

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Vinod Singh Phogat
Manager,
Saraswati Vidya Mandir,
Purv Madhyamik Vidhyala,
Gadarpur, Distt. Udham Singh Nagar,
Uttarakhand

Vs

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

Representation No. 22/2021

Order

Dated: 30.11.2021

Being aggrieved with non compliance of Consumer Grievance Redressal Forum, Udham Singh Nagar Zone (hereinafter referred to as Forum) order dated 30.06.2021 in his complaint no. 176/2020-21, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (second), Rudrapur (hereinafter referred to as respondent) the petitioner Chaudhary Vinod Singh Phogat, Managar, Saraswati Sishu Mandir, Purv Madhyamik Vidhyalaya, Gadarpur, Distt. Udham Singh Nagar has preferred this appeal dated 19.08.2021 with the request that aforesaid Forum order be got complied with by the respondent and a revised bill be got issued accordingly.

2. The petitioner has stated that a complaint was lodged before the said Forum against the respondent, which was registered there as complaint no. 176/2020-21 dated 10.03.2021. It was decided by the Forum vide order dated 30.06.2021 wherein the Forum has passed following order

“परिवादी का परिवाद स्वीकार किया जाता है। विपक्षी को आदेशित किया जाता है कि परिवादी के दिनोंक 13.01.2013 से दिनोंक 16.01.2015 के मध्य मीटर में दर्ज खपत 6981 विद्युत यूनिट

एवं दिनांक 16.01.2015 से दिनांक 13.01.2020 के मध्य दूररे मीटर में दर्ज की गई कुल 37366 यूनिट उपभोग को उक्त अवधि में समान रूप से वितरित करते हुए तत्समय लागू प्रचलित टैरिफ के आधार पर परिवादी द्वारा जमा किये गये बिलों की धनराशि को विलम्ब अधिभर शुल्क सहित समायोजित करते हुए संशोधित बिल जारी करें।”

But the respondent has not complied with the aforesaid order till 18.08.2021 which is disobedience of Forum's order by the respondent and has necessitated this appeal before Hon'ble Ombudsman. He has further requested that the delay caused in preferring this appeal due to his ill health may kindly be condoned and the appeal be admitted and be disposed off judiciously. (The appeal was admitted after condonation of delay in filing the appeal).

3. The Forum after perusal of records submitted to it and after hearing arguments from both parties have observed that the meter was replaced three times and during this period the bills for the arbitrary readings other than those appearing in the meters at the time of taking reading have been issued which varied from 205 units to 1246 units per bill. The Forum has summarized their observations regarding change of meter, readings obtaining and the units billed, which is given in the table below:

विवरण	तिथि	बदले गये मीटर सं०	मीटर की रीडिंग		कुल विद्युत उपभोग	अवधि	मसिक विद्युत यूनिट उपभोग
			अराम्भिक	अंतिम			
प्रथम मापक	दिनांक 13. 11.2013 से 16.01.2015	32111851	02	6983	6981	14 माह	499
द्वितीय मापक	दिनांक 16. 01.2015 से दिनांक 13. 01.2020	42631616	01	37367	37366	60 माह	622
तृतीय मापक	दिनांक 13. 01.2020 से दिनांक 23. 02.2021	यू302448	62	4497	4435	13 माह	345

The Forum has concluded that respondent having not issued bills on the actual meter readings obtaining in the meters, a consolidated bill for the accumulated consumption of 6981 units for the period 13.01.2013 to 16.01.2015 and for 37366 units recorded by the new meter for the period 16.01.2015 to 13.01.2020 has issued a consolidated bill

for these total units. The Forum therefore was of the opinion that it would be justified to issue a revised bill for this period by uniformly distributing this accumulated consumption on appropriate tariffs after adjustment of payments made and LPS levied on the bills and they accordingly ordered and allowed the complaint.

4. The respondent Executive Engineer, has submitted his written statement vide his letter no. 1915 dated 24.09.2021, wherein he has submitted that the petitioner did not pay the bill and having not accepted the notice dated 18.11.2020 issued by SDO for nonpayment of the dues, has lodged a complaint before the Forum, which was registered there as complaint no. 176/2020-21 and was decided by the Forum vide order dated 30.06.2021. The following action has been taken by him (the respondent) for revision of the bill in conformation of Forum's aforesaid order. The SDO has reported vide his letter dated 28.08.2021 that the bill has since been revised by uniformly distributing the consumption recorded by 2 meters as 6981 units from 13.01.2013 to 16.01.2015 and for 37366 units from 16.01.2015 to 13.01.2020 by uniformly distributing the total consumption recorded in the meters during the said period on appropriate tariff, without levy of LPS and after adjustment of the payments made and as such adjustment of a sum of Rs. 30,269.00 was allowed, which was duly approved by his office and fed to the system after revision of the bill as aforesaid and allowing adjustment the total outstanding dues against the petitioner as per records are Rs. 1,49,118.00. He has further reported that no payment has been made by the petitioner after 14.05.2019. He has substantiated his submission with calculations for revised bill, billing history from 02/20211 to 08/21, a copy of the ledger from 01.04.2011 to 28.08.2021, both these documents i.e. billing history and ledger shows adjustment of Rs. 30,269.00 and net outstanding dues as on 28.08.2021 as Rs. 1,49,118.00, which amount has been mentioned in his written statement also.
5. The petitioner has submitted his rejoinder vide his letter dated 13.10.2021. No new facts of the case or documentary evidence has been adduced in the rejoinder and he has specifically mentioned that all documentary evidences regarding his appeal have already been submitted in the appeal and in case any other documents are required the same shall be submitted.
6. Hearing in the case was held on 22.11.2021 as scheduled. It is found that due to misreporting of the readings obtaining in the meters in different billing cycles by the

meter reader. Bills for the consumption other than actually obtaining in the meters were issued for the units ranging from 205 unit per bill to 1246 units per bill, during the period January 2013 to January 2020 i.e. for 7 years continuously. During this period the meters were changed 3 times. The actual metered consumption recorded during this period by 2 number meters remained installed during this period were as 6983 units from 13.01.2013 to 16.01.2015 and 37366 units from 16.01.2015 to 13.01.2020 i.e. a total of 44347 units were recorded during this period of 7 year from January 2013 to January 2020. The Forum observed that irregularity was continuously committed by the respondent during the period of 7 years as aforesaid by not issuing the bills on actual metered units and they therefore were of the view that it would be justified to issue a revised bill by uniformly distributing the aforesaid total units 44347 actually recorded by the meters remained installed during this period without levy of LPS and after adjustment of the payments made during the said period and accordingly ordered that the bill amounting to Rs. 1,58,589.00 on 23.02.2021 be accordingly revised.

7. In compliance to the Forum's aforesaid order the respondents have revised the bills not only from January 2013 to January 2020 but from January 2013 to August 2021. As a result adjustment for a sum of Rs. 30,269.00 was allowed in the month of 08/2021 and consequently the total dues which were Rs. 1,58,579.00 till 02/2021 and have reached a figure of Rs. 1,79,387.00 till 08/2021 has reduced to Rs. 1,49,188.00. The calculation sheet submitted by the respondents with written statement as well as the billing history and ledger confirms that the revision of the bill has correctly been done in compliance of Forum's order and after revision of the bills the net outstanding dues against the petitioner have been worked out as Rs. 1,49,118.00 up to the month of August 2021 and the same are thus payable by the petitioner.
8. The petitioner has however emailed a letter which has been received in this office on 26.11.2021 although the petitioner has written the date of this letter as 29.11.2021 which cannot be correct as the letter has duly been received on 26.11.2021. In this letter he has submitted details of billed amount and the amount paid and receipt numbers and date from 01.07.2012 to 25.05.2019 and has requested for another date of hearing. Since the hearing had already been concluded on 22.11.2021 with mutual consent and date of order was fixed for 30.11.2021, his request for yet another hearing

cannot be acceded to. However a copy of his letter received on 26.11.2021 by email (date of this letter has perhaps been advertently written as 29.11.2021) shall be sent to the respondents with this order with the remarks that both parties shall sit together and shall reconcile the accounts related to the payments made by the petitioner and shall remove discrepancy found, if any.

Forum order is upheld. Petition is dismissed.

9. Billing on arbitrary readings not consistent with the readings appearing in the meters in different billing cycles for such a long period of 7 years from January 2013 to January 2020 in gross violation of the regulation and tariff provisions is objectionable and has been viewed seriously by the undersigned. The UPCL's competent authority is directed to investigate as to how and by whom this irregularity has been continuously committed for such a long period as 7 years and after indentifying such staff may take necessary administrative action against such erring officers/officials as per departmental rules. Compliance of action taken may be reported to the undersigned within 3 months from the date of this order.

Dated: 30.11.2021

(Subhash Kumar)
Ombudsman