

## **THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri H.K.L Chadha  
Proprietor M/s Chadha Seed Farm,  
Pratapur, Chaklua, Distt. Nainital, Uttarakhand.

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.,  
New Urja Complex, Ramnagar, Distt. Nainital, Uttarakhand

Representation no. 12/2012

### **Order**

The petitioner, Shri H.K.L Chadha Proprietor M/s Chadha Seed Farm, Pratapur, Chaklua, Distt. Nainital filed a petition before the Ombudsman dated 16.04.2012 against the order of the Consumer Grievance Redressal Forum, Kumaon Zone (hereinafter called Forum) dated 19.03.2012 rejecting the complaint of the petitioner against the alleged excess billing by the Uttarakhand Power Corporation Ltd. (hereinafter called UPCL) from March 2010 onwards.

2. The petitioner has stated that he has a power connection of 5 KW load, no. 04763 from 2007. Till March 2010 he was getting regular bills and was paying them accordingly. The average bill per month was for Rs. 3000 approx. From March 2010 he stopped receiving any bill till he received two bills for November/December 2010 showing NR (Not Read) and for January/February 2011 two bills of ADF (Appears defective). These bills amounted to more than Rs. 1 lac and Rs. 2 lacs. When the petitioner complained to the local UPCL authorities they promised to get his meter checked and asked him to deposit part payment of the bills sent to him. The petitioner claimed that there was no increase in the sanctioned load and hence such exorbitant bills were impossible on the load sanctioned. When no further action was taken by the respondent company on his complaint, the petitioner approached the Forum. Dissatisfied with the order of the Forum, the petitioner has now approached the Ombudsman.
3. Brief facts of the case are that Shri HKL Chadha had set up a cold room at his Seed Farm, which has been operational from 2007 with a sanctioned load of 5 KW. As per the petitioner till March 2010 the petitioner was getting regular bills for metered electricity

consumption. After March 2010, no bills were received by him till a bill for Rs. 2,06,368.00 was received for November/December 2010 (28.10.2010-28.12.2010). This showed an arrear of Rs. 98,284.00 and a bill of Rs. 1,01,440.00 for consumption of 25360 units and other charges.

4. The next bill for January/February 2011 which was NR (No reading given) showed an arrear of Rs. 2,13,171.00 and total dues including current bill as Rs. 2,33,400.00. On receipt of these bills the petitioner complained to the SDO and requested that the meter be checked and correct bills be issued. The petitioner claims that his connection was disconnected and under protest he made payment of Rs. 1,20,000.00.
5. A check meter was installed on 21.02.2011 and was finalized on 09.03.2011 wherein the old meter was found to be recording 0.29% more than the check meter, so it was replaced by the new meter which recorded consumption of 958 units for the period 21.02.2011 to 09.03.2011.
6. The petitioner unsatisfied by the action of the respondent company, approached the Forum.
7. The respondents in their statement before the Forum claimed that the petitioner was given bills as follows;
  - (i) 28.12.2009-28.01.2010 NA for 515 units,
  - (ii) 28.01.2010 to 26.04.2010 RDF for 239 units per month (total 717 units).

A total consumption of 1232 units.

Because of a complaint of the consumer, the old meter was examined and the meter reading of his old meter was verified on 17.06.2010 by the SDO. This showed a reading of 19694.

On examination it was found that the old meter had already shown a reading of 93110 before 28.12.2009 and therefore the dial had completed 100000 and restarted. Hence the consumption would be  $19694 + (100000 - 93110 = 6890)$  a total of 26584 units.

As the meter reading was taken after the period for the billing 94 units were deducted from this total and a total of 26490 units were shown as metered consumption for the period 28.12.2009 to 28.04.2010. The NA/RDF bills had billed a notional consumption i.e.1232 units for this period, hence the amount already billed for (1232 units) was deducted from the metered consumption and a total of 25258 units billing was raised against the petitioner for the period 28.12.2009 to 28.04.2010. The arrears were thereafter reflected in the next month and subsequent bills.

8. Further bills were raised as follows;

- (i) Bill for 28.04.2010 to 26.05.2010 was RDF showing 239 units.
- (ii) 28.05.2010 to 28.07.2010 NR (balance reading of 94 which was not shown in the bill up to 28.04.2010 was shown in this bill),
- (iii) 28.07.2010 to 28.10.2010 NR,
- (iv) 28.10.2010 to 28.12.2010 with the meter reading showing consumption of 25360 (44960 the reading shown on 28.12.2010 - 19600).

The earlier consumption shown for the NR bills were adjusted and the total for the consumption up to 28.12.2010 was shown in the bill for the billing period 28.10.2010 to 28.12.2010. The total after the adjustments due from the petitioner was Rs. 2,26,368.00. The petitioner made a partial payment of Rs. 20,000 vide receipt no. 81944 dated 29.12.2010 as shown in this bill and hence outstanding dues ending December 2010 were Rs. 2,06,368.00.

9. Subsequently the following bills were sent;

- (i) 28.12.2010 to 28.01.2011 ADF of 12000 units (because of incorrect reading by the meter reader) The dues were shown as Rs. 2,06,368 + consumption for the month of January, the bill amounted to Rs. 2,63,170.59.

The petitioner made a payment of Rs. 50,000.00 on 07.02.2011 and an amount of Rs. 2,13,170.59 was left.

- (ii) The next bill for 28.01.2011 to 28.02.2011 was NA.

10. On the request of the petitioner the inspection of the meter was done as shown in para 5 above and a new meter was installed 09.03.2011. At the time of the removal of the old meter on 09.03.2011 a final reading of 49498 units was found on the old meter. Thus an additional 4538 units were shown to have been consumed from 28.12.2010 up to 09.03.2011.

11. The Forum after examining the arguments of both parties felt that the bills raised by the respondents were in accordance with the MRI report. It was also clear that the petitioner was using much more load than the sanctioned load. After the MRI reports had been prepared there was very little leeway for the respondents to make any arbitrary changes in the bill. The petitioner has not challenged the MRI reports. While criticizing inaction of the respondent in sorting out the problem in the meter reading of the petitioner, the Forum felt that there were no grounds for upholding the claim of the petitioner and hence dismissed his complaint with the direction to the respondents to initiate action for adjusting the bills as indicated by the respondents in their statement. Aggrieved by the order of the Forum the petitioner has approached the Ombudsman with the plea that all

the outstanding dues should be cancelled and he should be billed @ that he was being billed before March 2010.

12. The main issue in this case is
  - i) Whether the petitioner was using more than the sanctioned load as on the sanctioned load he could not have consumed the power shown as consumed by his unit.
  - ii) Was the meter installed at his premises recording the input correctly or not.
  
13. During arguments both sides were asked to show the load being drawn by the petitioner's unit. The petitioner provided a statement from the company from where he has purchased his electrical equipment in use in his cold store. This showed that two refrigeration units of 4 tons each along with a Kirlosker make compressor had been supplied by Hindustan Refrigeration Stores in 2002. Besides this a motor for irrigation of 3.7 KW and a few bulbs approximately 0.5 KW were in use. The total load of all these equipment is approximately 16-18 KW, far exceeding the sanctioned load of 5 KW.
  
14. The petitioner claimed that all the machinery existing today was installed on his premises from 2007 and only one compressor was used by him at a time and hence his consumption could not have escalated as shown by the bills after March 2010. The respondents were also asked to examine the load position and give a report. As per the checking report provided by the respondent vide their letter dated 10.09.2012, a checking was done at the premises of the petitioner in his presence on 07.09.2012 which showed total connected load as 16 KW. Equipment found by the respondent on the premises was the same as shown by the petitioner. The petitioner has signed the checking report of the respondent and has not challenged the same. Thus it would seem that the load being used on the petitioner's premises is much more than the sanctioned load of 5 KW. The fact that the load was much greater than the sanctioned load is also borne out by the communications from the respondent to the petitioner to increase his sanctioned load in April, May and July 2011.
  
15. The respondents have shown that the meter reading was not being correctly reported from 28.12.2009, being shown either as not accessible (NA), reading defective (RDF) or not read (NR), hence the billing was being done on assessed units which was much less than the actual consumption recorded in the meter. This came to light on 17.06.2010, when on the complaint of the petitioner, the reading was verified by the SDO. This showed that against a total consumption of 26584, billing had been done for only 1232 units from 28.12.2009 to 28.04.2010. This was corrected by the respondent in the petitioner's bill for 28.05.2010 to 28.07.2010 and subsequent bills.

16. The dispute arose from 28.12.2009 as the respondents found on checking by the SDO on 17.06.2010, that meter reading was not being correctly reported and NA/NR bills were being sent in which assessed consumption was much less than the actual recorded consumption. The total energy consumed as per the meter from 28.12.2009 to 09.03.2011 was 56,386 units. This consumption is for about more than 14 months and the average monthly consumption is approximately 4000 units per month or 133 units per day. As the total installed load as submitted by the petitioner and as also verified by the respondent has been found about 16 KW, the average load factor on this installed load is about 33% which means that on an average the petitioner used full load of 16 KW for 8 hours per day or one third of his total installed load of 16 KW for 24 hours a day. This shows that the consumption recorded by the meter for the period of dispute was correct as examination of the meter had shown that the meter was recording correctly.
17. Whether the meter installed at the petitioner's premises was recording correctly. A check meter was installed on 21.02.2011 and was finalized on 09.03.2011 wherein the old meter was found to be only 0.29% fast. This was within the prescribed limit of plus/minus 3%. Hence the correctness of the meter is established. The copies of the MRI given by the respondent clearly show the consumption pattern.
18. The petitioner has complained against the heavy bills sent to him for November/December 2010 and January/February 2011, however as shown above the billing was done correctly as per the MRI reading from the meter installed on his premises. His complaint that, had he been informed immediately about the excessive consumption, he could have corrected the same is also not correct as copies of bills have been provided showing that bills were being issued even after March 2010 showing the arrears and the bill for November/December 2010 was not the first bill showing arrears. For instance the bill for 28.05.2010 to 28.07.2010 while showing NR for the period, shows an arrear of Rs. 1,08,518.95. Similarly the bill for 28.07.2010 to 28.10.2010 shows an arrear of Rs. 1,13,506.00. In fact the bill for November/December 2010 shows a reduction of the arrears due to a payment of Rs. 20,000.00 by the petitioner against dues, hence it would be concluded that he has received the previous bill (28.07.2010 to 28.10.2010) which showed arrears of Rs. 1,13,506.00.
19. The petitioner's claim in the rejoinder that the consumption shown in January 2011 bill of 25360 units does not correspond with the MRI report which shows only 7.19 KW load. It needs to be clarified that the units shown in this bill are not just for the month of January 2011 but the total of units consumed from 28.04.2010.
20. The inaction of the respondent in taking corrective measures on the complaint of the petitioner regarding non receipt of bills/receipt of bills with NA/NR/ADF/RDF/CDF is unfortunate. It is unfortunate that the respondents take their duty to the consumer so lightly. This matter has been commented upon by the Forum also and is once again being

pointed out with the hope that the respondent will take corrective measures so that consumers are not harassed.

21. I agree with the order of the Forum that the billing has been done correctly. From the perusal of all the papers i.e. bills and MRI reports submitted, it is clear that the billing has been done as per the units consumed by the petitioner as shown by the meter. Adjustments for NA/NR/CDF bills have already been made. The petitioner's request sent vide his letter in October 2012 that his average unit consumption as per the new meter is only 1470 units per month has no bearing on this case as the old meter was examined and it was seen only to be 0.29% fast which is within the permissible limits of +/- 3%, hence no relief can be given to the petitioner on this basis. His request that he may be permitted to make the payment for the higher consumption, during the disputed period without late payment charges, penalties etc. also cannot be accepted.
22. The petitioner is advised to make the payment as per the adjusted bill for the billing cycle 28.05.2012 to 30.06.2012 submitted by the respondent. However while saying this, it is found that once again the same problem of NR bills has restarted and could once again lead to problems. The MD of the UPCL is advised to take cognizance of this situation and initiate corrective measures.

Dated: 04.12.2012

Renuka Muttoo  
Ombudsman