

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Katar Singh,  
S/o Shri Girvar Singh  
R/o Village- Sultanpur,  
Sabatwali, Jhabreda, Tehsil-Roorkee  
Distt. Haridwar-Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Rural),  
Uttarakhand Power Corporation Ltd.  
Civil Lines, Roorkee,  
Distt. Haridwar, Uttarakhand

Representation No. 52/2025

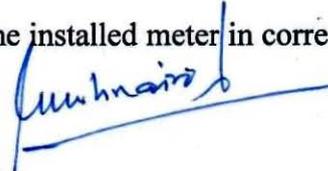
**Award**

Dated: 25.02.2026

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 22.09.2025 in complaint no. 179/2025 by which Ld. Forum has allowed the complaint of the appellant Shri Katar Singh, S/o Shri Girvar Singh, R/o Village-Sultanpur, Sabatwali, Jhabreda, Tehsil-Roorkeet, Ditt. Haridwar, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Uttarakhand Power Corporation Ltd., Civil Lines Roorkee, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. In his instant appeal dated 30.10.2025, the petitioner Shri Katar Singh has submitted as follows that:-

- i. A complaint no. 179/2025 was preferred before CGRF Haridwar. A company in the name of M/s Vijudha Organic Farmers Producers Co. Ltd. was framed for sugar cane crushing. A electricity no. RD0K000800210 is installed in his premises, bills are being regularly paid.
- ii. Bills as per consumption recorded in te installed meter have been paid regularly responsibility of keeping the installed meter in correct working order



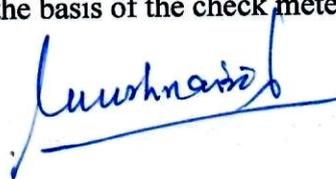
lies upon the respondents. No tampering/ foul play with the meter was ever done by him as is evident from respondent's records.

- iii. A check meter was installed at his premises on his request on 13.01.2023. The old meter was shown running slow with reference to the check meter by the respondents and on the basis of check meter report an assessment amounting to Rs. 3,16,944.00 was raised which was added in the bill. No intimation of which was ever given so that he could have an opportunity to submit his objections.
- iv. The check meter was installed on his complaint about fast running of the installed meter by three times. Instead of setting right the working of the meter the respondents imposed the aforesaid assessment showing the meter slow.
- v. As he has been regularly making payments of the bills against this connection as well as his other connections he deposited a sum of Rs. 2,00,000.00 on 11.03.2024, Rs. 2,00,00.00 on 15.03.2023, Rs. 2,00,000.00 dated 28.03.2024 and again Rs. 4,00,000.00 on 28.03.2024 against the bills of a number of connections but the respondents out of the aforesaid deposited amount a sum of Rs. 4,69,089.00 were accounted for against bill which included assessment amount of Rs. 3,16,944.00. According to him the assessment is completely wrong and has been raised in his absence showing the meter slow. Therefore, the waiver of the impugned assessment is necessary in the interest of justice.
- vi. Further penalty on the assessment amount of Rs. 3,16,944.00 is also being imposed which is against law. The last bill against the connection under reference was issued by the respondents on 13.06.2025 for Rs. 3,67,987.00. The said sum has wrongfully and being adjusted by the respondents from a sum of Rs. 10,00,000.00 deposited by him against a number of other connections belonging to him. The Forum after hearing both parties passed order dated 22.09.2025 complaint was allowed but treating the check meter report as final directed the respondents to issue a revised assessment bill for the period 14.02.2022 to 14.02.2023 instead of from 12.01.2022 to 14.02.2023 but his complaint before the Forum was that as keeping the installed meter in correct working condition is the responsibility of the respondents and as no tampering or foul play with the meter was done by him as is evident from respondents records and if for any technical reasons the meter was running

*Handwritten signature*

slow or fast, responsibility of the same lies on the respondent. The respondent are also required to check the working of the meter each month while taking meter reading and if any technical defect is detected the same should be rectified but the respondent did not check the working of the meter for a long period of thirteen months and if according them meter was found slow, the consumer cannot be burdened financially for such irregularity in the meter.

- vii. The check meter was installed on his request as bills about three times in excess was being received but no evidence was adduced by the respondent to show that the veracity of the check meter was correct. In such a case the assessment including penalty amounting to Rs. 7,06,044.00 and adjustment of Rs. 4,69,089.00 out of the amount deposited against other connections was an action against law on the part of the respondents.
- viii. An attested copy of Forum order dated 22.09.2025 was received by him on 30.10.2025 and a revised assessment bill in compliance of Forum's order dated 22.09.2025 was sent to him by the respondent on 15.10.2025. The respondents are creating pressure upon him for depositing the amount of the revised assessment bill. The respondents are required to be restrained from creating any pressure for realization of the disputed assessment bill till hearing of the case.
- ix. The Forum in passing aforesaid order did not consider the legal angle as well as the facts of the case and the relief prayed for and passed the impugned order relying upon the submissions of the respondents. So, the petitioner is dissatisfied with Forum's impugned order.
- x. As Forum's order dated 22.09.2025 was received by him on 03.10.2025 therefore the instant appeal is being filed within the prescribed time limit. It is prayed that the Hon'ble Ombudsman may kindly be pleased to admit the instant appeal and Forum's order be amended by allowing the reliefs prayed for in the original complaint.
3. After perusal of records, documents and relevant UERC Regulations the Forum allowed the complaint in its order dated 22.09.2025 with the direction to the department to issue a revised assessment bill for the period 14.02.2022 to 14.02.2023 instead of 12.01.2022 to 14.02.2023 on the basis of the check meter report.



4. A written statement has been submitted by the respondent vide letter no. 7945 dated 04.12.2025 along with a notarized affidavit. Point wise replies has been submitted as follows:-

Replies to the complaint no. 179/2025 preferred by Shri Katar Singh before the Forum were submitted vide letter no. 4257 dated 19.07.2025 along with all the documents concerned with the case. After perusal of records the Forum passed order dated 22.09.2025 in the aforesaid complaint. The assessment bill has duly been revised in compliance of Forum's order. The point wise replies has been submitted as follows:-

- i. As per records under RAPDRP system connection no. RDK000800210 is existing in the name of Shri Katar Singh, S/o Shri Girvar Singh Village Sultanpur, Sabatwali, Jhabreda, Tehsil Roorkee, District Haridwar for 30 KW load under RTS-5 category since 25.05.2019.
- ii. As per periodical checking by Electricity Test Division Roorkee voltage in R and B phases of the aforesaid connection was found Zero (0). In cognizance of that report Electricity Test Division Roorkee installed a check no. 22224137 with existing meter no. 19628216 vide sealing certificate no. 6/42 dated 13.01.2023.
- iii. The check meter was finalized on 14.02.2023 vide sealing certificate no. 07/05 MRI of the meter was done at the time of finalization of check meter as per check meter report the old meter was found running slow by 73.97% in KWH and 72.07% in KVAH with reference to the check meter therefore, the old meter was replaced by the check meter.
- iv. Based on the check meter report received from Test Division Roorkee assessment Rs. 3,16,944.00 on the basis of check meter report was added in the bill for the month of May 2023 whose total amount was Rs. 4,28,861.00.
- v. The bill was got received to the consumer as per prevailing practice. No allegation was laid upon the consumer. Requiring opportunity to file his objections.
- vi. Amounts through RTGS on behalf of M/s Vijudha Organic were deposited in departments bank account no. 09120200011315 through RTGS viz Rs. 2 lakh on 11.03.2024 again 2 lakh on 18.03.2025 again 2 lakh on 28.03.2025 and again Rs. 4 lakhs in total Rs. 10 lakhs. The said amount was adjusted in the 11

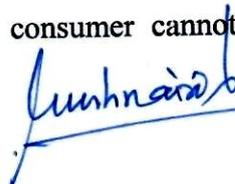


number connections as asked by the petitioner in proportion to 66.43% of the total amount due.

- vii. The bill of the connection under reference was revised in compliance to Forum order dated 22.09.2025 in complaint no. 179/2025.
- viii. A sum of Rs. 3,88,434.00 is outstanding against consumer connection under reference as of the month of 11/2025 which is liable to be paid by the consumer.

The bills in respect of the connection under reference had duly been revised as per Rules which is correct technically and as such the petition is liable to be dismissed. The respondent has substantiated his averments on the basis of documentary evidences adduced as enclosure no. 1 to 13 mentioned in his WS under the relevant paras.

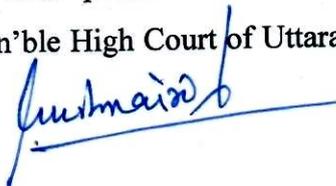
5. The petitioner has submitted a rejoinder dated 17.12.2025 along with a notarized affidavit point wise replies has been submitted as follows:
- i. His name and address is correct and he is fully aware about the facts of the case.
  - ii. Replies submitted by the respondent dated 03.12.2025 (written statement) are based on false submissions and false allegations and are against the factual facts of the case and therefore are not admitted.
  - iii. His submission that checking of the meters of the KCC consumers is regularly and periodically done by the electricity test division, Roorkee including checking of MRI reports, is wrong. The fact is that the respondents are responsible for taking MRI monthly and if any error or technical fault in the meter is found it should have been set right immediately. In the instant case the report regarding zero voltage in R and B phase was kept without taking any action for more than a year and whereafter the old meter was declared slow by 73.97% in KWh and 72.07% in KVAh and based on which assessment amounting to Rs. 3,16,944.00 was raised, which is against law and is therefore liable to be set aside.
  - iv. The respondents are responsible for keeping the meter installed at the connection of the consumer in working order in terms of provisions under Electricity Act, 2003 and they are also responsible to set right the defects in the meter expeditiously and therefore consumer cannot be pressed to bear any



financial loss for not taking timely action for setting right the defects of the meter by the respondents.

- v. Respondent's submission that adjustment of Rs. 10,00,000.00 deposited by him was made against the different connections is false and wrong as he had never agreed to adjust the assessment amount from the said Rs. 10,00,000.00 deposited by him. No documentary evidence has been adduced by the respondent in support of his statement.
  - vi. The Forum in its order dated 22.09.2025 did not consider the facts mentioned in his complaint and have passed the order relying upon the submissions made by the respondents.
  - vii. Reduction of the period of assessment from 13 months to 12 months by the Forum in its order is without considering the legal facts and therefore it is an error on the part of the Forum.
  - viii. He is a bonafide consumer and no arrears are outstanding against his electricity connections. He however did not deposit the amount of assessment as the same has been imposed wrongly, but the respondents adjusted the same amount from the amounts deposited by him, without his acceptance.
  - ix. The respondents have clearly mentioned in the written statement that there is no allegation on the petitioner regarding the connection under reference and if it is so then raising assessment is wrong and is an act of lack of service on the part of respondents and therefore he is entitled under law to get the relief prayed for.
6. Hearing in the case was fixed for 14.01.2025 which was adjourned for 04.02.2025 on the request of petitioner's counsel. Both parties appeared for arguments. The petitioner himself along with his advocate and the respondent Executive Engineer appeared himself. Both parties orally argued their respective case. In addition to oral arguments the petitioner submitted the following documents:
- i. Judgment of Hon'ble Supreme Court in case no. 2003 AIR SCW 958.
  - ii. A judgment of National Consumer Dispute Redressal Commission, New Delhi in case no. 2013 NCJ 472 (MC).

Arguments were concluded. Order was reserved. Records and documents available on file were perused. Arguments from both parties were heard. Relevant UERC regulations as well as judgments of Hon'ble High Court of Uttarakhand passed in the



similar cases as well as the orders passed in similar cases in the past by the Ombudsman have also been gone through. It is borne out that the petitioner is a consumer of UPCL for his company named as Vijudha Organic Farmers Procedures Company Ltd. He has a 30 KW connection since 25.05.2019 under LT industry category for running a sugarcane crusher. A check meter was installed at his premises by the respondents on 13.01.2023 vide sealing certificate no. 06/42, when LT make meter no. 22224137 was installed at consumer's premises, as a check meter, which was finalized vide sealing certificate no. 07/05 dated 14.02.2023. As mentioned on the sealing certificate dated 13.01.2023 the check meter was installed as voltage on R and B phases was found zero. MRI of both the meters were also done. As mentioned on sealing certificate dated 14.02.2023 "उपभोक्ता का चैक मीटर फाइनल किया, पुराना मीटर उतारा गया। दोनो की एम0आर0आई0 कर ली है। पुराना मीटर 73.97: KWH धीमा एवं 72.07: KVAH धीमा है (slow) मीटर CT 50/5, MF 10 उपभोक्ता के मेन मीटर में R&B फेज की वोल्टेज 0 पाई गई है।"

7. The AE (M) Test Lab Roorkee submitted a report to the Executive Engineer, EDD Rural, Roorkee of check meter study via his letter dated 17.03.2023 wherein he has reported that in the check meter study meter of connection no. RD0K000800210 of Shri Katar Singh was found running slow by 73.97% in KWH and 73.07% slow in KVAH due to zero (0) voltage on R and B phases and has requested that assessment in the matter may be raised by the Executive Engineer, EDD Rural, Roorkee himself. Based upon the check meter study and AE (M)'s report the respondent Executive Engineer revised the bills on the basis of slow running of meter and added an assessment Rs. 3,16,944.00 in the bill for the month of 05/2023 (for the period from 30.04.2023 to 31.05.2023) in which bill the total amount payable on or before the due date including the above assessment has been shown as Rs. 4,28,861.00. The assessment amount has duly been adjusted by the respondents out of Rs. 10 lakhs deposited by the petitioner at different occasions against a number of other connections. The petitioner has claimed that he had never agreed to adjust the assessment amount out of Rs. 10 lakhs deposited by him against the bill of a number of other connections and this adjustment has been done by the respondents at their own volition without his consent.



8. In order to arrive at a decision in the instant case, it is essential and desirable to examine whether the relevant UERC Regulations as applicable in the cases where check meter studies conducted to check the correctness of the installed meter have been complied with by the respondents. Further the judgments passed by the Hon'ble High Court of Uttarakhand, Hon'ble Supreme Court as have been referred in the similar cases decided by the Ombudsman in the past has to be consulted whether such judgments supports petitioner's case. The relevant UERC Regulations 2020 as applicable in such a case are reproduced below:-

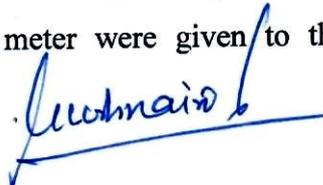
#### 5.1.3 Testing of meters

1. The meter test labs of the Licensee shall be NABL accredited or it shall utilize the services of other accredited testing labs till its labs get NABL accredited.
2. All the meter test labs shall have CCTV surveillance system.
5. The Licensee shall, within 30 days of receiving the complaint, carry out testing of the meter as per the procedure specified in these regulations and shall furnish duly authenticated test results to the consumers. The consumer shall be informed or proposed date and time of testing at least 2 days in advance.

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

The above regulations mandates that prior intimation for proposed date and time of testing shall be given to the consumer at least 2 days in advance. Further the licensee shall be required to provide a copy of the valid test report of such test/ check meter to the consumer before initiating the testing. The regulation also provides that his meter test lab shall be NABL accredited or it shall utilize the services of other accredited testing lab till its lab gets NABL accredited.

As there is no documentary evidence available on the file to show that the above regulations have been followed/ complied with in conducting the check meter study in the instant case. It is clear that neither any prior intimation of installing a check meter was given to the consumer nor any NABL accredited test results of the meter proposed to be installed as a check meter were given to the consumer before



commencement of check meter study. In the absence of which the veracity of the installed check meter is not established and therefore results of such a check meter study declaring the installed meter slow by 73.97% in KWH and slow by 73.07% in KVAH cannot be accepted as a full proof basis for raising assessment by the respondents for a sum of Rs. 3,16,944.00 which was added in the bill for the month of 05/2023 (for the period 30.04.2023 to 31.05.2023).

9. Hon'ble High Court of Uttarakhand judgment in WPMS/2301/2025 and WP No. 1069 of 2021 submitted in other similar cases decided by the undersigned in the past relevant abstracts of the judgment are reproduced below:-

i. WPMS/2301/2025

Learned counsel for the petitioner could not show any statutory provision, which enables the Electric Distribution Licensee to install a check meter without supplying copy of the valid test report of the check meter to the consumer before initiating testing.

Thus, there is no scope for interference in the matter. The writ petition fails and is dismissed.

ii. WP No. 1069 of 2021

Hence, as such I am of the view that since a very assessment itself was not foundationed as per the Regulation of 2007, this Court is now willing to exercise its supervisory jurisdiction under Article 227 of the Constitution of India (Similar provision has been provided in the amended UERC Regulations, 2020).

iii. The Hon'ble Supreme Court judgment in civil appeal no. 7433 of 2008

If the corporation fails to comply with any of the conditions laid down in the license or violates the tariff, the license of the licensee may be revoked. A penal action may also be taken. But the same would not mean that the licensee can be permitted to take advantage of its own wrong. If can approbate and reprobate, particularly when it is the beneficiary thereof.

10. After examination of documents available on file it is clearly established that respondents have neither given prior intimation to the consumer regarding the date and time of installation of check meter neither they have adduced the test results of the proposed check meter from NABL accredited lab so that veracity of the check

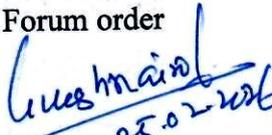


meter could have been established. As such the respondents have not complied with or followed the above mentioned UERC Regulations. Further the case laws of Hon'ble Supreme Court and Hon'ble High Court of Uttarakhand as mentioned above also supports the petitioner's case that if the check meter study has not been conducted in accordance with relevant UERC Regulations, such check meter study cannot be appreciated and cannot be held as a valid check meter study in the eyes of law and cannot be a basis for raising any assessment. Such being the case the check meter study and its results declaring the consumer's installed meter running slow by 73.97% in KWH and by 72.07% in KVAH on the basis of which the disputed assessment of Rs. 3,16,944.00 has been raised and intimated through an entry in the bill for the month of 2023 is held null and void being void of law and thus its results and the assessment raised by the respondent on the basis of such results is liable to be quashed and set aside. Petition is liable to be allowed with the direction that the assessed amount if adjusted out of Rs. 10 lakhs deposited by the petitioner on different dates as on record be refunded to the petitioner by way of adjustment in the future bill(s). The forum order is liable to be set aside not being consistent with relevant UERC Regulations.

**Order**

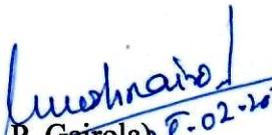
The petition is allowed with the direction as mentioned in para 10 above. Forum order is set aside.

Dated: 25.02.2026

  
(D. P. Gairola)  
Ombudsman  
25.02.2026

Order signed dated and pronounced today.

Dated: 25.02.2026

  
(D. P. Gairola)  
Ombudsman  
25.02.2026