

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Seema Rana
W/o Shri Sukhpal Singh Rana
Village Gujrada, Nail Gaon,
Yamkeshwar, Distt. Pauri Garhwal
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Kotdwar, Distt. Pauri Garhwal,
Uttarakhand

Representation No. 38/2025

Award

Dated:14.01.2026

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 19.08.2025 in complaint no. 158/2025 by which Ld. Forum has dismissed the complaint of the appellant Smt. Seema Rana W/o Shri Sukhpal Singh Rana, Village Gujrada, Nail Gaon, Tehsil, Yamkeshwar, Distt. Pauri Garhwal, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd. Kotdwar, Distt. Pauri Garhwal, Uttarakhand (hereinafter referred to as respondent).

2. The instant undated appeal/representation followed by a supplementary appeal dated 28.10.2025 has been preferred by the petitioner, she has averred as follows that:
- Appeal is being preferred against Forum order dated 19.08.2025 passed in complaint no. 158/2025 and is duly admitted as appeal no. 38/2025.
 - The supplementary appeal is preferred for removing certain defects in the parent appeal, which was received in office of Hon'ble Ombudsman on 16.09.2025.
 - A copy of the MRI report has now been received by him from the Forum, which is attached herewith as annexure 1.



- iv. Based on documents received from the Forum the supplementary appeal/representation has been filed herein and the same may be considered as part and parcel of the appeal.
- v. The alleged check meter study was carried out by the respondents, wherein the main installed meter at the premises was declared 5% fast and was removed making the check meter as the main meter.
- vi. The said check meter study was unilateral/illegal and not as per procedure established by law and thus is arbitrary and have no legal identity. The alleged check meter study is emphatically denied on the following amongst other grounds.
 - a. Because
 - i. No advance notice for test/check meter study was given.
 - ii. No test report for the test/check meter used as reference meter installed at the premises was served before initiation of the test.
 - iii. No duly authentically test results of the alleged check meter study were provided.

Whereas clause 5.1.3 (5) of UERC regulation 2020 mandates "the licensee shall within 30 days of receiving the complaint carry out testing of the meter as per procedure specified herein and shall furnish duly authenticated test results to the consumer. The consumer shall be informed of the proposed date and time of testing at least 2 days in advance."

Provided that where the licensee is installing a test/check meter along with the meter under test for verification of energy consumption, in such cases the licensee shall be required to provide the copy of the valid test report of such test/check meter to the consumer before initiating testing.

- b. Because no duly authenticated test results were provided as provided under clause 5.1.3 (6) provides that meter testing report shall be given in the format given in annexure viii.
- c. Because clause 5.1.3 (11) provides that whenever testing of meter is being done signature of consumer or his authorized representative to be obtained on test report with copy of the same supplied to the consumer. That in the instant



dispute no signature was obtained on the sealing certificate for the check meter installation and finalization.

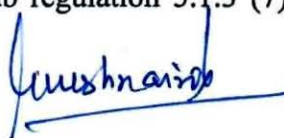
- vii. The respondent never established before Forum that the defective meter had been sealed in tamper proof box before removing it from the premises of the petitioner.
 - viii. No tampering of the metering system was done by the petitioner and no such allegations regarding the same has been leveled by the respondent.
 - ix. The Forum never provided copy of the MRI to the petitioner and never provided any chance to the petitioner to have his submission on the documents submitted by the respondent.
 - x. The Forum did not peruse the MRI report and without applying judicious mind dismissed the complaint, which is illegal. The Forum relied on the MRI report of the meter completely ignoring the fact that the meter was held defective by the respondents themselves, in the alleged check meter study finally leading to its removal. That no reliance can be placed on any report generated from a defective meter.
 - xi. Meter's MRI report in page no. 7 of 10 indicates a tamper no. 71 of neutral missing, which starts on 21.02.2023 at 23.30 hours and existed till 24.02.2023 at 08.04 hours, the cumulative forward KWh during this period varies from 12564 to 12576, that for using electric energy neutral is essential and in absence of neutral no electricity can be consumed, thus this finding of MRI report is not practically and technically possible hence the MRI report is no reliable and no finding can be arrived on its basis.
 - xii. It is therefore requested that Hon'ble Ombudsman may be pleased to take supplementary complaint on record and to quash the impugned bill dated 02/2024 and for the subsequent period, while defective meter remained at the premises. The supplementary appeal has been substantiated with affidavit.
3. After perusal of records and examination of the details of consumption recorded in the meter for the period 01/2021 to 04/2024 as also from 01/2021 to 01/2025 observed that bills were not issued as per the consumption recorded/readings appearing in the installed meter, which is a violation of sub regulation 5.2.1 (2)/(4) of UERC regulations 2020. The opposite party had to take necessary action against the erring staff so that bills in future be issued on MU. The bills during the total period have



been issued as per total recorded consumption in the meter no. E81323227 installed at the premises. Hence no correction/revision in the issued bill is possible and therefore the complaint is liable to be dismissed being tunus. Having observed as such the Forum decided the complaint vide order dated 19.08.2025 wherein the complaint was dismissed being tunus.

4. The respondent, Executive Engineer has submitted a written statement along with affidavit dated 03.12.2025. Point wise replies has been submitted as follows:-

- i. Affirmation of himself being a party to the case.
- ii. The replies as given below are based on the report of the AE (Meter) Test Lab Kotdwar.
- iii. Connection no. KT62252758502 exists in the name of Smt. Seema Rana W/o Shri Sukhpal Singh Rana at Gujrada Nail for nature camp under commercial category.
- iv. It is submitted that check meter was installed at consumer's premises in accordance with departmental procedure. The old meter no. E81323227 was found running fast by 5%. Adjustment was accordingly given in the bill. The old meter was removed and check meter no. GU166797 was made as consumer's meter (copy of ledger and sealing certificate enclosed.
- v. The consumer had applied for check meter on 06.12.2024. There is no provision for issuing a notice where the consumer has applied for a check meter study and accordingly the single phase check meter no. GU166797 was installed as a check meter on the old existing meter no. E81323227. Check meter was finalized on 21.02.2025. Copy of both the sealing certificates were duly been given to the consumer.
- vi. Consumer's premises is located in a hilly area about 5 Kms away on kacha road. Sealing certificates were not given to the consumer timely for that reason as he was not present at the time of installation and finalization of the check meter. Company's test report is always annexed with a single phase meter, which is provided to the consumer on his request. In order that there may not be any doubt MRI of the old meter was done.
- vii. The old meter was sealed in a tamper proof box in the event when the old meter. Status was found doubtful or for testing of the removed meter in the test lab as provided for under sub regulation 5.1.3 (7) of UERC regulation,



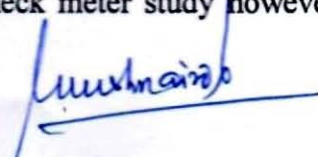
2020 where the consumer had requested for testing of the removed meter. No such request was made by the consumer in the instant case at the time of installation of the check meter as duly admitted by him in his petition under point no. viii).

- viii. It is submitted that there is no provision for billing of 4 KW connection through MRI at present, however MRI is made available to the consumer on request.
- ix. The MRI shows neutral missing, neutral disturbance and earth load tamper, which suggests that there is some fault (leakage) in consumer's internal wiring, due to which the tamper is shown in the meter, but consumption was recorded in the meter due to leakage.

Following documents has been adduced with the written statement. Copy of AE (Meter) letter, ledger, sealing certificate, complaint of check meter.

- 5. The petitioner has submitted a rejoinder dated 15.12.2025 along with a duly notarized affidavit, wherein the petitioner has submitted point wise replies to the written statement as follows:

- i. At the outset contents of the written statement have been specifically and categorically denied being devoid of merit, baseless and no cogent explanation has been furnished with respect to the contentions of the petitioner hence denied to the extent which are specifically and categorically admitted herein in the following paragraphs.
- ii. The respondent has neither denied or disputed any of the averments made by the petitioner in the appeal and hence are now admitted position with respect to the dispute at hand.
- iii. A reply under para i by the executive engineer are formal in nature which neither require any acceptance nor denial.
- iv. Same as under point-no. iii. above.
- v. Contents of para iii of written statement are admitted.
- vi. Contents of para iv are admitted to the extent that the meter was found defective and the same was replaced with the new meter.
- vii. Contents of para v and vi of ws are not admitted to the extent that petitioner has raised the complaint for check meter study however on the instance of



department. Rest of the contents of para are denied totally. It is emphatically denied that the MRI of the old defective meter was carried out at the site at the time of check meter study.

- viii. Contents of para vii are denied in totality.
- ix. Contents of para viii are formal in nature which neither requires acceptance or denial.
- x. Contents of para ix are not admitted and denied in totality.
- xi. Contents of paragraph of reply submitted by AE (Meter) are denied in totality as has been replied above and not repeated herein for the sake of brevity. Further the reply to the rest of the contents is covered herein misc. submission below.

Misc. Submissions

- xii. It is not in dispute that the check meter was installed on 01.01.2025 and while finalization of check meter old meter was removed on 21.02.2025 and check meter was left as main meter.
- xiii. MRI report establishes beyond doubt that the MRI was done on 18.03.2025 on instance of Forum. Hence respondent's averment that MRI was done earlier has no leg to stand.
- xiv. The meter was removed on 21.02.2025 and admittedly was not sealed on account of being declared defective, which is not in dispute under such circumstances and report not limiting to MRI of a defective meter cannot be held to be legally valid.
- xv. The total power failure count of MRI data shows multiple entries where power failure was occurred and recovered viz 22.02.2025, 23.02.2025, 27.02.2028, 28.02.2025. The respondent is not likely to install the defective meter after its removal from site, if that be the case it will tantamount to interference with the material evidence being the meter itself pertaining to dispute at hand. Thus the only possibility is that the MRI of the meter is defective, non reliable and as such no influence can be drawn from it.
- xvi. In the like manner the sequential storage of events off of page no. 2 of MRI shows various events like neutral disturbance, earth load when the meter was removed and was with the custody of the respondent. This establishes beyond

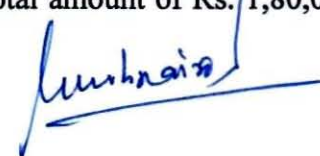


doubt that respondent's averment with respect to fault in wiring at consumer's premises has no leg to stand.

- xvii. In a similar case in representation no. 39/2024 dated 29.01.2025 at Hon'ble Ombudsman in the matter of Mrs. Chanda Rawat vs UPCL, Mohanpur, the MRI was held defective, thus in the instant dispute the MRI report downloaded on 18.03.2025 is defective and hence no influence can be drawn from it.

Prayer

- xviii. quash the impugned bill prepare a fresh bill without any penalty LPS etc. on the basis of average consumption as was billed earlier when there was no dispute.
- xix. To direct the respondent to raise the bill post replacement of the meter as per consumption recorded by check meter, which was made the main meter.
- xx. To direct the respondent to compensate for the losses occurred.
6. Hearing in the case was held on scheduled date 07.01.2026. Shri Sukhpal Singh Rana, husband of the petitioner Smt. Seema Rana appeared on behalf of petitioner. The respondents were represented by SDO Shri Ravi Arora and Shri Prabhat Juyal AE(M). Both parties orally argued their respective case. The arguments were concluded and order was reserved.
7. Documents and records available on file have been perused carefully. Relevant UERC Regulations as applicable in the case have also been gone through. Oral arguments from both parties were heard. It is borne out that a 4KW non domestic connection exists in the name of the petitioner for a long time. Reliably from 07.01.2021 with installation of meter E81323227 with Zero (0) initial reading. Bill from 21.10.2023 to 27.02.2024 for 128 days for 15659 unit from reading 1976 to 17635 for a total metered consumption of 15659 units for a sum of Rs. 1,19,039.00 was issued. This is the disputed bill as alleged by the petitioner being for exorbitant consumption. Not commensurate with his contracted load of 4KW was the disputed bill according to him. Next bill from 27.02.2024 to 22.01.2025 for a metered consumption of 165 units was issued for a total amount of 1,47,293.00 including arrears of the previous bills. A bill from 22.01.2025 to 24.02.2025 for a metered consumption of 3472 unit was also issued and received by the consumer for a total amount of Rs. 1,80,053.00 including



arrears. This was also a disputed bill as per consumer being for heavy consumption. Next bill for the period 24.03.2025 to 26.03.2025 was received for 1000 metered unit for a total sum of Rs. 1,89,736.00 including arrears. So the consumer has alleged that the 02 bills for the period 22.10.2023 to 27.02.2024 and from 22.01.2025 to 24.02.2025 were the disputed bill and needs to be revised. He therefore applied for a check meter on 06.12.2024 accordingly the department installed a check meter no. GU166797 on 01.01.2025 vide sealing certificate no. 47/28 which was finalized on 21.02.2025 vide sealing certificate no. 24/27 according to which the existing meter was found running fast by 5%. The old installed meter was removed and taken away by the department and check meter was made as the main meter. MRI of the old removed meter was done by the respondents possibly in their lab in which according to the respondents the MRI shows neutral missing neutral disturbance and earth load tamper and the respondents therefore alleged that there was some fault in the internal wiring of the consumer. This MRI report has been denied by the consumer in his petition as also in rejoinder because the old meter removed from site on 21.02.2025 was not sealed and the MRI was done on 18.03.2025 in the instance of CGRF when the meter had already been removed on 21.02.2025 from the site. So, the petitioner has had this MRI as defective and non-reliable and has submitted that no inference can be drawn from such MRI report and as also alleged that respondent's averment that there was some fault in the internal wiring has no leg to stand. He has also referred this Ombudsman's decision in representation no. 39/2024 dated 29.01.2025 of Smt. Chanda Rawat vs EEEDDUPCL, Mohanpur, Dehradun in which case the MRI under such circumstances was held to be defective. The MRI taken after removal of the meter from the site cannot be taken as a basis or any action in the case against the consumer further in view of the case of representation no. 39/2024 dated 29.01.2025 referred to by the petitioner it is mentioned that on the principle *Res judicata pro veritate accipitur* a matter which had been adjudicate is accepted or received as true. As also the facts that MRI was done in the lab after removal of the meter from the site after finalization of check meter in unsealed condition and since then it was under respondent's custody, the MRI is held to be illegal and void and is therefore quashed.

8. As regards the check meter study conducted by the respondents from 01.01.2025 to 21.02.2025 by installing and finalization of check meter vide sealing certificates



mentioned above wherein the installed meter was found running fast by 5% is also not acceptable and is held to be null and void not being carried out in accordance with the relevant UERC Regulations, 2020.

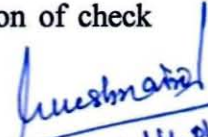
9. It is however accepted that the disputed bills for the period 21.10.2023 to 27.02.2024 and from 21.01.2025 to 24.02.2025 for 15659 units for 128 days and 3672 units for 33 days for total amount of Rs. 1,19,039.00 and Rs. 1,80,053.00 respectively including arrears are for exorbitantly higher than the possible consumption for a 4 KW load and it will therefore be logical and reasonable if these bills are withdrawn and fresh bills are issued on the basis of reasonable consumption.

It is observed that the meter no. E81323227 which was held defective meter was installed on 07.01.2024 at zero (0) initial reading and was removed on 21.02.2025 on final reading 23961 hence it recorded a total of 23961 units from 07.01.2021 to 21.02.2025 in about 48 months i.e. 499 units per month on an average. It would therefore be justified and logical if the aforesaid 02 disputed bills are withdrawn and fresh bills against these disputed bills are issued for 499 units per month (which will give an average load factor of 17% a genuine load factor for a 4 KW non-domestic connection) without levy of any LPS. Bills after finalization of check meter on 21.02.2025 when it was made the main meter be issued on the metered consumption recorded by this new installed meter.

Order


Forum order is set aside. The petition is allowed with the direction that fresh bills in place of the aforesaid 02 disputed bills and further bills after finalization of check meter be issued as mentioned under para 09 above.

Dated:14.01.2026


(D. P. Gairola)
Ombudsman

Order signed dated and pronounced today.

Dated:14.01.2026


(D. P. Gairola)
Ombudsman