

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Bipin Chandra Tiwari
Indus Tower Ltd.
Bhatrojkhan, Bhikiyasain
Distt. Almora, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Bhikiyasain, Distt. Almora,
Uttarakhand

Representation No. 05/2025

Award

Dated: 11.07.2025

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Almora Zone, (hereinafter referred to as Forum) dated 13.01.2025 in complaint no. 204/2024 by which Ld. Forum disposed off the complaint of the appellant Shri Bipin Chandra Tiwar, Indus Tower Ltd. Bhatrojkhan, Bhikiyasain, Distt. Almora, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Bhikiyasain, Distt. Almora, Uttarakhand (hereinafter referred to as respondent).

2. The instant petition without any date received and admitted on 14.02.2025 has been preferred by Shri Bipin Chandra Tiwari, Indus Tower Ltd. Bhikiyasain being aggrieved with forum order with dated 13.03.2025 in his complaint no. 204/2025 before the said Forum. In the petition he has averred as follows that:-

- i. They have 18 KW permanent connection bearing account no. ID40116951152 at Bhikiyasain under EDD Bhikiyasain. Bills have been paid regularly since release of connection.
- ii. Issued bill for the month of May 2023 was of abnormal consumption for 15,600 units from previous reading 3525592 present reading 368159 which is

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not possible for a 18 KW load. However, the bill was paid in the hope that the bill shall be corrected in the next cycle.

- iii. Another bill for June 2023 was issued for 25400 units from reading 368159 to 393559 which is again an abnormal consumption for 18 KW load.
- iv. Another bill for July 2023 issued for 29400 units from reading 3935592 to 422959 again abnormal bill.
- v. Bill for August 2023 issued for 25400 units from 422959 reading to 448359 reading.
- vi. September 2023 bill for 29789 units from reading 448359 to 478148.
- vii. October 2023 bill for 58196 units from starting reading 478148 and closing reading shown Nil.
- viii. Bill for November 2023 issued for 281969 units with starting unit 478148 closing reading again Nil.
- ix. Bill for December 2023 issued for 281969 units with starting reading 478148 and closing reading Nil.
- x. All above abnormal bills were deposited due to system base validation and in the faith that licensee would correct the bill.
- xi. January 2024 bill issued for 12122 units with starting reading 478148 and closing reading 10242 mentioning that the meter was replaced on 16.01.2024. 10242 units consumption from 16.01.2024 to 31.01.2024 i.e. for 15 days is not possible for 18 KW load in any condition. It is therefore clear that meter was replaced earlier but the licensee has not updated his records while meter replaced shown on 02.01.2024 but meter sealing certificate was not provided.
- xii. February 2024 bill was issued for 7557 units showing starting unit 10242 and closing unit 17799, the bill was also paid.
- xiii. In March 2024 existing meter burnt due to lighting and the licensee has once again issue abnormal consumption bill for 28196 units showing starting reading 17799 and closing reading Nil.
- xiv. April 2024 bill was issued for 4100 units showing starting reading 17799 and closing reading Nil.
- xv. May 2024 issued for 27756 units starting reading shown 17799 and closing reading 500. Meter was burnt in March 2024 but replaced in May 2024 almost after 03 months which is unjustified. From March 2024 to May 2024 shown



dues as Rs. 544827.00 by the licensee due to abnormal consumption. Even so many abnormal consumption bills charges have been deposited till February 2024 bill.

- xvi. January 2024 bill was issued only 400 units due to improper reading. On informing to the licensee they have regularized the reading in July 2024 bill which was issued for 11305 units.
- xvii. As per above mentioned details it is clear that energy meter had become defective onwards May 2023 billing as 15600 units which is not possible in a month on 18 KW load.
- xviii. Visited Executive Engineer office a number of times for correction of the bills from May 2023 and onwards but had not received any response. Finally an application was submitted in the division but with no response.
- xix. Approach to CGRF Almora on 24.11.2024 for justice.
- xx. A notice was issued by Executive Engineer on 27.01.2025 stating that our grievance was heard by CGRF Almora on 13.01.2025 and he has accordingly revised the bill and he asked us to deposit the bill amounting to Rs. 1543104.00 till January 2025 bill.
- xxi. Information about scheduled date of hearing of our case by CGRF was never received neither any information was provided.
- xxii. A representation was submitted before Executive Engineer on 06.02.2025 via Email hard copy also submitted on 07.02.2025 requesting him that do not disconnect the supply until verdict passed by the CGRF. A copy of the same letter was also submitted to CGRF asking for a copy of the verdict.
- xxiii. Supply was unlawfully disconnected by the licensee in the evening of 07.02.2025 without any information, we were deprived for supply for two days due to unlawful disconnection resulting into severe financial loss.
- xxiv. A sum of Rs. 556995.00 was deposited on 11.02.2025 which was a tentative charge during March 2024 to May 2024. The period of meter having fault. Consumption was recorded in the meter from June 2024 bill and onwards.
- xxv. CGRF verdict was received on 15.02.2025 through Email in which instruction was given to the licensee to revise the bill for the month of March 2024 and April 2024 as per three billing cycle which is considered July 2024 to September 2024 average monthly consumption 28196 units.



xxvi. Being aggrieved with CGRF verdict the instant appeal is being preferred because the meter have shown abnormal consumption from May 2023 bill being 15600 units June 2023 bill 25400 units, July 2023 Bill 29400 units, August 2023 for 25400 units and September 2023 29789 units and after that meter was declared IDF for three billing cycles continuously October 2023 to December 2023. The petitioner has submitted that such abnormal consumption is not possible for 18 KW load whenever the meter was in working order average consumption for previous three months (February 2023 to April 2023) was 2083 units per month. Thus average monthly consumption from 2083 units to 28196 unit is not possible for 18 KW load. Even last one year average consumption from May 2022 to April 2023 was recorded as 1572 unit per month.

xxvii. Issued bills from May 2023 to December 2023 and January 2024 wrong excess load shown need to be corrected and quashed. March 2023 to May 2023 average basis charged bill to be correct and revised bill to be charged as per average consumption from February 2023 to April 2023 when the meter was in working order. The excess amount recovered need to be adjusted in coming bills LPS also need to be removed and necessary compensation is also need to be allowed as deemed fit. Documentary evidences as enclosures from serial no. 1 to 6 have also been adduced with the petition.

3. After perusal of records and hearing arguments from the opposite party as the complainant did not appear in the final hearing held on 13.01.2025. A Forum was of the opinion that revision of March 2024 and April 2024 bills issued as IDF on the basis of average of three billing cycles when the meter was ok shall be logical and accordingly passed the following order:- "विभाग को निर्देशित किया जाता है कि वह खराब मीटर बदलें जाने से पहले सही मीटर के समय की रीडिंग का आधार पर संशोधित बिल 07 दिन के अन्दर वादी को उपलब्ध कराये, तत्पश्चात् उपरोक्त पर अनुपालन आख्या, 10 दिन के अन्दर मंच के समक्ष प्रस्तुत करना सुनिश्चित करें। उपरोक्त के दृष्टिगत प्रकरण को निस्तारित किया जाता है।" .

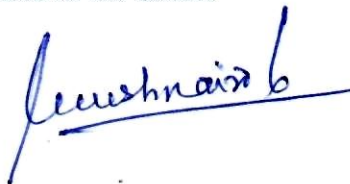
4. The respondent Executive Engineer has submitted a written statement vide letter no 530 dated 16.04.2025 wherein point wise replies has been submitted as follows:-

i. Point no. i) to vii) The bills are being issued on actual meter reading basis as per UERC rules. Bills for the month of June 2023 and July 2023 were



prepared on actual recorded meter reading at the time of taking reading in the month of August 2023 the meter reader found some technical defects in the appliances of the consumer, due to which consumption was recorded more than the capacity of the connection. The operator of the consumer was duly informed by this defect by the meter reader and he was advised that defects be got removed timely failing which meter may also become defective. Bill for the month of September 2023 was also prepared on actual recorded consumption. In the month of October 2023 the meter reader reported that the meter had become defective, therefore bill for October 2023 was generated as IDF by the system as per UERC rules. The IDF bill was accordingly prepared by the system taking average consumption of last 3 billing cycles, when meter was OK. The actual recorded consumption in the last 3 billing cycles was July 2023 for 29400 units, August 2023 for 25400 units and September for 2023 29789 units, thus total of three billing cycle was 84579 units and therefore average per month was 28196 units (84579 / 3).

- ii. Point no. viii) to x) Bills for the month of November and December 2023 were also generated on IDF.
- iii. Point no. xi) and xii) The consumer's meter was replaced on 02.01.2024 by the test lab Ranikhet. Thereafter bill for February 2024 was issued on actual recorded consumption by the new meter. In this bill 1880 units were taken from the reading of the old meter and 10242 units is the consumption recorded by the new meter, therefore the bill was for total 12122 units.
- iv. Point no. xiii) to xv) The new meter was found defective while taking reading for the month of March 2024 as the technical fault in the connection was not removed till then. Bill for the month of March 2024 was generated by the system as IDF. Bill for the month of April 2024 was also issued on IDF by the system for 28196 units as per Forum order on the basis of last 3 billing cycles when meter was OK. The meter was again replaced by Test lab Ranikhet on 29.05.2024, thereafter bill for the month of June 2024 was issued on actual meter reading obtained in the new meter. Further he has stated that after replacement of meter in the month of June 2024 bills till date are being issued on actual meter readings obtained in the meter.



- v. Point no. xvi) Bill for the month of June 2024 was issued for 100 units as reported by the petitioner. The corrected bill for June 2024 was issued based on actual meter reading for 7057 units.
- vi. Point no. xvii) and xviii) He has submitted that bills for the month of June 2023 and July 2023 were issued on actual meter readings.
- vii. Point no. xix) to xxii) Copy of Forum order and relevant letters are enclosed.
- viii. Point no. xxiii) and xxiv) Copy of Forum order is enclosed. The supply was disconnected on nonpayment of dues by the consumer in spite of repeated reminders.
- ix. Point no. xxv) Copy of Forum order enclosed.
- x. Point no. xxvi) and xxvii) As per reply against point no. i) to vii) above.

5. A rejoinder dated 15.05.2025 has been submitted by the petitioner.

- i. Abnormal bills were issued from May 2023 in comparison to previous consumption trend. Consumption from 30.04.2023 to 31.05.2023 was shown 15600 units which is totally unjustified for 18 KW connection. Even if 75% load is considered for 20 hours continuously the maximum consumption could be 8100 units per month, so 15600 units consumption was not possible, so billing for the month of May 2023 was done on abnormally high consumption.
- ii. The Licensee has stated that the fact was found in consumer's installation in the month of August 2023, but what technical defect was found was never mentioned clearly. Further no report was provided to them about removal of defect. The recorded demand in respective months in the meter was within limit, hence such a false information was provided by the Licensee to justify abnormal billing which is not valid.
- iii. Meter had shown abnormal consumption from May 2023 to September 2023 bills as 15600 units in May 2023, 25400 units in June 2023, 29400 units in July 2023, 25400 units in August 2023 and 29787 units in September 2023. While prior to May 2023 the average consumption in last one year was 1572 units and during abnormal billing, it has reached beyond 25118 units per month. As the consumption was abnormal due to meter defect, the Licensee had to test the meter at lab in their presence to ascertain the correct consumption but that was not done by the Licensee and forcefully billed for abnormal consumption. Even after replacing the meter, monthly average

consumption was 8042 units per month onwards till June 2024. It is therefore clear that defect occurred onwards May 2023 bill (detail record is enclosed).

- iv. The new meter had gone defective in March 2024, but actual cause was not identified by the Licensee. While as per rules they had to test the meter in lab. It is not valid to declare consumer's installation defective by the Licensee without any report. Even when recorded demand in the meter was within the limits.
- v. The petitioner has stated that average billing cannot be for more than 2 billing cycles as per Supply Code provisions, while in this case average bills were raised for 3 billing cycles continuously instead replacement of meter timely.
- vi. The Licensee was already intimated on 24.02.2025 about registration of the grievance before the Ombudsman despite connection was disconnected on 10.03.2025 without any intimation. Disconnection of supply by the Licensee was in total violation of the Act and Supply Code. The submissions made in the rejoinder may kindly be taken on record a judicious order along with necessary compensation may kindly be passed. In the rejoinder the petitioner has assured that the notarized affidavit shall be given at the time of hearing, but the same was not given during hearing also.

6. 23.04.2025 was fixed for hearing in the case which was postponed and 11.06.2025 was fixed for hearing. Both parties appeared and argued their case. Performa for submission of billing details was handed over to both parties for submission on the next date of hearing fixed for 25.06.2025. The respondent was also directed to submit consumer billing history, consumer ledger and MRI old meter also on the next date of hearing. Both parties appeared for hearing on the scheduled date 25.06.2025. Both parties submitted the following details/ documents as were directed in the last hearing. The petitioner submitted a billing details on the prescribed performa from the month of 2022 to May 2025. The respondent submitted desired details on the prescribed performa vide letter no. 1078 dated 24.06.2025 as well as consumer billing history and a copy of consumer's ledger. Billing data reports was also submitted. Further copies of bills were also submitted by the respondents. All these documents have been taken on record. Arguments concluded 11.07.2025 was fixed the date for pronouncement for judgment.

7. After hearing arguments from both parties and perusal of records submitted by parties which are available on file. Facts of the case as given below have come to notice.

A 18 KW load under commercial category, tariff RTS-2 (non domestic) was released in favor of the petitioner on 07.02.2011 by installing meter no. RCOE611 which was replaced by meter no. 892993 on becoming defective. This meter was also replaced by a new meter no. 8903034 after the earlier meter had also become defective which meter is still at site at consumer's meter. Billing history submitted by the respondent from 04.02.2012 to 05, 2025 shows meter units consumption from April 2012 to 04, 2022 ranging from 9090 KWH in January 2017 (maximum) and 49 KWH in 06, 2021 (minimum) from the month of May 2023 till December 2023 abnormally high consumption bills ranging from 15600 KWH in May 2023 (MU) to 29789 KWH in September 2023 (MU) were issued.

Bills for the month of October, November and December 2023 are issued as IDF previous and present demand in KVA has been shown as 00 in the month of 05, 2023 while present demand in the month of 07, 2023 is shown as 18 KW cumulative demand in the month of 08, 2023 and 09, 2023 is recorded as 36.6 KVA and 54.6 KVA respectively that is to say that the recorded demand in the month of 07, 2023 was 18 KVA in 08, 2023 was 18.6 KVA in 09, 2023 it was 18 KVA again the cumulative demand in the bills for the month of 10, 2023 and 11, 2023 and 12, 2023 remained 54.6 KVA and meter was IDF from the month of 10, 2023 to 12, 2023 and bills for assessed consumption was issued.

The meter was shown replaced in the bill for January 2024. January 2024 bill was issued for 12122 units. Demand in the bill for January 2024 has been charged 55 KW while cumulative recorded demand in the previous as well as in the current month has been shown at 54.6 KVA in this bill. February 2024 bill was issued for 7557 KWH (MU) and demand shown as 17.86 KW (previous month cumulative demand 54.6 KW, present month cumulative demand 72.46 KW which appears correct). Bill for the month of March 2024 and April 2024 billed for 28196 assessed units meter being IDF and demand has been charged 55 KW in each of these bills on assessment basis contrary to this in the billing history the billed unit in the month of 04, 2024 has been shown as 4100 units.



8. The respondent Executive Engineer while has submitted billing details on the respective perform consumer billing history, copy of ledger but has submitted that copy of MRI report of the change meter cannot be submitted as the meter was replaced being burnt. However MRI report from 01.06.2024 to 01.05.2025 has been submitted. The meter was shown burnt in the month of January 2024 and again in the month of February 2024 but burnt meter are replaced in the February 2024 and June 2024 respectively without investigating the reasons of burning of the meters twice.
9. In the bill for the month of May 2024 27456 KWh has been billed as per MU and demand has been charged 72 KW, which is wrong as cumulative recorded demand in previous as well as present month are 72.64 KW. Bills from June 2024 till May 2025 have been issued on metered energy consumption, which varies from 100 KWh to 76038 KWh and billed demand varies from 8.13 KW to 23.25 KW except in the month of April 2025, in which it is shown as 72 KW, this bill is for NA i.e. for assessed energy and demand. The cumulative recorded demand in the previous month is shown as 220.99 KW and that in the present month is shown as nil, even then demand has been charged for 72 KW in next month i.e. in the bill from 31.03.2025 to 31.05.2025 in which billed energy has been shown as 13968 units and demand has been charged for 18.33 KW. NA bill of April 2025 has been adjusted in this bill so the billed energy of 13968 units in this bill is the consumption in 2 months i.e. for the month of April 2025 and May 2025.
10. After perusal of all records and facts of the case as described above admittedly there was no dispute about billing till April 2023 and MU bills were being issued from the month of May 2023 to September 2023 although bills were issued on meter consumption but the energy consumption charged in these bills appears to be abnormally high for a 18 KW load. This consumption varies from 15600 unit in May 2023 to 29779 units in the month of September 2023 while recorded maximum demand has been shown as zero in the month of May 2023 and June 2023 and 18 KW, 18.6 KW and 18 KW in the month of June 2023, August 2023 and September 2023 respectively. The respondents submitted, relying upon the report of meter reader that high consumption is attributable to some technical defect in the equipments of the petitioner, however without ascertaining this allegation on the basis of conducting a checking of connected load on consumer's premises. Further this allegation also does not prove to be correct as the recorded demand in the bills have been shown 18

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KW to 18.6 KW and therefore this plea of the respondent fails. However, the abnormally high consumption appears to be due to some defect in the meter and which was not investigated by the respondents. Since recorded demand during the period under dispute i.e. from May 2023 to September 2023 has been about 18 KW so highest maximum possible consumption during a month on this demand at 100% load factor could be 13140 KWH which is an ideal condition and is hard to be achieved if not impossible. Further it is also mentioned, for the sake of discussion only, although not applicable in the instant case, that in the formula LDHF (Annexure-12) of UERC Supply Code Regulation, 2020, applicable for assessment in case of theft of energy and unauthorized use of energy the load factor for non-domestic category is taken as 60% and from that point of view also the possible consumption for 18 KW load under commercial category can be 7884 unit per month (13140×0.60). Further bills for the month of October 2023, November 2023 and December 2023 have been issued for 28196 units per bill with demand 18.63 KW for the meter being defective. In the instant case the energy to be billed for each of the months under IDF has been taken as average of preceding 03 bills cycles i.e. energy billed in the month for September 2023, August 2023 and July 2023 which consumption being abnormally high cannot be upheld as discussed above. It is clarified that in case of IDF metering, the billing on the basis of average consumption recorded in the past 03 billing cycles when the meter was recording correctly are required to be issued, as provided under sub Regulation 5.1.7 of UERC Supply Code Regulation, 2020. Here in the instant case since the recorded consumption in the last 03 billing cycles has been challenged and is under dispute being abnormally high so, IDF bills issued from October 2023, November 2023 and December 2023 for 28196 unit per bill while the recorded demand being taken as 18.6 KW, cannot be appreciated.

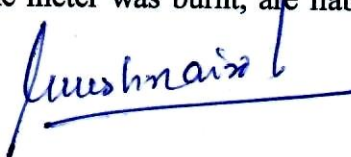
11. Such being the case the bills from the month of May 2023 to December 2023 are liable to be revised on reasonable grounds i.e. on the basis of average consumption recorded in the preceding 03 months bills prior to May 2023 or on the basis of average billed consumption in the 03 bills succeeding December 2023. The billed consumption in the 03 billing cycles in the preceding period i.e. for the month of April 2023, February 2023 and March 2023 are 12098 KWH, 750 KWH and 4245 KWH respectively while recorded demand in these 03 billing cycles have been shown zero. The total consumption billed in 03 cycles is 6248 KWH so average consumption



per bill comes out 2083 KWH per bill. As regards the consumption in the 03 billing cycles succeeding December 2023 i.e. consumption in the bills for January 2024 February 2024 have been issued on metered consumption of 12122 KWh and 7557 KWh respectively while demand has been shown as 55 KW for January 2024 and 17.86 KW for February 2024. The billed demand of 55 KW in the bill of January 2024 is wrong as cumulative demand in the last month and current month in this bill is 54.6 KW therefore 55 KW recorded demand for this month cannot be correct. Further bill for the month of March 2024 has been issued on IDF on assessment basis so this cannot be taken into consideration for working out the average consumption in the succeeding 03 billing cycles so billed consumption of 12122 KWH in January 2024 and 7557 KWH in February 2024 has to be taken in consideration. The total consumption in these months being 19679 KWH so average monthly consumption in the succeeding period comes out 9840 KWH and the recorded demand in the month of February 2024 being 17.86 KW has to be considered as recorded demand in the month of January 2024 and March 2024 cannot be taken into consideration for the reasons explained.

12. Such being the case it is desirable as also reasonable and in the interest of justice if bills from May 2023 to December 2023 are cancelled and revised bills for these months be issued on the basis of average monthly consumption and demand recorded either in the preceding 03 months or succeeding 02 months whichever is higher as the average per bill recorded consumption in the preceding 03 months period is 2083 KWH and that in the succeeding months is 9840 KWH it would therefore be logical and in the interest of justice if revised bills from May 2023 to December 2023 are issued @ 9840 KWH per bill which gives 75% load factor and maximum demand for issuing revised bills be taken as 18.6 KW as the maximum recorded demand in the preceding period as per bills is zero and that in the month of February 2024 the succeeding month is 17.86 and 18.6 is the recorded maximum demand in the month of August 2023 i.e. the highest recorded demand during the period May 2023 to December 2023.

Further IDF bills for the month of March 2024 and April 2024 issued for assessed consumption of 28196 KWh and Maximum demand 55 KW for each of these months and the bill for the month of May 2024 issued for 27756 KWh and maximum demand 72 KW, on assessment basis, as the meter was burnt, are liable to be cancelled and



revised bills for these 3 months are also liable to be issued @ 9840 KWh and Maximum demand 18.6 KW for each bill on the same principle.

13. Such being the case the respondents are directed to withdraw issued bills from the month of May 2023 to December 2023 and bills for the months of March 2024, April 2024 and May 2024 and issue the revised bills for these months as mentioned in para no. 12 above. Accordingly the petition is liable to be allowed and Forum order is liable to be set aside.

Order

The petition is allowed. Forum order is set aside. Respondent is directed that the issued bills from May 2023 to December 2023 and for March 2024 to May 2024 be withdrawn and bills from May 2023 to December 2023 and from March 2024 to May 2024 be revised. The revised bills are to be issued without levy of LPS and after adjustment of payments made by the petitioner against these disputed bills and further adjustment of any amount, remained unadjusted, from the future bills, till full amount of payments made by the petitioner, against these disputed bills, is adjusted.

Dated: 11.07.2025


(D. P. Gairola)
Ombudsman

Order signed dated and pronounced today.

Dated: 11.07.2025


(D. P. Gairola)
Ombudsman