

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Suraj Kapurwan  
The Sleeping Beauty Hotel  
Joshimath, Distt. Chamoli  
Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
Gopeshwar, Distt. Chamoli,  
Uttarakhand

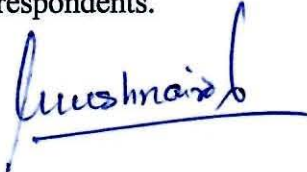
Representation No. 02/2025

**Award**

Dated: 11.06.2025

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Karanprayag Zone, (hereinafter referred to as Forum) dated 21.09.2024 in complaint no. 401/2024-25 by which Ld. has directed the respondent for issuing revised bills in the complaint of the appellant Shri Suraj Kapurwan, The Sleeping Beauty Hotel, Joshimath, Distt. Chamoli, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Gopeshwar, Distt. Chamoli, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner in his instant appeal dated 21.01.2025 has averred as follows:
- The appeal is being preferred for non compliance of Forum's order dated 21.09.2024.
  - No case on this issue is pending in any Forum or Court.
  - Affidavit is enclosed.
  - Copies of electricity bills, complaint before Forum, copy of Forum's order and any other documents related with the case are submitted with appeal.
  - The appeal is not against Forum's order but it is for non compliance of Forum's order dated 21.09.2024 by the respondents.



Reasons for delay in submission of the present appeal have been explained as the Forum's order was not received by him. He was informed on 26.11.2024 that the Forum have decided his appeal, when a staff from the division has asked him to submit receipts of the payments made from April 2024 to October 2024, so that the same may be adjusted against the outstanding dues. On 16.12.2024 he was informed from the division that the revised bill was ready and the same shall be sent to him as soon as signed by the Executive Engineer, but in the bill dated 23.12.2024, no corrections were made and the bill was issued without adjusting the payments. The division did not respond to his telephonic calls so the present appeal is preferred.

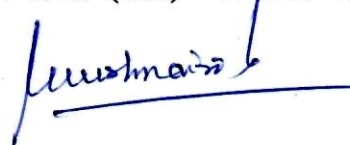
He has submitted that payments from the month of April 2024 till date have duly been made and the division office is being informed repeatedly about these payments but still no corrections were made.

The bill for the month of December 2024 has been generated for a sum of Rs. 1,05,174.00 for 15200 units consumption. While in the month of December that much consumption was not possible because disturbance in the supply as well as lesser number of tourists staying in the hotel. This suggests that the department is intentionally not issuing correct bills with the intention to harass him.

In view of above he has prayed that necessary relief may be granted and compliance of Forum's order dated 21.09.2024 be enforced. Apart from the documents as referred above the petitioner has also submitted copies of the bills for the period 31.03.2024 to 30.04.2024 – to 30.11.2024 to 31.12.2024.

3. The Forum after perusal of records referring relevant UERC Regulations and after hearing arguments from parties decided the complaint vide its order dated 21.09.2024 in complaint no. 401/2024-25 with order as reproduced below:-

"मंच माननीय उत्तराखण्ड विद्युत नियामक आयोग के नियमों का अनुज्ञप्तिधारी द्वारा किए गए उल्लंघनों को देखते हुए परिवादी के दिनांक 01/063/2023ण 05/03/2024, एवं दिनांक 22/03/2024 के बीजक निरस्त करने और नवम्बर 2022 से मार्च 2023 तक की गई विद्युत खपत माननीय उत्तराखण्ड विद्युत नियामक आयोग द्वारा नियत बिल चक्रों एवं MRI से ली गई रीडिंग के आधार और उस समय पर लागू टैरिफ ऑर्डर, बिना विलम्ब शुल्क अधिभार लगाए, तथा देय तिथि विस्तार कर प्रेषित करने का आदेश देता है, साथ ही यह भी आदेश दिया जाता है कि उपभोक्ता का नवम्बर 2023 के उपरान्त सितम्बर 2024 तक के बीजकों में फिक्स चार्ज अनुबंधित भार पर न ले कर अधिकतम डिमांड (MDI) पर प्रेषित करें, और वाद-290 दिनांक





23/08/2023 को दिये गये निर्णय की अनुपालन आख्या भी प्रस्तुत करें। निर्णय की अनुपालार्थ आख्या 30 दिनों के अन्तर्गत मंच को प्रेषित करना सुनिश्चित करें। इस निर्णय से सन्तुष्ट न होने पर परिवादी विद्युत ओम्बड्समैन, 80 वसन्त विहार, देहरादून में अपील कर सकता है।”

4. The respondent has submitted a written statement vide letter No. 1546 dated 07.03.2024 wherein he has submitted as follows:-
- i. The petitioner preferred complaint no. 401/2024-25 before CGRF Karanprayag in which Forum passed order dated 21.09.2024 after hearing.
  - ii. In accordance with Forum's aforesaid order the bill was revised in the month of October 2024 from Rs. 334043.00 to Rs. 313162.00 (Encl. 1).
  - iii. A sum of Rs. 24746.00 was deposited by the petitioner in the account of division on 02.07.2024 through RTGS at his own volition but he did not intimate the division about this payment due to which receipt could not be issued timely. On getting to know about the payment the receipt was issued on 03.10.2024.
  - iv. At present a sum of Rs. 431219.00 is outstanding against the petitioner ending February 2025 (Encl. 2). A notarized affidavit has also been submitted.
5. The petitioner has submitted a rejoinder dated 28.03.2025 along with a notarized affidavit.
- i. It is denied that the bill was revised in the month of 10, 2024 in compliance to Forum's order as no such correction in the bill of 10,2024 was reflected. Further the enclosure (ledger) submitted by respondent with his WS suggests that the correction in the bill was done on 06.03.2025. Bill of which has not been sent to me by any means by the department till date.
  - ii. It is wrong to say that no intimation was given by him to the division office regarding payment of Rs. 24746.00. The intimation was duly given to division office on 02.07.2024 on whatsapp. The intimation was also given by division office to Assistant Engineer on 30.07.2024. Further intimation was also given on whatsapp on 31.07.2024 even then receipt was issued on 03.10.2024. Department submission are false because in the ledger submitted by respondent with his WS adjustment of the said deposit amount of Rs. 24746.00 has been shown on 06.03.2025.



- iii. Apart from above all the bills right from June 2024 to February 2025 were duly paid and intimation was timely given to department's officials/ officers but all these payments were not updated resulting into accumulation of outstanding dues more than Rs. 4,00,000.00 which is unwanted adduced on him.
- iv. Bill for the month of 2025 has been issued for Rs. 105174.00. The departmental officers were apprised about this and the same has also been mentioned in this instant appeal. Although assured but no correction was made by the respondents. The bill was corrected on 27.01.2025 when a written complaint was made to the department on 25.01.2025 and the bill was corrected for Rs. 34744.00.

In view of his above submissions he has requested that necessary relief be granted after perusal of all the submitted documents.

6. Hearing in the case was fixed for 16.04.2025. Both parties appeared but for want of compliance report of Forum's order from the respondent, 23.04.2025 was fixed as next date of hearing, which was adjourned for 14.05.2025 on the request of the respondent. Both parties appeared for arguments on 14.05.2025, petitioner was directed to give his grievances to respondent, through a written note. Respondent was directed to clarify/rectify petitioner's grievances by 28.05.2025. Both parties appeared for arguments on 28.05.2025, the petitioner submitted a written argument respondent also submitted a statement showing bill revisions, documents were exchanged between the parties. Arguments were concluded and 11.06.2025 was fixed as a date for pronouncement of order.
7. After perusal of records and documents available on file and hearing arguments from both parties, it is noticed that a 7 KW connection was released in the favour of the petitioner initially with connection no. GPOK000983909 on 20.07.2019 under commercial category which was subsequently enhanced to 50 KW on 09.11.2022. The petitioner's grievance is regarding billing from 09.11.2022 when the load was enhanced to 50 KW. The instant petition has been preferred by the petitioner not being aggrieved with Forum's order dated 21.09.2024 in his complaint no. 401/2024-25 but the appeal has been preferred for noncompliance of Forum's aforesaid order and with the prayer that the Hon'ble Ombudsman may kindly be pleased to direct the respondents to make compliance of the Forum's aforesaid order. From the documents

*[Signature]*

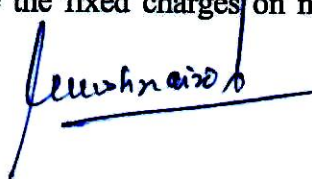


submitted by the respondent, it is evident that Forum order has duly been complied with by him strictly in accordance with tariff provisions under the relevant rate schedule applicable to the petitioner and as a result of which adjustment of Rs. 20,881.00 has duly been allowed. 2 nos. statements, one showing updated bill corrections from 01.11.2022 to 31.10.2024 and another statement showing bill corrections from 01.11.2022 to 30.04.2025 have been submitted by the respondent. A gross amount of these bills has been shown as Rs. 5,95,467.45 arrear up to 10/2022 amounting to Rs. 5,693.00 has been added. A sum of Rs. 3,65,692.00 deposited by the consumer from 10.01.2024 to 17.04.2025, which is also reflected in the ledger has been accounted for LPS Rs. 20,396.00 has been added and thus the payable amount has been worked out as 2,55,864.45, while the total dues as per bills generated by the system up to 04/2025 has been shown as Rs. 2,38,591.00 and thus an adjustment of Rs. 17,293.45 has been allowed.

8. Since the bills after enhancement of load on 09.11.2022 till 30.04.2025 have duly been revised/corrected as per tariff provisions. No further relief is admissible and grievance stands redressed.
9. The petitioner has submitted following case laws from the Hon'ble High Court of Uttarakhand vide his letter dated 09.06.2025:
  - i. Writ petition (M/S) No. 1695/2017 UPCL vs Shri S C Mahendru judgment dated 28.06.2018.
  - ii. Writ petition (M/S) No. 1141/2014 of M/s Havells India Ltd. Vs. UPCL judgment dated 19.09.2019

Both case laws were carefully perused. The said judgments are distinguishable on facts and do not apply to the present case as subject matter of the present case is different from that of the submitted case laws.

10. Forums' directions for levying fixed charges on maximum recorded demand in the billing cycles instead of contracted load is not sustainable and cannot be upheld not being consistent with tariff provisions, as under the relevant rate schedule applicable in the instant case provides for charging the fixed charges on the contracted load. Such being the case the petition is liable to be dismissed. Forum order is liable to be upheld except the part directing to charge the fixed charges on maximum recorded

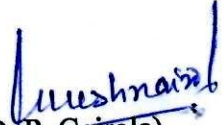


demand in billing cycles instead of contracted load as the same not being consistent with tariff provision.

**Order**

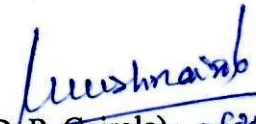
The petition is dismissed. Forum order is partly upheld.

Dated: 11.06.2025

  
(D. P. Gairola)  
Ombudsman 11.06.2025

Order signed dated and pronounced today.

Dated: 11.06.2025

  
(D. P. Gairola) 11.06.2025  
Ombudsman