

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Rajkumar
S/o Shri Sher Singh
Village Gadhmeerpur, Roorkee,
Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Urban),
Uttarakhand Power Corporation Ltd.
Civil Lines, Roorkee,
Distt. Haridwar, Uttarakhand

Representation No. 36/2023

Order

Dated: 08.12.2023

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) order dated 25.10.2021 in his complaint no. 88/2021 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (Urban), Uttarakhand Power Corporation Ltd., Civil Lines, Roorkee, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent) Shri Rajkumar S/o Shri Sher Singh, Village Garhmeerpur, Roorkee, Distt. Haridwar, Uttarakhand (petitioner) has preferred this appeal for setting aside Forum order and revision of the bill and installation of new meter.

2. The instant appeal having no date was received in this office on 24.07.2023 and was admitted on 25.07.2023 after condonation of delay vide Ombudsman's order in consideration of petitioner's application for the same. Hence respondent's objections against condonation of delay does not sustain and the same is over ruled. It is clarified that the Ombudsman is empowered to admit any appeal, preferred after expiry of prescribed period of 30 days by condoning the delay in the interest of justice.
3. The petitioner in the instant appeal has averred that he had a domestic connection of 1 KW load with number 682DP02037033, bills were being regularly paid, but a bill



amounting to Rs. 1,49,237.00 was issued by the department, which was wrong and the same was not corrected in spite of requests before the department and hence he was compelled to approach to the Forum. But Forum's order was also not satisfactory and Forum's order was wrong. His connection was given on 13.03.1979 and as per UERC rules IDF bills can be issued only for 2 billing cycles, but the meter was not replaced even after repeated requests and no cognizance of his requests were taken. The meter was replaced in December 2019. Bill for February 2021 was issued on metered consumption, where after IDF bills were continuously issued, but the bills were not revised after the requests. The connection was disconnected in the month of October 2021 to pressurize him to make payment of IDF bills against which he had approached Forum. It was verbally informed to him in the Forum that the revised bill amounting to Rs. 10,000.00 to 12,000.00 shall be issued and the same shall be sent to him by post along with calculations. Having received no revised bill for about 3 months he visited Forum where he was informed that the order was sent to him by post. But he received nothing by post. On visiting Forum and requesting to give a copy of the order to him, a copy of order was given. In the said order he was directed to deposit Rs. 89,824.00 while he was verbally informed that the revised bill will be of amount Rs. 10,000.00 to Rs. 12,000.00. He has submitted that Forum order suffers from the following shortcomings.

- i) Order has not been issued for revision of the bills as per UERC rules.
- ii) Direction to pay Rs. 89,824.00 as per revised bill as against Rs. 12,000.00, which was informed verbally by the Forum.
- iii) It is wrong to say that copy of the order was sent by post, in fact it was not received by him.

Prayer

- i) Forum order be set aside.
- ii) Bill be revised as per UERC rules.
- iii) New meter be installed.
- iv) Compensation for causing mental harassment and financial loss to him.



4. Arguments from both parties were heard by the Forum. The opposite party informed that IDF bills were revised to Rs. 89,824.00. The complainant also indicated his consent with the revised bill. In view of its aforesaid conclusions, the Forum allowed the complaint and mentioned that the opposite party has redressed the complaint and have accordingly disposed off the complaint.
5. The respondent Executive Engineer has submitted his written statement dated 19.08.2023 through advocate along with an affidavit under oath, wherein he has submitted as follows:

Preliminary objections

At the outset the respondent has submitted that there is no locus to file the appeal against the order dated 25.10.2021 wherein order was passed by the Forum on the basis of admission made by the petitioner, which has categorically been mentioned in the order under challenge. Further the petitioner has admitted the amended bill and therefore after delay of more than 22 months the said order cannot be put to challenge.

Brief facts

The petitioner has a domestic connection of 1 KW. The bill issued to him was of Rs. 1,69,237.00, which was revised to Rs. 89,824.00 on raising objections by the petitioner. Calculation of the revised bill have been enclosed with the written statement as annexure 1.

Para wiser reply

- i) That contents of para no. 1 of the appeal are wrong false and denied. It is submitted that bill amounting to Rs. 1,69,237.00 has been reduced to Rs. 89,824.00, which was accepted by the petitioner before the Forum and now after delay of about more than 22 months, the said admitted reduced amount cannot be challenged.
- ii) That contents of para 2 of the appeal are wrong, false and denied. It is submitted that bill amounting to Rs. 1,69,237.00 was reduced to Rs. 89,824.00, his contentions that it was orally informed that the bills shall be reduced to Rs. 10,000.00 to 12,000.00 is not sustainable.



- iii) That contents of para 5 and 6 of the appeal are wrong, false and denied. It is submitted that contentions of the petitioner is vague without any valid substance.
- iv) Grounds of appeal are completely vague and general without any substance. The appeal has been preferred after a delay of 22 months. Bill has already been revised from Rs. 1,67,237.00 to Rs. 89,824.00 as per rules and regulations.
- v) His prayers cannot be granted as the bill has already been reduced.

Prayer

The Hon'ble court is requested to be pleased to dismiss the appeal.

- 6. On petitioner's request that written statement be given to him in hindi as he doesn't know English the hindi translation of the written statement was given to him, a copy of which is available on the file also.
- 7. The Petitioner has submitted a rejoinder dated 26.10.2023 wherein he has explained the reasons for 22 months delay in preferring the appeal as he was not aware about the existence of Ombudsman office where appeal against Forum's order could be filed. Further being a citizen of old age and having ill health the appeal could not be preferred within the stipulated time. Being an old illiterate person, he could not understand the contents of Forum's order and they obtained his signatures on the order, when he was verbally informed that the revised amount shall be about Rs. 12,000.00 but in the order the amount was Rs. 89,824.00.
- 8. Hearing in the case was held on 21.11.2023. Both parties appeared. Shri Pradeep Kumar S/o the petitioner argued on behalf of the petitioner. The respondent was represented by their legal counsel. Arguments were concluded and 08.12.2023 was fixed for order.
- 9. Arguments from both parties were heard and documents available on file have been perused. A perusal of records, specially the consumer billing history from January 2010 to August 2021, it has been observed that billing on IDF and NA for a prolonged period in a single stretch has been issued in blatant violation of relevant UERC supply



code regulation, 2020, which repealed earlier regulation 2007 and both having the same provisions for issuing IDF and NA bills and replacement of defective meter, which shall be reproduced in this order in the following paragraphs. As observed from the billing history, the bills have been issued as follows for different periods:

Sr. No.	Basis of billing	Period	Remarks
1	IDF	01/2010 to 04/2018 (8 yrs. 3 months)	Bills were issued for different assessed units
2	NA	06/2018 to 08/2019 (1 yr 2 months)	On different assessed units ranging from 78 units per bill to 200 units, 234 units per bill
3	IDF	10/2019	For 37200 assessed units raising the amount of dues from Rs. 12,127.00 in the month of 08/2019 to Rs. 1,37,906.00 in the month of 10/2019.
4	Metered units	02/2020	
5	NR	04/2020	
6	Meter units	06/2020 to 02/2021	Metered consumption during these months varies from 72 units per bill to 312 units per bill
7	IDF	04/2021 to 06/2021 (2 bills)	Each bill for 114 assessed units
8	Metered units	08/2021	For 12 units

During the said period billing of domestic category consumers were by monthly so all the bills in the aforesaid period were issued bi monthly i.e. billing cycle was 2 months, during the said period.

As per this billing history no bill has been issued after 08/2021. Dues ending 08/2021 as shown in the history are Rs. 1,80,159.00. As per ledger dues ending 08/2021 are Rs. 1,81,420.00 which were revised to Rs. 1,77,178.00. The ledger also shows bill revision in the month of 10/2021, wherein after adjustment of Rs. 91,600.00 the payable dues has been shown as Rs. 85,578.00. Ledger also shows no billing thereafter and after some adjustments the payable dues as on 14.08.2023 have been

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shown as Rs. 88,819.99. Ledger also shows that the petitioner has been very much irregular in making payments of the bills as he has only paid Rs. 9,000.00 in the month of June 2012 and again Rs. 58,000.00 in the month of March 2018 in the entire period.

10. 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 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."

11. A perusal of the annexure with billing history shows that the defective meter was replaced on 19.12.2019 i.e. after a period of 10 years (meter became defective in January 2010 as per billing history) which is a gross violation of the aforesaid UERC regulation 5.1.4 (1) which provides that in case meter is declared defective it shall be replaced within 15 days.



As mentioned at sr. no. 1 in the above table the IDF billing continued for a period of 8 years and 3 months in a single stretch while IDF bills could have been issued only for 2 billing cycles in a single stretch, so the respondents have not only blatantly violated the aforesaid sub regulation in issuing IDF bills for such a prolong period of more than 8 years but have also made gross violation of the regulations in replacement of meter after a period of 10 years and as provided in the tariff order the licensee is not entitled to issue IDF bills beyond 2 billing cycles. Such being the case the respondents are entitled to issue IDF bills in this period only for 2 billing cycles and all the other bills beyond 2 billing cycles issued during this period are not to be paid by the petitioner.

12. As shown at sr. no. 2 in the above table NA bills have been issued for 1 year 2 months, while as per above mentioned regulations and tariff provision such bill could have been issued for 2 billing cycles only, therefore the respondents are not entitled to recover the amount of NA bills issued beyond 2 billing cycles and such bills beyond 2 billing cycles are not payable by the petitioner.
13. IDF bills as shown at sr. no. 3 and 7 and NR bill at sr. no. 5 have been issued as per regulations and tariff provisions and as such these bills are payable by the petitioner.
14. In view of above deliberations and clarifications the respondents are directed to issue IDF and NA bills only for 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 two 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.
15. Bills of metered units and IDF/NR bills issued only up to 2 billing cycles in each case need not be revised.
16. The respondents are directed to issue revised bills to the petitioner as clarified at para no. 11 and 12 be issued to the petitioner after adjustment of payments made by him, if

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any and 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 14 above.

17. Petition is allowed. Forum order is set aside.
18. As the petitioner has been very much irregular in making payments of the bills and has only made 2 payments as mentioned in this order in above paragraphs, he deserves for no compensation and therefore the same is disallowed. The annexures with billing history shows that the connection was disconnected on 11.03.2022, this connection therefore cannot be restored as lying disconnected for more than 6 months and therefore the respondents are directed to get the connection permanently disconnected and finalize the accounts in accordance with standing instructions of the department and petitioner's request for installation of a new meter at his connection cannot be acceded to.

Dated: 08.12.2023


(Subhash Kumar)
Ombudsman