

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Harish Kumar
S/o Late Shri Babulal,
Anand Baag, Talla Gorakhpur,
Haldwani, Distt. Nainital, Uttarakhand

Vs

The Executive Engineer,
Electricity Division (Urban),
Uttarakhand Power Corporation Ltd.,
Tikonia, Haldwani, Distt. Nainital, Uttarakhand.

Representation No. 25/2013

Order

The Petitioner approached the office of Ombudsman with a petition dated 23.08.2013. The petitioner has sought relief against the judgment of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) in his case against the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) for correction in his bills. As the documents were not complete the petitioner was asked to complete the same and resubmit his case. He did so vide a petition dated 14.10.2013.

2. The petitioner states that there is a domestic connection in the name of his mother at his residence. He claims that according to information provided by the respondent the connection was disconnected on 28.12.2009. He however claims that the connection was disconnected in January 2009 and he had made his first complaint on 17.06.2009, second complaint on 17.08.2009 and third complaint on 29.09.2009. Each time, the respondent promised to reconnect the line but did not do so.
3. On 01.04.2010 the petitioner gave a letter to the Executive Engineer wherein he claimed that his electricity had been disconnected at the beginning of 2009 but the department is maintaining that it was disconnected on 28.12.2009. He requested that his line be reconnected. He informed that as at that time his brother had cancer and he was spending a lot of money on his cure, he did not have money to pay the exorbitant

bills sent by the department. The petitioner requested that the bills be corrected and he would pay the same. However no action was taken by the respondent. The petitioner continued to visit the office of the respondent with no result.

4. The petitioner claims that on 27.07.2011 he went to the respondent's office and informed that his brother had died because of lack of electricity. He claims that the JE immediately got his corrected bill prepared for Rs. 33,015.00 and also promised that on payment of the amount the line would be reconnected and the meter would be changed. The petitioner states that he made payment of Rs. 20,000.00 on 28.07.2011 and his line was reconnected. He states that on 01.08.2011 the meter was changed. The petitioner further states that despite the meter being changed there was no correction in the bill and the bill received by him subsequently was for an amount of Rs. 50,000.00 approximately. He claims that he made a number of complaints but received no relief.
5. Aggrieved by the action of the respondent the petitioner approached the Forum. In his complaint before the Forum the petitioner stated that he had paid Rs. 50,000.00 towards his electricity dues after which he was given a revised bill of Rs. 33,015.00. This was accepted by him and Rs. 20,000.00 was immediately paid by him so that the line could be reconnected. Only Rs. 13,000.00 was pending, however, he again received a bill for Rs. 50,000.00 and despite his request he received no relief from the respondent. He requested that his bill may be corrected. The Forum felt that the main issue related to whether the line was disconnected as maintained by the petitioner or on 28.12.2009 as stated by the respondent. The Forum decided after examining all the papers and hearing arguments that it was established that the line was disconnected on 28.12.2009 and was reconnected on 28.07.2011 after the petitioner has paid Rs. 20,000.00. The Forum therefore dismissed the complaint.
6. The respondent in their statement have maintained that the line was disconnected on 28.12.2009 as per JE's report. The respondent also questioned the petitioner's claim on the ground that if the line was disconnected in January 2009 then why did the petitioner make payments of Rs. 10,000.00 on 22.03.2009 and again Rs. 5,000.00 on 29.06.2009. As per the respondent this would only imply that the line was connected and the petitioner was making part payments to ensure that the line was not disconnected. The respondent maintains that the claim of the petitioner that the bill for

Rs. 33,015.00 was the corrected bill till the date i.e. 27.07.2011 is incorrect. Rs. 33,015.00 was the amount owed by the petitioner in arrears up to March 2009 for consumption of up to 1987 units. Subsequent to that because the meter was defective, the petitioner was sent IDF bills on the basis of the average of the previous 3 billing cycles from 04/2009 to 01/2010 and thereafter assessed bills were issued up to 07/2011. From August 2011 onwards bills on metered consumption based on the meter reading of the new meter were issued. The respondent maintains that as per the JE's report the petitioner's line was disconnected on 28.12.2009 and was only reconnected subsequent to the payment of Rs. 20,000.00 by the petitioner on 28.07.2011.

7. The respondent states that at the time of reconnection on 28.07.2011, an amount of Rs. 54,315.00 was outstanding against the petitioner out of which Rs. 20,000.00 was deposited by him. By the end of 01/2013 the total outstanding amount was Rs. 50,199.00. On the petitioner's request that as his line was disconnected, the bill for that period should be deducted, a fresh assessment was drawn up taking into account the disconnection period (demand revised to fixed charges for this period – Rs. 20 per month) and the demand was reduced from Rs. 50,199.00 to Rs. 31,386.00 but even this was not acceptable to the petitioner hence it was not given to him. The respondent also informed that the petitioner is in the habit of not making full payment of any of his bills from the time the connection was released. Cheques given by him used to bounce and his line would be disconnected. On payment in cash it would be reconnected. Cheque given on 29.01.2009 bounced and cash payment was made on 22.03.2009. Next cheque given on 28.03.2009 also bounced and cash was deposited on 29.06.2009.
8. Various dates for hearing were fixed, however the petitioner did not attend and every time sent some excuse for not attending. After the fourth such adjournment when the petitioner was informed that the case would be decided ex-parte, he came for the hearing on 21.05.2014.
9. At the hearing the petitioner requested that the period for disconnection should be treated from January 2009 to 28.07.2011. His claim is that his line was disconnected at the beginning of 2009, however he has not been able to produce any evidence regarding this. As per the respondent the total period of disconnection was from

28.12.2009 to 27.07.2011 – total of 19 months. The petitioner was queried as to why he had made payments in March and June 2009 if his line was disconnected. He did not have any plausible answer to this query. As per the billing assessment prepared by the respondent there was consumption during February and March 2009 which was reflected in the bill for that billing cycle. In case the line had been disconnected this consumption would not have been made. Hence the contention of the petitioner that the line was disconnected in January 2009 appears to be incorrect.

10. The petitioner has also questioned how the amount of his bill kept increasing despite little or no consumption, for example he showed the bill of 31.01.2012 to 31.03.2012 where after payment of Rs. 10,000.00, total amount due from him was Rs. 33,009.00 but in the bill for 31.05.2012 to 31.07.2012 the amount had jumped to Rs. 45,399.00. What the petitioner fails to understand is that the arrears kept adding up and surcharge kept being applied to the same leading to the amount increasing to such an extent. For example in the bill for 30.09.2012 to 30.11.2012 while the current bill is only for Rs. 834.00, the arrears till the last bill amounted to Rs. 46,730.00 + current surcharge Rs. 1,079.00, a total of Rs. 48,654.00.
11. From the above facts it is clear that the petitioner was in the habit of making part payment of the bills because of which the nonpaid amount became arrears and surcharge was levied on this. Due to this nonpayment of the full amount the arrears + surcharge kept mounting and had reached Rs. 50,199.00 by the end of January 2013. While the respondent was willing to revise the bill and in fact reduced the bill from Rs. 50,199.00 to Rs. 31,386.00 in February 2013, the petitioner was not willing to accept the same and hence this was not advised. In fact due to nonpayment of the full bill/arrears, the arrears + surcharge have reached Rs. 79,227.00 by the end of May 2014. The petitioner's claim that the period of disconnection be treated from January 2009 instead of 28.12.2009 is not sustainable due to lack of any evidence to this effect. The bill prepared by the respondent in February 2013 showing the arrears + surcharge as Rs. 31,386.00 is correct.
12. The respondent has informed vide his letter dated 26.06.2014 that arrear amount of Rs. 79,227.00 pending against the petitioner at the end of May 2014 has been revised as this was based on the original arrear of Rs. 50,199.00 and not Rs. 31,386.00. After revision the gross amount due at the end of May 2014 is Rs. 57,596.54 out of which

Rs. 45,656.00 is the principal amount and Rs. 11,941 is surcharge amount. The respondent is advised that the amount of surcharge. The surcharge of Rs. 11,941.00 should also be deleted from the dues under the Government's Late Payment Surcharge Waiver Scheme which is in effect right now. If the petitioner makes the payment within the period of applicability of the scheme he would only have to pay Rs. 45,656.00 being the principal amount. The statement showing up-to-date billing position with gross dues, LPS and principal amount clearly shown in separate columns should be sent to the petitioner. The petitioner would have to make payment as per the revised bill and in case he fails to do so, the respondent may take necessary action for recovery of dues.

Dated: 27.06.2014

(Renuka Muttoo)
Ombudsman