

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Jai Prakash Chauhan
D-8, Shri Ramnagar, Jwalapur
Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural)
Uttarakhand Power Corporation Ltd.
Haridwar, Uttarakhand

Representation No. 13/2014

Order

The petitioner Shri Jai Prakash Chauhan, approached the office of Ombudsman with a petition dated 04.06.2014 against Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) order dated 17.05.2014 in his complaint against Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent). As this petition suffered from several infirmities, he was asked to remove them and submit a fresh application. The petitioner submitted two applications dated 19.06.2014 and 30.06.2014 with necessary clarifications and the petition was admitted on 03.07.2014.

2. In the petition dated 19.06.2014 the petitioner has claimed that he had sent a complaint to the Forum against the SDO Bhadarabad vide his letter dated 10.10.2013. The petitioner states that there is an electricity connection no. HR2-1224-102453 in the name of his wife Smt. Sulochna Chauhan. He claims that Rs. 1,481.00 was deposited on 10.07.2013 as per the bill. After the payment of the bill amount, in response to an RTI query by the petitioner, the SDO forced him to deposit another Rs. 5,000.00 as advance against the same connection on 17.07.2013. (Receipts for both payments have been enclosed.) The petitioner sent a complaint to the Forum regarding this action of the SDO, however, the Forum did not send any notice or call the concerned SDO for questioning. He also claims that due to pressure by the SDO the meter readers have been giving incorrect reading for the past 3 years. He claims that for the first time in December 2013 the meter reader took the reading with a handset and the

petitioner found that the respondent had been sending him bills for incorrect reading till now. The petitioner further adds that in 2011 he had complained against the then meter reader and requested for information however the correct meter reading was still not sent as the SDO was taking bribes from the meter reader and could not take any action against him.

3. The petitioner claims that he had asked for an MRI report from 24.10.2011 but was not given this and instead he was given the MRI report for another period. He has asked that he be given the MRI report from October 2011 as demanded by him. The petitioner claims that the meter reader in his area who serves about 100 consumers was giving incorrect readings for all the consumers and despite complaints being made to various authorities no action was taken against him. He has claimed that the SDO of the area was complicit with the meter reader in this fraud. The petitioner has also claimed that the respondent has been applying wrong tariff over the years. He has however not provided any documentary evidence to substantiate the claims made by him. The petitioner has alleged that bills were repeatedly revised in order to harass the consumer. The petitioner has also alleged that the respondent was not showing the actual amount being paid by the petitioner against the bills and was showing different amounts to create confusion.
4. Not getting any relief from the respondent, the petitioner approached the Forum. Unhappy with the order of the Forum he has accused the Forum of not examining the matter and giving the judgment against him. The petitioner has prayed that
 - a. Late Payment Surcharge imposed on him should be waived off.
 - b. He should be provided correct bills for the entire period after making adjustment of amount paid by him till now and the final bill should be provided to him.
 - c. The bill be prepared at the rate of Rs. 2.20 which according to him is the correct tariff.
 - d. Action should be initiated against not only the meter reader but also the JE & SDO.
 - e. The payment should be taken in installments after correction of the bill.
5. In their statement the respondents have informed that an electricity connection of 4 KW was released to Smt. Sulochna Chauhan on 31.05.2008. According to billing details the petitioner deposited Rs. 1,481.00 on 10.07.2013 and further Rs. 5,000.00 on 17.07.2013.
6. The Forum in their order have mentioned that the respondent sent a communication dated 10.04.2014, to the Forum informing that meter no. 308255 was installed at the petitioner's premises on 24.10.2011 with initial reading as 0. Till February 2014 the total reading had reached 25168 units. On checking the MRI of the meter the consumption from 04/2013 to 02/2014 was found to be 12524 units. The respondent prepared a bill of Rs. 44,638.00 for the

period 04/2013 to 02/2014 and a bill of Rs. 50,411.00 for 12644 units for the period 11/2011 to 03/2013 i.e. a total of 25168 units. Thus the total bill for the entire period 11/2011 to 02/2014 came to Rs. 95,049.00 out of which the paid amount of Rs. 12,963.00 was deducted leaving arrears of Rs. 82,086.00 to be paid by the petitioner. The Forum has further mentioned that the respondent sent a communication dated 26.04.2014, vide which they informed that the petitioner's connection was first released on 31.05.2008 with a load of 2 KW which was increased to 6 KW on 24.10.2011. The respondent also stated that the consumption from 11/2011 to 03/2013 was 12644 units. Based on this consumption pattern, the average monthly consumption came to 744 units. The consumption for 2 months from 02/2014 was 1918 units and the average based on this consumption came to 959 units. The respondent further added that in case the 6 KW connection was used even for only 8 hours per day, the average monthly consumption would be 1440 units. The respondent therefore felt that the meter was functioning correctly and recording the correct consumption.

7. The Forum concluded based on the documents provided that as per the MRI report the bill sent to the petitioner was correct. They also ordered that if any surcharge had been applied the same may be removed. They ordered that action should be taken against the defaulting meter reader.
8. In their submission before the Ombudsman the respondent informed that the load was enhanced from 4 KW to 6 KW and a 3 phase meter no. 308255 was installed on 24.10.2011. Advice regarding the enhancement of load, however, was only sent to the computer section for billing purposes, in December 2012. Due to this laxity in sending the input to the billing section, the actual consumption could not be shown in the bills from 24.10.2011. Though the change was made in December 2012, the meter reader did not give the correct reading till October 2013. Because of the correct readings not being given, the accumulated units showing in the meter were not reported. The respondent claims that the correct meter reading of the petitioner's meter was taken only in December 2013 (nearly 25 months after the new meter was installed) and it was found that the actual reading in the meter was 23250. As the petitioner had been billed for 1753 units out of this total, a bill for consumption of 21497 units amounting to Rs. 73,028.00 was issued in December 2013. (It is clear from this admission of the respondent that there has been negligence at the sub divisional office and very clear that the meter reader was filling the reading without visiting the premises.)
9. Examination of the consumer history provided by the respondent shows that though the load was enhanced and a new meter was installed on 24.10.2011, the petitioner was sent IDF bills from October 2011 to December 2012. From December 2012 to 27.10.2013 total billed units

was 1753. This shows that even then proper readings were not being taken. In December 2013 when the meter was checked with a handset, the actual reading was seen to be 23250. Subtracting the amount already billed, a consolidated bill of accumulated units for this entire period from installation of new meter 24.10.2011 was sent. As the bill was prepared for the accumulated left over units, the billing was done on a higher slab. Subsequently the bill was revised at the correct tariff for the period 24.10.2011 to February 2014 on the basis of actual consumption which had risen to 25168 units. Adjustment for Rs. 12,963.00 already deposited during this period was allowed.

10. The respondent also informed that in pursuance of the order of the Forum, MRI of the petitioner's meter was carried out in February 2014 and the reading at that time showed consumption of 25168 units. Further the MRI showed consumption of 12524 units from April 2013 to February 2014. The remaining 12644 units were consumed from November 2011 to March 2013. The respondent worked out the monthly average and charged as per the appropriate tariff for that period to prepare the final bill issued in February 2014 for Rs. 95,049.00. After allowing adjustment of amount already paid the net due from the petitioner was Rs. 82,086.00. This has been further revised as per the orders of the Forum to Rs. 68,368.00 by excluding LPS. The respondent informed that the meter reader had been removed and that action would be taken against the concerned JE and SDO.
11. At the first hearing the respondent was directed to revise the bills of the petitioner from 24.10.2011 taking average of 900 units per month (25168 divided by 28) and allowing adjustment of all the payments made by the petitioner during this period. The same was done by the respondent, however the petitioner has objected to the final bill sent by the respondent dated 01.09.2014 amounting to Rs. 81,168.53 up to July 2014. The petitioner has raised objections on the ground that the communication sent by the respondent has been back dated and further alleged that the correct tariff rate has not been applied. He has also alleged that during interaction on 30.08.2014 with some staff of the respondent, he had been assured that he would be sent a bill for Rs. 70,000.00 provided he paid a bribe. As he did not pay the bribe they have given this inflated bill. He has further alleged corruption is continuing in the local electricity office.
12. Perusal of the final bill prepared by the respondent shows that it has been properly worked out as per the units consumed. Correct tariff as applicable has been applied. Surcharge has been removed. Amount already paid for this period has been deducted before arriving at the final figure. The petitioner however is not satisfied and continues to bring up new arguments each time including vide RTI applications, giving his own calculations of applicable tariff and

instead of the dues being worked out on the average units per month. While earlier he had asked in writing that he should be provided corrected bills after adjustment of amount paid by him, once this was done he has now demanded a new methodology be applied for working out the arrears. He now wants that the units paid by him per month should first be deducted and then the amount due for the rest of the units be worked out as per the applicable tariff. His contention is not feasible and the method for calculation used by the respondent is correct. The petitioner has also continued to demand that MRI of the meter be given from 24.10.2011, date of installation of the new meter. This however is not possible as the meter can only store MRI of one year previous. As the MRI was done only in February 2014, the report can only provide details from February 2013. It is established that the petitioner has used 25168 units from 24.10.2011 to February 2014 and has only paid for a part of the units consumed due to wrong billing based on incorrect readings provided by the meter reader. The petitioner cannot now raise various objections to avoid paying for the power consumed. He is advised to make payment as per the final bill of 01.09.2014. In case the petitioner fails to make the payments the respondent may take necessary action as deemed fit. Order of the Forum is upheld, petition is dismissed.

13. I have pointed out certain lacunae in the functioning of the respondent's local office in para 8. This should be taken note of and action initiated against the concerned officials.

Dated: 14.11.2014

(Renuka Muttoo)
Ombudsman