

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Santosh Chauhan, W/o Shri K.P.Singh
R/o Deep Nagar, Ajabpur Kalan, Dehradun, Uttarakhand.

Vs

The Executive Engineer,
Electricity Distribution Division (Central), UPCL,
18, EC Road, Dehradun, Uttarakhand.

Representation No. 15/2008

Order

Aggrieved by the order of the Consumer Grievance Redressal Forum, Garhwal Zone (Forum) dated 25.09.2008, this representation has been filed by one Smt. Santosh Chauhan, W/o Shri K.P.Singh R/o Deep Nagar, Ajabpur Kalan, Dehradun, Uttarakhand (Petitioner). The Petitioner had filed a complaint with the Forum alleging that on 22.05.2008, after paying the due fee of Rupees one hundred, she had requested UPCL to permanently disconnect her commercial connection. This was followed up by number of oral requests, but no action was taken. Finally a written submission was made to the concerned Executive Engineer, on 18.07.2008. Thereupon the connection was finally disconnected and meter removed on 19.07.2008. While the actual disconnection was done only on 19.07.2008, the disconnection memo was backdated and shows the disconnection having been done on 25.06.2008. Further as per provisions of Uttarakhand Electricity Regulatory Commission (Standards of Performance) Regulations, 2007 (Regulations) such request should have been acted upon within five days beyond which compensation is payable to the consumer, and orders for the payment of the same were sought from the Forum. Another request made to the Forum was with respect to excess billing done by UPCL.

2. The Forum considered the matter and passed its order dated 25.09.2008 accepting the petitioner's case of excess billing and directing UPCL to pay an amount of Rs. 1092.10 to her. However the petitioner's claim for compensation in terms of the provisions of the Commission's Regulations referred to above was rejected on the ground that no loss was incurred by the petitioner due to the alleged delay. The Forum did not give any finding on whether the connection was permanently disconnected within the time stipulated in the Regulations or with delay as alleged

in the complaint. It may be pointed out here that while UPCL is claiming that the disconnection was done on 25.06.2008 as stated in the disconnection memo, the petitioner had complained that these papers have been back dated only in view of her claiming compensation in the written representation dated 18.07.2008 given to the E.E., and received by his office on 18.07.2008.

3. The Forum has not examined this part of the complaint and has merely rejected the petitioner's claim for compensation on the ground that no loss has been caused to her. A careful reading of the standards of performance regulations issued by the Commission reveals that the compensation stipulated in these regulations is linked only to UPCL's failure or delay in acting in accordance with these performance standards. Claim for compensation under these regulations is not at all linked to the loss or damage caused to the consumer due to UPCL's failure. The Forum has therefore erred in rejecting the petitioner's claim for compensation under these regulations on the ground that no loss has been incurred since this issue is not relevant to the petitioner's claim for compensation. The admissibility of the petitioner's claim depends only on whether the disconnection was done on 19.07.2008 as alleged by the petitioner or on 22.05.2008 as claimed by UPCL. For determining this relevant documents produced by the two parties need to be examined, including the allegations questioning their authenticity and their doctoring made by the petitioner. The Forum having not examined this aspect, it is only fair to give it another opportunity for doing so.
4. Accordingly the petition and all related documents may be sent to the Forum who should examine the petitioner's claim for compensation strictly in terms of Uttarakhand Electricity Regulatory Commission (Standards of Performance) Regulations, 2007, issued by the Commission in exercise of its statutory powers, which have force of law and are therefore binding on all parties. The Forum may complete this exercise and pass its final order within a period of 30 days from the date of receipt of these papers, failing which the petitioner will be free to approach the undersigned.
5. OSD may ensure that all relevant papers are delivered to the Forum by 06.02.2009.

Dated: 04.02.2009

Divakar Dev
Ombudsman