

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s R. S. Agro Foods  
Through proprietor Ramo Devi  
Village Nayagaon, Chandan Singh  
Kaladungi, Distt. Nainital  
Uttarakhand

Vs

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

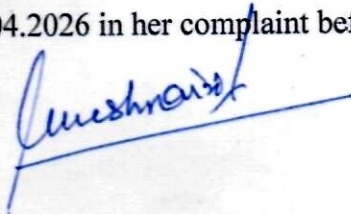
Representation No. 25/2026

### Award

Dated: 12.08.2026

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Kumaon Zone, (hereinafter referred to as Forum) dated 08.04.2026 in complaint no. 34/2026 by which Ld. Forum has dismissed the complaint of the complainant, M/s R. S. Agro Foods, through proprietor Rami Devi, Village Nayagaon, Chandan Singh, Kaladungh, Distt. Nainital Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Ramnagar, Distt. Naintial, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner Smt. Ramo Devi, proprietor M/s R.S. Agro Foods submitted petition dated 22.04.2026 along with a notarized affidavit wherein she has averred as follows. She has a connection no. RR0K000027643 for 335 KVA contracted load for her unit M/s R.S. Agro Foods under industrial category has preferred the instant appeal being aggrieved with forum order 08.04.2026 in her complaint before the Forum.



Point wise details of case

- i. The appellant firm is a regular consumer of electricity and has been paying all electricity dues without any dispute for several years.
- ii. Smart meter was installed on her connection in the month of June 2025 where after 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. She submitted a complaint on 16.09.2025 before the Executive Engineer for correction of the bill but no effective action was taken.
- v. A complaint was filed before CGRF Haldwani on 28.02.2026 which was rejected vide Forum's order dated 08.04.2026.

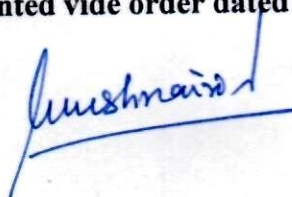
Errors in Forum's order against which appeal is being preferred.

- 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. The forum did not consider the seasonal nature of her industry and no consumption during off season months.
- ix. Complaint dated 16.09.2025 and submissions of the appellant were not properly examined.
- x. Impugned order lacks proper reasoning and is arbitrary in nature.

Prayer/relief

- xi. Set aside Forum's order dated 08.04.2026
- xii. Direct correction/ revision of the disputed bills.
- xiii. Order proper testing and verification of the smart meter.
- xiv. To grant any other relief deemed fit in the interest of justice..

**(The petitioner has also submitted stay application dated 22.04.2026. The temporary injunction was granted vide order dated 28.04.2026).**



She has also submitted copies of bills for the period 28.02.2025 to 31.03.2025 to the period 31.01.2026 to 28.02.2026. A bill payment receipt dated 31.10.2025 for Rs. 7,15000.00/- has also been adduced.

3. The Forum after perusal of records and hearing arguments has observed that the complainant did not obey forum's order dated 24.03.2026 and 11.03.2026 while the opposite party complied with the order by making entry of Rs. 5,00,000/- deposited by the complainant in her ledger. The forum was of the view that for non compliance of Forum's order it appears that the complainant is not interested in getting her connection reconnected. The Forum was of the view that the bills have been issued in accordance with rules by the department. Although, her bills for two or three billing cycles after installation of smart meter were abnormal. But it is due to not maintaining the correct power factor by the complainant and she herself is therefore responsible for the same. The forum was of the view that bills have been issued in accordance with relevant rules and the forum cannot order any revision/ correction in these bills and therefore forum was of the view that the complaint is liable for dismissal and having observed as such the forum dismissed the complaint vide order dated 08.04.2026 in complaint no. 34/2026.
4. The answering respondent, Executive Engineer has submitted his written statement vide letter having no dispatch number or date however a notarized affidavit dated 14.05.2026 has also been submitted with the written statement. Point wise replies are as follows:-
  - i. Averment under point no. 1 is partly correct. The petitioner is not making regular payments of the bills since the bill for the month of July 2024 (copy of ledger enclosed).
  - ii. In reply to point no. 2 and 3 he has submitted that bills for the month of April and May 2025 were issued as per actual recorded consumption by the old meter (15580730) based on MRI. Copies of MRI report and bills are enclosed. Smart meter no. 46000660 was installed at her premises on 18.06.2026. Power factor from the month of June 2025 to September 2025 were too poor being 0.37, 0.09, 0.07 and 0.07 due to which bills for high amount were issued (photo copies of bills enclosed).



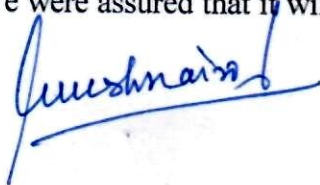
- iii. As regards point no. 4 he has submitted that check meter registration was made on 15.11.2025 in response to her complaint (registration no. 21511250425) but due to nonpayment of check meter fee by the petitioner the registration was cancelled on 22.02.2026 (photo copy enclosed).
- iv. As regards point 5 he has submitted that the forum dismissed the complaint vide order dated 08.04.2026 due to consumer's failure to maintain the correct power factor.
- v. As regards point no. 6 to 10 he has submitted that from the month of 10/2025 correct bills as per actual recording by smart no. 46000660 were issued on maintaining the correct power factor.

The respondent has submitted that high value bills are for not maintaining proper power factor and not for any malfunctioning of the smart meter. Billing in her case is being done on KVAH as per UERC Regulations as her contracted load is 335 KVA. In the off season bills were also issued on KVAH when power factor was low and KVAH consumption was high.

The consumer herself is responsible for maintaining proper power factor and high value bills were issued for low power factor for which the petitioner herself is responsible. Copies of the documents has referred has been adduced with the written statement.

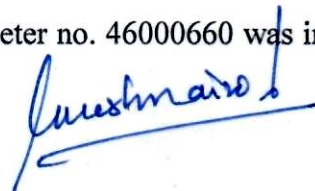
5. The petitioner has submitted a rejoinder dated 25.05.2026. Point wise replies are as follows:-

- i. The petitioner has disagreed with respondents' reply under this point that after July 2024 payments have not been made regularly. The petitioner submitted that in the month of March 2025, the balance of dues against them was zero (0).
- ii. The respondent has mentioned that in the month of April 2025 and May 2025 there was old meter in the circuit which was giving correct reading and power factor but from the month of June 2025 after installation of check meter the power factor became low. The respondents are themselves agreeing to this. On receipt of the bill for the month of June, they have orally submitted before the respondents that why the bill is of high amount. They did not tell them that it is due to low power factor. We were assured that it will be set right in the next



bill and with that assurance we did not pay the amount of this bill but the bill has yet not been corrected.

- iii. In reply to point no.3 of written statement the petitioner has stated that registration for check meter was done in the month of November. MRI of the installed meter was done by the staff who told that there is no necessity of installing a check meter and fees is not required to be deposited. They also told that we should see the executive Engineer for necessary correction for that reason we did not pay check meter fee but bills were not corrected.
  - iv. Regarding point no. 4 and 5 the petitioner has submitted that the CGRF was agreed that the bill was of higher amount inspite of closure of the bill due to low power factor. Bills were not corrected even after repeated requests. The petitioner has requested that bill be ordered to be corrected. Regarding fix date 28.05.2026 for hearing he has requested that another date be fixed as his Advocate shall not be able to attend the hearing on 28.05.2026 due to Eid Holiday.
6. 15.06.2026 was fixed for hearing while respondent was present, petitioner sent request for adjournment which was allowed and 24.06.2026 was fixed for the next date of argument. None was present on 24.06.2026 so in the interest of justice 08.07.2026 was fixed for hearing and disposal of stay application. 08.07.2026 was fixed for the date of hearing while respondent was present, the petitioner sent email with the request that he was unable to be present personally and requested to pass orders on the basis of documents. Arguments were concluded, order was reserved.
  7. The petitioner sent a written communication dated 07.07.2026. No new facts about the case have been submitted in this communication and contents are merely repetition or reiteration of what the petitioner has already averred in his petition and rejoinder.
  8. The records and documents available on file have been perused. Forum's file of complaint no. 34/2026 of the petitioner before the forum was summoned and has been gone through. Arguments from both parties were heard. Facts of the case as borne out are as below.
  9. The petitioner's case is that she is a consumer of UPCL for 335 KVA contracted load under industrial category. Smart meter no. 46000660 was installed at her premises on



18.06.2025. Her submission is that after installation of the smart meter her bills have been issued for excessive amount as compared to her actual consumption, during off-season when there were minimal industrial activities. Having found no solution to her grievance from the Department, she approached Forum with a complaint no. 34/2026 which was dismissed by the forum vide its order dated 08.04.2026. On the other hand respondent's case is that after installation of smart meter on 18.06.2025 power factor from the month of June 2025 to September 2025 was poor being 0.37, 0.09, 0.07 and 0.07 respectively and the bills were issued on the readings recorded by the smart meter installed on 18.06.2026 and are in confirmation with MRI reports. Bills for the month of April and May 2025 were issued as per readings of old meter no. 15580730. Disputed bills were issued on actual recorded consumption and power factors and the excessive amount of the bill is attributable to low power factor during this period resulted into high KVAH consumption. To keep the power factor reasonably good enough is the responsibility of the consumer himself and department is not responsible for low power factor of any consumer. As is also in the instant case.

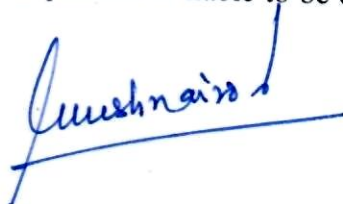
As regards non installation of check meter, the respondents have informed that on her complaint for check meter installation (no. 21511250425) dated 15.11.2025, the check meter could not be installed as consumer did not deposit check meter fee and the registration was cancelled on 22.02.2026. The respondent has further submitted that after improvement in the power factor from the month of 10/2025 bills based on readings of smart meter were issued. The bills in accordance with UERC regulations were issued on KVAH consumption in petitioner's case her contracted being 335 KVA during off season due to low power factor her KVAH consumption had become high and the bills were accordingly issued. The respondent has also submitted that after July 2024, the consumer has not regularly paid the bills.

Both the parties the petitioner as well as the respondents have submitted copies of the bill from the month of 03/2025 (from 28.02.2025 to 31.03.2025) upto the bill for the month of 02/2026 (from 31.01.2026 to 28.02.2026) by the petitioner and from the month of 04/2025 (31.03.2025 to 30.04.2025) upto the bill for the month of 08/2025 (31.07.2025 to 31.08.2025) by the respondents. Here as also before the forum. The petitioner in the bills issued for the month of 03, 04 and 05/2025 for the period 28.02.2025 to 31.05.2025 has mentioned the meter no. 46000660, the number of the smart meter which was admittedly installed on 18.06.2025 how it can be possible that

these bills for the period prior to 18.06.2026 must have been issued on the smart meter which was installed on 18.06.2025, it therefore suggests that these bills must have been tampered as regards meter number and the bills so fabricated have been adduced before Ombudsman as well as before forum. While the respondents have mentioned old meter no. 15580730 in the bills issued prior to installation of the smart meter and in each bills issued from the period 31.05.2025 to 30.06.2025 and onwards the smart meter no. 46000660 appears in the bills which is correct.

A perusal of the copy of ledger submitted by the respondents with written statement confirms his averments (respondent's) regarding irregular payments by the consumer against the bills after July 2024 when after making payment, the balance was minus 0.01 whereafter no payment was made till 07.01.2025 and the payment was made for Rs. 10,21,069.00 on 29.01.2025 leaving balance outstanding dues Rs. 6,30,673.00 whereafter two payments were made on 28.03.2025 for Rs. 6,49,070.00 and Rs. 4,18,882.00 leaving a negative balance of minus 0.01 whereafter no payment was made from 10.04.2025 till 08.10.2025. Thus outstanding accumulated to Rs. 18,38,515.99. A payment of Rs. 7,15,000.00 was made on 31.10.2025 leaving a balance of Rs. 11,23,515.99 whereafter no payment was made till 17.03.2026. A payment of Rs. 5,00,000.00 was made by the petitioner on 28.03.2026 perhaps under the directions of CGRF leaving a balance of outstanding dues of Rs. 15,92,825.99 which are still outstanding against her. It is therefore clear that the petitioner has been irregular in making payments of the bills.

9. In view of the aforesaid facts of the case, it is clearly established that the bills have rightly been issued on the basis of recording of parameters by the smart meter and are in conformity with the MRI reports. In the off season the consumer could not maintain the power factor which was poor being of the order of 0.07 to 0.09 from the month of June 2025 to September 2025 resulting into higher KVAH consumption on which the bills were issued as per appropriate tariff provisions and are correct and no correction in these bills is required. The forum has also rightly observed this fact and has rightly dismissed the complaint. The petition is liable to be dismissed and forum order is liable to be upheld.



Order

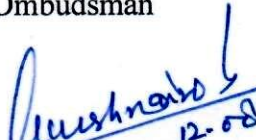
The Petition is dismissed. Forum order is upheld.

Dated: 12.08.2026

Order signed dated and pronounced today.

Dated: 12.08.2026

  
(D. P. Gairola) 12-08-2026  
Ombudsman

  
(D. P. Gairola) 12-08-2026  
Ombudsman