

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Sartaj Hussain  
S/o Shri Najakat Hussain  
Sanjay Colony, Opp. Chaudhary Bhawan,  
Nainital Road, Haldwani,  
Distt. Nainital, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
18, EC Road, Dehradun, Uttarakhand

Representation No. 19/2021

### Order

**Dated:** 24.09.2021

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone (hereinafter referred to as Forum) order dated 08.06.2021 in his complaint no. 11/2021, before the said Forum against Uttarakhand Power Corporation Ltd (hereinafter referred to as UPCL) through Executive Engineer, Electricity Distribution Division (Urban), Haldwani (hereinafter referred to as respondent) Shri Sartaj Hussain S/o Shri Najakat Hussain, Sanjay Colony, Opp. Chaudhary Bhawan, Nainital Road, Haldwani has preferred this petition for correction of the inflated bill received by him from the respondent.

2. The petitioner has preferred the instant petition dated 01.07.2021 on receipt of inflated bill, he approached the respondent, Executive Engineer through his letter dated 19.09.2019 and having received no solution from the respondent he filed a complaint before the Forum. He has averred that a check meter was installed on his request but in spite of that bill amounting to Rs. 2,30,000.00 was not corrected however a sum of Rs. 1,84,302.00 was deposited against the said inflated bill to avail the facility of late payment surcharge waiver scheme launched by the Government. He has stated that he has a small shop of tyre puncture where a 3 phase 5 KW compressor is installed which works only 2-3 hours per day. IDF bills were continuously received for 15

months from 07/2018 to 10/2019. The meter reader Shri Ziarul Hassan confessed that wrong reading was reported by him, he further informed that the fact was repeatedly brought to the notice of his higher officers. The said confession was made by him in a video call which is preserved in his mobile and the same was sent to SDO but even then the bill was not corrected. Complaint was also made to the Junior Engineer Shri Sakib Hussain but no action was taken by him also. The aforesaid amount was deposited by borrowing money on loan with a assurance by the department that the money shall be refunded. He has further submitted that he is a very poor man and his financial position is very bad due to lockdown. He has 4 daughters so he has requested that the excess amount paid be got refunded.

3. He has subsequently submitted a revised petition dated 16.07.2021 wherein he has alleged that facts mentioned in Forum's order are different from the facts mentioned in his complaint. The Ld. Forum on the assumption that on 20 hours per day working the possible consumption in 15 months shall be 45000 units, while his recorded consumption has been 26612 units which is not impossible and they concluded that there is no justified ground for revision of the bill. Forum's assumption itself is not practical as the puncture shop opens only for 9 hours per day from 10 am to 7 pm and in any case consumption per day cannot be more than 10 hours. No. shop can open for 20 hours a day. Further the fact of the case is that the compressor cannot run continuously and it runs only for 2-3 hours a day so the conclusion drawn by the Forum is unjustified and bad in law. The state has declared shop opening hours so it is impossible that the shop remained opened for 20 hours per day. In any case a shop cannot open for more than 14 hours and during those hours work cannot be done continuously for 14 hours and from that point of view also Forum's order is unjustified and bad in law. The Forum while denying revision of the bill, have ordered for surcharge waiver, which is not justified. Revision of the bill is necessary in the interest of justice and thus the petitioner has prayed that orders may be passed for revision of the bill.
4. After perusal of the records and hearing both parties the Forum observed that the metered unit bill at the reading 60145 was issued on 24.07.2018 for the last time where after RDF bills were issued for about 1 year and a metered unit bill for recorded units up to reading 86757 was issued on 21.10.2019. Subsequently meter

was replaced on 22.01.2020 as per billing history at a final reading of 88550 at the time of meter removal. The Forum further observed that as per history a total of 26612 metered units were consumed from reading 60145 to 86757 as on 24.07.2018 and 21.10.2019 respectively. The complainant's grievance is on this consumption. The Forum on the basis of assumptions has worked out that on a contracted load of 5 KW the highest maximum consumption in 15 months could be 54000 units and assuming 20 hour per day utilization for a non domestic connection the highest consumption in 15 months could be 45000 units. In view of that 26612 units billed for 15 months in the bill cannot be said to be impossible and they concluded that there is no justification for correction of the bill, however they were of the opinion that LPS levied in the RDF bill issued in November 2019 is not justified and they were of the opinion that levy of such LPS is not justified. In view of their observations the Forum while denied revision of the bill, have ordered waiver of the LPS.

5. The respondent submitted a written statement vide his letter 2334 dated 02.08.2021, while against point no. 1, 2 and 5 the respondent has replied that “इस सम्बन्ध में कुछ नहीं कहना है” against point no. 3 he has replied that LPS has since been adjusted in compliance to Forum order dated 08.06.2021. At point no. 4 he has submitted that the bill has since been corrected in the month of 11/2019 based on actual readings which has duly been paid by the petitioner. Since his submissions in the said written statement were not complete and were not sufficient to arrive at a conclusion regarding the case, he was asked to submit a complete written statement vide this office letter dated 03.09.2021. He has accordingly submitted his reply vide letter no. 2813 dated 16.09.2021 a copy of which has again been submitted at the time of arguments held on 20.09.2021. He has clarified that MU bills up to reading 60145 were issued till July 2018 where after RDF bills were issued for 15 months which were duly revised in the month of 11/2019 on actual readings of 60145 and 88550 as appearing on 24.07.2018 and 20.11.2019 respectively i.e. for a total consumption of 28405 units. The detailed calculation of the revised bill amounting to Rs. 1,80,173.00 has also been given in the said letter. **(A perusal of the detailed calculations suggests that the revised bill is incorrect. The total period from 07/2018 to 11/2019 is covered by two different tariff orders i.e. 21.03.2018 applicable for the year 2018-19 i.e. from 01.04.2018 to 31.03.2019 and another tariff order dated 27.02.2019 applicable for the year 2019-20 i.e. from 01.04.2019 to 31.03.2020. In**

**fact the bill from 07/2018 to 11/2019 should have been prepared on the tariffs of the said two different tariff orders and for that reason the revised bill and amount of this bill worked out as 1,80,173.00 is wrong in itself for application of wrong tariff as explained).** He has further stated that since the petitioner has only made only one payment during the said period, so LPS has been imposed as per rules. The respondent has further submitted that the old defective meter was replaced on 22.01.2020 by the new meter. The petitioner has lodged a complaint with the Forum on 15.03.2021 on the said revised bill, which was decided by the Forum vide their order dated 08.06.2021 directing thereby no bill revision but to delete the LPS from the bill. It is further stated that as the petitioner, to avail the facility of LPS waiver scheme launched by Government, deposited a sum of Rs. 1,84,302.00 (total dues 2,37,766.00 – LPS Rs. 53,464.00) on 17.05.2021, so LPS amount Rs. 3.183.00 appearing in the bill after Forum order was also adjusted, where after on the request of the petitioner a check meter was installed at his premises on 06.04.2021 which was finalized on 24.06.2021, wherein in this check meter study consumption recorded by both the meters was found to be the same.

6. In view of his above submissions the respondent has claimed that nothing more than what is due has been charged from the petitioner for the actual consumption and thus the petition is liable to be quashed. He has corroborated his submissions on the basis of documentary evidences such as bill for the period 18.03.2021 to 28.04.2021, bill from 24.07.2018 to 20.11.2019, a copy of the sealing certificate dated 24.06.2021, billing history from 02/2011 to 08/2021 which shows date of connection as 09.06.2006 as also the copy of the ledger from 01.04.2011 to 31.08.2021.
7. Records and documentary evidences available on file has been perused. Arguments from both parties were heard. It is borne out that a 5 KW connection was released to the petitioner for non domestic use on 09.06.2006 with installation of a meter which was replaced on 22.01.2020 as reported by the respondent and there is no other evidence for any meter change after the date of release of connection, other than that replaced on 22.01.2020. In violation of relevant regulations of supply code as well as tariff provisions the respondent continued to issue RDF bills at a single stretch continuously for 15 months while it was not allowed for more than 3 billing cycles, in the instant case where billing cycle is a month. This is a gross violation of regulations

and shows carelessness in reporting the correct meter readings by the concerned meter reader and failure of the supervising staff i.e. JE in the instant case, for not exercising any control and to check the actual status of the meter readings in the meter within the permissible time of 3 billing cycles and for not advising correction of the bills within the stipulated time. Necessary action against them both or all the staff who might have remained posted during these 15 months is necessary. As pointed out above the revised bill issued for 1,80,173.00 is also incorrect for application of wrong tariff. The respondent Executive Engineer has erred in issuing this revised bill also. A perusal of the billing history suggests that misreporting of the readings has been done for a long time which is evident from the fact that since release of connection till 10/2019 a total of 88505 units have been consumed as per MU in 160 months and thus average monthly consumption for the entire period has been of the order of 553 units per month, out of this 60145 units were consumed from 06/2006 to 07/2018 i.e. 12 year 1 month as reported by the respondent themselves and thus average consumption during this period has been 415 units per month and 28405 units have been consumed from 07/2018 to 10/2019 during 15 months for which RDF bills were issued and thus average actual consumption 1894 units per month during these 15 months. This clearly indicates that the consumption of 28405 units claimed for the period of 15 months from 07/2018 to 10/2019 is in fact includes the accumulated consumption as is clear from the average monthly consumption of 553 units per month from 06/2006 to 10/2019 and average monthly consumption of 415 units per month from 06/2006 to 07/2018. In view of these facts of the case it would be justified if total billing from the date of connection i.e. 09.06.2006 till 10/2019 be revised by distributing the total consumption of 88550 units equally for the entire period and monthly average consumption be worked out and a bill on appropriate tariff without levy of any LPS and after adjustment of all payments made by the petitioner is issued. The respondent are directed to issue a revised bill accordingly within 15 days and serve the same to the consumer along with detailed calculations.

8. Further the competent authority of UPCL is directed to identify the meter reader and the JE who were posted in the area and were responsible for taking meter readings and supervision thereof and take necessary action against them as per departmental rules within 3 months from the date of this order. A compliance report thereof may be

submitted to the undersigned immediately after expire of 3 months from the date of this order.

9. The petition is allowed. Forum order is set aside.

Dated: 24.09.2021

(Subhash Kumar)  
Ombudsman