

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Deeplal
S/o Shri Kavyalal
Ladari, Joshiyada,
Uttarkashi, Uttarakhand

Vs

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

Representation No. 42/2023

Order

Dated: 08.12.2023

Being aggrieved with Consumer Grievance Redressal Forum, Uttarkashi Zone, (hereinafter referred to as Forum) order dated 27.09.2023 in his complaint no. 73/2023 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Uttarkashi, Uttarakhand (hereinafter referred to as respondent) Shri Deeplal S/o Shri Kavyalal, Ladari, Joshiyada, Uttarkashi, Uttarakhand (petitioner) has preferred this appeal for setting aside Forum order.

2. The petitioner has averred that he is a poor and old citizen belonging to Scheduled caste and is a BPL ration card holder. Decision in his complaint no. 73/2023 was passed by the Forum on 27.09.2023 which is totally against facts of the case and hence this appeal is preferred on being aggrieved with the said order. The Forum did not peruse the facts of the case in right perspective and have passed a wrong order. The facts given by him have not been mentioned in the order and the order has been passed relying upon the facts submitted by the department. He has requested that case file of the Forum be summoned (Forum's file have since been asked for and has since been received). It would therefore be in the interest of justice if aforesaid Forum order be set aside and he has accordingly requested that his appeal be admitted and Forum order be set aside.



3. Arguments of both parties were heard by the Forum. After hearing arguments and perusal of the records the Forum was of the view that the bills have been issued on metered consumption, which are correct and therefore the complaint is not liable to be allowed and have accordingly dismissed the complaint vide their order dated 27.09.2023.
4. The respondent Executive Engineer has submitted his written statement vide his letter no. 1457 dated 16.10.2023 along with an affidavit under oath. The respondent have submitted that a complaint was preferred before the Forum. The Forum was apprised that connection was released to the complainant on 27.12.2003. Bills up to the month of 07/2010 at the reading 1250 were issued and total outstanding dues till then were Rs. 5,361.00, where after the meter became defective and NR bills were issued. Total dues up to the month of 05/2016 were Rs. 26,587.00, which amount was reduced to Rs. 15,180.00 after allowing adjustment of Rs. 11,460.00 and hence the corrected bill was of Rs. 15,180.00. The meter was replaced on 20.07.2016. reading in the new meter in the month of 09/2020 was 5443. Bill amounting to Rs. 47,235.00 was revised to Rs. 17,531.00. Against the said bill consumer made 2 payments of Rs. 12,000.00 on 30.03.2022 and Rs. 5,530.00 on 31.03.2022. The outstanding dues in the month of 07/2022 was Rs. 8,213.00. Against the said amount the petitioner deposited Rs. 3,000.00 on 10.11.2022 and the balance amount was not paid. The total outstanding dues till September 2023 at meter reading 2847 was Rs. 17,022.00. In spite of the outstanding dues he is consuming the electricity regularly and bills are being issued timely. He has substantiated his submissions with a copy of consumer billing history from January 2008 to September 2023, a copy of ledger from April 2011 to March 2023.
5. The Petitioner has submitted a rejoinder dated 26.10.2023 along with an affidavit under oath. Most of the points of the rejoinder are reiteration of his averments made in his petition except he has stated that absurd bills were being issued after the meter became defective in the month of July 2010. The connection was released in the year 2003. The defective meter was not replaced within the prescribed time and bills on absurd assessed units were issued. NR bills were issued with the intention to get money from him in illegal manner.

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6. Interim stay was granted on 03.10.2023 which was subsequently extended till next date of hearing. Hearing in the case was held on 21.11.2023. Both parties appeared. Petitioner argued his case himself and Shri Ayush Rawat SDO appeared on behalf of respondent.
7. Arguments from both parties were heard and documents available on file have been perused. Apart from the petition and rejoinder submitted by petitioner and written statement of the respondent and its enclosures i.e. consumer billing history, ledger and other enclosures of the billing history which includes details of bill revision, disconnection and reconnection, change of meter were also perused. It is found that the petitioner has approached the Political leaders 3 times vide his letter dated 03.06.2023 to Hon'ble speaker, Vidhan shabha, Govt. of Uttarakhand, vide letter 10.06.2023 to Hon'ble Chief Minister and letter dated 28.08.2023 all the 3 letters were received in the office of Executive Engineer through DM, Uttarkashi, All the 3 letters have been replied by the Executive Engineer to the DM vide his letter no. 879 dated 16.06.2023, 1155 dated 11.08.2023 and 1283 dated 11.09.2023 with copy of each of the above letters to the petitioner. In these letters the respondent Executive Engineer has reported to the DM about the status of billing and outstanding dues after revision of the bills. He has also informed that a check meter was installed at the premises of the petitioner and working of the meter was found correct with reference to the check meter. Bills were issued on the consumption recorded by the meter and the consumer had already been apprised about the status of his bills and outstanding dues. In his last letter dated 11.09.2023 addressed to DM, Uttarkashi, he has informed that after correction outstanding dues against the consumer till July 2023 are Rs. 16,585.00. It has also been informed to DM that a complaint was lodged by the petitioner with the Forum, registered as complaint no. 73/2023 and was pending before the Forum till 11.09.2023 when the said letter was issued. With reference to the letters received through different higher authorities he has apprised with the case of the consumer to Chief Engineer, Garhwal zone, Dehradun vide his letter no. 1249 dated 01.09.2023 wherein the same dues Rs. 16,585.00 has been shown as outstanding till July 2023. The same amount of dues Rs. 16,585.00 is also reflected in the billing history till July 2023, which has further increased to Rs. 17,022.00 till September 2023. The consumers ledger for the period 01.04.2011 to 31.03.2023 shows opening balance of dues 0 (zero), on 01.04.2011 which suggests that there was



no dispute about billing till 01.04.2011 and dues were clear. However in the billing history dues in the month of 03/2011 are shown as Rs. 6,092.00 and in 05/2011 Rs. 6,710.00. The dues in the month of 05/2011 have also been shown as Rs. 6,092.00 in the ledger. The outstanding dues till September 2023 after accounting for the payments made and adjustments allowed on account of revision of NA, NR and IDF bills are shown Rs. 17,022.00 which tallies with the figure shown in the billing history as also in ledger very near to the figure of dues intimated to DM and Chief Engineer vide aforesaid letters as Rs. 16,585.00 till July 2023.

A perusal of the consumer billing history shows that NR/IDF/NA bills have been issued frequently for longer periods and necessary corrections in the bills have also been done by the respondents as shown in the enclosure with billing history. It is also shown in the billing history enclosure that the connection was disconnected on 28.04.2020 and was reconnected on 01.04.2022 i.e. it remained disconnected for a period of 1 years 11 months continuously. Meter readings at the time of disconnection and reconnection were the same being 5443. It suggests that either no supply was used by the consumer during the period of disconnection or the meter remained defective during this period as meter change has been reflected in the billing history in the month of July 2022 and no bill was issued after September 2020 to June 2022. Meter has been changed twice first on 20.07.2016 and again on 02.04.2022 as per records available with billing history on account of the existing meter having been become defective.

8. Since NA/NR/IDF bills have repeatedly been issued for a prolonged time at a number of times beyond the period admissible under regulations, it will be necessary and desirable to refer to the following regulations and UERC tariff orders as are applicable in case of NA/NR/IDF billing for more than 2 billing cycles in a single stretch.
9. UERC regulation, 2020 under sub regulation 5.1.7 (1) provides for issuing IDF bills only for 2 billing cycles during which time the licensee is expected to have replaced the defective meter. The said sub regulation is reproduced below:

"(1) The consumer shall be billed on the basis of the average consumption of the past three billing cycles immediately preceding the date of the meter being found or being

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reported defective/stuck/stopped/burnt/stolen. These charges shall be leviable for a maximum period of 2 billing cycle during which time the Licensee is expected to have replaced the defective meter."

Regarding replacement of the defective meter sub regulation 5.1.4 (1) which is reproduced below provides as:

"(1) If the meter is not displaying/not recording/stuck as reported by the consumer, the Licensee shall check the meter within 30 days of receipt of complaint and if found not displaying/not recording/stuck or identified as defective (IDF), the meter shall be replaced by the Licensee within 15 days thereafter."

Further all tariff orders issued by UERC provides for the provisions for billing in case of NA/NR and IDF. Abstract is reproduced below:

"These charges shall be leviable for a maximum period of two billing cycle in case of bi-monthly billing only during which time the licensee is required to replace the defective meter. Thereafter, the licensee shall not be entitled to raise any bill without correct meters."


10. Issuing of NA/NR/IDF bills for more than 2 billing cycles in a single stretch is in violation of above regulations and tariff provisions and therefore the respondents are not entitled to charge the consumer on NA/NR/IDF basis for more than 2 billing cycles. The respondents are therefore directed to issue IDF/NA/NR only for 2 billing cycles in each case where bills have been issued for more than 2 billing cycles in each case to the petitioner. Further as the petitioner has consumed electricity during the entire period but he could not be billed for the period beyond 2 billing cycles in accordance with regulations but at the same time the Discom UPCL cannot be put to suffer revenue loss due to the gross mistake committed by concerned employees, it is therefore desirable that amount of IDF and NA bills beyond 2 billing cycles in each case be worked out and officers/officials responsible for issue of these bills in violation of regulations and tariff orders be identified and amount of such bills be recovered from them.
11. The respondents are directed to issue revised bill to the petitioner as directed under para 10 above to the petitioner after adjustment of payments made by him, if any and

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without levy of LPS and recovery of the amount of the IDF/NR bills issued beyond 2 billing cycles be made from the officers/officials responsible for such violations as mentioned at para 10 above.

12. Petition is allowed. Forum order is set aside.

Dated: 08.12.2023


(Subhash Kumar)
Ombudsman