

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Mohd. Mustakeem S/o Shree Yameen
Village Nanheda, P.O. Anantpur,
Bhagwanpur, Tehsil – Roorkee,
Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.,
Civil Lines, Roorkee,
Distt. Haridwar, Uttarakhand

Representation No. 15/2012

Order

The petitioner, Mohd. Mustakeem, resident of village Nanheda, P.O. Anantpur, Bhagwanpur, Tehsil – Roorkee, Distt. Haridwar filed a representation before the Ombudsman on 10.05.2012 against the order of the Consumer Grievance Redressal Forum, Garhwal Zone (Forum), dated 18.04.2012. He requested that the order of the Forum be set aside.

2. The brief facts of the case are that a light & fan connection (500 watts) for domestic use was released to the petitioner at his residence in the year 1991 without installation of a meter as was the practice prevalent during those days for releasing domestic connections in small villages. The petitioner has been using electricity right from release of connection in 1991 till date without making any payment. As per the Bill Register of the respondent (Executive Engineer, Electricity Distribution Division (Rural), UPCL, Civil Lines, Roorkee, Distt. Haridwar), the petitioner along with others in the same category was being sent bills regularly. The dues accumulated over a period of 21 years due to non-payment by the petitioner, who was under the wrong impression that being a BPL category consumer, he did not have to pay for the electricity used by him. The dues mounted to Rs. 47,548.00 by June 2011 and to Rs. 51,030.00 by the end of October 2011 and as per Bill Register for March 2012 have reached Rs. 53,429.00.
3. The petitioner in his representation submitted to this office has contended that he was given a domestic light and fan connection of 500 watt in the year 1991 at his residence in village Nanheda, P.O. Anantpur Tehsil Bhagwanpur, Roorkee, Distt. Haridwar He has stated that, it was informed by the employees of the supplier at the time of release of

connection that the connection to BPL consumers was being given free and no payment for electricity consumed was to be made by him. No meter was installed at his residence, further reinforcing the idea in his mind that he did not have to make any payment. He has alleged that no electricity bills were sent to him from 1991 until February 2003 when he received a bill of to Rs. 8,953.00 for the first time. He did not take any action on this and heard nothing more from the respondent till receipt of a second bill amounting to Rs. 15,349.00 in the month of December 2004.

4. The petitioner took no action on this and neither did the respondent till August 2011 when a letter dated 29.08.2011 was sent to the petitioner by the respondent, demanding a sum of Rs. 47,548.00 towards electricity charges. On receipt of the aforesaid demand notice, the petitioner wrote to the respondent on 17.10.2011 claiming that he was a BPL consumer and had a BPL connection hence, he did not have to pay any charges as such connections were free. He sent another letter dated 11.11.2011 again mentioning his status as a BPL consumer who had been informed that BPL consumers did not have to pay any charges. He also claimed that due to his poor pecuniary status a relaxation may be made and he may be given six months time to make the payment.
5. Instead of receiving a reply, he received another bill dated 24.10.2011 amounting to Rs. 49,850.00. The petitioner took no action until he received a bill dated 24.12.2011 for Rs. 51,030.00. He now approached the Forum. The petitioner alleges that the bills are fictitious as there was no meter installed at his residence and he had been informed at the time of being granted the connection that as a BPL consumer he did not have to pay any electricity charges.
6. The petitioner aggrieved by the order of the Forum which dismissed his case, has appealed before the Ombudsman on the grounds that:
 - (i) Forum's order dated 18.04.2012 is against law and facts and is therefore liable to be set aside.
 - (ii) A date of hearing in the case was fixed on 24.04.2012 by the Forum but without hearing the complainant his petition was disposed off on 18.04.2012 and no attention was paid to the points raised in his complaint. The order dated 18.04.2012 of the Forum is liable for rejection being against law and facts and ex-parte.
 - (iii) Further he claims that the Forum's order that the bills were sent on the applicable tariff without mentioning as to which tariff was applicable, makes the bills illegal. As the bills are illegal they should be withdrawn.

7. The petitioner also submitted that the order of the Forum be stayed till the case was decided by the Ombudsman.
8. The respondent submitted their reply on 13.06.2012, a copy of which was also handed over to petitioner's counsel on 14.06.2012 during the hearing. The respondent denied the contention of the petitioner that he was told at the time of being given the connection that it was a BPL connection and hence he would not have to pay any charges. Respondent also denied the petitioner's allegation that no bill was sent to him. The dues against the petitioner are recorded in the Bill Register and the bills were being sent as a matter of routine. The respondent produced copies of a number of Bill Registers for several months from 13.07.1996 till 19.03.2012. In all the Bill Registers, dues against the petitioner are shown in the ascending order rising from Rs. 1811.50 in Bill Register of 13.07.1996 to Rs. 53,429.00 in the Bill Register of 19.03.2012. The respondent has stated that the petitioner did not file any protest against the bills of February 2003 and December 2004 and his letters dated 17.10.2011 and 11.11.2011 were an afterthought.
9. The respondent has further submitted that the petitioner did not file any protest against the bills sent to him at any time. He continued to consume electricity without making any payment as also admitted by the petitioner himself. Complaint before the Forum was filed by him only on receipt of notice dated 29.08.2011 to avoid payment of dues.
10. Respondent has denied that there was any deficiency in service on their part. Further points mentioned include that the petitioner did not challenge the rate of charge for the bills which were sent to him but only challenged the respondent's right to issue the bills and further never submitted his BPL card nor any proof to the effect that the connection was given to him under BPL scheme.
11. A meter No A-154757 has since been installed vide sealing certificate no. 124/2003 dated 13.01.2012 at the premises of the petitioner and since then the supply is being given through this meter. Subsequent to the installation of the meter, the bills are based on the meter reading for consumption of electricity. The bills also reflect the arrears owing for the period before installation of the meter. Prior to the installation of the meter bills were sent to the petitioner but no payments were made by him. Unmetered connections were given bills for direct supply at fixed charges as per tariff governing such category of connection as per rules prevailing at that time
12. The respondent has also denied the allegation made by the petitioner that the Forum decided the complaint without hearing him. In fact, contrary to what the petitioner was projecting, he (petitioner) himself did not appear before the Forum on the dates fixed for hearing, hence it cannot be claimed that the Forum's decision was ex-parte. Both the

parties had submitted their written petitions before the Forum who decided the case on the basis of records submitted.

13. The Forum in their order dated 18.04.2012 have specifically mentioned that the complainant (petitioner) did not appear before the Forum on 17.01.2012, 10.02.2012, 24.02.2012 and 09.04.2012 the dates of hearing and his absence before the Forum on fixed dates indicated that demand notice dated 29.08.2011 for recovery of electricity arrears was correct. Service of this demand notice was within the powers of the supplier and the arrears amounting to Rs. 51,030.00 were payable by the complainant. The supplier (respondent) had got the right to recover the said amount from the complainant. No mention of hearing date 24.04.2012, as mentioned by the petitioner, has been recorded by the Forum in their decision, neither any document to substantiate the petitioner's claim about fixing of the aforesaid date of hearing has been submitted by the petitioner.
14. A hearing was held before the Ombudsman on 14.06.2012 when counsels for both parties made their arguments and agreed that there was no need for any further hearing. On going through the documents available on the file and hearing counter arguments by counsels, I arrive at the following conclusion:
15. A 500 watt connection no 044123 book no 2207 for domestic use, was granted to the petitioner at his residence in the year 1991 without installing a meter as per practice/orders prevalent at that time for giving domestic connection in small villages. The amount of electricity used was not the consideration as it was not being measured. Bills at flat rates as per tariff being enforced from time to time in respect of unmetered connections were issued to the recipients of such connections. The petitioner was also issued such bills but he did not make any payment with the result that the arrears piled up to Rs. 47,548.00 for the period 1991 to 06/2011 for which demand notice was issued on 29.08.2011. As the petitioner did not respond, the arrear amount further went on increasing and reached a sum of Rs. 51,030.00 by 30.10.2011 as shown in bill no A 235755 dated 19.11.2011. A meter no A-154757 was subsequently installed vide sealing certificate no. 124/3093 dated 13.01.2012 at the residence of the petitioner. As the petitioner has not paid the amount due, the arrears continue to increase and were listed as Rs. 53,429.00 by the end of February 2012 as shown in the Bill Register dated 19.03.2012.
16. The connection to the petitioner was given in 1991. As per details recorded on BPL card no 23/30636 submitted by the petitioner, the same was issued to him on 01.06.2010 and further renewed on 01.04.2011 up to 31.03.2012. As the connection was given in 1991, the same could not have been given as a BPL category connection at that time as the BPL

card was issued to him only on 01.06.2010. Further while the petitioner maintains that he was entitled to free electricity as a BPL consumer, in his letter to the respondent on 11.11.2011 he has realized that he has to make payment and therefore has requested the respondent to take cognizance of his monetary status and give him some relaxation and a period of six months to pay the bill.

17. The petitioner's claim that he did not receive any bills appears tenuous as the records of the respondent (Bill Registers) show the amount due from him amongst others. His claim that as a BPL category consumer he was not to be billed is also not correct as under the applicable tariff rates prevailing in 1991, electricity was provided at a flat rate to domestic consumers in small villages without installing meters at their premises. The scheme for BPL consumers was started only in the last decade much after the petitioner got his connection. Even then there was no provision for providing free electricity for BPL consumers, the only relaxation provided was that no service charges would be taken from them for installation of the connection.
18. In view of the aforesaid, the amount of arrears amounting to Rs. 53,429.00 for the period 1991 to February 2012 as shown in the Bill Register dated 19.03.2012 and further till date after installation of a meter at the petitioners premises are legitimate dues of UPCL (respondent) on account of electricity consumed by the petitioner over this long period and accumulated due to non-payment by the petitioner.
19. The respondent has all rights under relevant Regulations to recover all dues from the petitioner. Forum's order dated 18.04.2012 are upheld, however the amount of arrears due from the petitioner will be as per latest arrears due from him as per arrear list. The representation is dismissed with no cost. Stay application filed by the petitioner is also rejected.

Dated: 19.07.2012

Renuka Muttoo
Ombudsman