

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Khatema Fibres Ltd.,
UPSIDC Industrial Area, Khatema, Distt Udham Singh Nagar, Uttarakhand.

Vs

1. Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Sitarganj, Distt. Udham Singh Nagar, Uttarakhand.
2. The Managing Director, Uttarakhand Power Corporation Ltd., Urja Bhawan, Dehradun.
3. Consumer Grievance Redressal Forum, Kumaon Zone, UPCL, Haldwani.

Representation No. 02/2009

Order

This representation has been filed by M/s Khatema Fibres Ltd., UPSIDC Industrial Area, Khatima, Distt Udham Singh Nagar (Petitioner) aggrieved by the Consumer Grievance Redressal Forum Kumaon (Forum)'s order dated 28.02.2008. The petitioner who is an industrial consumer of Uttarakhand Power Corporation Ltd. (UPCL) claims that it has wrongly been charged 20% higher energy charge for the period 2008 for which it had approached the Forum but was not given any relief in the Forum's above mentioned order.

2. Brief facts of the case are that restrictions on supply of power to consumers were approved by the Uttarakhand Electricity Regulatory Commission (Commission) on 24.12.2007. To overcome the same, on 31.12.2007 the petitioner applied for continuous supply of power and agreed to pay for this purpose 20% higher energy charge as stipulated in the Commission's Tariff Order. The petitioner request was accepted and he continued to draw continuous supply and pay 20% higher tariff. The Commission issued another Tariff Order for the years 2007-08 & 2008-09 and made it effective from 01.03.2008. The petitioner's contention is that the Commission's order dated 24.12.2007 stipulated that 20% higher tariff prescribed in RTS-7 of the Tariff Order was to be charged till such time that it is modified by the Commission. Thereafter the Commission's Tariff Order dated 18.03.2008 was passed and made effective from 01.03.2008. According to the petitioner as a result of the order dated 18.03.2008, the higher tariff being charged under the Tariff Order for the year 2006-

07 ceased to apply as stipulated in the Commission's order dated 24.12.2007. Further 20% higher tariff for continuous supply under the new order dated 18.03.2008 was to apply from 01.04.2008. Accordingly such higher tariff was not payable by the consumer for the month of March 2008.

3. The representation has been contested by the respondent no. 1. It has been stated by the respondent that the higher tariff was to be applicable from 01.04.2008 only for new consumer opting for continuous supply after issue of the order dated 18.03.2008. For consumers who had already opted for such supply, the 20% higher tariff continued to apply. Accordingly the bill for the month of March 2008 has been corrected drawn and the matter has already been scrutinised and UPCL's contention accepted by the Forum.
4. I have carefully gone through the papers and the arguments presented by the two parties. There is no dispute that the petitioner had opted for continuous supply and was therefore being charged 20% higher tariff till February 2008. The dispute is only for the tariff charged in the bill for the month of March 2008. This is disputed by the petitioner on the ground that on 01.03.2008 the earlier rates prescribed by the Commission lapsed and the 20% increased rates became applicable only from 01.04.2008 as per the Commission's order dated 18.03.2008. The relevant provision of this order on which this argument has based by the petitioner is reproduced below:

“Industries who have already opted for continuous power will continue to pay 20% higher tariff as mentioned above. Industries who opt for continuous power after implementation of this order shall be levied above mentioned 20% higher tariff from 1st April 2008 or from the date of connection whichever is later. Consumers shall be allowed to change the option only once in the year subject to the condition that 20% higher charge shall be applicable for entire financial year irrespective of actual period of continuous supply”.

5. The above Para states unambiguously that the industries who have already opted for continuous supply will continue to pay 20% higher tariff. The statement contained in this portion of the order is absolutely clear and does not warrant or permit the interpretation that the petitioner is making. A simple reading of this paragraph by a person having basic command over English language would lead to only one conclusion and that is that the petitioner having already opted for continuous supply was required to continue to pay 20% higher tariff. No other conclusion can be arrived at and the Forum has rightly rejected the petitioner's complaint. The representation having no force is hereby rejected.
6. The Consumer Grievance Redressal Forum and the institution of the Ombudsman have been created by the Electricity Act 2003 to redress genuine grievances of consumers. These institutions should not be allowed to be misused by resourceful consumer only to drag UPCL into unnecessary litigation or simply to delay matters.

Such deliberate misuse of these institutions needs to be discouraged and indeed checked. It is difficult to accept that the petitioner, who is a corporate body, had genuinely misunderstood the above portion of the Commission's order which is in simple and easily understandable language. In spite of that the petitioner has been claiming to be aggrieved over the bill for the month of March 2008 and agitating the same first before the Forum and thereafter before the undersigned. The petitioner has clearly been misusing this Grievance Redressal mechanism and indulging in uncalled for litigation and delaying matters. This needs to be discouraged, and the petitioner is therefore directed to pay to UPCL Rs. 20,000.00 (Rupees Twenty Thousand only) by way of cost.

Dated: 06.08.2009

Divakar Dev
Ombudsman