

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Rakesh Yadav
S/o Late Shri Ramchandra Yadav
323, Lane 5, Ramanagar,
Roorkee, Distt. Haridwar
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Ramnagar, Roorkee, Distt. Haridwar,
Uttarakhand

Representation No. 13/2025

Award

Dated: 11.07.2025

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) dated 11.02.2025 in complaint no. 284/2024 by which Ld. Forum dismissed the complaint of the appellant Shri Rakesh Yadav, 323, Lane 5, Ramnagar, Roorkee, Distt. Haridwar, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Ramnagar, Roorkee, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner Shri Rakesh Yadav has preferred the instant appeal dated 10.03.2025 as also a supplementary submission in reply of this office letter no. 1660 dated 12.03.2025 wherein he was asked to remove certain shortcomings. The petitioner has averred that he is a retired Executive Engineer of PITCUL and has a 4 KW domestic connection at his residence with no. RM10153177915. A bill dated 05.03.2023 for exorbitant amount was received. A complaint was made before SDO as his consumption is within the permissible limit. Having received the said bill he watched his meter and found that there was some defect in the meter due to which exorbitant bill amount was received. He made a complaint before division office, as no action was taken, a reminder was issued to the Executive Engineer with a request that meter



readings for all the bills along with a revised bill be made available to him. No satisfactory reply was received neither the desired information was made available to him despite repeated requests. Meanwhile his supply was disconnected in the month of November 2024 without any prior notice. On enquiry from the Executive Engineer it was informed that the supply was disconnected for nonpayment of outstanding dues. He was asked to pay a sum of Rs. 40,000.00 for which supply shall be restored and if any correction is required the same shall be done and any excess amount paid by him shall be refunded/adjusted. The supply was restored after payment of Rs. 40,000.00. However no action for revision of the bills and refund of excess amount was taken by the department and a check meter was installed, which was finalized in the month of March 2024. The existing old meter was removed but bill was not revised. His monthly consumption is less than the capping limit but respondent has been issuing bills for high consumption without any reason or explanation.

3. Having found no solution from the department a complaint was lodged before Forum but no judicious solution was received from the Forum and the Forum decided the complaint relying upon the statements of SDO. The petitioner has prayed that readings of all monthly bills be made available and the bills be revised on the basis of the average consumption recorded by the new meter.

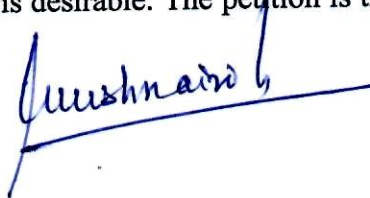
3. The Forum observed that a 4 KW connection was released to the complainant on 01.12.2012 with meter no. 32130115. The same meter remained at site till 18.03.2024 when it was replaced by a new meter on 18.03.2024, which was installed as a check meter. The total consumption recorded by the meter from 01.12.2012 (date of connection) till 18.03.2024 (the date of removal of this meter) was 148339 KWh, thus average monthly consumption recorded by the meter was 1094 units per month. A check meter no. GU100680 was installed on 09.02.2024 and finalized on 18.03.2024. The existing meter was found fast by 0.15% i.e. the installed meter was OK. The Forum also observed that average monthly consumption recorded by old meter no. 23130115 as per MRI from 01.05.2023 to 01.03.2024 varied from 512 units per month to 1183 units per month. The recorded consumption by the new meter no. GU100680 from 18.03.2024 to 19.11.2024 as per MRI in 8 months was 5997 units and therefore average recorded consumption by the new meter was 750 units per month. The Forum was of the view that average consumption recorded by both the meters is of the same order. Forum also observed that as per MRI the consumer has

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used up to 7.180 KW load so recorded consumption also appears to be correct on the recorded demand also. Having observed as above, the Forum was of the view that as the bills have been issued on recorded consumption which tallies with MRI so no correction in the bill is required and the Forum therefore dismissed the complaint vide its order dated 11.02.2025.

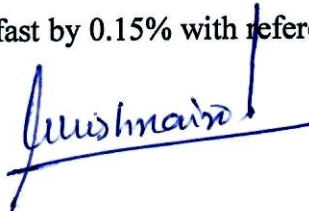
4. The respondent Executive Engineer has submitted a written statement vide letter dated 30.05.2025 along with a notarized affidavit wherein he has submitted point wise reply as follows:-
- i. The respondent has reproduced relevant portion of the petition.
 - ii. The SDO apprised the Forum vide his letter dated 16.12.2024 that consumer's revised bills have been submitted to division office vide his letter dated 16.12.2024 for approval.
 - iii. MRI report of the connection was submitted by SDO vide his letter dated 22.01.2025.
 - iv. Consumer's connection for 4 KW is in existence from 01.12.2012. At present bills are being issued on MU. Meter no. 32130115 remained as the consumer meter from 01.12.2025 (appears to be wrong as the date of connection was 01.12.2012) to 18.03.2024. Reading on the same meter on 18.03.2024 was recorded as 148339 KWh, so a total of 148339 units were recorded by the said meter from 01.12.2012 to 18.03.2024 i.e. in 135.65 months as such average monthly consumption was recorded as 1094 units per month. A check meter no. GU100680 was installed at the premises to check the veracity of the existing meter no. 32130115 on 09.02.2024 and was finalized on 18.03.2024. The existing meter was running fast by 0.15% with reference to the check meter, so the existing meter was found OK.
 - v. The consumption recorded by the present meter is almost equal to that recorded by the old meter. As per MRI average load drawn by the petitioner has been found as 7.180 KW. Therefore it is confirmed that both meters are recording correctly.

Based on the facts it is clear that bills have been issued on recorded consumption by the existing meter and no correction is desirable. The petition is therefore liable to be dismissed.



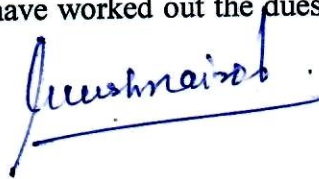
He has substantiated his submissions with necessary documents as referred in his submission.

5. The petitioner has submitted a rejoinder dated 17.06.2025 along with a notarized affidavit while no specific facts other than what he has already averred in his appeal, have been mentioned in the rejoinder. Merely raised the question that while in-exiting meter was found OK then why it was replaced as raised such a question that if the recorded demand was 7.18 KW on 5 KW connections then why a notice was not issued by the department and how the meter took excessive load and why it was not burnt. In the new meter even after 15 months of its replacement 7 KW demand was never recorded. According to him the total consumption recorded by the new meter in 15 months is less than the capping units admissible to him. He has again reiterated that order may be issued for revision of the bill and excess amount out of Rs. 40,000.00 already paid by him be refunded or adjusted.
6. Hearing in the case was held on scheduled date 30.06.2025. Both parties appeared. The petitioner argued his case himself. He orally submitted that his grievance is regarding billing from 01.07.2020 from which date the capping system came into existence regarding billing of departmental consumers whether working or retired employees and therefore bills from 01.07.2020 and onwards till date be ordered to be revised in accordance with the provisions of order jointly signed by all the three MD's for billing to the departmental employees/ petitioners.
7. The respondent represented by Shri Ompal Singh SDO, who argued his case and submitted that the bills have duly been revised under capping system w.e.f. 01.07.2020 till 30.11.2024 and the outstanding dues as worked out and shown in ledger and consumer billing history are liable to be paid by the petitioner. The arguments were concluded and 11.07.2025 was fixed for pronouncement of order.
8. Records available on file have been perused. Arguments from both parties were heard. It is borne out that petitioner is a retired Executive Engineer of PITCUL. A 4 KW domestic connection no. RM10153177915 was released in his favour on 01.12.2012 by installing a meter no. 32130115 with initial reading zero (0). This meter remained as consumer's meter till 18.03.2024 when it was replaced by a new meter no. GU100680 after a check meter study conducted from 09.02.2024 to 18.03.2024 when the existing meter was found running fast by 0.15% with reference to the check meter



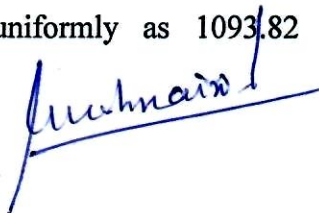
and therefore the existing meter was replaced by the new meter GU100680 which is still working as consumer's meter.

9. The petitioner's grievance has started w.e.f. the bill from the month of July 2020. He has alleged that the metered consumption is much more than what he has been consuming actually. He approached the department right from SDO to Executive Engineer for redressal of his grievance but no action was taken by the department. His connection was disconnected and it was restored only after depositing a sum of Rs. 40,000.00. He has claimed that his actual consumption is lesser than the capping units allowed to him, having found no solution from the department. He approached the Forum with a complaint no. 284/2024, which was dismissed by the Forum vide its order dated 11.02.2025. He has alleged that the Forum has dismissed the complaint without considering the facts and relying upon the submissions of SDO. He has prayed that UPCL be directed to give him desired/wanted information/records and refund excess amount out of Rs. 40,000.00 paid by him under pressure.
10. The respondent's submission is that billing has been done as per metered consumption which tallies with MRI. The existing meter was found running ok in check meter study when it was found running fast only by 0.15% which is well within the permissible limit of accuracy $\pm 3\%$. The department has also submitted that the old meter recorded a total of 148339 units in the entire period from 01.12.2012 to 18.03.2024 when this meter has been as a consumer meter and average consumption during this period of 135.65 months has been 1094 units per month. The average consumption recorded by the new meter no. GU100680 from 18.03.2024 has been comparable with that recorded by the old meter. Veracity of old meter was confirmed in the check meter study, hence no correction of the bill is required. And the complaint is liable to be dismissed. He has substantiated his submissions with necessary documents which are available on file.
11. The respondents have submitted a bill revision calculation memo, consumer billing history and consumer ledger. The bill revision calculation memo is claimed to have been prepared as per UPCL OM no. 5391/UPCL/RM/N-36 dated 17.07.2020. This memo has signatures of BC and SDO only and does not have any signatures of Divisional officials and officers including DAR, AER and EE, so its authenticity is not established. In this memo they have worked out the dues taking average monthly



consumption from 01.12.2012 to 18.03.2024 as 1093.82 units and from 18.03.2024 to 19.11.2024 average monthly consumption as 741.51 units per month and after deducting the permissible per month consumption as 625 units (capping unit per month). The bills for @ the balance units of 468.82 per month from 01.12.2012 to 18.03.2024 and 116.51 units per month from 18.03.2024 to 19.11.2024. The total dues including LPS have been worked out as 1,40,370.43 and after adjusting Rs. 40,000.00 deposited by the petitioner, total payable amount has been shown as Rs. 1,00,370.43, while payable dues as per CCBR has been shown as Rs. 1,18,425.00 therefore the payable dues are reduced by Rs. 18,054.57. In the billing history the balance dues ending the bill for 11/2024 are also shown as Rs. 1,18,425.00 and as per ledger the outstanding dues on 19.11.2024 has also been shown as 1,18,425.00. In another copy of billing history, dues in the month of 11/2024 have been shown as Rs. 1,16,852.00. However dues in the month of 12/2024 has been shown as 1,18,425.00 in this billing history so against the dues of Rs. 1,18,425.00 as per CCBR, the payable dues in this calculation memo has been shown as 1,00,370.43.

12. A copy of UPCL's OM no. 5391/UPCL/RM/N-36 dated 17.07.2020 referred in the calculation memo has been retrieved from UPCL's official website. A perusal of this OM suggests that in supersession of all the previous orders in UPCL, UJVNL and PITCUL this OM has been issued under the signatures of MDs of all the three corporations and is applicable to all the working employees, pensioners and family pensioners of all the three corporations. In this OM capping system of units (the permissible limits of maximum annual consumption in units but not monthly capping units and monthly rates of charges/fixed charges) is introduced. According to this the capping units for a year admissible to different categories of staff and officers in all the three corporations and monthly fixed charges has been prescribed. Being Executive Engineer retired, the annual maximum consumption admissible (capping units) to him is 7500 KWh and monthly fixed charges payable are Rs. 375.00 per month.
13. An examination of the calculation memo submitted by respondents and provisions under the aforesaid OM it is observed that the calculations in the memo have been inconsistent with the provisions of the aforesaid OM, while the aforesaid OM provides a maximum annual consumption of 750 units. The respondents have taken average monthly consumption uniformly as 1093.82 KWh per month from



01.12.2012 to 18.03.2024 and 7471.51 units per month for the period 18.03.2024 to 19.11.2024 by dividing the total consumptions recorded during the respective period from the months of these periods and after deducting capping units per month as 625 KWh from such average consumption they have worked out the amount payable by the consumer in this calculation memo. While the aforesaid OM provides a capping annual consumption of 7500 KWh in the case of the petitioner for the financial year, that means till a consumer under this category uses his entitlement of annual consumption, he will be charged at the fixed rates of Rs. 375 per month irrespective of his actual consumption in any month. However the bills shall be prepared on the rate schedule applicable to this category of consumer as per appropriate tariff order but the consumer (the petitioner in this case) shall have to pay only Rs. 375.00 per month and balance amount of the bill shall be borne by the respective corporation till his annual capping units are exhausted. However where the petitioner have used his annual entitlement of capping units before close of the financial year he will have to pay full amount of the bill prepared on metered units, for the balance period of the financial year.

14. As clarified above the bills had to be prepared as per provisions of the aforesaid OM for the financial year from 01.07.2020 to 31.03.2021 and in the succeeding financial years the bills had also to be prepared in accordance with aforesaid OM dated 17.07.2020 and its subsequent amendments thereof vide OM nos. 1969 dated 20.07.2021, 1403 dated 07.04.2022, 1577 dated 05.04.2023, 2166 dated 30.04.2024 and 2018 dated 14.04.2025 issued by UPCL. It will therefore be logical and in the interest of justice, if bills from 01.07.2020 and onwards till now are prepared in accordance with OM dated 17.07.2020 and its subsequent amendments for the succeeding financial years as mentioned above.
15. It is also noted that the Forum as well as the respondents have erred in billing and deciding the case treating the petitioner as a general consumer and dealt with the case that bills have been issued on MU, which are correct as the veracity of the meter was established in check meter study, while his case should have been dealt in accordance with departmental orders applicable to departmental employees and pensioners, such being the case, the respondents are therefore directed to withdraw the billing calculations submitted by them and arrange to prepare monthly bills right from July 2020 till date as per provisions of aforesaid OM dated 17.07.2020 and its subsequent

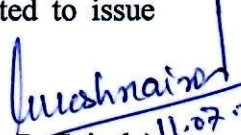
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amendments for the succeeding financial years as mentioned above. Such bills to be prepared without levy of any LPS and after adjustment of Rs. 40,000.00 paid by the petitioner and any other payments, if made against the bills issued from July 2020 till date. Such a bill be issued within 15 days from the date of this order. Copy of such bills along with an abstract under a covering letter be sent to the petitioner within the stipulated period as above.

Order

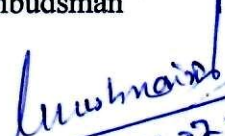
The petition is allowed. Forum order set aside. Respondents are directed to issue revised bills as per observations made in the body of this order.

Dated: 11.07.2025


(D. P. Gairola) 11.07.2025
Ombudsman

Order signed dated and pronounced today.

Dated: 11.07.2025


(D. P. Gairola) 11.07.2025
Ombudsman