

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Dinesh Chandra Bhatt,
S/o Shri Lalit Kumar,
Flat no. 302, Block No. A1,
Rudrapur, Distt. Udham Singh Nagar
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (First),
Uttarakhand Power Corporation Ltd.
Rudrapur, Distt. Udham Singh Nagar,
Uttarakhand

Representation No. 25/2021

Order

Dated: 30.11.2021

Being aggrieved with Consumer Grievance Redressal Forum, Udham Singh Nagar Zone (hereinafter referred to as Forum) order dated 06.08.2021 in his Misc. complaint no. 07/2020-21, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (First), Rudrapur (hereinafter referred to as respondent) has preferred this appeal for correction in the bills from 02/2020 to 08/2020 and further the bills up to 08/2021.

2. The petitioner has preferred the instant appeal dated 26.08.2021 followed by another modified appeal dated 13.09.2021. The petitioner has submitted that he received an inflated bill for 1127 units for the month of 02/2020 against his connection no. 897-F-127-170670, where after he requested for check meter study and deposited check meter fee Rs. 95.00 on 28.02.2020. The check meter was installed after a delay of about three and half months on 15.06.2020, which was finalized on 22.07.2020. Photocopies of both the sealing certificates has been adduced, while check meter recorded only 290 units during the said period the old installed meter recorded 9150 units during the same period from 15.06.2020 to 22.07.2020. He has further stated that Forum was requested for correction in the bill for the month of 02/2020 and onwards on the basis of check meter report. Details of bills issued from 02/2020 to

08/2020 have also been given in the petition. A total of 24094 units have been billed during the period 02/2020 to 08/2020. It has specifically been mentioned that even after finalization of check meter in the month of 07/2020 bill for the month of 08/2020 has been issued for 8888 units. Adjustment of Rs. 79,425.00 was given based on check meter report which according to him is not correct because adjustment on the billed 24094 units from 02/2020 to 08/2020 should have been given and has requested that a revised corrected bill be got issued. Further he has also stated that bills being issued from 09/2020 to 08/2021 on the metered units recorded in the new meter are correct and there is no complaint on these bills. His grievance is related to the bills issued from 02/2020 to 08/2020.

4. The Forum have observed that adjustment of Rs. 79,425.00 based on check meter report was allowed twice first by system and second by sub division inadvertently, due to which arrear (-) Rs. 11,799.00 was shown in the accounts as on 01.12.2020 and as such original complaint no. 71/2020-21 was dismissed by the Forum vide order dated 04.12.2020. The Forum concluded that since adjustment of Rs. 79,425.00 have already been given on 09.11.2020. The adjustment inadvertently given for the same amount cannot be allowed and based on this the misc. complaint no. 07/2020-21 was dismissed by the Forum vide order dated 06.08.2021.
5. The respondent Executive Engineer has submitted his written statement dated 05.10.2021. He has submitted that a connection no. 897F127170670 exists in the name of the petitioner for 5 KW contracted load. As a result of check meter study the existing meter was found running fast by 3055% on account of which adjustment of Rs. 79,425.00 was given by the RAPDRP system at its own on 09.11.2020. Adjustment of the same amount Rs. 79,425.00 was again given by SDO office on 01.12.2020 which was a mistake. On detection of the mistake this adjusted amount was added in the bill on 06.01.2021. As per billing history a sum of Rs. 83,903.00 (principal amount Rs. 72,377.00 + LPS Rs. 11,526.00) were outstanding as per bill dated 17.09.2021 which have yet not been paid by the petitioner. The existing meter is working correctly and reading obtaining in the meter as on 01.10.2021 is 3077. Further he has submitted that in terms of Government of Uttarakhand GO no. 1381 dated 30.09.2021 and in compliance thereof MD, UPCL's order 3703 dated 01.10.2021 a surcharge waiver scheme has been launched under which if the principal amount is paid 100% latest by 31.12.2021, the LPS is liable to be waived off, so the

respondent has submitted that in case the petitioner deposits the principal amount of Rs. 72,377.00 up to 31.12.2021 the LPS amounting to Rs. 11,526.00 shall be waived off. During the course of hearing the AE (R) Shri Satish Chandra Joshi who appeared for arguments submitted that the total amount of arrears ending October, 2021 have reached a figure of Rs. 86,072.00. They have further allowed an adjustment of Rs. 37,553.00 on 21.11.2021 for left over 8000 units and after allowing this adjustment, the total outstanding dues against the petitioner have become Rs. 49,900.00 ending 11/2021 which includes Rs. 36,558.00 principal amount and Rs. 13,351.00 LPS.

6. The petitioner has submitted a rejoinder dated 18.10.2021. He has submitted that no calculation details of the adjustment allowed on the basis of check meter report wherein old meter was found running fast by 3055%, neither any adjustment appears in the bill for 08/2020 for 8888 units. He has also given a comparative statement of the billed 24094 units from 01/2020 to 07/2020 and that from 09/2020 to 09/2021 recorded by the new meter. He has again raised a question that even after finalization of the check meter on 22.07.2020 bill for the month of 08/2020 has been issued for 8888 units which is disputed so he has requested that necessary corrections in the bills based on check meter report be ordered.
7. Hearing in the case was held on 22.11.2021 as scheduled. Both parties appeared and argued their case. AE (R) appeared for arguments and submitted that further adjustment for left over 8000 units amounting to Rs. 37,553.00 has also been allowed on 21.11.2021 and after allowing this additional adjustment the total outstanding dues ending 11/2021 are Rs. 49,949.00 which includes Rs. 36,558.00 principal amount and Rs. 13,351.00 towards LPS.
8. All records available on file have been perused and arguments from both parties were heard. It is found that in the original complaint no. 71/2020-21 decided by the Forum vide order dated 04.12.2020 (-) Rs. 11,799.00 were shown to the credit of the consumer as on 01.12.2020 and the complaint was therefore dismissed by the Forum. The petitioner has filed a misc. complaint registered as 07/2020-21 which was also dismissed by the Forum vide order dated 06.08.2021 as they observed that the (-) Rs. 11,799.00 appearing in the accounts were as a result of allowing adjustment of Rs. 79,425.00 twice on the basis of check meter report and after correction a sum of Rs. 70,908.00 were held outstanding against the consumer ending January 2021.

Since details of the adjustment of Rs. 79,425.00 allowed by the department for fast running of existing meter by 3055% have not been given, in the absence of which it is not possible to ascertain whether the amount of adjustment allowed is correct or not and further the petitioner has also demanded such calculations. The respondents are therefore directed to check their records and ensure that adjustments have been given strictly in accordance with sub regulation 3.1.3 (5) of UERC (The Electricity Supply Code) Regulations, 2007 and if by scrutiny of records it is found that the adjustment had not been given strictly in accordance with the aforesaid regulation then the amount of adjustment be revised in accordance with regulation and any further adjustment if due may also be given. Detailed calculations of the adjustment allowed/any additional adjustment to be allowed may also be given to this office as well as to the petitioner. It is clarified that the aforesaid sub regulation 3.1.3 (5) provides that

“The Licensee shall adjust/refund the excess amount collected on account of the said defect, based on percentage error, for a maximum period of 6 months or less depending on period of installation of meter prior to the date of consumer’s complaint and up to the date on which defective meter is replaced/rectified.”

It is therefore clear that in the instant case the adjustment is to be allowed for preceding 6 months reckoned from the date of depositing check meter fee i.e. 28.02.2020 and for the succeeding period from 28.02.2020 till finalization of check meter on 22.07.2020. Compliance be reported within 15 days from the date of this order.

9. Whereas there has been delay in installation of check meter as the check meter was installed on 15.06.2020, while check meter fee was deposited by the petitioner on 28.02.2020, for the delay beyond prescribed limit for installation of check meter the petitioner is entitled for compensation as admissible under point no. 5 of Schedule III of UERC (Standard of Performance) Regulations, 2007 as reproduced below:

<i>“Testing of meter</i>	<i>Within 15 days of receipt of complaint</i>	<i>Rs. 25 for each day of default”</i>
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The respondents are directed to work out the amount of compensation admissible under the aforesaid regulation and may give the same by way of adjustment in the bill. Forum order is upheld. Petition is disposed off.

Dated: 30.11.2021

(Subhash Kumar)
Ombudsman