

## **THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Anil Kumar  
S/o Late Shri Baburam of Purola, Uttarkashi  
20, Akhara Moholla, Dehradun

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd. Uttarkashi, Uttarakhand

Representation No. 05/2014

### **Order**

The petitioner, Shri Anil Kumar filed a representation dated 29.03.2014 in the office of Ombudsman against the order dated 13.12.2013 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in his complaint against wrong and inflated bills raised by the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent). The delay in filing the representation was condoned as the order was sent to the petitioner only on 08.01.2014 and on the ground that the petitioner was unaware of presenting the appeal in this office within 30 days of the receipt of the order.

2. The petitioner in his representation has stated that a complaint was lodged by him before the Forum on 29.10.2013 against wrong and inflated bills received by him from the respondent. The Forum vide their order dated 13.12.2013 ordered him to pay Rs. 36,514.00 which according to him is against the law. He has further stated that no opportunity for hearing was given to him by the Forum and the order has been passed in favour of respondent without considering his complaint. The Forum's order should be set aside being against Law, Rules and laid down procedures. The Forum has passed ex-parte order in favour of respondent without analyzing the complaint.

3. The petitioner states that the connection was installed in his 23 year old house at Purola which is very small. He was using the premises for residential purposes as well as carrying out a small business from the same premises. A new meter was got installed in his house in April 2009 and meter installation receipt was given to him on 22.06.2009. The bill sent to him showed consumption of 7 units on 17.05.2009 and 900 units on 18.06.2009. On objection by the petitioner the respondent's staff assured him that he did not have to pay for the excessive units but the respondent continued to send the bills for excessive units. The supply was disconnected on 26.09.2009 and inflated bill amounting to Rs. 12,271.00 was sent, which was duly paid on 30.09.2009.
4. Though not mentioned it appears that the connection was reconnected after payment of the bill but again was disconnected on 20.11.2010 and a bill for Rs. 13,781.00 was issued for the period 17.11.2009 to 25.10.2010. The units of the old bills were not shown in this bill neither adjustment of the previous payments were given in this bill. The petitioner claims the respondent were issuing unproportionate bills due to carelessness of the department. In the past the consumption per month was shown as varying from 2-3 to 800 units which was not possible.
5. The petitioner then draws reference to the bill for 2013 and mentions that the bill for 31.12.2012 to 31.01.2013 shows consumption of 5 units whereas the next bill for 31.01.2013 to 28.02.2013 shows consumption of 150 units (however this was not a metered bill but an IDF bill). The petitioner has used this as an example to show that the department has sent the inflated bills without seeing the reading in the meter just to harass him.
6. He further states that a number of letters were written to the authorities concerned, for getting the matter investigated and the bills corrected but nothing was done by the respondent. The petitioner informs that he sold his house on 06.07.2013 and requested the respondent on 15.07.2013 for permanent disconnection (PD) of his supply. He again requested them to send him the corrected bill for the balance amount. He claims that this has not been

done as yet. Due to loss in his business he has been rendered jobless and now has no means of income.

7. According to the petitioner the average consumption of 46 months was 100 units/month and the bill amount should be Rs. 19,880.00 but Forum has ordered for payment of Rs. 36,516.00 which is against the law. He has submitted that he was ready to pay Rs. 19,880.00.
8. Further the petitioner mentions that the meter reading in the bill from 31.10.2010 to 30.11.2010 was shown as 2950 but actual reading in the meter was found 3936 which was duly certified by the AE who assured him that he did not have to make payment of the excess units shown on the meter. He claims that 1000 excess units have been shown and payment of the same has been claimed by the respondent.
9. The petitioner has stated that in the bill for the period 31.01.2012 to 28.02.2012 reading was shown as 3350 but reading in the meter was found 4967 on 20.05.2012. The meter reader recorded the increased units of 1600 on this date. The petitioner insists that these units were not consumed by him and hence he is not liable to pay for these 1600 units. He has submitted that he is ready to pay Rs. 36,514.00 less cost of 2600 units. The petitioner has requested that the order of the Forum be set aside and order be issued for payment of Rs. 19,880.00 only.
10. In their written statement the respondent has maintained that a 1 KW commercial connection was released to the petitioner on 01.08.2006. He was regularly paying the bills up to 2008. The meter was replaced on 22.06.2009 as it was defective. During the period the meter remained defective, average bills were being issued. Though the respondent has claimed that bills were being issued as per meter reading, it is seen from the table given by them that IDF bills continued up to 30.09.2009, metered bills only started being sent from October 2009. Dues from the petitioner up to 30.09.2009 were Rs. 13,329.00 against which Rs. 12,271.00 were paid leaving balance of Rs. 1,059.00. The respondent states that from the time of replacement of IDF meter, bills up to 10/2010 were issued as per meter reading. The meter showed consumption of

2650 units and a sum of Rs. 14,779.00 was due from the petitioner. The respondent then switches to 2011 and states that in the month of 09/2011 bill for consumption of units from 2950 to 3110 was issued. In this bill adjustment for a sum of Rs. 6,426.00 for NR bills was allowed. Bills up to January 2013 for the reading 5435 were issued for a sum of Rs. 41,784.00. Thereafter from 02/2013 to 07/2013 IDF bills were issued and total amount outstanding against the petitioner became Rs. 48,679.00. Details of the monthly bills from 30.09.2009 to 07/2013 said to have been prepared on the basis of the billing ledgers has also been submitted by the respondent to corroborate their claim.

11. On the basis of these details the respondent has claimed that correct bills as per meter readings were sent to the petitioner but after 30.09.2009 and up to July 2013 he has not made any payment. The respondent has further submitted that on receipt of application dated 23.07.2013 from the petitioner for PD, the connection was disconnected on 25.07.2013 on the basis of nonpayment of dues. Though the disconnection was done on 25.07.2013, the OM for PD was only finalized on 05.12.2013. By that time a total of Rs. 52684.00 was shown as due from the petitioner. After deleting the amount charged from 25.07.2013 onwards and revision of IDF bills, an amount of Rs. 16168.00 was deleted and a final bill for 46 months from 10/2009 to 07/2013 amounting to Rs. 36,514.00 was sent to the petitioner which has not been paid by him as yet.
12. The Forum in their order has discussed the case in detail and disposed off the complaint. They have ordered that as per Rules, the petitioner has to make payment of the amount shown in the PD OM dated 05.12.2013 and have also directed the respondent to accept the arrears in 3 equal installments.
13. After having gone through the records and documents available on file as also hearing the counter arguments by the parties, it is established that a connection of 1 KW for commercial use was released to the petitioner on 01.08.2006 and was permanently disconnected on the request of the petitioner on 25.07.2013. The first meter installed at the time of release of the connection became defective and was replaced by another meter on 22.06.2009. The petitioner continued to pay the bills up to 2008. Although the meter was replaced on 22.06.2009 but IDF billing continued up to 30.09.2009 and a sum of Rs.

13,329.00 was outstanding against the petitioner up to 30.09.2009 against which Rs. 12,271 was paid leaving a balance of Rs. 1,059.00.

14. The first metered bill was issued for the period 30.09.2009 to 31.10.2009 showing initial reading 2 and present reading 152. The connection was permanently disconnected (PD) on 25.07.2013 while the meter was in IDF position and reading in the meter appeared as 5435. The meter was in IDF position since January 2013 at reading 5435. This was the final reading recorded on the meter on 31.01.2013 when it became IDF and remained so till the date of permanent disconnection i.e. 25.07.2013. Thus from 30.09.2009 till 25.07.2013 the position of issue of bills was as follows:

- a) From October 2009 to October 2010 from reading 2 to 2950 and again from 10/2011 to 01/2013 from reading 2950 to 5435 on the basis of actual readings shown by the meter (29 months).
- b) From 11/2010 to 09/2011 (11 months) NR bills.
- c) From 02/2013 to 07/2013 (6 months) IDF bills on the average of 150 units per month.

15 Thus during the period of 46 months which relates to the billing dispute under the appeal, bills for 29 months were issued on metered consumption; for 11 months on NR and 6 months on IDF.

16. The total dues outstanding against the petitioner as shown in the PD OM dated 05.12.2013 were Rs. 52,684.00. The respondent prepared the final bill on the basis of total consumption from 30.09.2009 to 31.01.2013 i.e. 5433 units (5435 – 2) recorded by the meter in 40 months and has also revised the IDF bills from February 2013 to July 2013 on the basis of average consumption of 135 units per month as against 150 units charged in the IDF bills. While preparing the final bill after PD the respondent has revised the bills on the basis of average consumption of 135 units worked out on the basis of consumption recorded from 30.09.2009 to 31.01.2013 i.e. 5433 units. Adjustment amounting to Rs. 6,426.00 for NR bills issued from 11/2010 to 09/2011 (for 11 months) having already been allowed and thus the net amount payable by the petitioner after

waival of fictitious dues amounting to Rs. 16,168.00 from the gross outstanding dues of 52,684.00 has been worked out as Rs. 36,516.00.

17. The petitioner showed bills ranging from consumption of 50-100 units to 800 units in different months. The respondent has admitted that the reading shown in the bills was not as per the reading on the meter and hence the respondent issued a revised bill for the entire period. By issuing a revised bill for a total consumption between September 2009 to January 2013, the respondent has sought to adjust the excessive units shown from time to time in the petitioner's bill for which they had no explanation and also for the IDF/NR bills.
18. The petitioner has claimed that his average consumption has been 100 units per month and his consumption during the period of 46 months should be treated as 4600 units. He has worked out the cost thereof as Rs. 19,880.00. He has not explained under which tariff and rules he has worked out the amount. Neither has he been able to give any documentary evidence to support his assumptions. Therefore his contention cannot be accepted. On the other hand the respondent has pleaded his case duly supported with documents and has worked out the net payable amount as Rs. 36,516.00 in accordance with relevant Regulations and factual position of the case. The respondent's demand therefore appears to be justified and genuine.
19. It is hereby ordered that the petitioner has to pay the legitimate dues of Rs. 36,516.00 as claimed by the respondent and in case he fails to pay these dues the respondent may recover their just and legitimate dues by adopting means available to them under relevant Regulations and as also under provisions of Dues Recovery Act, 1958, if necessary. Forum's order is upheld but with the remark that they have gone beyond their jurisdiction by ordering recovery of dues in 3 equal installments. The appeal is dismissed.
20. Once again it is necessary to point out the carelessness and negligence of the staff in recording the meter reading properly, leading to such disputes occurring again and again. It is reiterated that the Head Office may issue necessary instructions to the field staff to ensure that consumers are not put to

hardship due to their carelessness and proper timely checking of the equipment in the field is carried out by them.

Dated: 27.06.2014

(Renuka Muttoo)  
Ombudsman