDF bills issued from December 2021 to December 2023 had already been revised in compliance to Forum's order, therefore no action in respect of RDF bills for the said period is required to be taken by undersigned under this order and that episode stands closed.
10. RDF bills have been issued by the respondents from October 2011 to June 2018 for a prolonged period of about 7 years in gross violation of UERC regulations which provides for issue of RDF bills only for 2 billing cycles. RDF bills during this period have been issued from 100 units per bill to 600 units per bill. Total 13350 units have been billed for this period through RDF bills i.e. an average of 325 units per bill. RDF bills are the provisional bills and are required to be revised on actual consumption recorded by the meter after verifying the actual meter reading obtaining in the meter. Since in the instant case the meter was replaced on no display vide sealing certificate dated 20.06.2018 which has been adduced by the respondent on 27.09.2024 and as such revision of these RDF bills on actual meter consumption in the instant case is not possible. However, the RDF bills have got to be revised on some/factual consumption

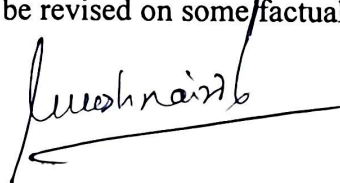


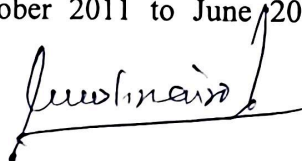
figure. Before October 2011 the total recorded consumption in 3 bills for the month of 04, 06 and 08/2011 was 306 units, so average consumption per bill comes out to 102 units per bill. After replacement of meter the actual recorded consumption in 3 billing cycles has been 357 units, so average recorded consumption recorded during this period comes out 119 units per bill. Since the RDF billing from October 2011 to June 2018 has been on an average @ 325 units per bill, which is too high in comparison to the average per bill consumption prior and after this period of RDF billing, so it appears to be reasonable and justified if the RDF bills for the period October 2011 to June 2018 are revised on the basis of average consumption of 102 units per bill based on average recorded consumption prior to October 2011 or on the basis of average consumption of 119 units per bill recorded consumption by the new meter installed on 20.06.2018, in replacement of the old meter. I think that it would be more justified if these bills are revised on the basis of average recorded consumption by the newly installed meter of 119 units per bill.

Further the petitioner's representative also pressed that LPS of Rs. 6,000.00 has been levied, which needs to be waived off. Respondent's representative submitted a calculation memo for revision of the bills for the period December 2021 to December 2023 in compliance to Forum's order, which shows that Rs. 4,627.00 have been levied as LPS in this calculation memo. He admitted that this has been levied in advertently and has to be waived off. In view of his submissions the LPS amounting to Rs. 4,627.00 is liable to be waived off.

### Order

In view of facts of the case as narrated above the respondent is directed to revise RDF bills issued for the period October 2011 to June 2018 on the average consumption of 119 units per bill on appropriate tariff after adjustments of payments, if any made by the petitioner against the RDF bills issued during above period and without levy of any LPS. Further they are also directed to waive off LPS amounting to Rs. 4,627.00 as levied in the calculation memo submitted on 27.09.2024. Representation is allowed. Forum order for revision of RDF bills for the period December 2021 to December 2023, which had duly been complied with by the respondent is upheld.

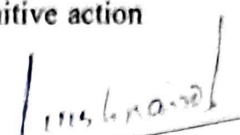
UPCL management is advised to identify the erring staff responsible for issuing RDF bills for a prolonged period from October 2011 to June 2018 and again from





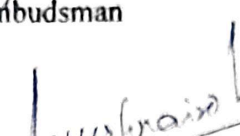
December 2021 to December 2023 and take necessary administrative/punitive action against such staff as per departmental rules.

Dated: 14.10.2024

  
(D. P. Gairola)  
Ombudsman

Order signed dated and pronounced today.

Dated: 14.10.2024

  
(D. P. Gairola)  
Ombudsman