

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Darshni Gusain
W/o Late Capt. G.S.Gusain “Veer Chakra”
Sector 2, A-23, Defence Colony, Dehradun, Uttarakhand

Vs

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

Representation No. 28/2012

Order

The petitioner, Smt. Darshni Gusain W/o Veer Chakra, Late Capt. G.S.Gusain owner of 64 (new no. 142/64), Araghar, situated at NH 72, Araghar, Haridwar Road, Dehradun, submitted a petition dated 26.12.2012 against the judgment dated 23.08.2012 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum). The petitioner also submitted an application dated 24.12.2012 requesting for condonation of delay in submitting the petition late due to being unaware of the office of the Ombudsman and the address. As the petitioner is a domestic consumer and unless informed is unlikely to know about the procedure, the delay was condoned. The petitioner had requested that her son Rajendra Gusain be allowed to represent her as being an aged and illiterate person she was not in a position to represent herself.

2. In the petition before the Ombudsman the petitioner has drawn attention to UERC's Standard of Performance Regulation 2007, para 4 and para 2 relating to complaints lodged for defective/stuck meter and transfer of consumer's name to legal heir and alleged that the regulations have not been followed. She has claimed compensation as admissible under the above referred regulations. The petitioner has prayed for the following relief:
 - a) Money paid for IDF bills for 11 months be refunded to her along with interest.
 - b) Removal of two connections given on her premises without her permission and
 - c) Inclusion of her husband's name along with his decoration in the consumer name.

3. In her complaint before the Forum the petitioner informed that the meter installed at her house no. 64, Araghar became defective and she informed the SDO concerned for replacement of the said meter vide her letter dated 19.05.2011. As the meter was not replaced even after one month of the complaint a reminder was sent on 23.06.2011. Since no action was taken even after repeated complaints the petitioner made an application under RTI on 18.09.2011. She also approached the Chief Information Commissioner who issued an order dated 15.03.2012 to provide the information asked for by the petitioner. The departmental staff came to replace the meter on 05.01.2012 and informed that the meter would be shifted outside. As the petitioner was not willing to have the meter installed outside, but wanted it to remain inside the premises, the respondent's staff went away without installing the meter stating that the petitioner's application would be put up to the Executive Engineer concerned. The meter was finally replaced on 15.03.2012. During the intervening period IDF bills were sent to her, which were duly paid by the petitioner.
4. The petitioner further complained that two more connections had been given without her consent/legal documents at her residence 64, Araghar, Haridwar Road. When the petitioner asked for the necessary documents under RTI, first she was informed that the records were not available and subsequently informed that while two connections had been given in 2010, the same had been permanently disconnected and two new connections had been given in her house. However documents relating to the same were still not made available to the petitioner. The petitioner also alleged that an application for change of name and correction was submitted but no action had been taken. It was prayed that money charged under IDF bills should be refunded along with interest, the connections illegally given in the petitioner's house be got removed.
5. The Forum in their order dated 23.08.2012 stated that the defective meter had been changed and the petitioner's bills had been revised, hence there was no further action on this complaint. However the respondent has informed that no action to revise the bills has been taken because the bills raised were for 200 units per billing cycle by the computer against average consumption of 196 units per billing cycle during last 3 consecutive cycles preceding the complaint by the petitioner on 19.05.2011. Regarding the two connections purportedly given unauthorizedly, the Forum noted that the respondent had followed the correct procedure of taking triple the security

from the two consumers and hence under the Regulations granted the connections. On the complaint regarding change of name they ordered the respondent to take action immediately.

6. In their reply the respondents claim that allegations about change of IDF meter are wrong. Action on the petitioner's complaint did not take 11 months. The connections to two other persons on her premises were given after completing the formalities and as they were found in settled possession, the connections were given after taking three times security as per regulations. Lastly, the petitioner's husband's name and decoration have been added in the consumer name.
7. The basic facts of the case are that the meter went faulty sometime in May 2011. The petitioner brought to the notice of the respondent vide her letter dated 19.05.2011. Despite reminders, no action appears to have been taken forcing the petitioner to apply to the Chief Information Commissioner for information regarding action taken on her complaint. The order of the CIC dated 15.03.2012 was issued to the respondent to provide information asked for by the petitioner and the meter was changed the same date. The petitioner has asked for compensation for the long gap between the date of complaint and the date on which the respondent took action to set right the complaint.
8. As per Regulation 3.1.4 of Uttarakhand Electricity Regulatory Commission (The Supply Code), Regulations 2007 the IDF meter should have been checked within 30 days from the date of receipt of complaint and should have been replaced within 15 days thereafter i.e. within 45 days from the date of the complaint. The regulation provide:

“3.1.4 Meter not recording

(1) If the meter is not recording/stuck as reported by the consumer, the Licensee shall check the meter within 30 days of receipt of complaint and if found stuck or identified as defective (IDF), the meter shall be replaced by the Licensee/consumer, as the case may be, within 15 days thereafter. ... (4) All new case of defective meters namely ADF, RDF or IDF, if any, shall necessarily be rectified within a maximum period of 3 months.”

9. The Uttarakhand Electricity Regulatory Commission (Standards of Performance) Regulations, 2007 provides compensation in cases as of the petitioner in this case:

“4. Compensation

(1) The Licensee shall be liable to pay to the affected consumers compensation specified in Schedule – III for Licensee’s failure to meet the Guaranteed Standards of Performance specified in Schedule – I. The compensation shall be paid by the Licensee in the manner specified in Schedule III.

(2) The Licensee shall pay the compensation referred to under sub-regulation (1) above by way of adjustment in the current or future electricity bill(s) as laid out in Schedule-III.

SCHEDULE –III

9. Guaranteed Standards of Performance and Compensation to Consumers in Case of Default

<i>Replacement of defective meter</i>	<i>Within 15 days of declaring meter defective.</i>	<i>Rs. 50 for each day of default“</i>
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10. Keeping in mind the facts of the case, I find that the respondent have not kept to the schedule as drawn up under the Supply Code 2007 and hence Schedule III of the Standard of Performance gets attracted to the case. The only point is the period to be taken into cognizance for assessment of the compensation under Schedule III of Standard of Performance. While the respondent has claimed that they had tried to replace the meter on 15.12.2011, this fact could not be established. However the petitioner has agreed that the respondent tried to replace the meter on 05.01.2012 but due to insistence of the petitioner for placing the meter within her premises, the matter was delayed and finally the new meter could only be installed on 15.03.2012.
11. The demand of the petitioner that money paid by her for the IDF bills for 11 months be refunded cannot be entertained as the bills have been raised on the average consumption during three consecutive cycles preceding the date of complaint as is provided in the Supply Code Regulation. However as the Standard of Performance has not been maintained by the respondent in this case, it is ordered that compensation be paid to the petitioner for the period 45 days after her original complaint dated 19.05.2011 up till 05.01.2012 (i.e. from 03.07.2011 to 05.01.2012).

12. The second relief sought by the petitioner was for removal of two connections on her premises given without her written permission, the papers submitted by the respondent have been examined. The two connections have been provided by the respondent under the UERC (Release of New LT Connections, Enhancement and Reduction of Loads) Regulation, 2007, section 4 (a) as amended by notification dated August 7, 2007, section 2 (2) which provides as under:

2. In clause (a) of Regulation 4(3) of the Principal Regulations:

(1)

(2) after clause(v), the following provisos shall be inserted, namely:-

“Provided that in case the applicant is unable to submit any of the document listed at (i) to (v) above then the applicant shall be charged thrice (except for BPL consumers) the amount of security as per Table 1 given in Regulation 5(10) and clause (iii) of Regulation 5(10) respectively. The owner of the premises, if different from the applicant, shall not be liable for payment of any due against such connection.”

13. As the respondent has followed the regulations and granted the two connections as per the amended regulation, the two connections are in order. This also takes care of the reference made by the petitioner on this issue vide her letter received in this office on 15.04.2013.

14. The last relief sought by the petitioner was inclusion of her husband’s name along with decoration in the consumer’s name. The respondent has assured that the same has been done and hence no further action is required on this issue.

Dated: 18.04.2013

(Renuka Muttoo)
Ombudsman