

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Shanti Devi Thakur
Vill. & P.O Jhuni,
Distt. Pithoragarh,
Uttarakhand

Vs

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

Representation No. 02/2022

Order

Dated: 31.03.2022

Being aggrieved with Consumer Grievance Redressal Forum, Pithoragarh zone (hereinafter referred to as Forum) order dated 10.12.2021 in his complaint no. 97/2021-22, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Pithoragarh (hereinafter referred to as respondent) Smt. Shanti Devi Thakur, Vill. & P.O. Jhuni, Distt. Pithoragarh has preferred this petition for granting a compensation of Rs. 1,00,000.00 due to the mental harassment and tension caused by the department to her as also refund of Rs. 1,607.00 with interest due to her from the department.

2. The petitioner Smt. Shanti Devi Thakur in her appeal dated 10.01.2022 has averred that a sum of Rs. 800.00 was deposited by her with the department on 06.07.2011 vide receipt no. 45 for taking a connection and installation of meter but in spite of repeated requests the meter was not installed even after 2-3 months of depositing the aforesaid money with the department. After some time she went to Mumbai with her son, on returning from Mumbai in the year 2019 she contacted the department for not installing the meter till then. The department gave her a bill for Rs. 28,431.00 without installing the meter. An application was submitted by her to the department on 10.12.2019. She was asked to deposit Rs. 1,200.00 for installation of meter, which she deposited. And service connection no. PT21346361536 was released and meter

installed at her residence and she was asked on phone to deposit further Rs. 600.00 which was deposited by her online. Receipt for Rs. 1,800.00 was given to her. She submitted an application to the department on 29.07.2021 with the request that Rs. 800.00 already deposited by her be adjusted in her bill and the old bill Rs. 28,431.00 be cancelled. Out of Rs. 28,431.00, Rs. 27,648.00 was adjusted on 24.12.2019, the department informed her that she has to pay Rs. 807.00 which are outstanding against her, the same was also deposited by her on 25.12.2019 through net banking as she was being threatened disconnection, if the said amount was not paid. In the entire matter she had to run from post to pillar for about 3 years in which she incurred a huge amount as expenditure and she passed through mental harassment and tension. She has requested that compensation amounting to Rs. 1,00,000.00 for causing mental harassment to her be granted and Rs. 1,607.00 which is payable to her be ordered to be given to her with interest.

3. The Forum after perusal of records and hearing both parties decided the complaint vide order dated 10.12.2021, wherein the complaint was allowed with the direction that sum deposited by her vide receipt no. 45/05902 and Rs. 807.00 through net banking on 25.12.2019, total Rs. 1,607.00 be adjusted in her bills against her new connection PT2/1346/090508.
4. The respondent Executive Engineer has submitted his written statement dated 15.02.2022 with an affidavit. He has submitted that the petitioner has lodged a complaint before the Forum registered there as complaint no. 02/2022 (wrongly quoted as this is petition no. 02/2022 before Ombudsman while complaint no. before Forum is 97/2021-22 as per records) which was decided by the Forum vide order dated 10.12.2021. Adjustment of Rs. 1,607.00 has duly been given in petitioner's connection no. PT2-1346/361536 on 15.01.2022 in compliance to Forum aforesaid order vide letter no. 3353 dated 15.01.2022 enclosed with the written statement, according to which after adjustment the present dues against the petitioner are (-) Rs. 1,479.00. The petitioner has demanded compensation for Rs. 1,00,000.00 on account of her mental harassment but no such demand was raised by her in her complaint before the Forum. The request for compensation before Ombudsman is therefore without any facts and fabricated so the appeal is liable to be dismissed.

5. A rejoinder dated 28.02.2022 has been submitted by the petitioner which are merely a reiteration of the contents of her appeal and no new facts have been adduced. She has admitted that adjustment of Rs. 1,607.00 had duly been given by the respondent in her connection no. PT2/1346/361536.
6. Hearing in the case was held on scheduled date 15.03.2022 both parties appeared. The petitioner argued her case herself and respondent Executive Engineer also argued his case. The respondent has submitted a written argument also vide his letter no. 3940 dated 11.03.2022. He has again admitted that adjustment of Rs. 1,607.00 has duly been given on 15.01.2022 in her connection no. PT2/1346/361536 in compliance to Forum's order. He has further submitted that bills against her connection no. PT2/1346/090508 till 05/2012 was issued for 186 units. Notice was sent to the consumer on 27.09.2017 for outstanding dues Rs. 28,455.00. The bill was subsequently corrected and adjustment of Rs. 27,648.00 was given, the balance Rs. 807.00 was deposited by the consumer at her own volition where after she preferred complaint before the Forum. Further in continuation to the compliance to Forum's order The balance Rs. 807.00 and Rs. 800 already deposited by her vide receipt no. 45/05902, total Rs. 1,607.00 were adjusted in her connection no. PT2/1346/361536. The petitioner had deposited Rs. 1,200.00 towards security and Rs. 600.00 towards service line charges for getting new connection. As Forum order has duly been complied with in totality by the respondent he has requested that the Hon'ble Ombudsman may kindly be pleased to dismiss the appeal.
7. He has substantiated his submissions with ledger in respect of both the connections no. PT21346361636 and connection no. PT21346090508
8. After perusal of records available on file and hearing arguments from both parties it has been borne out that the petitioner had applied for 1 KW domestic connection in the year 2011 when necessary charges Rs. 800.00 were deposited on 06.07.2011 but as per petitioner in spite of repeated contacts with the department and persuasion the connection was never given to her but the respondents have claimed that the connection no. PT21346090508 for 1 KW under domestic category was released on 04.08.2011 with installation of meter no. E42428 and billing also started. The total outstanding dues against the said connection ending December 2019 have mounted to Rs. 28,454.80. However adjustment of Rs. 27,648.00 was given in December 2019.

The ledger also shows that the connection was permanently disconnected and PD OM no. 2877 dated 19.12.2019 was also issued against which the said adjustment of Rs. 27,648.00 being fictitious dues was given and therefore Rs. 807.00 were claimed as payable dues as per ledger. A copy for ledger for another connection no. PT21346361536 which as per the ledger was released on 25.12.2019 with installation of meter no. U492261. A perusal of this ledger shows that adjustment of Rs. 1,607.00 including Rs. 807.00 leftover balance against the old connection and Rs. 800.00 deposited towards service line charges in 2011 has duly been allowed on 15.01.2022 in compliance to Forum's order dated 10.12.2021 in her complaint no. 91/2021-22. An excess payment of Rs. 1,321.92 is appearing in the ledger on 19.02.2022. A perusal of this ledger and submission by respondent and adjustment of the total bill Rs. 28,454.00 raised against the connection said to have been released on 04.08.2011 and as also refund of service connection charges Rs. 800.00 deposited by the petitioner for taking connection in 2011, shows that the connection was never released in August 2011 and fictitious billing was being done, which continued till December 2019 when outstanding dues, were shown as Rs. 28,454.00 which are established as all fictitious dues, as total amount has been adjusted. A new connection in fact released on 25.12.2019 against her fresh application and depositing Rs. 1,800.00 towards service connection charges and security, this connection is existing at petitioner's premises till now and after allowing aforesaid adjustments against a fictitious connection purported to have been released on 04.08.2011 and excess payment of Rs. 1,321.92 is exhibited in the ledger as on 19.02.2022 which has been shown as negative balance. This way the grievance of the petitioner stands redressed by the respondent in compliance to Forum's order. The petitioner is also satisfied with the same.

9. As regards her demand for grant of compensation Rs. 1,00,000.00 for causing mental harassment to her, it is clarified that there is no such UERC regulation under which such a compensation may be granted so, her request cannot be acceded to and is hereby turned down. Forum order which has duly been complied with is upheld. The petition is disposed off.

Dated: 31.03.2022

(Subhash Kumar)
Ombudsman