THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Brar Frozen Foods
Ranjeet Nagar Farm, Khamria,
Tehsil – Bajpur,
Distt. Udham Singh Nagar,
Uttarakhand

Vs

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

Representation No. 23/2026

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. 184/2025-26 by which Ld. Forum has dismissed the complaint of the complainant, M/s Brar Frozen Foods, Ranjeet Nagar Farm Khamria, Tehsil- 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. The petitioner M/s Brar Frozen Foods has preferred instant appeal dated 21.04.2026 under the signatures of the authorized representative Shri Narendra Singh who has duly been authorized by the company vide authorization letter dated 21.04.2026. He has averred as follows. They have a electricity connection no. 360K000010422 for 980 KVA contracted load under industrial category.

Point wise details of the case

i. They have unit is registered as seasonal tariff for the year 2025-26 whose effective period is from April 2025 to November 2025.

ii. Against their contracted load of 980 KVA, the actual demand generally remains upto 30% of the contracted load, to achieve that they have installed a demand controller which is set at 260 KVA.

iii. The department installed a new smart meter at their connection on 03.05.2025.

iv. After installation of check meter, bill for the month of May was received for excessive amount, on informing the department replied that it is due to low power factor but the appellant do not accept that plea.

v. Having a technical confusion, the department installed a check meter on 28.11.2025 on their request. During checking, it was found that wiring connections of the meter were erroneous and wrong. After setting right the connections power factor in the month of December was found correct but still the bill was of excessive amount.

Shortcomings in the forum order

vi. The matter was submitted before the forum wherein the forum was appraised about wrong connections but the forum disposed of the complaint without granting any relief, which is not justified.

Prayer

vii. The department is directed to allow seasonal tariff from the month of April 2025 to November 2025 and the bill which had duly been paid be withdrawn.

viii. Because the main reason for issuing excessive bill was wrong connections of the meter. therefore, the excessive amount charged in the bills for the year 2025-26 be adjusted as per the average bill amount during the year 2024-25 or this excess amount either be waived off.

ix. Relief may also be granted for causing mental and financial harassment due to department's technical carelessness.

x. A copy of notarized affidavit, authorization letter, a copy of letter written to Executive Engineer dated 16.04.2026, copy of complaint before forum, a copy of letter to Executive Engineer, copy of receipt or depositing check meter fee

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dated 28.11.2025, email/ complaint about smart meter, again a letter dated 07.03.2025 to Executive Engineer regarding seasonal industrial tariff and copy of a number of bills, a copy of forum's letter no. 599 dated 06.11.2025 addressed to Executive Engineer and copy to the complainant along with copy of a number of bills as well as the copy of the forum order dated 24.03.2026 in complaint no. 184/2025-26 have been adduced with the representation/ appeal.

3. The forum after perusal of records and hearing arguments has arrived at the conclusion which is reproduced below:-

"पत्रावली पर उपलब्ध तथयों का अध्ययन करने से स्पष्ट होता है कि परिवादी प्रतिष्ठान द्वारा टैरिफ आर्डर में उल्लिखित उक्त प्रावधानों के अनुरूप उपरोक्त वर्णित शर्तों को पूरा करके Off Season benefit का लाभ कई वर्षों से प्राप्त किया जाता रहा है, परन्तु माह अप्रैल 2025 के बिल मे परिवादी प्रतिष्ठान की अधिकतम डिमांड 465.34 केवीए पहुंच गई तथा परिवादी के संयोजन पर स्थापित स्मार्ट मीटर के Recorded अनुसार दिनांक 26.052025 को अधिकतम डिमांड (0.2 KVA X 1500 = 300 KVA) रिकार्ड की गई, जोकि उसकी अनुबन्धित डिमांड 980 केवीए के 30 प्रतिशत से अधिक है। चूंकि विपक्षी विभाग के आदेश दिनांक 17.03.2025 के द्वारा परिवादी प्रतिष्ठान के संयोजन हेतु Season Industries के प्रतिबंधों के अधीन दिनांक 17.03.2025 के द्वारा Season Industries के प्रतिबंधों के अधीन Off Season period 01.04.2025 से 30.11.2025 तक स्वीकृत किया गया है। ऐसे में परिवादी प्रतिष्ठान द्वारा Off Season benefit का लाभ प्राप्त करने हेतु टैरिफ आर्डर में वर्णित उपरोक्त अनिवार्य शर्त (बिन्दु –4.iii) का उल्लंघन किया गया है, जिससे संपूर्ण Off Season Period (01.04.2025 से 30.11.2025 तक) के लिए Season benefit का लाभ प्राप्त करने की परिवादी प्रतिष्ठान की योग्यता ही खत्म हो गई। उपरोक्त विश्लेषण के आधार पर इस मंच का स्पष्ट मत है कि विपक्षी विभाग द्वारा परिवादी प्रतिष्ठान को प्रेषित सममत बिल सही एवं नियमानुकूल हैं, जिन पर परिवादी की देयता बनती है। अतः परिवादी की यह शिकायत स्वीकार करने योग्य नहीं है।

In view of its above observations and opinion, the forum dismissed the complaint vide its order dated 24.03.2026 which is reproduced below:-

<u>आदेश</u>

परिवादी द्वारा प्रस्तुत परिवादी अस्वीकार किया जाता है

4. The respondent, Executive Engineer has submitted his reply/ objections on the appeal vide letter dated 29.06.2026 along with a notarized affidavit. Contents of which are as follows:-

Reply / objections of the respondent to the representation

i. The present representation stands from complaint no. 184/2025-26 of the petitioner against UPCL through Executive Engineer EDD Bajpur, filed before the forum which was dismissed by the forum vide its order dated 24.03.2026.

ii. The complaint before forum was filed contending that its electricity connections bearing no. 360K000010422 having a sanctioned load of 980 KVA under industrial category was subjected to incorrect billing after replacement of existing meter by a smart meter on 03.05.2025.

iii. It has been alleged by the petitioner that in the bill for the month of May 2025 the benefit available to seasonal industries during the off-season period had been withdrawn and an additional surcharge had been levied. According to the complainant, their plant was equipped with a demand controller and therefore demand never exceeded the permissible limit prescribed for availing off-season benefits. The complainant further asserted that the check meter had already been installed and as per the MRI report the recorded demand during off-season period remained within the permissible limit for availing the seasonal industry concession. It was further contended that the complainant had been continuously availing the seasonal industry tariff benefit for nearly 10 years and that the higher billing commenced only after installation of smart meter. On the said basis he sought revision of electricity bills and restoration of the off season benefits available to seasonal industries.

iv. This respondent submitted before the forum the complainant had itself applied for and obtained approval to avail the seasonal industry category benefits for the financial year 2025-26 pursuant to that the off season period from 01.04.2025 to 30.11.2025 was sanctioned in their favour vide letter dated 17.03.2025 subject to conditions prescribed under the applicable UERC Tariff order.

v. The respondent further submitted that under clause RTS- V (LT & HT industries seasonal industries) of UERC tariff order for the year 2025-26, a consumer availing off season benefits is required to ensure that its actual demand during off season period does not exceeded 30 % of its contracted demand . it was specifically pointed out that if the actual demand exceed 30% of the contracted load in any month of the off season period, the consumers becomes disentitled to the benefit of reduce contracted demand for the entire off season period and is additionally liable to pay a surcharge equivalent to 10% of the demand charges.

vi. While placing on record the smart meter data-billing records, consumer billing history and ledger extracts demonstrating that on 26.05.2025 the maximum demand recorded by the smart meter was 300 KVA against its contracted load of 980 KVA the permissible off season demand limit was only 294 KVA (30% of 980 KVA). As recorded demand of 300 KVA exceeded the prescribed threshold, the complainant became ineligible for the off-season concession in terms of tariff provisions. Consequently, the fixed demand charges and excess off-season load surcharge were lawfully levied in the month of 2025 bill.

vii. Upon considering the pleadings, documents and submissions of both the parties, the learned forum observed that the complainant have been granted off season approval for the period from 01.042025 to 30.11.2025 under the seasonal industry category and its further noting that UERC tariff order expressly provides that during the off season period the maximum allowable demand shall not exceed 30% of the contracted demand and that any breach of the said condition would result in withdrawal of off season benefit for the entire off season together with levy of the prescribed surcharge.

viii. The forum recording its finding that the smart meter installed at consumer's premises had registered a maximum demand of 300 KVA on 26.05.2025 whereas the permissible demand limit was only 294 KVA. Consequently, they have violated the mandatory condition governing eligibility of off-season benefit.

ix. On the basis of aforesaid findings the forum held that billing raised by the departments was in accordance with UERC tariff order and applicable tariff provisions, the forum further held that once the complainant exceeded the permissible demand limit during off season period it automatically lost its entitlement to the off season concession and became liable to pay the applicable demand charges and surcharge. Accordingly, the complaint was dismissed and the bills raised by the department were upheld as valid and lawful.

x. The department in its reply dated 27.11.2025 submitted that the complainant is a consumer which connection no. 360K000010422 a contracted load 980 KVA and MF 1500. The consumer had itself applied on 07.03.2025 for availing benefit of seasonal industries for the financial year 2025-26 in consideration of his application, the respondent Executive Engineer approved his request vide letter dated 17.03.2025 granting off season status for the period 01.04.2025 to 30.11.2025 subject to compliance with the prescribed conditions of UERC tariff order.

xi. In accordance with the smart meter, data installed at consumer's premises maximum demand was recorded as 300 KVA on 26.05.2025. Specifically relief upon clause RTS –V (LT & HT INDUSTRIES – Seasonal industries) point no. 4 .III of UERC tariff order for 2025-26 which provides that during off season period the maximum allowable demand shall be restricted to 30% of the contracted load and that any consumer exceeding such limits in any month shall become disentitled to the benefit of the reduced contracted demand for the entire off season period.

xii. Further, such consumer also be liable to pay an additional surcharge equivalent to 10% of the demand charges. Since the consumer exceeded the permissible limit of reduced demand in the month of May 2025, fixed demand charges and excess off-season load surcharge were levied in the billing month May 2025. Respondent has prayed that the complaint be dismissed as billing was strictly in accordance with tariff order.

xiii. During the course of proceedings, forum directed installation of check meter in order to verify correctness of the installed smart meter. Check meter was accordingly installed on 05.12.2025 in appellant presence.

xiv. Check meter was finalized on 09.01.2026 in appellant presence. No variation or discrepancy existed between the readings recorded by the two meters. Sealing certificates enclosed.

xv. Report of check meter study was duly submitted to the forum along with sealing certificates vide letter 15.01.2026.

xvi. A site inspection was also carried out at consumer's premises on 11.03.2026 during pendency of proceedings before forum by a team headed by Executive Engineer in the presence of Shri Nagendra Yadav a representative of the consumer.

xvii. In the inspection it was observed that two number 11/0.4 KV transformers having capacities of 1600 KVA and 600 KVA respectively were found installed at consumer's premises. it was further recorded that initially both the transfer were equipped with capacitor banks of 350 KVAR each. However, as informed by consumer's representative during inspection two additional compressors were installed in December 2025 and the capacitor bank capacity was simultaneously enhanced by an additional 200 KVAR on each transformer.

xviii. Consequently existing capacitor bank capacity stood increased to 550 KVAR per transformer resulting into a total installed capacitor bank capacity of 1100 KVAR. In the inspection report it was further recorded that the maximum demand during off-season period in May 2025 had exceeded permissible limit of 30% since substantial modification had been made in the electrical system in December 2025 by way of installation of new compressor and enhancement of capacitor bank capacity. The team concluded that it was not feasible to accurately recreate or access the electrical conditions prevailing in May 2025 on the basis of the existing installation. Accordingly, the team did not reveal any material, which could dislodge the demand recorded by the smart meter during relevant billing period. Copy of inspection report adduced.

xix. The respondent has stated that with adoption of advanced metering infrastructure and smart meter technology recording of parameters had become more accurate and comprehensive.

xx. In the earlier metering system and limitations in the conventional metering technology, certain consumption may not have been captured in the old metering system.

xxi. The forum duly considered aforesaid facts along with inspection report, check meter report and technical findings in impugned order. The forum found no discrepancy in functioning of smart meter or in the billing raised by the

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

xxii. Further, the respondent has stated that breach of off-season demand limit was not confined to month of May 2025 around but the limit was exceeded in the month of June 2025 also. Thus, violation was not accidental, isolated or attributable to any alleged technical anomaly but constituted a continuing breach of mandatory tariff provisions.

xxiii. Subsequent to the period in dispute, the appellant itself sought and obtained enhancement for its sanctioned load from 980 KVA to 1500 KVA in April 2026, which demonstrates that the appellant acknowledged the increased operational requirement of its industrial unit.

xxiv. Appellant's averment that no instance of off-season demand violation had occurred in the preceding 10 years is incorrect and contrary to the record. It is submitted a similar off-season demand violation surcharge had been levied upon the appellant during the year 2017 under substantially identical circumstances.

xxv. The said fact clearly demonstrates that appellant was fully aware of the conditions governing seasonal industry tariff. The present attempt to portray the levy as unprecedented or as a consequence of installation of smart meter is therefore factually incorrect and is liable to be rejected.

Parawise reply

xxvi. Para 1 is admitted to extent that appellant had applied for and was granted benefit of seasonal industry tariff for the financial year 2025-26 including off season period from 01.04.2025 to 30.11.2025 which benefit was subject to compliance with the prescribed conditions under tariff orders. The s

xxvii. Para 2 is denied. The smart meter installed at his premises recoded maximum demand of 300 KVA on 26.05.2025 thereby exceeding permissible limit of 30% of contracted demand. The appellant therefore disentitled to the off-season benefit in accordance with the tariff provisions.

xxviii. Para 3 is a matter of record and is admitted to the extent that smart meter was installed on 03.05.2025.

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xxix. Para 4 is denied. Increased in the bill was not on account of any defect in the smart meter but was a direct consequence of the appellant becoming ineligible for the off season concession. The allegations to the contrary are misconceived and unsupported by any technical material.

xxx. Para no. 5 is wrong and denied.

xxxi. Appellant has failed to produce any technical report testing report or expert opinion establishing the recorded maximum demand for 300 KVA was incorrect for that the billing raised by the respondent was erroneous. The inspection carried out established that consequent changes had been made in the electrical installation including enhancement of capacitor bank capacity and installation of additional compressors rendering any present date assessment of the conditions prevailing in May 2025 impracticable.

xxxii. The contents under the heading deficiencies in the forum order are emphatically denied.

xxxiii. The entire representation proceeds on the erroneous assumption that billing dispute arose on account of an alleged metering defect. The record unequivocally establishes that the impugned billing resulted from the operation of the tariff provisions governing seasonal industries and not any defect in the metering system. The appellant has failed to demonstrate any illegality, arbitrariness, procedural irregularity or error in findings recorded by forum.

xxxiv. In view of aforesaid facts and circumstances, the present representation is devoid of merit and is liable to be dismissed. Impugned order dated 24.03.2026 has been passed after due consideration all applicable facts and provisions and therefore warrants no interference by Hon'ble Ombudsman.

xxxv. It is pertinent tot not although no specific had been sought by the appellant with respect to installation of check meter for conduct of a site inspection the forum in the interest of fair and complete adjudication of the dispute directed the respondent to undertake such verification exercises pursuant thereto a check meter was installed technical inspection was conducted findings were duly placed before forum therefore allegations that the grievance was not properly examined is wholly misconceived and contrary to the record.

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xxxvi. A bare perusal of the representation demonstrates that no prima facie case has been made out by the appellant. The forum after considering all relevant facts and technical reports found no defect in the metering system or the bills raised by the respondent. Consequently, the prima facie case balance of convenience and equities lie overwhelmingly in favor of the respondent. In view of the facts and circumstances, stead herein above it is most respectfully prayed that the Hon'ble Ombudsman may be pleased to dismiss the present representation with cost in the interest of justice.

xxxvii. The respondents have substantiated his submissions with relevant documentary evidences enclosed as annexure mentioned under the relevant paragraphs of reply.

5. The petitioner has submitted a rejoinder dated 07.07.2026 along with a notarized affidavit. Contents are as follows.-

i. A new smart meter was installed at their premises on 03.05.2025. Sealing report is enclosed. Before installation of the smart meter a check meter already existed at their premises and bills were being received correctly.

ii. After installation of smart meter bill for the month of May 2025 was of exorbitant amount and had been prepared wrongly. The power factor which was 0.98 in the month of April 2025 was 0.69 in the month of May 2025 after installation of smart meter. The demand during off season remains 294 KVA but after installation of check meter it had become 300 KVA due to which he had been put beyond the off seasonal tariff applicability. Concerned officers were immediately approached verbally but department did not take any remedial action neither reading of the check meter were provided.

iii. After continuous approach and request, a smart check meter was installed on 24.12.2025 after checking it came to their notice that some error in wiring/ connection was made at the time of installation of smart meter and after correction of the wiring the power factor improved to 2.95 in the month of January which was 0.66 in the month of November. The MRI of the old installed meter was not available to them.

iv. A copy of the sealing certificate regarding correction of the wiring on 28.11.2025 was also not given to them. They did not disclose the fact that they change the wiring connections on 24.12.2025 and meter reading and power factor became correct after changing the connections.

v. The MRI reports of the main meter and that of the smart check meter for the period February 2025 to December 2025 and load survey report from April 2025 to June 2025 was not provided to them.

vi. The respondent be directed to provide temper report, instantaneous report and phaser diagram of the smart meter and the check meter from May 2025 to December 2025.

   a. The petitioner has prayed that the department be directed to provide them MRI and load survey reports for the above periods and these reports be submitted before the court.
   b. Department be directed to submit before the court the sealing report dated 24.12.2025 when the correction were corrected.
   c. Order may kindly be issued for correction of the wrong and exorbitant bills for the period May 2025 to November 2025 and excess amount charged in these bills be ordered to be adjusted.
   d. Strict action against the department be ordered for causing mental and financial harassment.

   Enclosures- sealing report of smart meter, copy of bill for April and May, copy of bill for November and January, information for installing check meter, information for MRI report and load survey report.

6. Hearing in the case was held on the scheduled date 22.07.2026. Both parties were present and argued their respective case. Billing details were submitted by respondent's representative. Petitioner submitted authorization letter which were taken on record. 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 petitioner case is that they have a 980 KVA connection no. 360K000010422 under Industrial category. Their industrial unit is registered for seasonal tariff for the year 2025-26 effective periods of which is from April 2025 to November 2025. Their demand generally remains less than 30% of the contracted load 980 KVA for which they have duly installed a demand controller, which was fixed at 260 KVA. A smart meter was installed at their premises by the department on 03.05.2025. After installation of the smart meter bill for the month of

May 2025 received for excessive amount. The department informed that it is due to low power factor, which is not acceptable to them. A check meter was installed on 28.11.2025. The petitioner has alleged that some defect in the wiring and connection of the meter were detected on 28.11.2025 and power factor include consequently. No substantial material facts about the case have been submitted by the appellant in the instant petition neither any documentary evidences in support of their averments have been adduced. They have also alleged infirmities in forum order whereby the complaint was dismissed.

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. On his request off season benefit for the financial year 2025-26 was granted for the off season period from 01.04.2025 to 30.11.2025 vide letter dated 17.03.2025 subject to conditions prescribed under the applicable UERC tariff order under vide which the consumer had to restrict his demand upto 30% of the contracted load, failing which if demand in any month of the off season period exceeds the limit of 30% the consumer becomes disentitled to the benefit of reduced contracted demand and is liable to pay an additional surcharge @ 10% of the demand charges. In the instant case, the consumer exceeded the ceiling of 30% as demand was recorded 300 KVA on 26.05.2025 against permissible maximum demand of 294 KVA which is 30% of the contracted load. Therefore, facility of seasonal off season benefit was became impermissible to the petitioner. It has also come to notice that no check meter was installed on 28.11.2025 as claimed by the petitioner however the respondent Executive Engineer ordered check meter installation vide his letter no. 4274 dated 28.11.2025 and accordingly a check meter was installed on 05.12.2025 vide sealing certificate no. 02/2935 which was finalized on 09.01.2026 vide sealing certificate no. 14/2935 which was duly submitted before the forum. In the check meter study both the meters recorded equal consumption during the period 05.12.2025 to 09.01.2026 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 UPCL officers consisting of the Executive Engineer, SDO and J.E., details of equipments and appliances installed at the premises such as 02 number 11/.4 KV distribution transformers of capacity 1600 KVA and 600 KVA respectively, 02 capacitor banks of

capacity 350 KVAR each capacity of which was enhanced in December 2025 as informed by consumer's representative and therefore currently each transformer was found equipped with 550 KVAR capacity capacitor bank providing a total system capacity of 1100 KVAR. In the month of May 2025, the maximum recorded demand was found more than 30% of the contracted load. As per inspection report, since consumer increased the capacitor bank capacity in December 2025 it was not feasible to accurately access the condition of May 2025. According to respondents, the impugned order of forum does 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 in the interest of justice.

9. In view of the facts of the case, the petitioner's claim that some check meter was installed on 28.11.2025 where some wrong connections were made does not prove to be a fact and is therefore 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 misappropriate 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 order dated 24.03.2026 passed in complaint no. 184/2025-26 vide which the complaint was dismissed is a well reasoned order and is consistent with the facts of the case as well as relevant UERC 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.

Mushnair 17.08.2026

(D. P. Gairola)
Ombudsman

Dated: 17.08.2026

Order signed dated and pronounced today.

Mushnair 17.08.2026

(D. P. Gairola)
Ombudsman

Dated: 17.08.2026