

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Ahuja Transformers Industries,
B-5, Industrial Estate,
Kiccha Bypass Road, Rudrapur,
Distt. Udham Singh Nagar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Rudrapur, Distt. Udham Singh Nagar, Uttarakhand.

Representation no. 04/2013

Order

The petitioner, M/s Ahuja Transformer Industries, B-5, Industrial Estate, Kiccha Bypass Road, Rudrapur, Distt. Udham Singh Nagar, upset with the decision of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) order dated 07.12.2012 in his complaint against Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) filed the petition before the Ombudsman on 11.03.2013.

2. The petitioner states that he was given a 5 KW connection at his premises on 02.02.2002 and the first bill was received on 28.10.2002 for Rs. 36,350.00 whereas the meter reading showed only 927 units. The petitioner states that he complained to various officials of the respondent but his bill was not corrected and the process of disconnection/reconnection started from 10.07.2007 till 07.11.2007. He claims that despite disconnection, bills for these four months usage during the period when the connection was cut kept being received with meter reading being shown in all the bills.
3. The petitioner states that he met Shri M.R. Arya, Executive Engineer, Electricity Distribution Division, Rudrapur on 12.03.2007 and apprised him of the irregularity being

done by the respondent staff. Shri Arya advised him to submit correspondence and original bills of the concerned connection etc. A file of 60 pages was submitted by the petitioner on 13.03.2007 and put on the table of the Executive Engineer after being received by the dispatcher. Shri Arya after receiving the petitioner's file promised to peruse it and return the file to the petitioner. However till date the file has not been returned and no action has been taken on the wrong bills being sent to him from the beginning. When he received no response, the petitioner moved the Forum vide his complaint dated 09.01.2012. Dissatisfied with the order of the Forum dated 07.12.2012 he had to approach the Ombudsman.

4. The petitioner further informed that he was sanctioned a 2 KW connection in January 2001 and he deposited the estimate for meter testing charges. When connection was still not given a complaint was made and after one year the Junior Engineer inspected the premises and recommended that he get a 5 KW connection to avoid problems in future. The petitioner claims that the SDO himself got the load of 5 KW sanctioned under commercial category even though the petitioner told the SDO that as his plot was in the industrial area, he should be given an industrial connection. A meter was installed on 02.02.2002 in his absence and signature of some other person unknown to him was taken and the sealing certificate was later sent to him. The first bill was received on 28.10.2002 for an amount of Rs. 36,350.00. He states that the meter reading at the time stood at 927 units. The petitioner states that he did not pay the bill but complained to various officers regarding the charges. Despite his protest to various officials of the respondent the bill was not corrected. He was instead forced to deposit payment for lump sum bills while the process of disconnection/reconnection continued. The petitioner has claimed that the meter was defective and due to this he was receiving bills with NA/IDF. The meter was replaced on 27.01.2012 but even after that he claims to be receiving bills of NA.
5. The petitioner further adds that on 03.12.2012 a five member team went to his premises with him to inspect his capacitor installed at his premises, however the security guard was not present and hence the petitioner was unable to open the factory for the review by the five member team. Next day 04.12.2012 when he requested officials of the respondent to come and inspect again, they refused.

6. In his petition before the Ombudsman, the petitioner has requested that the bills be corrected, late payment surcharge be waived, charges made in each bill for capacitor should be stopped as the capacitor is duly installed in his premises (as evidence of capacitor being installed, the petitioner has enclosed a copy of a bill dated 11.01.2002 from a company in Bareilly for purchase of a capacitor). He has also stated in his petition that the certificate, given by the SDO, regarding installation of the capacitor was a part of the 60 page file given to Shri Arya.
7. The Forum in their order have held that the respondent should revise the bills till October 2012 according to the rules and regulations and after deducting the amounts paid by the petitioner give a final bill to the petitioner. On the subject of capacitor, the Forum recorded that a team of the members had gone to the premises on 03.12.2012 but the petitioner was unable to show them the capacitor installed at his premises, hence his prayer for deleting the capacitor surcharge in the bills could not be acceded to.
8. Brief facts of the case are that a commercial connection was installed at the premises of the petitioner on 02.02.2002. The petitioner had originally asked for a 2 KW connection but after inspection by the JE and his advice, the petitioner applied for 3 KW additional load. Hence a total load of 5 KW was released on 02.02.2002. The problems between the two parties started from the beginning when the petitioner claims he was served a bill for Rs. 36,350.00 eight months after (28.10.2002) release of the connection. The main argument of the petitioner is that he is being incorrectly billed from the beginning. As illustration he points out that the amount he has been billed is much more than the amount due for the no. of units shown as consumed, in the bill. He has also objected to the capacitor surcharge as he maintains that the same is installed at his premises. Due to nonpayment of bills on time, late payment surcharge is being levied.
9. The respondent maintains that the petitioner has not been able to establish that the capacitor has been installed at his premises and hence there is no question of waiver of capacitor surcharge. The respondent maintains that the bills have been corrected from time to time but the petitioner has not paid all the bills. After removal of the old meter and taking the final reading from it, the respondent revised the bills to deduct the amount already taken against the bills raised earlier and a sum of Rs. 57,500.00 was due from the

consumer at the end of October 2012. As per the latest bill sent by the respondent for the period 30.06.2013 to 31.07.2013, taking into account the payments made by the petitioner and revising the previous bills, the total amount due is Rs. 54,469.00.

10. After examining the papers submitted by the two parties, it is seen that the petitioner was receiving IDF bills from 31.05.2011. As bills previous to that have not been submitted it is not clear whether IDF bills were being issued earlier also. The meter was replaced on 27.01.2012, however even after that the respondent continued to send IDF bills up to February 2013. Thus from the papers available it is seen that IDF bills were sent for nearly 21 months.
11. The respondent in his reply has stated that bills have been revised and after deducting the amount already paid by the petitioner, an amount of Rs. 54,469.00 is due from him up to July 2013. This calculation is based on the reading displayed on the old meter when it was tested 24491 – (2173 already billed up to the month of 06/2004 leaving a total of 22318 an average of 254 units per month from July 2004 to October 2011 + amount already paid by him). The units consumed from the time of installation of the new meter on 27.01.2012 till 31.07.2013 is 8665 units (approximately 481 units per month). The clear calculation should have been worked out and provided to the consumer/petitioner when asked for instead of the matter having to come up for adjudication. As the bills have been recalculated the late payment surcharge has automatically been reduced proportionally. The order of the Forum is upheld with modification.
12. Cognizance has to be taken of the irregularity by the respondent in continuing to issue IDF bills for such a long period. The Uttarakhand Electricity Regulatory Commission regulations are very clear on this subject. It is clear that the officials of the respondent have been negligent in the performance of their duties by giving IDF bills to the consumer for over 21 months including a period of about 13 months after installation of the new meter. This act of gross negligence by the officials concerned needs to be examined and action taken to penalize the concerned officials.
13. The calculations given by the respondent are clear and show that Rs. 54,469.00 was due from the petitioner at the end of July 2013. This amount and whatever charges are there

for metered unit after July 2013 have to be paid by the petitioner. It is advised that the respondent should establish the installation of the capacitor if not already done so, so that the capacitor surcharge is not charged in future bills.

(Renuka Muttoo)
Ombudsman

Dated: 22.11.2013