

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ajbeer Singh Panwar,  
S/o Shri Ganga Singh Panwar  
Singoti (Jugaldi), Patti Barsali,  
Tehsil Dunda, Uttarkashi,  
Uttarakhand

Vs

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

Representation No. 29/2021

### Order

**Dated:** 16.12.2021

Being aggrieved with Consumer Grievance Redressal Forum, Uttarkashi/Tehri Zone (hereinafter referred to as Forum) order dated 08.09.2021 in his complaint no. 26/2021 dated 22.06.2021, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarkashi (hereinafter referred to as respondent) has preferred this appeal against the excessive bills issued to him.

2. The petitioner has averred that he had lodged a complaint before the Forum on 22.06.2021, he has alleged that a 435 KW connection was released at his premises on 04-05.12.2021. The installed transformer belongs to him. He has further alleged that he is not aware as to when the connection was released and the said connection is said to have been disconnected on 28.12.2021, without notice to him. In the notice received by him the date of disconnection has been mentioned as 07.03.2021. The connection has been disconnected without any prior notice and without informing him the basis of disconnection. A letter was written by him to the respondent on 18.03.2021, but with no response. He has also written to the respondent that the bill for a consumption of 6846 units has been given which is too much, in view of the fact that the stone crusher has yet not started functioning and only 5 bulbs are being used till now. The respondents appeared before the Forum and submitted that a 435 KW connection was released on 11 KV on 04.12.2020, after giving a prior notice to him

but according to the respondent submissions he (petitioner) was not present at the time of release of connection in spite of repeated requests. The connection was disconnected on 28.02.2021 on nonpayment of electricity dues. The petitioner has submitted that the Forum has dismissed his complaint without examination of the facts and based on wrong information. He had submitted before the Forum that the bill amounting to Rs. 32,813.64 issued by the respondent was inflated as the installed meter was not working correctly, but the Forum relying upon MRI report has dismissed the complaint which is liable to be set aside. Although the Forum has mentioned that the MRI report submitted before it was erroneous and had asked the opposite party for a clear report by 05.08.2021, but the desired report was not submitted by the opposite party by 17.08.2021, however relying upon SDO's report dated 17.08.2021 dismissed his complaint. The Forum has passed the order depending upon the records and report of the opposite party, thus have committed a judicial mistake resulting into denial of justice to him, as such the Forum order is liable to be dismissed for having passed without proper basis. Bill for 6846 units for a sum of Rs. 32,813.64 has been issued arbitrarily which is wrong. It is nowhere clearly established that the meter has recorded 6846 units. He has requested that his appeal against Forum order dated 08.09.2021 be admitted and Forum order be set aside.

3. The Forum after perusal of records and hearing both parties was of the view that in spite of lesser electricity consumption, the complainant's complaint for excessive bill is not maintainable as MRI report shows the consumption recorded in the meter for which the bill have been issued, as such they were of the view that the bill is correct and the complaint is baseless. Having observed as such the Forum dismissed the complaint.
4. The respondent, Executive Engineer has submitted his written statement vide letter no. 1259 dated 02.11.2021. The respondent has submitted that the appellant had applied for 435 KVA connection for stone crusher on 19.06.2020 which was duly sanctioned by Superintendent Engineer, EDC New Tehri on 26.10.2020 for 435 KVA load under RTS-5 tariff. As per sealing certificate enclosed with the written statement the connection was released on 04.12.2020. The petitioner had filed a complaint before the Forum against disconnection and excessive bill. The Forum dismissed the complaint vide order dated 08.09.2021. He has submitted the detailed written submission in the case as follows:

- i) The application for 435 KVA connection was registered at no. 533290620001 on 29.06.2020 for connection no. 449098. Necessary charges for connection amounting to Rs. 4,35,000.00 were deposited on 26.10.2020 vide bank draft no. 01084 and another sum of Rs. 2,30,000.00 were deposited by draft no. 01080. SDO, Chiniyalisaur informed the petitioner telephonically that meter shall be installed on 04.12.2020 and requested him to be present on the said date, which he agreed to and the connection was therefore released in the presence of his representative. Although he was repeatedly requested to be present at his premises on the said date, but he had shown his inability to remain present personally and so the connection was released in the presence of his representative vide sealing certificate no. 23/21 dated 04.12.2020 enclosed with the written statement.
- ii) On nonpayment of bills the petitioner was informed for disconnection. Bills were issued timely and as soon as the bill is issued its intimation is also given on his registered mobile number through SMS. MRI report and bills are enclosed.
- iii) The connection was disconnected on 28.02.2021 on nonpayment of outstanding dues. Prior intimation for disconnection was also given to him. As per standing instructions bill is itself a bill-cum-notice and therefore no separate notice for disconnection is given .
- iv) The petitioner has alleged that consumption of 6846 units shown in the bill for January 2021 is wrong. The respondent has given bill wise consumption as per MRI report and amount of the bill from the first bill for the period 04.12.2020 to 31.12.2020, second bill 31.12.2020 to 31.01.2021 and third bill for the period 31.01.2021 to 28.02.2021 cumulative amount of these bills as Rs. 4,15,838.00 which were not paid by the petitioner.
- v) The Forum after hearing both parties and perusal of records dismissed the complaint no. 26/2021 vide order dated 08.09.2021.

He has substantiated his submissions with bills issued from 04.12.2020 till 31.07.2021 according to these bills the cumulative outstanding dues have been mounted to Rs. 10,33,455.00, MRI reports have also been adduced.

5. The petitioner has submitted a rejoinder dated 23.11.2021. No new facts about the case have been adduced and rejoinder is merely a reiteration, what he has already submitted in his petition.
6. Hearing in the case was held on 06.12.2021 as scheduled. Both parties appeared, and argued their case. The arguments were concluded with mutual consent. Order was reserved for 16.12.2021.
7. Records available on file has been perused and after hearing both parties it is borne out that a 435 KVA connection was released at the premises of the petitioner on 04.12.2020 as per sealing certificate. MRI report shows that the consumption shown in the bills are in conformity with MRI reports. After release of connection on 04.12.2020, the first bill was issued for a period from 04.12.2020 to 31.12.2020 for metered consumption 6102 units and for a recorded demand of 335.76 KVA for a sum of Rs. 1,32,652.00. Subsequently monthly bills were regularly issued on metered consumption for the period 31.12.2020 to 31.01.2021 for metered units of 6146 and recorded maximum demand of 17.94 KVA for Rs. 2,75,562.00 including arrears amounting to Rs. 1,32,652.00 and third bill was issued from 31.01.2021 to 28.02.2021 for metered units 6234 for a sum of Rs. 4,15,838.00 including arrears amounting to Rs. 2,75,562.00, subsequent bills from 28.02.2021 to 30.07.2021 shows 0 (zero) consumption and thus these bills have been issued for billable demand and total outstanding dues up to 07/2021 are Rs. 10,35,455.00. The billing status confirms that the connection was disconnected on 28.02.2021. However billing has been continued as per tariff provisions in spite of temporary disconnection on 28.02.2021. As the respondent have issued bills on the appropriate tariff the same are payable by the petitioner. In view of the above facts of the case the Forum order is upheld. The petition is dismissed. The outstanding dues are payable by the petitioner.

Dated: 16.12.2021

(Subhash Kumar)  
Ombudsman