

Before
UTTARAKHAND ELECTRICITY REGULATORY COMMISSION
Petition No. 32 of 2019

In the Matter of:

Suo-moto proceeding in the matter of Gross Violation of the provisions of the Electricity Act, 2003, UERC (Release of New LT Connections, Enhancement and Reduction of Loads) Regulations, 2013 and UERC (The Electricity Supply Code) Regulations, 2007.

&

Complaint dated 28.02.2018 of Sh. Parshuram S/o late Sh. Palturam, resident of Jagjeetpur, Post Office-Kankhal, Haridwar, Uttarakhand.

And

In the Matter of:

- (1) Managing Director,
Uttarakhand Power Corporation of Ltd. (UPCL)
VCV Gabar Singh Urja Bhawan, Kanwali Road,
Dehradun
- (2) Sh. Arvind Kumar,
(The then SDO, UPCL, Bahadarabad, Haridwar)
Executive Engineer-Raipur, 359/2, Dharampur, Dehradun
- (3) Sh. Sandeep Chauhan,
(The then JE, UPCL, EDSD-Bahadarabad/Jagjeetpur, Haridwar)
O/o Executive Engineer-SIDCUL,
33/11 kV Sub-Station, Sector-8, SIDCUL, Haridwar

...Respondents

Coram

Shri D.P. Gairola	Member (Law)
Shri M.K.Jain	Member (Technical)

Date of Hearing: July 15, 2019

Date of Order: August 13, 2019

ORDER

This Order relates to the *Suo-moto* proceeding initiated by the Commission in the matter of Show Cause Notices issued vide letters dated 25.06.2018 & 20.06.2019 to the distribution licensee namely Uttarakhand Power Corporation Ltd. (hereinafter

referred to as “the licensee” or “UPCL”) regarding a complaint filed by Sh. Parshuram, resident of Jagjeetpur, Haridwar, Uttarakhand pertaining to undue delay in regularization of electricity supply given under ‘Kutir Jyoti Yojana’ and non-issuance of electricity bill by the licensee .

I. Background

2. A complaint was received to the Commission during the Tariff proceedings on 28.02.2018 from Sh. Parshuram, S/o late Sh. Palturam, resident of Jagjeetpur, Post office Kankhal, Haridwar, Uttarakhand pertaining to regularization of electricity supply given under ‘Kutir Jyoti Yojana’ and non issuance of electricity bill. In the said complaint Sh. Parshuram has informed the Commission that he applied for an electricity connection under the ‘Kutir Jyoti Yojana’ and deposited the requisite amount of ₹200/- on 22.01.2013 and the said connection was released with installation of meter on 16.01.2014, however, connection number for the said connection was not issued by UPCL. Due to which, the connection could not be regularized and even the 1st bill against the said connection could not be generated by 28.02.2018.
3. Taking cognizance of the aforesaid complaint the Commission vide its letter dated 06.03.2018 forwarded the same to UPCL directing it to conduct an inquiry in the matter and submit a report before the Commission by 20.03.2018. In compliance to the same, UPCL vide its letter no. 1729 dated 25.04.2018 submitted that:-

“ ...

1. दिनांक 14.03.2018 को स्थलीय निरीक्षण में पाया गया कि उपभोक्ता के परिसर पर मीटर संख्या 32124949 स्थापित है जो सही प्रकार कार्य कर रहा है एवं मीटर द्वारा रीडिंग 12711 KWH दर्शायी जा रही है।
2. उपभोक्ता द्वारा 22.01.2013 को ₹0 200.00 जमा कर नये संयोजन हेतु आवेदन किया गया था जिसके आधार पर उपभोक्ता के परिसर पर मीटर संख्या 32124949 रीडिंग शून्य KWH पर स्थापित कर संयोजन निर्गत किया गया है।
3. सीलिंग प्रमाण पत्र 25/505 दिनांक 16.01.2014 पर मीटर स्थापित करने वाली फर्म/ठेकेदार द्वारा टिप्पणी ‘उपभोक्ता के चालू बी0पी0एल0 कनेक्शन पर ठेकेदार के द्वारा नया मीटर घर के बाहर दिवार पर लगाया’ अंकित की गयी किन्तु सीलिंग प्रमाण पत्र ससमय विभाग में जमा नहीं की गयी थी जिस कारण उपभोक्ता की बिलिंग उस समय शुरू नहीं हो पायी।
4. वर्तमान में उपभोक्ता को संयोजन संख्या JW1/1429/180820 हो आवंटित कर दी गयी है एवं प्रथम बिल रीडिंग 12711 KWH का ₹0 43897.00 मुल्य का निर्गत कर दिया गया है।
इस प्रकार आवेदक की दोनों शिकायतें क्रमशः कनेक्शन संख्या उपलब्ध कराना एवं विद्युत बिल उपलब्ध कराना, का निवारण कर दिया गया है।”

4. On conjoint examination of the complaint filed by Sh. Parshuram and reply of UPCL dated 25.04.2018, it was found that the licensee in the matter has failed to release connection in time i.e. after a delay of 329 days, gave a copy of the sealing certificate to the consumer without mentioning the connection number on it and issued first bill almost after a period of four years with intervention of the Commission, which is a glaring violation of the provisions of the Electricity Act, 2003 (the Act) and the Regulations specified by the Commission.
5. Accordingly, the Commission vide its letter dated 25.06.2018 issued a show-cause notice to MD, UPCL, taking cognizance of the contravention and non-compliance of the provisions of the Act & Regulations and the daunting situation prevailing in UPCL, under the provisions of Section 142 read with Section 149 of the Act, directing him to submit his reply before the Commission within one month from receipt of issuance of the said notice. In compliance to the same, UPCL vide its letter no. 3048 dated 06.08.2018 submitted its reply, which is being reproduced below:-

“

1. ... Sh. Parshuram had applied for a new electricity connection under the Kutir Jyoti Yojna in year 2013 and the said connection was released in year 2014.

It is to submit that, meter installation work in the division was to be done by M/s Naamdev and Sons Haridwar against the contract no 12/2012-13 dated 25/07/2012 and 05/13-14 dated 05/06/2013. The contractor was to install meter within time and provide sealing certificate report to sub-division office so that connection could be released and bill could be generated and delivered in time to the consumer.

...

3. ... the contractor installed the meter at consumer premises on dated 16.01.2014 against the payment receipt of dated 22.01.2013 however the contractor did not provided sealing certificate report to sub division office in time. Then consumer himself provided the sealing certificate in the subdivision and first bill was issued in dated 14.03.2018 amounting to Rs. 43,892.00.

The release of connection delayed 329 days and the issue of first bill delayed for four years one month and twenty six days. Therefore, penalty for Rs. 3290/- imposed for delay in releases in connection and Rs. 250/- against the compensation.

4. ... notices have been served by concerned Sub Division/Division officer vide letter no 920/dsd/jagjeetpur dated 13.07.2018, officer letter no 4031/edd Jwalapur/ Haridwar dated 20.07.2018 to the contractor, vide which penalty amounting to Rs. 3540/- attributed to

delay in connection & delay in submission of sealing certificate in division imposed to the contractor (copy enclosed).

That contractor did not provide Sealing Certificate report to sub division office in time so bill could not be generated and issued to the consumer in time. Therefore, to the ignorance by the contractor Notice has been served by Division officer vide letter no 4161/EDDJ dated 27.07.2018, vide which electricity bill of Sh. Parshuram of previous two years amounting to Rs. 20173/- shall be recovered from the contractor (copy enclosed). Accordingly consumer bill has been revised and the revision shall be reflected in the bill of next month."

6. In the aforesaid reply the licensee has projected and held the contractor solely responsible for contributing the delay in release of the connection by 329 days and also for the delay in issuance of first bill by more than four years. The Commission observed that the obligation to release connection in time is of the licensee and not the contractor and therefore, responsibility/liability cannot be shifted to the contractor under the prevailing provisions of the Act/Regulations. Further, the Commission observed that the reply of UPCL appeared to be an effort towards absolution of its negligent officials/officers responsible for this gross negligence and contravention of the provisions of the Act and Regulations in the matter. Therefore, the Commission vide its letter dated 24.09.2018 directed the licensee to furnish names of the officials/officers responsible for the violations of the provisions of Act & Regulations in the matter.
7. In compliance to the aforesaid directions of the Commission, UPCL vide its letter dated 24.01.2019 submitted the names of the erring officials/staff. The said reply is reproduced hereunder:-

"... श्री परशुराम पुत्र श्री पलटुराम, जगजीतपुर के द्वारा विद्युत संयोजन शुल्क दिनांक 22.01.2013 को जमा किया गया किन्तु मीटर विलम्ब से स्थापित हुआ। तत्समय संबंधित क्षेत्र में अवर अभियन्ता के पद पर श्री संदीप चौहान एवं उपखण्ड अधिकारी के पद पर श्री अरविन्द कुमार तैनात थे। विद्युत संयोजन शुल्क कार्यालय सहायक श्री गजेन्द्र कौशिक द्वारा जमा किया गया था। उक्त समय में संयोजन निर्गत करने के लिए ऑन लाइन सिस्टम चालू नहीं हुआ था अतः संयोजन को ससमय निर्गत करना एवं बिलिंग चालू करने की सामूहिक जिम्मेदारी उपरोक्त अधिकारी/कर्मचारी की है।"

8. Thereafter, based on the aforesaid information submitted by UPCL, the Commission decided to summon the erring official named in UPCL's reply and issued show-cause notices to Sh. Arvind Kumar (the then SDO, Bahadarabad, Haridwar) and Sh. Sandeep Chauhan (the then JE, EDSD Bahadarabad, Haridwar) vide its letter No. 398 dated

20.06.2019 & letter No. 397 dated 20.06.2019 respectively, wherein, the Commission, inter alia, directed them to submit their reply under affidavit before the Commission within 15 days from the date of issuance of the notice i.e. by **05.07.2019**. Further, the Commission also directed them to personally appear before the Commission on **15.07.2019 at 11:00 AM** in the Commission's office.

9. In compliance to this, Sh. Arvind Kumar vide his letter dated 27.06.2019 requested the Commission to allow time extension upto 12.07.2019 for submitting his reply before the Commission and thereafter, submitted his reply in the matter vide his letter no. 2310 dated 10.07.2019. However, no such reply was received from Sh. Sandeep Chauhan by the stipulated date.
10. On the scheduled date of hearing the Commission heard the Respondents namely Sh. Arvind Kumar and Sh. Sandeep Chauhan in the matter. During the hearing Sh. Chauhan apologized for not being able to submit his reply before the Commission by the stipulated date i.e. 05.07.2019 and submitted his reply/submission during the hearing as follows:

“ ...

1. बी०पी०एल० श्रेणी में विद्युत संयोजन लेने हेतु शुल्क जमा होने के उपरान्त उपखण्ड कार्यालय से संयोजन संख्या सहित मुझको/ठेकेदार को मीटर लगाने व संयोजन निर्गत करने हेतु आदेशित किया जाता था, जिस पर ठेकेदार संयोजनों पर मीटर स्थापित कर सिलिंग प्रमाण पत्र पूर्ण कर एक प्रति उपभोक्ताओं को तथा एक प्रति उपखण्ड कार्यालय में बीजक बनाये जाने हेतु दी जाती थी।
2. श्री परशुराम जी द्वारा बी०पी०एल० श्रेणी में विद्युत संयोजन लेने हेतु उपखण्ड/खण्ड कार्यालय में आवेदन किया गया जिस पर खण्ड कार्यालय के मुख्य रोकडिया द्वारा संयोजन शुल्क रूपये 200/- रसीद सं० 25/184152, दिनांक 22.01.2013 जमा कराये गये। (छायाप्रति संलग्न) परन्तु इस सन्दर्भ में श्री परशुराम जी के यहां संयोजन निर्गत करने संबंधित कोई अभिलेख मुझको प्राप्त नहीं हुआ था। क्योंकि वर्ष 2013 में संयोजन निर्गत करने की कार्यवाही ऑफलाइन की जा रही थी। श्री परशुराम जी द्वारा जमा कराये गये संयोजन शुल्क रसीद की छायाप्रति मुझको दी गयी जिस पर संयोजन संख्या अंकित नहीं था फिर भी मैंने ठेकेदार से 2 दिन बाद दिनांक 16.01.2014 को श्री परशुराम जी के परिसर में मीटर स्थापित कर संयोजन निर्गत करवा दिया गया तथा ठेकेदार द्वारा सिलिंग प्रमाण पत्र (छायाप्रति संलग्न) पूर्ण कर, श्री परशुराम से हस्ताक्षर कराये गये तथा एक प्रति उनको दी गयी क्योंकि बिल बनाये जाने हेतु सिलिंग प्रमाण पत्र की प्रतिलिपि भी उनके द्वारा ही उपलब्ध करायी गयी।
3. उपभोक्ताओं के परिसर में संयोजन निर्गत कर मीटर स्थापित की सिलिंग प्रमाण पत्र उपखण्ड अधिकारी, बहादुराबाद के कार्यालय में ससमय जमा करायी जाती थी। जिसके आधार पर विद्युत बीजक बनाये जाने हेतु खण्ड कार्यालय को डाटा प्रेषित किया जाता था।
4. फरवरी 2014 में विद्युत वितरण खण्ड-ग्रामीण, हरिद्वार से नवसृजित वितरण खण्ड लक्सर अलग हो गया था जिसके अन्तर्गत बहादुराबाद उपखण्ड से नवसृजित जगजीतपुर उपखण्ड हुआ। इसके उपरान्त कई बार जगजीतपुर उपखण्ड कभी लक्सर खण्ड में कभी विद्युत वितरण खण्ड-ग्रामीण, हरिद्वार में बदलता रहा तथा उपभोक्ताओं के बीजक खण्ड/उपखण्ड कार्यालय से ही बनाये जाते हैं।

महोदय, श्री परशुराम जी के यहां अभिलेख मिलते ही मेरे द्वारा संयोजन निर्गत करने में विलम्ब नहीं हुआ है तथा विद्युत बीजक बनाये जाने हेतु भी ससमय सिलिंग प्रमाण पत्र उपखण्ड कार्यालय में दी गयी जिसकी एक प्रति उपभोक्ता

को भी दी गयी। इस प्रकार मेरे द्वारा उक्त प्रकरण में माननीय उत्तराखण्ड विद्युत नियामक आयोग के नियमों की अवहेलना नहीं की गयी है। अतः महोदय से अनुरोध है कि मुझको उक्त प्रकरण में दोषमुक्त करने की कृपा करें।”

Whereas, Sh. Arvind Kumar reiterated his earlier submissions made before the Commission stating that, just after 27 days of deposition of requisite charges for new connection in the Division office, a new sub-division, Jagjeetpur was created and the said connection then came under the jurisdiction of Sub Divisional Officer (SDO), Jagjeetpur, therefore, all the matters falling under the newly formed sub-division were beyond his power. Relevant paras of the submission made by Sh. Arvind are as follows:

“ ...

2. यह कि विद्युत वितरण उपखण्ड, बहादुराबाद को विभाजित करते हुए एक नये विद्युत वितरण उपखण्ड, जगजीतपुर का सृजन दिनांक 19.02.2013 से हुआ एवं श्री अमित तोमर, उपखण्ड अधिकारी द्वारा दिनांक 19.02.2013 को कार्यभार ग्रहण किया गया, कार्यभार ग्रहण प्रमाणक की छायाप्रति संलग्न है।

3. यह कि शिकायतकर्ता श्री परशुराम द्वारा बी0पी0एल0 श्रेणी में 1 कि0वा0 विद्युत संयोजन हेतु संयोजन शुल्क रु0 200.00 राजस्व रसीद सं0 25/164152 दिनांक 22.01.2013 द्वारा खण्ड कार्यालय में जमा किया गया, जिसकी रसीद खण्ड कार्यालय में तैनात श्री गजेन्द्र कौशिक, कार्यालय सहायक-द्वितीय द्वारा जारी की गयी जो दिनांक 31.03.2013 को सेवानिवृत्त हो चुके हैं। रसीद जारीकर्ता श्री गजेन्द्र कौशिक, कार्यालय सहायक-द्वितीय उपखण्ड कार्यालय से सम्बन्धित नहीं हैं। उपरोक्त बिन्दु सं0 2 व 3 से स्पष्ट है कि उपभोक्ता द्वारा दिनांक 22.01.2013 को संयोजन शुल्क खण्ड कार्यालय में जमा कराये जाने के मात्र 27 दिन बाद ही नवसृजित विद्युत वितरण उपखण्ड, जगजीतपुर अस्तित्व में आ गया जिससे उपभोक्ता का क्षेत्र नवसृजित उपखण्ड के क्षेत्रान्तर्गत हो गया। उक्त 27 दिन की अवधि में उपभोक्ता का आवेदन-पत्र व रसीद उपखण्ड बहादुराबाद में प्राप्त नहीं हुयी। अतः इस प्रकरण में अधोहस्ताक्षरकर्ता उपखण्ड अधिकारी बहादुराबाद के रूप में उत्तरदायी नहीं है।

... नियमानुसार 1 कि0वा0 विद्युत संयोजन हेतु ऑफ-लाईन सिस्टम के अन्तर्गत पत्रावली उपखण्ड कार्यालय में ही ली जानी चाहिए थी एवं सम्बन्धित क्षेत्रीय अवर अभियन्ता की स्थल निरीक्षण आख्या के उपरान्त संयोजन शुल्क जमा किया जाना चाहिए था, तत्पश्चात उपभोक्ता की पत्रावली संयोजन संख्या आवंटित होने व उपखण्ड कार्यालय के अनुबन्ध रजिस्टर में प्रविष्टी के उपरान्त विद्युत संयोजन निर्गत करने एवं उपभोक्ता को प्रथम बिल जारी करने की कार्यवाही की जानी चाहिए थी, किन्तु विद्यमान मामले में ऐसा नहीं किया गया और न ही संयोजन शुल्क खण्ड कार्यालय में जमा कराने के उपरान्त उपभोक्ता की पत्रावली संयोजन संख्या व संयोजन निर्गत करने की प्रक्रिया पूर्ण करने हेतु उपखण्ड कार्यालय को स्थानान्तरित की गयी। अतः उपरोक्त मामला उपखण्ड कार्यालय के संज्ञान में ही नहीं आया।

[Emphasis added]

इस संदर्भ में विद्युत वितरण खण्ड, ज्वालापुर से प्राप्त साक्ष्य के आधार पर माननीय आयोग के समक्ष निम्नलिखित सूचना और उपलब्ध कराना चाहता हूँ।

1. अधिशासी अभियन्ता, विद्युत वितरण खण्ड, हरिद्वार के अधीक्षण अभियन्ता, विद्युत वितरण मण्डल, रोशनाबाद, हरिद्वार को सम्बोधित पत्रांक 4160/EDDJ/ दिनांक 27.07.2018 (छायाप्रति संलग्न) के अनुसार उपभोक्ता श्री परशुराम द्वारा पत्रावली खण्ड कार्यालय को उपलब्ध कराने पर ठेकेदार मै0 नामदेव एण्ड सन्स, हरिद्वार के द्वारा दिनांक 16.01.2014 को मीटर स्थापित कर विद्युत संयोजन अवमुक्त किया गया। अत्यधिक विलम्ब से मीटर स्थापित करने के उपरान्त भी ठेकेदार द्वारा मीटर सीलिंग की प्रति उपखण्ड कार्यालय को प्राप्त नहीं करायी गयी जिसके कारण उपभोक्ता का विद्युत बिल निर्गत नहीं किया जा सका। उपभोक्ता के विद्युत संयोजन पर स्थापित मीटर के सीलिंग प्रमाण पत्र (छाया प्रति संलग्न) के अवलोकन से स्पष्ट है कि उसमें कोई संयोजन सं0 अंकित नहीं है, जो यह प्रमाणित करता है कि संयोजन निर्गत करने से पूर्व उपखण्ड कार्यालय स्तर से पूर्ण की जाने वाली प्राथमिक औपचारिकताएं यथा- अवर अभियन्ता की निरीक्षण आख्या, संयोजन सं0 आवंटित करना आदि

उपखण्ड कार्यालय में उपभोक्ता की पत्रावली प्राप्त न होने के कारण नहीं हो पायी, जिसके लिए उपखण्ड कार्यालय व उपखण्ड अधिकारी के रूप में अधोहस्ताक्षरकर्ता उत्तरदायी नहीं है।

उपभोक्ता द्वारा स्वयं मीटर की सीलिंग उपलब्ध कराने पर दिनांक 14.03.2018 को उपभोक्ता की पत्रावली का जगजीतपुर उपखण्ड कार्यालय में उपखण्ड लिपिक श्री रामकुमार द्वारा रजिस्ट्रेशन किया गया जिसका रजिस्ट्रेशन नं० 942140318065 है। उपभोक्ता की पत्रावली का रजिस्ट्रेशन हो जाने के उपरान्त संयोजन सं० JW11429180820 आवंटित किया गया एवं उपभोक्ता को दिनांक 14.03.2018 को प्रथम बिल रु 43,892.00 प्रेषित किया गया। रजिस्ट्रेशन डिटेल् एवं उपभोक्ता लेजर डिटेल् प्रति संलग्न है।

उपरोक्त विवरण से स्पष्ट है कि उपभोक्ता श्री परशुराम पुत्र स्व० पल्लूराम, निवासी-जगजीतपुर, पो०ऑ० कनखल, हरिद्वार को 'कुटीर ज्योति योजना' के अन्तर्गत आवेदित विद्युत संयोजन अवमुक्त करने, मीटर सीलिंग प्रमाण-पत्र उपलब्ध कराने व प्रथम बिल जारी करने में हुए विलम्ब के लिए अधोहस्ताक्षरकर्ता तत्कालीन उपखण्ड अधिकारी, विद्युत वितरण उपखण्ड, बहादुराबाद के रूप में विद्युत अधिनियम, 2003 के उल्लिखित प्राविधानों के उल्लंघन के उत्तरदायी नहीं है।

[Emphasis added]

Subsequently, reserving the judgement, daily Order dated 15.07.2019 was issued by the Commission.

Commission's Observations, Views & Decision

11. The Commission heard the parties in the matter and after examination of all the facts and submission made by the parties, the Commission has identified four issues cardinal to the matter which are discussed as follows:
 - 1) Undue delay in release of New BPL Connection.
 - 2) Release of New Connection without registration and issuance of Connection number.
 - 3) Non-issuance of electricity bill for more than 04 years to a consumer connected in the network of the licensee.
 - 4) Whether the licensee forwarded the names of official/staff responsible for non-compliance of the provisions of the Act & Regulations in the matter after due diligence. Despite knowing the fact that the Commission had directed the licensee to setup and enquiry and furnish a report in the matter.
12. With regard to delay in release of New Connection, the Commission has observed that the complainant had deposited requisite charges for new connection to UPCL on 22.01.2013 and the said connection was released on 16.01.2014 i.e. after a delay of 329 Days.

In this regard, the relevant provision of the Act/Regulation which governs/obligates the licensee to release the electricity connections are as follows:

Section 43 of the Electricity Act, 2003 provides that:-

“Section 43. (Duty to supply on request): --- (1) Save as otherwise provided in this Act, every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply.”

Regulation 5(11) of the UERC (Release of New LT Connections, Enhancement and Reduction of Loads) Regulations, 2007/ **Regulation 5(12)** of the UERC (Release of New LT Connections, Enhancement and Reduction of Loads) Regulations, 2013, specifies that:-

“(12) The Licensee shall be under obligation to energise the connection through a correct meter within 30 days from the:

- (a) date of application if no defects or outstanding dues are found.*
- (b) Date of intimation of removal of defects or liquidation of outstanding dues or the date of application whichever is later. ...”*

From the above, it is explicit that there cannot be any dispute to the fact that not only the licensee has failed to release connection in the time-line specified above but has also grossly violated the above provisions by sitting over the matter for more than 329 days.

13. With regard to Release of New Connection without registration and issuance of Connection number, it has been observed that such practices prevailing in the field offices of the licensee are appalling and is a matter of grave concern. Not only such practices harass the honest consumer but also lead to the financial losses to the licensee.
14. With regard to non-issuance of electricity bill for more than 04 years to Sh. Parshuram, the Commission has observed that with installation of the energy meter on 16.01.2014, the connection was released, however, the first bill was issued on 14.03.2018. The reason for delay has been stated by the licensee as non-submission of sealing certificate by the contractor firm responsible for installation of meters.

In this regard, **Regulation 9(1)** of the UERC (Standards of Performance) Regulations,

2007 stipulates that the licensee shall issue the first bill within **four billing cycles**. Further, **Regulation 3.3.1(2) & 3.3.1(3)** of the UERC (The Electricity Supply Code) Regulations, 2007 stipulates that:-

“(2) The Licensee shall raise the bill for every billing cycle based on actual meter readings.

“(3) Delivery of each bill to the consumer shall be effected at least 15 days before the due date for payment of the bill.”

From the above, it is evident that the licensee has grossly violated the above provisions and issued the first bill after a delay of almost three and half years, that too after an intervention of the Commission.

15. With regard to naming the official/staff Sh. Arvind Kumar and Sh. Sandeep Chauhan responsible for non-compliance of the provisions of the Act & Regulations, the Commission examined the various documents furnished alongwith the submissions made by them before the Commission and observed that:

a) After 27 days of deposition of requisite charges for new connection in the Division office, a new sub-division, Jagjeetpur was created and the said connection then came under the jurisdiction of Sub Divisional Officer (SDO), Jagjeetpur. As per document brought before the Commission, Sh. Amit Tomar had taken over the charge of the sub-division as Sub Divisional Officer, Jagjeetpur on 19.02.2013, therefore, all the matters falling under the newly formed sub-division were beyond the control of Sh. Arvind Kumar, the then SDO, Bahadarabad.

From the submission of Sh. Arvind Kumar, the Commission has observed that he was not aware of the deposition of ₹200.00 made by Sh. Parshuram, as the amount was deposited in the division office and during his tenure of 27 days, he did not get any such communication. This *prima-facie* indicates that UPCL has furnished a wrong information before the Commission and has wrongly implicated Sh. Arvind Kumar. Thus, the Commission is of the view that Sh. Arvind Kumar is not liable to be put on trial for any violation of provisions of the Act/Regulations in the matter.

Moreover, UPCL has failed to submit the correct information with respect to the officers responsible for gross violation of Act/Regulations in the matter.

b) Sh. Sandeep Chauhan in his submission during hearing has denied receipt of any document from the division/sub-division pertaining to release of new connection to Sh. Parshuram till 14.01.2014, however, it has been accepted by him that in absence of the connection number he managed to get the connection released on 16.01.2014 through the contractor as there had already been excessive delay in the matter. This establishes that:

- (i) The connection of Sh. Parshuram was released on 16.01.2014 and sealing certificate was issued to Sh. Parshuram without containing connection number on it.
- (ii) Sh. Chauhan did not follow the Standard Operating Procedures for release of new connection pertaining to issuance of connection number prior to issuance of meter indent/meter installation and also did not report the anomaly observed in this case to the sub-divisional office after meter installation.
- (iii) Sh. Chauhan did not visit the site, i.e. premise of Sh. Parshuram (where the connection was to be released) and thus did not comply with the provisions of Safety Rules/Regulations (Rule 47 & 48 of the Indian Electricity Rules, 1956) which are mandatory before releasing the connection.

Further, the statement of Sh. Chauhan that a copy of meter sealing certificate was submitted to the sub-division within time for preparing the electricity bill of the consumer could not be substantiated as no such documentary evidences had been produced by him before the Commission.

Despite knowing the fact that connection number was not issued for the said connection, Sh. Sandeep Chauhan, the then Junior Engineer, released the connection on 16.01.2014. Moreover, Sh. Chauhan did not take appropriate action for regularizing the said connection of Sh. Parshuram even after installing the meter at site. Thus, the Commission is of the view that Sh. Sandeep Chauhan has acted negligently towards his responsibilities.

Moreover, no field check/verification was done after 16.01.2014 by Sh. Sandeep Chauhan and the matter came into light when the consumer approached the

Commission. This depicts that Sh. Sandeep Chauhan has shown negligence in not only in regularizing the connection but also towards field inspection/check/verifications in the matter.

16. Besides above, the Commission has observed that Standard Operating Procedure were not followed in the matter, as while issuing meter indent, the issuing person should have ensured whether connection number has been issued or not. Moreover, the Commission has observed that with regard to accountability of sealing certificates proper checks and balances are lacking at distribution licensee's end, due to which gross negligence and violation of provisions of Act/Regulations has taken place in the matter.
17. With regard to UPCL's submission vide letter dated 06.08.2018 that in the instant matter the concerned contractor M/s Naamdev & Sons, Haridwar was found guilty of delay/ignorance and, accordingly, the penalty amount of ₹3,540/- attributed to delay in release of connections and electricity bill of Sh. Parshuram of ₹20,173/- would be recovered from the contractor, i.e. M/s Naamdev & Sons, Haridwar. In this regard, the Commission has observed that the distribution licensee has tried to impose entire responsibility on an outsourced agency.
18. From the above, the Commission is of the view that UPCL cannot shift its obligations/liabilities to any other agency which is not recognized under the Act or Regulations. Moreover, outsourcing of meter installation activity to the Contractor does not relieve the distribution licensee from its obligation to release connection within stipulated time as per the Regulations with a correct meter, to issue proper meter sealing certificate including unique connection number, initial meter reading etc., which forms the basis for releasing of first bill for a new connection. Meter sealing certificate is an important document which substantiates the release of new connection as per standard operating procedure of the licensee besides ensuring installation of meter at site in presence of consumer and authorised representative of the distribution licensee.
19. In light of the above, it is ordered that:-

- (1) MD, UPCL shall issue strict warning to the officer(s) responsible for submitting false/wrong information/report before the Commission with regard to name of the officer responsible for violation of the Act/Regulations in the matter.
- (2) MD, UPCL shall ensure proper upkeeping of consumer records at its field offices as well as exception reporting specifically with regard to release of new connections.
- (3) Shri Sandeep Chauhan, the then Junior Engineer is found to be responsible for the aforesaid violations of Act/Regulations and, the Commission accordingly, imposes a penalty of ₹5000/- under Section 142 of the Act. Shri Chauhan is directed to deposit the penalty within 15 days of the date of Order.

Ordered accordingly.

(M.K.Jain)
Member (Technical)

(D.P. Gairola)
Member (Law)