

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Kuldeep Agarwal  
S/o Shri Devi Prasad Agarwal  
M/s Alka Hotel,  
Ranikhet, Distt. Almora, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
Ranikhet, Distt. Almora, Uttarakhand

Representation No. 23/2013

### **Order**

The petitioner, Shri Kuldeep Agarwal approached the office of Ombudsman with a petition dated 16.08.2013 against the majority decision dated 17.07.2013 of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) in their matter against the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent).

2. The petitioner states that till April 2012 he was regularly receiving his electricity bills which were being paid by him. He did not get the bill for the months of May and June 2012 despite several reminders to the respondent. He claims he was finally sent the bill by the respondent vide a letter dated 23.03.2013. The total amount for the two months was Rs. 1,06,606.00. The petitioner claims he appealed to the respondent that he could not have consumed so much electricity in two months to have raised such a heavy bill, however the respondent refused to listen to him. The petitioner maintains that the bill for May and June 2012 given to him by the respondent was completely wrong as it showed the units for May as 314582 and for June as 15464 units. The petitioner also mentions that on his complaint a check meter was installed at his premises on 13.02.2013, however he was not informed of the results of the check meter. Subsequently the respondent installed another check meter at the premises of the petitioner on 24.02.2013 in his absence and without any reading been taken. The

old meter installed at his premises was removed on 02.03.2013 leaving the check meter in place. The petitioner has mentioned that the respondent took the MRI of the old meter on 19.01.2013 but did not give the petitioner a copy of the report. He has further mentioned that the MRI of his old meter which was removed on 02.03.2013 was done on 21.03.2013. The petitioner claims that on the pretext of taking MRI/checking the respondent tampered with the meter on a number of occasions. The petitioner has maintained that the actions of the respondent were only to harass him. The petitioner approached the Forum, however not satisfied with the order of the Forum he has approached the Ombudsman with the prayer that the Forum's order be set aside and the respondent be asked to withdraw the bills for May and June 2012 based on MRI.

3. Forum in their order have mentioned that the petitioner came to them with the complaint that the respondent had sent a bill for Rs. 20,426.00 for April 2012 wherein LPS was to the tune of Rs. 11566.00. The petitioner informed that he paid the bill minus the LPS amount on 10.09.2012. He further stated that he did not get the bills for May and June 2012, but in the bill for July the respondent had shown arrears due from him of Rs. 94,401.00 with the total bill being Rs. 1,06,606.00. The petitioner claims that the current reading on the bill for April was 30593 units while the last reading on the July 2012 bill was 48771 units with total units for July being 1307. The petitioner claims that it was not possible for the reading to have jumped from 30593 to 48771 in two months. Despite repeated requests the respondent did not give him the bill for May and June 2012. Without giving him the bills the respondent claimed that they had revised the bill for these two months. The petitioner also informed about installation of two check meters at his premises. He claimed that the check meter installed on 24.02.2013 was installed in his absence without keeping him informed about the original reading and on the basis of this check meter the respondent declared his old meter to be functioning properly. The Forum held that on the basis of sealing certificates produced by the respondent it was seen that a check meter was installed on 24.02.2013 and finalized on 02.03.2013. The sealing certificate of 02.03.2013 showed that there was no difference between the reading of old meter and the check meter. Since the old meter was ABB make it was removed and the check meter (Genus make) was left in its place. The petitioner was unable to produce any documents to substantiate his claim that another check meter had been installed earlier also. The

Forum held in the majority judgment that the reading being taken from the petitioner's meter every month was recorded incorrectly as per the MRI results. The bill prepared on the basis of the MRI reading cannot be declared incorrect and hence bill raised on the basis of MRI reading was correct.

4. The respondent in his statement has informed that the petitioner is running a hotel at Ranikhet and there are arrears pending against the petitioner from September 2011. The arrears in 09/2011 were Rs. 6042.00 and in 04/2012 had increased to Rs. 20,426.00. The respondent has admitted that due to manual mistake incorrect reading was shown for May 2012 and June 2012, however, the matter was corrected and after correction shown in the bill for July 2012, hence the petitioner's claim that he was not informed about the bills for May and June 2012 is incorrect. The total arrears due from the petitioner for the two months along with the arrears prior to May 2012 were consolidated and shown in the bill for July 2012. The respondent has informed that the petitioner was called to the office and explained the entire position. He was also sent a reply in response to his letter. In the reply dated 26.09.2012 it was shown that Rs. 85765.00 was due from the petitioner up to 08/2012. The respondent informed that a check meter was installed on 24.02.2013 at the premises of the petitioner and finalized on 02.03.2013. According to the check meter the old meter of the petitioner was working properly. A report to this effect dated 07.03.2013 was sent to the petitioner. The respondent has denied any MRI being done on the old meter on 19.01.2013.
5. The respondent has further informed that the petitioner was not paying his bill in full since 09/2011. The respondent has informed that the MRI reading of the old meter for a full year was taken out which showed that the meter reading was not being recorded correctly till June 2012. However after catching the mistake in May/June 2012 the last reading shown in the July 2012 bill was correct as per the MRI report. The respondent says that there was no tampering with the meter of the petitioner which is lying in the safe custody of the Lab. The respondent states that the old meter was removed on 02.03.2013 as it was ABB make with old software. Bills are being sent to the petitioner on the basis of the meter reading.
6. After hearing the arguments and examining the documents shown by both parties, it appears that the meter installed at the petitioner's premises was functioning properly.

The check meter installed from 24.02.2013 to 02.03.2013 showed that the old meter was functioning correctly, however, due to negligence by the meter reader meter reading was not being recorded correctly. The MRI report from April 2012 showed that the meter reading was being recorded incorrectly from much before, for example, the current reading for April 2012 shown in the bill was 30593 whereas the MRI showed that it was 42996. The huge arrears against the petitioner arose because he appears not have been paying his bills in full as is evidenced by his own statement that the bill for April 2012 showed dues of Rs. 20,426.00 of which arrears amounted to Rs. 11566.00 which he did not pay. Due to his failure to pay the bills in full the arrears have continued to increase. The petitioner has failed to produce any papers regarding installation of check meter on 13.02.2013 or MRI done on 19.01.2013.

7. After perusing the MRI report and the bills issued by the respondent from July 2012 it is clear that the petitioner has been billed according to the actual consumption. This was being recorded incorrectly earlier. Due to the correction in July 2012, all the unbilled units which had not been shown earlier in the billing suddenly got projected as the consumption for May and June 2012. This was however not the case and it was the accumulated unbilled units which were shown after the correction. I therefore find that the billing done by the respondent is correct. Majority judgment of the Forum is upheld. The petitioner is liable to pay the amount shown due from him. The stay granted on 20.08.2013 is hereby vacated.

Dated: 23.05.2014

(Renuka Muttoo)  
Ombudsman