

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ram Gopal Sharma
S/o Shri Janardan Prasad, 35, Maktulpuri, Roorkee,
Distt. Haridwar, Uttarakhand.

Vs

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

Representation No. 21/2012

Order

The petitioner, Ram Gopal Sharma S/o Shri Janardan Prasad, 35, Maktulpuri, Roorkee applied before the Ombudsman vide petition dated 01.09.2012 against the order of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 27.08.2012 on the issue of bills received from the UPCL (hereinafter referred to as respondent).

2. The petitioner has a 2 KW domestic connection no. K No. 681/0143/04395 at his residence. He has stated that on 19.01.2009 he received a bill for the period 19.10.2008 to 28.12.2008 for an amount of Rs. 13,377.00. The bill was N.A. with the previous reading been shown as 9743. The amount charged for the N.A. period was for 61 units. Arrears of Rs. 12,976.00 were also shown making it a total of Rs. 13,377.00. The petitioner approached the respondent and at his request the SDO was sent to take the reading. When the SDO took the reading (date not mentioned) it was found to be 9032, against 9743 shown as the reading on 19.10.2008, as per above bill. On the assurance given by the SDO for necessary correction in the next bill, the consumer deposited Rs. 7000.00 as part payment on 15.06.2009.
3. When his efforts with the department to get the bill corrected failed, he approached the Forum on 04.05.2012 where his complaint was registered as complaint no. 21/2012. The petitioner maintains that the Forum did not give him justice as the respondent served him a bill of Rs. 44,603.00 without taking into account his

complaint. In his petition he has requested that he should be charged according to the units recorded and he should be given a compensation of Rs. 30,000.00 for the harassment caused to him by the respondent.

4. The Forum in an interim order dated 07.07.2012 directed the respondent to get the dispute redressed by mutual consent. Accordingly the respondent and the petitioner had a meeting on 27.07.2012 subsequent to which a revised bill was issued by the respondent for Rs. 44,603.00. The petitioner agreed with the amount but requested that because of his pecuniary circumstances he may be allowed to pay the bill in instalments. The Forum in their order referred to the revised bill served by the respondent after consulting with the petitioner and upheld the amount due Rs. 44,603.00. They further ordered that the amount should be recovered from the petitioner in four instalments without taking late payment surcharge, however in case the petitioner failed to pay even one instalment within time, the respondent may recover the entire remaining amount at one time.
5. The respondent maintains that after the interim order of the Forum, a joint sitting of the petitioner and the respondent was held and a corrected bill up to 05/12 after adjusting all payments was given to the petitioner, but the petitioner is avoiding payment of the bill.
6. The petitioner claims that the reading (9743) shown on the bill dated 19.01.2009 was incorrect. He claims that the respondent's representative who had inspected the meter and taken a reading had recorded the reading as 9032 on his bill and asked him to pay Rs. 7000.00 as part payment. Hence it is proved that the respondent charged him for an extra 711 units.
7. Further, the petitioner agreed that a total of 7077 units was due from him from 12.09.2007 till 30.04.2012. He has however claimed that the amount being charged is too much and calculated the amount due at the same rate (Rs. 2.15 per unit) as per the refund adjustment being made by the respondent. This however does not take into account the tariff revisions or the surcharge for late payment. Acknowledging the correctness of the number of units to be billed, he had requested that he may be

allowed to make the payment in instalments. In his latest communication dated 22.01.2013 he has reiterated his earlier requests.

8. Brief facts of the case are that the meter installed at the petitioner's residence was replaced on 26.06.2009. The final reading on this meter when it was removed was 9202. A new meter with initial reading 02 was installed the same day i.e. 26.06.2009. On 31.08.2011 this meter showed a reading of 5410. The meter installed on 26.06.2011 was removed in burnt condition and a new meter was installed on 04.10.2011 with an initial reading of 03. The reading on this meter was 2288 on 21.05.2012. The period between 31.08.2011 to 04.10.2011 was taken as no meter being available and assessment of 208 units for this period was made by the respondent. The petitioner had already been served a bill on 12.09.2007 showing a reading of 9144.

9. A perusal of the above facts shows that the meter reading has not been taken correctly over a long period of time. For instance

On 12.09.2007 reading is shown as 9144

On 19.10.2008 reading is shown as 9743

On 31.05.2009 reading is shown as 9032

On 26.06.2009 reading is shown as 9202

10. As the respondent has not been able to explain the above variation in reading the benefit would be given to the petitioner and the total units up to 26.06.2009 will be treated as 9202. The petitioner has already been served a bill for up to 9144 units, hence only 58 units remained to be charged for this period up to 26.06.2009.

From 26.06.2009 to 31.08.2011 reading was 5410 units ($5410 - 02 = 5408$ units)

From 04.10.2011 to 30.06.2012 reading was 2512 units ($2512 - 03 = 2509$ units)

For the period 31.08.2011 to 04.10.2011 N.A. assessment at 208 units.

Thus total due up to 30.04.2012 is for $58 + 5408 + 2509 + 208 = 8183$ units.

11. In the bill up to 30.06.2012 the petitioner has been charged as per the above calculation. The total amount due from him after taking into account Rs. 7,000.00

paid by him on 15.06.2009 and including the arrears/surcharge due from him is Rs. 44,603.00. The petitioner's request that the calculation have been done incorrectly is not valid as calculations are done with reference to the tariff in vogue for the relevant period.

12. On going through the documents and after hearing the parties it is established that the bill for the period 12.09.2007 to 30.06.2012 amounting to Rs. 44,603.00 after deducting the payments made by the petitioner and adjusting the excess units charged, is correct and is payable by the petitioner to the respondent.
13. The Government of Uttarakhand launched a scheme for waiver of late payment surcharge for consumers having outstanding dues on 31.03.2012. The respondent vide his letter dated 28.01.2013 informed the petitioner that his dues ending 31.10.2012 are Rs. 49,073.00 which includes Rs. 36,611.00 principal amount and Rs. 12,462.00 late payment surcharge. The respondent made an offer to the petitioner to deposit the principal amount of Rs. 36,611.00 by 15.03.2013 so that the petitioner could avail the benefit of waiver of LPS amounting to Rs. 12,462.00. It is not known whether the petitioner has availed of the offer of waiver.
14. I agree with the finding of the Forum that the petitioner is liable for payment of Rs. 44,603.00 as dues up to 30.06.2012. It is not within the purview of either the Forum or this office to order payment of the amount in instalments. Hence this part of the Forum's order is struck down. The petitioner is ordered to pay the amount of Rs. 44,603.00 as due from him up to 30.06.2012 along with the other dues applicable to him from that day onwards. As for his demand of compensation, the same is not accepted as from perusal of the case there appears to have been no harassment of the petitioner.

Dated: 18.04.2013

(Renuka Muttoo)
Ombudsman