

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Isham Singh  
S/o Shri Chauhal Singh,  
Peerpura, P.O. Manglaur, Tehsil Roorkee,  
Distt. Haridwar, Uttarakhand.

Vs

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

Representation no. 08/2013

**Order**

The petitioner, Shri Isham Singh S/o Shri Chauhal Singh, Peerpura, P.O. Manglaur, Tehsil Roorkee, Distt. Haridwar approached the Ombudsm an on 23.05.2013 against the order of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 07.05.2013. The petitioner had filed two complaints before the Forum. In the first instance he had requested that the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) be asked to give him metered bills for the units displayed on his meter. In their order dated 27.02.2013 the Forum had ordered the respondent to revise the bill on average consumption. Claiming that the respondent did not comply, the petitioner went back to the Forum who vide their order dated 07.05.2013 stated that the respondent had informed that a revised bill had been given to the petitioner on 28.03.2013. Declaring that the earlier order had been complied with, the Forum disposed off the complaint.

2. The petitioner claims that he has a domestic connection with meter no. 39221 at his residence. He has stated that according to the meter the total no. of units used by him are

2241. He had applied to the Forum with the request that the respondent be asked to give him the bill as per the units shown on his meter and not unmetered bills as they were doing. He has further stated that the revised bill given by the respondent is also unmetered and incorrect and therefore he has appealed against the decision of the Forum. He has prayed that he should be billed for the period March 2005 to 11.03.2010, as per the reading (2241) on the meter installed at his premises.

3. In his complaint dated 14.08.2012, before the Forum, the petitioner claimed that he had applied for an electricity connection in 1995 but electricity lines to his colony were only given under the Rajeev Gandhi Electricity Scheme in 2009-10. He claimed that till then he had no electricity connection. However subsequently he states in his complaint that he was given a domestic connection in 1995 without meter. He claimed he was unable to pay the bills as they were for unmetered supply and he wanted bills for metered supply. From 28.11.2011 to 29.12.2011 the petitioner applied to the respondent for correcting the bills being sent to him, but even till date the same has not been done. He requested the Forum that the unmetered bills sent to him should be cancelled. He should be given bills as per the meter reading from the meter installed under the BPL scheme. He has also appealed that 4 wire 3 phase line be drawn to his colony.
4. The respondent in their reply to this complaint averred the following, (1) the petitioner was given a connection in July 1995 which is still functional. The respondent was billing the petitioner under the unmetered supply scheme. (2) On 11.03.2010 the petitioner took another connection under the BPL scheme and meter no. 029367 was installed at his place. The petitioner got the new connection by hiding the fact of his old connection as under the regulations he could not have been given a new connection till the dues of the old connection were cleared by him. (3) There is no sanction for a 3 phase line to be connected to the petitioner's colony. The scheme for the colony is for providing electricity of 1-2 KW per household sufficient for fan and light only for which the present arrangements were sufficient. (4) In a checking carried out on 20.03.2008 by the local officials of the respondent, it was found that the petitioner was using electricity in his house and hence the petitioner's claim that electricity connection was only given to him in 2010 was incorrect.

5. In their order dated 27.02.2013 the Forum stated that the respondent was unable to show any documents to prove that the connection was given in 1995. The Forum therefore did not accept the respondent's plea that the connection had been active since 1995. As per the sealing certificate produced by the respondent the first meter was installed at the petitioner's premises in March 2005 and hence the Forum accepts that the connection was established from 2005. The Forum accepted the petitioner's plea and ordered the cancellation of the bill dated 18.06.2012 sent to the petitioner. They ordered that from March 2005 to 11.03.2010 revised bill should be prepared and late payment surcharge be waived under the ongoing Government Scheme.
6. The petitioner reapplied to the Forum on 26.03.2013 that the respondent had not complied with the order dated 27.02.2013 of the Forum but had instead sent a demand notice dated 16.03.2013 for payment of Rs. 53,085.00. The petitioner maintained that the respondent should have only billed him for the reading of 2241 on the meter no. 39221. He therefore appealed to the Forum to order that the respondent issue a bill only for usage of 2241 units. The respondent informed the Forum that they had issued a revised bill in pursuance of the Forum's earlier order and the same had been given to the petitioner on 28.03.2013. The Forum after perusing the papers held that their order had been complied with and hence there was no further cause of action.
7. Brief facts of the case are that the petitioner was sanctioned an unmetered connection no. 65196 in 1995. The first meter was installed at his premises (meter no. 39221) on March 2005 on this connection. Checking carried out in 2008 showed that the petitioner was using electricity in his house. During the checking, the meter was found to be defective and this was recorded in the checking report. Despite the meter having been installed at the premises of the petitioner, the respondent kept issuing bills for unmetered supply at a fixed rate. The petitioner did not pay any of the bills on the ground that he would not pay a bill for unmetered supply. In 2010 under a new Scheme, the petitioner got another connection sanctioned and a second meter no. 29367 was installed at his residence on 11.03.2010.
8. In their statement the respondent have stated that the petitioner had approached the District Forum earlier claiming that there was no line drawn to his premises and he was

not using electricity but despite that the respondent was issuing him bills for electricity usage. On the orders of the District Forum, an inspection had been carried out on his premises on 20.03.2008 and meter no. 039221 was found installed there but defective. The District Forum had dismissed the petitioner's case on the basis of the findings of the checking team. Subsequently the petitioner got the second meter no. 29367 installed at his premises on 11.03.2010.

9. The petitioner approached the Forum in 2012 and on the orders of the Forum the respondent carried out a checking of his premises on 20.10.2012 and found that meter no. 29367 (2<sup>nd</sup> meter installed on 11.03.2010) was functional and a total of 1405 units was found recorded on it. Further they have stated that on 10.02.2013 the reading has increased to 2241 units. They have also recorded that meter no. 39221 (1<sup>st</sup> meter installed in March 2005) was dysfunctional and electricity was being provided to the petitioner through meter no. 29367. A revised bill on the basis of the average units shown consumed in the new meter had been prepared and given to the petitioner as per the orders of the Forum, however the petitioner had not paid the same. The late payment surcharge had been waived under the Government scheme but could not be applied now as the period of the scheme was over. They also informed that the new meter was functioning on the old connection and the latest reading of the petitioner on the new meter was 2508. The respondent have given a copy of the revised charges worked out by them. These charges are shown below:

1. From 1995 to 2005 when the first meter was installed – Rs. 11,882.00 (fixed charges)
2. April 2005 to March 2006 for unmetered supply (Rs. 150 per month as per the tariff for unmetered supply + E.D.) – Rs. 2026.00
3. From April 2006 to 18.11.2013 @ 42 units per month – Rs. 10,586.00 (the average no. of units per month is as per the new meter readings since the old meter was defective)
4. Surcharge Rs. 23,724.00
5. Total payable Rs. 48,218.00.

10. During the hearing, arguments were heard from both sides and relevant papers on the files of the Forum as well as those given in this office were examined. The respondent produced (a) a photocopy of the agreement register showing grant of connection no. 65196 to the petitioner on 13.07.1995 with the details of the connected load (b) the sealing certificate for installation of meter no. 39221 on 11.03.2005 with signature of the petitioner (c) sealing certificate for installation of meter no. 29367 on 11.03.2010 also with signature of the petitioner (d) copy of the checking report of 2008 also signed by the petitioner.
11. The petitioner has been changing his story continuously, while at times he claims that he only got electricity after installation of the new meter in 2010, at other points he has agreed that he had applied for a connection in 1995 and paid money for the same. He has also agreed that a meter was installed in 2005. During one of the hearings he produced the old meter 39221 in the Ombudsman office stating that the same had been disconnected after installation of the new meter. He was unable to show as to who had disconnected the meter, when it was disconnected and how it was still lying with him.
12. From the above facts it would appear that though a connection was given in 1995 it was metered only from 2005. It is not clear whether this meter was reflecting the units being consumed or not as bills were not made available. What is established is that on 20.03.2008 the meter was found defective. We can therefore presume that from that day onwards at least the units being consumed were not being reflected. The petitioner has been insisting that he should be billed for 2241 units from 2005 till 2010 cannot be accepted as it is clear that the meter installed in 2005 was not giving any metered reading and was declared defective in 2008. In fact 2241 was the reading which was showing on the new meter on 10.02.2013. As this meter was installed only on 11.03.2010, the reading is only for these three years and cannot be treated as the consumption from 2005. In fact the petitioner has been trying to confuse the issue by projecting that the reading of 2241 was the reading on his old meter no. 39221 whereas it is clear from the statement of the respondent that 2241 was the reading on the new meter no. 29367 on 10.02.2013. The supply was being provided through the new meter in the name of the old connection itself. Hence the billing continued for the same connection no. 65196 on assessed units

even though the new meter was reflecting the units being consumed from its installation on 11.03.2010.

13. In pursuance of the orders of the Forum on 27.02.2013 the respondent prepared a revised bill on the basis of average consumption from March 2005 to February 2013. As per the Government policy at that moment the late payment surcharge was removed and instead of the original bill of Rs. 48,129.00 the petitioner was given a revised demand for Rs. 15,854.00. He was also informed by the SDO vide letter dated 10.04.2013 to make the payment by 15.04.2013 to avail the benefit of waiver of late payment surcharge. The Forum when appealed to by the petitioner, upheld the revised bill. Instead of making the payment the petitioner approached the Ombudsman with the plea that he should only be charged for 2241 units as shown on the old meter from 2005 to 2010. As already explained, the meter was reported defective in March 2008 and may have been defective even earlier and cannot be relied upon. The petitioner cannot claim that because he was receiving unmetered bills he was unable to pay. There has been negligence on the part of the respondent that despite the meter having been declared defective, no effort was made to replace the meter. Also despite the meter being installed, the respondent continued to send bills for unmetered supply.
14. Perusal of the original connection load shows a connection for approximately 0.6 KW (light point 6, plugs 4 and fans 2) connected load. Usage of this load even for 4 hours a day, every day in a month would mean approximately 75-100 units per month. The revised bill of 11.03.2013 has become in fructuous as the scheme for waiver for LPS was over in June 2013. Details of the latest calculation have been given in para 9 above. Thus as per these calculations a total of Rs. 48,218.00 is due from the petitioner till 18.11.2013. The Forum in their order have not agreed to the respondent's plea that the connection has been active since 1995. Papers shown prove that unmetered connection had been provided since 1995 and hence the charges for usage from 1995 to 2005 cannot be ignored and are upheld. The respondent has given the petitioner the benefit by taking the average units consumed on the basis of the consumption recorded in the new meter installed in March 2010. The order of the Forum is set aside.

15. Keeping all the factors in mind, the amount as worked out by the respondent is reasonable and the petitioner is advised to make the payment of the same. In case the petitioner fails to make the payment within 30 days the respondent is advised to disconnect his connection. After the clearance of all dues, the new meter should be brought on record and only metered bills be sent to the petitioner. The department should examine as to why the concerned officials at the time of checking in 2008 did not take corrective action to replace the meter and provide metered bills as demanded by the petitioner. Action should be taken against the concerned official.

Dated: 12.12.2013

(Renuka Muttoo)  
Ombudsman