

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Pirthi
S/o Late Shri Dilawar Singh,
Village Harjoli Jatt,
P.O. Gurukul Narsan,
Manglaur, 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. 23/2019

Order

Dated: 14.08.2019

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) order dated 23.03.2019 in his complaint no. 15/2019 dated 14.02.2019 before the said Forum against Uttarakhand Power Corporation Ltd. through Executive Engineer, Electricity Distribution Division (Rural) Roorkee (hereinafter referred to as respondent), has filed this appeal before the Ombudsman with the request that his bill amounting to Rs. 56,818.00 dated 13.03.2019 be revised without levy of LPS.

2. The petitioner, Shri Pirthi in his representation (petition) dated 07.05.2019 mentioned that he is a BPL category consumer having BPL card no. B-068/03/26. He stated that he has a 1 KW domestic connection no. RoDF113084314. He has not been given metered unit bill till date based on the meter reading of meter no. 132857 w.e.f. 27.10.2013 and thereafter w.e.f. 19.02.2019 on the basis of meter reading of meter no. 6000311 installed at his residence. He has requested for correction of his final bill amounting to Rs. 56,818.00 dated 13.03.2019 without levy of LPS, which is necessary in the interest of justice and thus such corrected bill be made available to him.

3. The Forum in their order dated 23.03.2019 relying on the submission of opposite party (OP) have observed that the final bill of Rs. 77,128.00 was corrected to Rs. 56,818.00 by opposite party (UPCL), the complainant has also shown his acceptance on the same. And hence the Forum stating that since the opposite party had already resolved the issue of the complainant, so they have disposed off the matter accordingly, not taking into account the veracity of BPL category and saying nothing about it in their order.
4. The respondent has submitted that the petitioner had never made any payments so the connection was disconnected temporarily and thereafter the connection was permanently disconnected, the final bill amounting to Rs. 56,818.00 was issued. In support to his contention, he has submitted a copy of PD OM no. 997 dated 13.03.2019 wherein it is mentioned that the connection no. RDF113084314 of the petitioner was temporarily disconnected on 26.03.2018 & it was permanently disconnected on 04.02.2019. After deducting fictitious dues amounting to Rs. 17,758.00, generated after temporary disconnection & adjustment of security amount of Rs. 457.00, a sum of Rs. 56818 was worked out as payable. He has further stated that the Forum vide their order dated 23.03.2019 have directed the consumer (petitioner) to pay the dues of Rs. 56,818.00 & he has therefore requested that the Ombudsman may kindly dismiss the case accordingly.
5. Respondent also submitted consumer billing history from January, 2018 to January, 2019 as an evidence of the bills having been regularly issued. Billing history also confirms that after wavier of fictitious dues of Rs. 17,758.00 the net payable dues outstanding against the consumer is Rs. 56818, which is same as shown in PD OM dated 13.03.2019.
6. The petitioner, in his rejoinder dated 15.06.2019 while denying the contentions of written submission of respondent, he has requested that bill amount of Rs. 56,818.00 issued after PD finalization be got corrected. He has further requested that the meter installed at his residence from time to time be got properly checked & bill based on the consumption, recorded in his meters be made available to him, without levy of LPS.

7. The respondent vide its letter no. 1973 dated 04.07.2019 has submitted that since the petitioner had applied a domestic connection under general category so the bills were accordingly issued at the tariff applicable to general category domestic consumers & final bill after PD was accordingly issued. A copy of consumer billing history had been enclosed with the said letter.
8. Hearing date was fixed on 22.07.2019, when the petitioner appeared for arguments, and made his oral submissions, insisting for correction of his bills as already requested for in his petition and rejoinder. The respondents did not appear but sent a letter dated 27.07.2019 through e-mail requesting adjournment after dated 30.07.2019. Next date was fixed on 29.07.2019. The respondent did not appear on this date also and in the interest of justice yet another date 05.08.2019 was fixed for hearing & submission of certain documents by the respondent. as asked for vide letter no. 728 dated 29.07.2019. Shri Sanjay Kumar AE (R) appeared on behalf of the respondent, Executive Engineer and submitted letter 2392 dated 03.08.2019 in reply to the queries asked for vide aforesaid letter dated 29.07.2019 where he submitted a copy of Office Memorandum no. 668 dated 20.02.2019 and consumer billing history but copy of application for sanction/release of connection to the petitioner and its original copy was not submitted and categorically stated that the same is not traceable. During arguments also he admitted that the desired application form of the petitioner is not traceable in their office record now. In the absence of the desired document i.e. consumer's application for sanction/release of connection, respondent's claim vide their letter dated 04.07.2019 that since the petitioner had applied for a domestic connection as a general category consumer so PD bill was prepared at the tariff applicable to general category domestic consumers, does not carry any merit and is liable to be rejected. On the other hand the petitioner had submitted that he is a BPL person with card no. B068/0/3/26, which is available on record submitted by him. He has submitted a photo copy of Ration Card which also carries the above number.
9. As the respondent has not been able to submit the original application form for sanction of load submitted by the petitioner at the time of taking connection in the absence of which their claim that connection was applied under general category domestic consumer cannot be accepted and their submission is not to be relied upon.

It will therefore be justified that billing w.e.f. date of release of connection (14.07.1998, as per billing history) till date of temporary disconnection 26.03.2018 (as per respondent's OM no. 997 dated 13.03.2019) be revised at the rates applicable to BPL category consumers under appropriate tariffs. The final bill amounting to Rs. 56,818.00 raised by the respondent is hereby quashed. They are directed to prepare a revised bill under BPL Category as aforesaid without levy of LPS, as such a revised consolidated bill for the entire period from date of release of connection till date of temporary disconnection shall be the firm bill and therefore no LPS is leviable on such a bill. The petition is allowed. Forum order is set aside.

10. Compliance of this order be ensured within 15 days from the date of this order. The revised bill may be delivered to the petitioner by hand within the stipulated period.

Dated: 14.08.2019

(Subhash Kumar)
Ombudsman