

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Nature Frozen Foods
Through partner Mr. Jatinder Singh
Village Bannakhera Bazpur
Distt. Udham Singh Nagar,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Bajpur, Distt. Udham Singh Nagar, Uttarakhand

Representation No. 24/2026

Award

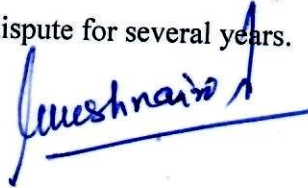
Dated: 17.08.2026

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Udham Singh Nagar Zone, (hereinafter referred to as Forum) dated 24.03.2026 in complaint no. 233/2026 by which Ld. Forum has dismissed the complaint of the complainant, M/s Nature Frozen Foods, through partner Mr. Jatinder Singh, Village- Bannakhera Bajpur, Distt. Udham Singh Nagar, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Bajpur, Distt. Udham Singh Nagar, Uttarakhand (hereinafter referred to as respondent).

2. In the instant appeal dated 21.04.2026, the petitioner has averred that they have a connection no. 360K000029868 for their industrial unit M/s Nature Frozen Foods for 800 KVA contracted load.

Point wise details of case

- i. The firm is the regular consumer of the electricity and has been paying all electricity dues without any dispute for several years.



- ii. A smart meter was installed on the aforesaid connection on 02.05.2025, after which electricity billing became irregular and inconsistent with actual consumption.
- iii. During off season months (April-May 2025) the meter recorded abnormally high consumption despite minimal industrial activity.
- iv. They submitted a complaint dated 09.06.2025 before the Executive Engineer for correction of the bill but no effective action was taken.
- v. They filed a complaint before CGRF Udham Singh Nagar on 01.01.2026 which was rejected vide forum's order dated 24.03.2026.

Errors in forum's order against which appeal is being preferred

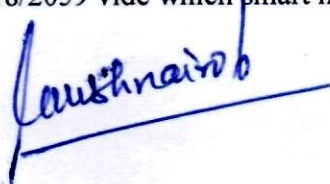
- vi. The forum failed to consider that abnormal billing started immediately after installation of the smart meter.
- vii. The forum wrongly relied on a check meter report of January 2026 which is not relevant to the disputed period.
- viii. Forum did not consider the seasonal nature of their industry and low consumption during off season months.
- ix. Complaint dated 09.06.2025 and submissions were not properly examined.
- x. Impugned order lacks proper reasoning and arbitrator in nature.

Prayer/ relief

- xi. Set aside order dated 24.03.2026 passed by CGRF Udham Singh Nagar.
- xii. Direct correction/ revision of the disputed electricity bills.
- xiii. Order proper testing and verification of the smart meter.
- xiv. Grant any other relief deemed fit in the interest of justice.

The appeal has been preferred under the signature of Shri Jatinder Singh, partner who has been authorized to contest the case before Ombudsman vide authorization letter dated 21.04.2026 which is enclosed with the petition. A notarized affidavit has also been adduced with the petition.

The petitioner has also submitted stay application dated 21.04.2026 in consideration of petitioner's stay application, interim stay was granted on 27.04.2026. The petitioner has also submitted copies of bills from 31.03.2025 to 31.12.2025, copy of sealing certificate dated 02.05.2025 no. 18/2059 vide which smart meter was installed

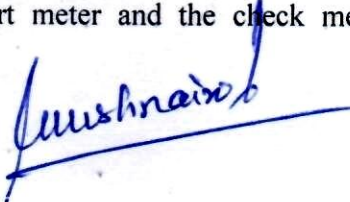


has also been adduced. A receipt dated 29.11.2025 for Rs. 15,00,000/- deposited by the petitioner has also been submitted.

3. After perusal of records and hearing arguments the forum observed that the smart meter no. 46000704 was installed at consumer's premises on 02.05.2025 in place of old installed meter no. Q0482693. A check meter was installed by the department on 09.01.2026 vide sealing certificate no. 14/2835 which was finalized on 29.01.2026 vide sealing certificate no. 19/2835. The installed meter was found OK in the check meter study. The forum was of the opinion that because as per check meter report the installed smart meter was found working OK so bills issued on the readings recorded by the smart meter were correct and as per rules which are payable by the consumer therefore the complaint is not liable to be allowed and having observed as such the forum dismissed the complaint no. 233/2025-26 vide its order dated 24.03.2026
4. The respondent, Executive Engineer has submitted his written statement vide letter dated 29.04.2026 through his counsel, whose vakalatnama is also on file along with a notarized affidavit.

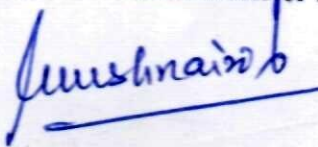
Reply/ objections on behalf of the respondent to the representation filed by the appellant.

- i. The present representation arises out of complaint no. 233/2025-26 which was filed before the CGRF. The forum dismissed the complaint vide impugned order dated 24.03.2026.
- ii. The appellant's contention before forum was that subsequent to installation of smart meter at their premises electricity bills being generated were allegedly higher than the consumption reflected in the past billing patten. The smart meter was installed on 02.05.2025 and according to appellant the first bill generated after its installation was incorrect.
- iii. During the course of proceedings before the forum directions were issued for installation of check meter at complainant's premises in order to verify the correctness of the smart meter and assess the veracity of the allegations raised in the complaint. Accordingly the check meter was insulated on 09.01.2026 vide sealing certificate dated 09.01.2026 (annexure-1).
- iv. Check meter was finalized on 29.01.2026 in the presence of appellant on comparison reading of the smart meter and the check meter and it was



categorically recorded that no variation or discrepancy existed between the two readings, copy of sealing certificate 29.01.2026 for check meter finalization enclosed as annexure -2.

- v. Thereafter facts of the check meter study were brought to forum's notice vide letter dated 29.01.2026 along with relevant sealing reports (annexure -3)
- vi. The respondent has further submitted that on 11.03.2026 a site inspection of appellant's premises was carried out by the respondent Executive Engineer along with SDO and JE in the presence of appellant's representative.
- vii. Upon inspection of electrical installation and associated circuitry, it was observed that
 - a. A 11.4 KV distribution transformer of capacity 1250 KVA is installed at the premises.
 - b. Capacitor bank of 750 KVAR capacity is connected to the said transformer and
 - c. The capacitor bank was tested under varying load conditions on consumer's connection and was found to be functional and operating satisfactory. Copy of inspection report dated 11.03.2026 enclosed.
- viii. It is pertinent to submit that adoption of advance metering infrastructure and smart meter technology recording and measurement and electrical parameters have become more accurate and comprehensive. The smart meter installed at the premises recourse all electricity consumption in accordance with the applicable technical standards including consumption attributable to auxiliary equipment such as capacitor banks installed by the consumer under the earlier metering system owing the operational characteristic of the capacitor bank and limitation of conventional metering technology. Certain consumption may not have been captured with the same degree of accuracy. Consequently any variation in billing after installation of smart meter is attributable to the enhance accuracy of the metering system and not to any defect, irregularity or illegality on the part of the respondent.
- ix. The aforesaid facts along with relevant inspection reports check meter report and technical findings were duly considered and recorded by the forum in the impugned order. Upon examination of the material placed on record the forum found no discrepancy in functioning of the smart meter or in the billing raised



by the respondent. Accordingly the impugned order does not suffer any legal or factual infirmity warranting interference of the Hon'ble Ombudsman.

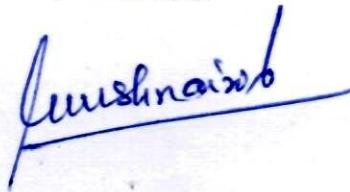
- x. The appellant had already paid the disputed bill without protest having accepted and acted upon the billing, the appellant is estopped by its conduct from raising a challenge thereto at a subsequent stage. The present representation is therefore liable to be rejected on this ground alone.

Parawise reply

- xi. Para 1 is a matter of record and admitted to that extent.
- xii. Para no. 2 and 3 are denied for the reasons stated in the preceding paragraphs.
- xiii. Para 4 is denied. A check meter study was conducted report submitted to the forum which conclusively established the correctness of the smart meter and billings raised by the respondent.
- xiv. Para 5 is a matter of record and is admitted to that extent.
- xv. Para 6 is denied, the allegations are vague unsubstantiated and devoid of supporting material.
- xvi. Para 7 to 10 are denied. The appellant has failed to place any technical report, expert opinion or other cogent evidence on record to rebut the findings arrived at by the forum.
- xvii. It is pertinent to note that although no specific relief had been sought by the appellant with respect to installation of check meter or a conduct of site inception. The forum of in the interest of a fair and complete adjudication of the dispute directed to respondent to undertake such verification exercise pursuant to that check meter was installed, technical inspection was conducted and findings were duly placed before the forum. therefore the allegations the grievance was not properly examined is wholly misconceived and contrary to the record.
- xviii. A perusal of the representation and accompanying stay application demonstrate that no prima facie case has been made out by the appellant. It is respectfully sub mitted that the Hon'ble Ombudsman vide order dated 27.04.2026 granted interim protection in favour of the appellant ex-parte. However, in view of the material now placed on record the said interim protection deserves to be vacated.



- xix. The forum after considering all relevant facts and technical report found no defect in the metering system of the bill raised by the respondent. Consequently the prima facie case, balance of convenience and equities lie overwhelmingly in favour of the respondent. Continuation of the interim protection would result in the appellant continuing to consume electricity without discharging corresponding payment causing avoidable financial prejudice to the respondent.
- xx. In view of the facts and circumstances stated herein above it is most respectfully prayed that the Hon'ble Ombudsman may be pleased to dismissed the present representation with cost and vacate the interim order dated 27.04.2026 in the interest of justice.
5. The petitioner has submitted a rejoinder dated 06.07.2026 along with an affidavit. Point wise replies are as follows.-
- i. Respondent's replies neither addresses the core grievance raised by them nor satisfactorily explain the abnormal increase in electricity consumption reflected after insulation of smart meter.
 - ii. The appellant has clarified that present dispute is not based on merely on the fact that is smart meter was installed, the grievance is that immediately after its installation the electricity consumption showed a significant departure from the previous patter despite there being no explanation provided by respondent for such change.
 - iii. The respondent has placed considerable reliance on check meter verification conducted in July 2026 while the dispute relates to the bills generated after installation of smart meter on 02.05.2025. a verification carried out several months later established the position during the period of testing but it does not by itself explain or resolve the concerns regarding earlier disputed billing period.
 - iv. The appellant respectfully submits that the respondent as stated that smart meters are more accurate and that the earlier meter may not have recorded certain consumption. However, no technical report, testing report, expert opinion applicable regulations or other supporting material has been produced to substantiate this assertion in the present case.



- v. The site inspection lies upon by the respondent confirms that the electrical installation was inspected and found operational however the inspection report does not by itself explain the increased in recorded consumption or established that the disputed bills are accurately reflected the appellant's actual consumption during the relevant period.
- vi. The appellant has maintained that there were no billing disputes prior to installation of smart meter and the concerned arrows only thereafter. The appellant submits that this circumstance deserve closure examination sand cannot be answered by only to a subsequent check meter verification.
- vii. The appellant has prepared a comparative statement of historical and subsequent electricity consumption records which indicates noticeable difference after installation of smart meter. The appellant respectfully request that these reports be considered along with the other material on record. The appellant does not seek to draw technical conclusion from these records but submits that the warrant and independent examination.
- viii. The respondent has further contended that appellant have already paid the disputed bills. The appellant respectfully submits that such payments were made to avoid disconnection of electricity supply and the appellant operates a frozen food manufacturing and storage unit. Any interruption of supply could have resulted in immediate damage to perishable stock of substantial valued and consequent significant of loss. The payment were therefore made under these compelling circumstances and cannot be construed as acceptance of the correctness o the disputed billing or a waiver of appellant statutory right to seek redrese4d.
- ix. He has submitted that the present representation raises genuine issues requiring independent consideration. Respondent reply does not adequately explain the change in billing pattern after installation of smart meter. Therefore does not fully address the grievance.
- x. The appellant craves leave to place on record. Such additional document or material as may be required for the just adjudication of the present proceeding.



xi. **Prayer**

- a. Consider this rejoinder along with placed on record.
- b. Direct an independent examination of disputed bill for the relevant period.
- c. Pass appropriate orders regarding correction of the disputed bills if found justified.
- d. Continue the interim protection already granted until the final disposal of the representation.
- e. Pass such other order deemed fit in the interest of justice.

6. 13.05.2026 was fixed for hearing and disposal of the stay application. Respondent was present had already submitted adjournment application which was allowed 26.05.2026 was fixed as the next date of hearing which was postponed for 28.05.2026 due to unavoidable reasons. As 28.05.2026 was declared holiday by the government, the hearing was fixed for 15.06.2026. On 15.06.2026 petitioner informed that he was late for hearing due to heavy traffic at Haridwar. Respondent applied for adjournment which was allowed and 01.07.2026 was fixed as the next date of argument. Both parties were present on 01.07.2026 and argued on petitioner's stay application stay extended till disposal of the case. 15.07.2026 was fixed for arguments in the case. While respondent was present on 15.07.2026, petitioner submitted application for adjournment which was allowed and 22.07.2026 was fixed for argument in the case. Both parties were present on 22.07.2026 argued their respective case. Respondent in addition to oral arguments also submitted billing details which were taken on record. Argument, concluded order was reserved.

7. After perusal of records and documents available on file and hearing arguments from both parties, it has come to notice that while the petitioner's case is that they have a 800 KVA connection no. 360K000029868 under industrial category. As per averment of the consumer they have been paying all electricity bills without dispute for last several years. A smart meter no. 46000704 was installed at their premises on 02.05.2025 admittedly vide sealing certificate no. 18/2059 dated 02.05.2025 in place of existing meter no. 482693 which was removed after installation of the aforesaid smart meter. The petitioner's plea is that consequent upon installation of aforesaid smart meter electricity billing became irregular and inconsistent with actual consumption, the meter recorded abnormally high consumption despite minimum

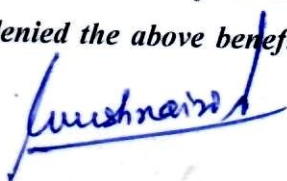
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industrial activity during off season. A complaint dated 09.06.2025 was made before Executive Engineer on which no effective action was taken, they preferred complaint no. 233/2025-26 on 01.01.2026 before the forum which was dismissed by the forum vide order dated 24.03.2026. A number of errors in the forum order has been alleged by the petitioner such as the forum has passed the order without considering abnormal billing, did not consider seasonal nature of the industry and the complaint dated 09.06.2026 before Executive Engineer, was also not examined by forum properly. The forum wrongly relied on a check meter report of January 2026 which was not relevant to the disputed period. The order is lacking proper reasoning and is arbitrary in nature and the petitioner has prayed that forum's order dated 24.03.2026 be set aside, the disputed bills be ordered to be corrected, smart meter be got properly tested and verified its working.

8. On the other hand, the respondent's case is that the forum passed order dated 24.03.2026 after considering all the facts of the case and as such there is no infirmity in forum order as alleged by the petitioner. further a check meter study was conducted on installed smart meter at the premises of the consumer under forum's direction by installing check meter on 09.01.2026 and its finalization on 29.01.2026 vide the sealing certificates available on file which was duly submitted before the forum on 29.01.2026 itself. In the check meter study both the meters recorded equal consumption during the period 09.01.2026 to 29.01.2026 as such the installed smart meter was working correctly and thus its veracity is established. Further an inspection was also conducted at consumer's premises on 11.03.2026 by a team of officers of UPCL consisting of Executive Engineer, SDO and J.E. Details of the equipment and appliances installed at the premises such as 11/0.4 KV distribution transformer of capacity 1250 KVA, capacitor bank of 750 KVAR capacity connected to the said transformer and the capacitor bank tested under varying load conditions of their connections was found to be functional and operating satisfactorily. According to respondents the impugned order do not suffer from any legal or factual infirmity warranting interference by the Hon'ble Ombudsman. In view of their submissions the respondents have requested for dismissal of the present representation with cost and for vacation of interim stay order dated 27.04.2026 which was subsequently extended till disposal of the petition in the interest of justice.



9. In view of the facts of the case, the petitioner's plea that the check meter study conducted from 09.01.2026 to 29.01.2026 is irrelevant to the disputed period April 2025 to May 2025. It is clarified that bills of a consumer on whose premises check meter study had been conducted for the preceding 12 months have to be revised/ corrected as per results of check meter study whether the installed meter would have been found running fast or slow beyond permissible limits as prescribed under Section 57 (1) of Indian Electricity Rules 1956 which is still enforce, being + - 3%. In the instant case the installed smart meter on which check meter study was conducted was found running correctly as energy recorded by the installed smart and the check meter was found equal and therefore there was zero (0) variation in recording the consumption. Since as per sub Section 10 a and 10 b of UERC Supply Code Regulation 2020, action for bill corrections for preceding 12 months has to be taken, the petitioner's plea that the check meter study under reference was irrelevant to the disputed period being April 2025 to May 2025 does not sustain and is therefore overruled.
10. The substantial material regarding the case placed by the respondents in their written statement reveals that the smart meter was working correctly and capacitor bank has been found functional and in working condition at all loads as per inspection report dated 11.03.2026, it appears that in the apparent KVA power drawn by the consumer from UPCL's grid has higher KVAR power component attributable for low power factor, resulting in higher KVAH energy consumption on which bills are issued as per tariff provisions, probably due to inappropriate use of capacitor banks on all loads especially on reduced permissible demand for the off season period. So, the consumer himself is responsible for the higher KVA demand and higher KVAH energy consumption and low power factor and it is not due to any fault of the smart meter and/ or due to any mistake or default by the respondent in generating the disputed bills in off season and levy of additional 10% surcharge as such the bills under dispute for the off season period have been generated strictly in accordance with UERC tariff order provisions contents of which are reproduced below "*During 'Off season' period, the maximum allowable demand will be 30% of the contracted demand and the consumers whose actual demand exceeds 30% of the contracted demand in any month of the 'Off season' will be denied the above benefit of reduced contracted*



demand during that season. In addition, a surcharge at the rate of 10% of the demand charge shall be payable for the entire 'Off season' period."

The disputed bills for the off season period and additional 10% charges levied there upon need no correction being strictly in accordance with the aforesaid tariff provision.

11. Forum's order dated 24.03.2026 passed in complaint no. 233/2025-26 vide which the complaint was dismissed is a well reasoned order and is consistent with the facts of the case and rules and regulations applicable in the instant case and is therefore need not be interfered with and is liable to be upheld. The petition is accordingly liable to be dismissed.

Order

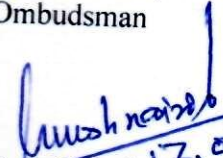
The Petition is dismissed. Forum order is upheld. The stay granted on 27.04.2026 and subsequently extended till disposal of the presentation, stands vacated with immediate effect.

Dated: 17.08.2026

Order signed dated and pronounced today.

Dated: 17.08.2026


(D. P. Gairola)
Ombudsman


(D. P. Gairola)
Ombudsman