

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt Sushila Devi, House No. 167, Chukkuwala, Block 1, Dehradun

Vs

1. The Executive Engineer, Urban Distribution Division (Central), Uttarakhand Power Corporation Ltd., 18, EC Road, Dehradun
2. General Manager Distribution (Garhwal Zone), UPCL, 120 Haridwar Road, Dehradun

Representation No. 10/2009

Order

This representation has been filed by Smt. Sushila Devi R/o H. No. 167, Chukkuwala, Block 1, Dehradun (petitioner), who is a domestic consumer of electricity having a sanctioned load of 1 KW. Her grievance is that due to defective working of the meters installed in her premises, wrong and highly fluctuating bills have been sent to her during 24.11.1999 to 30.05.2007. Doubting the correctness of these bills, the petitioner obtained copies of 29 bills raised during this period by using the provisions of the RTI Act and found that her suspicions were correct. Sometimes the bills were prepared on normative basis due to her meter being defective, sometimes bills for very high amounts were raised and the same were claimed to be on the basis of actual readings on the same meter already declared defective. The defective meter installed in her premises was replaced by a new meter only on 28.09.2006. After replacement of the old meter the first bill raised was on actual reading basis. Thereafter bills were raised on assumed consumption basis till 30.03.2007. Even these bills on assumed consumption basis varied from 1600 units (30.11.2006 to 31.01.2007) to 200 units (30.01.2007-30.03.2007). Thereafter the next bill raised was for a total of 8275 units. The petitioner has therefore claimed that the even the new meter was not functioning properly resulting in such huge variations in the consumption reflected in these bills. The petitioner has therefore sought that bill no. 17 for 4885 units and bill no. 27 for 8275 units being blatantly wrong should be cancelled/suitably modified and properly tested meter should be got installed in her premises.

2. The petitioner had taken this matter to the Consumer Grievance Redressal Forum (Garhwal Zone) (Forum), who rejected the petitioner's complaint.
3. The representation had been contested by the Executive Engineer, Urban Distribution Division (Central), Uttarakhand Power Corporation Ltd., 18, EC Road, Dehradun (Respondent). It has been admitted that the petitioner's bill had been prepared sometimes on normative basis and sometimes on actual reading and there is nothing wrong in these bills and the petitioner is only trying to delay the payments.

4. I have gone through the documents and the arguments presented by the parties. This matter needs to be looked at in two parts. The first part relates to the period 24.11.1999 to 28.09.2006 when the meter earlier installed in the petitioner's premises and identified to be defective was replaced. The second part pertains to the period 28.09.2006 to 30.05.2007, which is the period after replacement of the defective meter. During the period 24.11.1999 to 28.09.2006 the billing pattern was as given below:

Period	Billing basis
24.11.1999 to 30.10.2003	Normative (IDF)
30.10.2003 to 29.02.2004	Actual Reading
01.03.2004 to 31.12.2004	Normative (NR)
31.12.2004 to 28.02.2005	Actual Reading
28.02.2005 to 28.09.2006	Normative (RDF)

5. It will be seen from above that the petitioner's meter was found defective and declared to be so right on 24.11.1999. Instead of replacing the defective meter, for a period of four years bills continued to be raised on normative consumption basis. However without changing it reading of the same defective meter is claimed to have been taken for the period 30.10.2003 to 29.02.2004 and bills for this period are claimed to have been raised on this actual consumption basis. It is not clear how a meter which had already been found to be defective and continued to be so for as long as four years suddenly started functioning properly and showing correct reading for the period 30.10.2003 to 29.02.2004. Thereafter for a period of about 10 months the meter was not read and also not replaced. Once again the same defective meter showed up the correct consumption for the period 31.12.2004 to 28.02.2005. Thereafter for another period of 19 months the readings taken on this meter were rejected as being defective and bills were again raised on normative basis. The defective meter was finally replaced on 28.09.2006 as admitted by the respondent. In other words during the period 24.11.1999 to 28.09.2006 which is about 7 years the meter already identified as defective was not replaced. It defies commonsense that a meter which remained defective for this seven years period should on its own start functioning properly and selectively throw up correct readings for the period 30.10.2003 to 29.02.2004 and then again for the period 31.12.2004 to 28.02.2005. The respondent's stand in this regard defies commonsense and cannot be accepted. If a meter identified by the respondent be defective was not replaced for as long as seven years, it is not possible that bills for the periods 30.11.2003 to 29.02.2004 and 31.12.2004 to 28.02.2005 have been prepared on correct consumption basis recorded by the same defective meter. Bills for this period are obviously wrong and the respondent is hereby directed to revise them on relevant normative basis for defective meters as prescribed by the Regulator.
6. This brings us to the second period, which is after the defective meter had been replaced. The billing pattern for this billing period is as given below

Period	Billing basis
28.09.2006 to 30.11.2006	Actual Reading (960 units)
30.11.2006 to 30.01.2007	Normative (1600 units)
30.01.2007 to 30.03.2007	Normative (200 units)
30.03.2007 to 30.05.2007	Actual (8275 units).

7. The bills filed by the petitioner do not clearly show the reason for normative billing during the period 30.11.2006 to 30.03.2007. While the petitioner claims that this was done because the new meter was also identified as defective, the respondent has denied the same. The respondent's explanation is that readings for this period (30.11.2006 to 30.03.2007) had not taken properly resulting in billing on normative basis. However the shortcoming on this account was made good by raising the bill for the period 30.03.2007 to 30.05.2007 on recorded actual consumption basis. The respondent's explanation for high consumption during this period is that readings for earlier periods not having been taken, the unbilled consumption for the period 30.11.2006 to 30.03.2007 is also included in this consumption of 8275 units. It is not disputed that the petitioner's contention that the new meter was also defective was examined by installing a test meter during the period February-March 2008 and it was found that there was nothing wrong with functioning of the new meter (installed on 28.09.2006). Such being the case, the petitioner's contention with regard to the bill for 8275 units is not established and the same is hereby rejected. The petitioner is accordingly liable to pay the bills raised after 28.09.2006 without any modification.
8. The respondent shall modify the bills up to 28.09.2006 as per directions given above and the petitioner is liable to pay the bills so modified without any surcharge or late payment fee. The petitioner shall also pay the amount due for the period after 28.09.2006 along with such surcharge/late payment fee as may be applicable. Credit for the amounts already paid by the applicant will be given while recasting her bills. If the petitioner does not pay within 30 days of her bills and account having been recast and intimated to her by the respondent, the respondent will be free to take such further steps for recovery of this amount as are allowed under law.

Dated: 19.05.2010

Divakar Dev
Ombudsman