

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Sood Seeds Company Pvt. Ltd.
Bhona Biraha Road, Bazpur,
Distt. Udham Singh Nagar, Uttarakhand

Vs

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

Representation No. 45/2013

Order

The petitioner M/s Sood Seed Company submitted a petition on 11.12.2013 in the office of Ombudsman against the order dated 20.11.2013 of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) in their complaint against the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent).

2. The petitioner has stated that he is a consumer of the respondent and is engaged in the activity of seed processing at Bazpur. He has a connection no. 4191 and load of 71 KVA. The petitioner maintains that he has never defaulted in payment of all bills issued by the department and there are no dues against him. On 21.06.2013 he received a letter dated 21.06.2013 from the respondent demanding a sum of Rs. 1,70,716.00 showing arrears of dues for the period 21.09.2011 to 31.03.2013. It was stated in the letter that the MF was found as 30 instead of 20. The petitioner took up the matter with the respondent but no action was taken. He then approached the Forum which gave its order on 20.11.2013 dismissing his complaint. The petitioner has requested that the order of the Forum be set aside and his petition be allowed with costs.
3. The Forum after examining all the documents was of the opinion that the respondents claim that the MF had been wrongly recorded in the sealing certificate when the meter

was changed in September 2011, was correct. Despite the fact that this amounted to negligence on the part of the respondent and the recovery had been delayed, the dues were genuine and had to be paid by the petitioner. The complaint was dismissed.

4. The respondent has maintained that the old meter of the petitioner was removed on 21.09.2011 as it had gone defective and a new meter UPC 14918 was installed at the petitioner's premises. Unfortunately due to clerical mistake the CT ratio was shown as 100/5 with MF 20 instead of 150/5 with MF 30. On 13.06.2013 during checking by AE (Meter) it was found that the CT ratio of the meter installed at the petitioner's premises was 150/5 with MF 30. Subsequently arrear bill for the period 21.09.2011 to 13.06.2013 applying correct MF 30 was sent to the petitioner on 21.06.2013.
5. I have examined all the documents provided and it is seen that the sealing certificate of the meter no. UPC 15027 installed at the premises of the petitioner on 18.03.2011 showed CT 150/5 MF 30 both on the old meter (no. 02271797) and the new meter (no. UPC 15027) being installed. However, the sealing certificate dated 21.09.2011 for replacement of meter no. 15027 had recorded CT 100/5A both for meter no. 15027 and replacement meter no. UPC 14918.
6. This was obviously a clerical mistake as in the earlier sealing certificate of 18.03.2011 the CT of UPC 15027 had been shown as 150/5 with MF 30. Examination of the bills issued to the petitioner before 21.09.2011 also show MF as 30. However from the bill for the period 01.09.2011 to 30.09.2011 the MF suddenly changed to 20 and continued as such till 13.06.2013 when the meter was checked by AE (meter). From the perusal of the bills it is obvious that the petitioner had been paying the bills at MF 30. His plea that now raising the demand of dues against him will cause him financial loss is not maintainable as he was aware that he was earlier paying at MF 30.
7. During arguments, the petitioner drew attention to an internal communication of the respondent dated 16.04.2009 claiming that this showed that in case there was any mistake in recording the correct MF necessary action would be taken against the erring official and no amount would be recovered from the consumer. A copy of the letter was also supplied by the petitioner. The first point is that this was an internal communication

issued by the MD of the UPCL instructing the officers to take remedial measures to remove irregularities in consumers billing. While the letter did mention that action would be taken against concerned officers there was no instruction that there would be no recovery from the consumer.

8. While it is agreed that it is the responsibility of the respondent to ensure that correct bills are sent to the consumers, irregularity/negligence of the respondent cannot be taken advantage of by the consumer. In this case the petitioner was aware that his MF was 30. He did not object or raise any questions when the MF got reduced to 20 in September 2011, despite continuing to use power as before. Hence, he cannot now complain regarding correction made by the respondent on finding their mistake. I therefore order that the petitioner has to pay the charges raised by the respondent as per the Rules and Regulations. The order of the Forum is upheld.

Dated: 04.04.2014

(Renuka Muttoo)
Ombudsman