

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Sanjeev Kumar Agarwal  
S/o Shri Satish Chand Agarwal  
14, Industrial Estate Sitabpur,  
Kotdwara, Distt. Pauri Garhwal, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
Kotdwara, Distt. Pauri Garhwal, Uttarakhand

Representation No. 02/2013

### **Order**

The petitioner, Shri Sanjeev Kumar Agarwal approached the office of Ombudsman vide his petition dated 22.02.2013 against the order of the Consumer Grievance Redressal Forum, Garhwal Zone (hereinafter referred to as Forum) dated 21.01.2013 for realization of charges demanded by the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent).

2. The petitioner has stated that he has a contracted load of 35 KW. Meter no. 02271742 was installed at his premises on 29.03.2010. The petitioner was regularly paying the electricity bills raised by the respondent and was not in any arrears. On 13.07.2012, the original meter at the petitioner's premises was changed and a new meter no. 10547570 was installed. On 22.08.2012 the respondent served a revised bill on the petitioner for the period 29.03.2010 (date of installation of the old meter) to 13.07.2012 (date of removal of the meter) for the amount of Rs. 4,11,412.62. The respondent while giving this bill explained that at the time of preparing the sealing certificate for the original meter no. 02271742 on 29.03.2010, the multiplying factor was filled 1 in place of 20 by mistake and hence the consumption shown was only 1/20 of the actual consumption. This fact came to the knowledge of the respondent when they changed the meter on 13.07.2012.

3. The petitioner claims that he was only informed that the Current Transformer (CT) of ratio 100/5 was installed at his premises initially and hence the Multiplying Factor (MF) was 20. The petitioner states that the sealing certificate of 29.03.2010 does not have any mention of installing any Current Transformer (CT) or CT ratio.

The respondent however showed the sealing certificate of 13.07.2012 when the old meter was replaced wherein there is mention of CT and CT ratio. The petitioner mentions that the copy of the sealing certificate of 13.07.2012 was not given to him.

The petitioner maintains that the meter and other associated equipments were removed by the respondent from his premises and at the time of removing the same no mention of any detail was given and nor was the sealing certificate prepared and given to the petitioner. After the meter and equipments came into the possession of the respondent there was no way the correct position could be ascertained and hence it would be difficult to establish whether a CT was in fact installed at his premises and if it was what was the ratio of the CT.

The petitioner claims that the respondent threatened to disconnect his power supply and was coercing the petitioner to pay the demand raised by the respondent without correcting his mistake.

4. The petitioner filed a complaint before the Forum with the request that the Forum declare that no amount was due from the petitioner and the demand of Rs. 4,11,412.00 was illegal and void. The petitioner informed that the respondent had disconnected the electricity supply of the factory of the petitioner and requested that the respondent be directed to restore the electricity supply to his factory. The supply of the petitioner was restored on depositing Rs. 1,26,900.00 during the course of the proceedings before the Forum. The Forum vide their order dated 21.01.2013 dismissed the complaint of the petitioner.
5. The Forum held that there was no merit in the case of the petitioner and the complaint was liable to be dismissed. The matter related to applicability of MF. The respondent released the electricity connection by installing 3 phase 4 wire ABB make CT connected meter no. 02271742 having CT ratio 100/5A MF 20. Due to oversight the MF was mentioned as 1 instead of 20. This oversight cannot go in favour of the petitioner as per established rules and regulations and hence there was no merit in the

case and the complaint was dismissed. The Forum stated that as the petitioner had already deposited Rs. 1,26,900.00 and was willing to pay the rest of the amount, it would be in the fitness of things to permit the petitioner to pay the rest of the amount in three installments by March 31, 2013. In case the petitioner did not do so the respondent could recover the entire amount in a single payment.

6. The petitioner then approached the Ombudsman with the prayer that the order of the Forum be set aside. The respondent be restrained from realizing the sum of Rs. 4,11,412.00. The sum of Rs. 1,26,900.00 already deposited be refunded or adjusted in future bills. The revised bill for 29.03.2010 to 13.07.2012 be cancelled. The petitioner also applied for interim stay. After hearing both parties, interim stay was granted on 18.03.2013, till the disposal of the case subject to the petitioner making a payment of Rs. 50,000.00 by 25.03.2013.
7. Brief facts of the case are that the petitioner was given a 35 KW connection in 2010. An ABB meter no. 02271742 was installed on 29.03.2010. The sealing certificate did not have any mention of CT or MF. As informed by the respondent, on the orders of the head office, all ABB meters had to be replaced and hence the petitioner's meter was replaced by L&T meter no. 10547570 on 13.07.2012. On replacement of the old meter it was found that inadvertently details of CT and MF of the old meter had not been entered in the original sealing certificate. However the details of CT and MF of both the old and new meters were entered in the sealing certificate of 13.07.2012. Because of CT being found with the old meter, the respondent realized the mistake being made in issuing the bills on recorded consumption without applying the correct MF. The respondent by applying the correct MF corrected the position and raised the demand for the actual consumption by the petitioner.
8. With a connection of 35 KW the full load current would be about 70 A so full load meter cannot be installed on this connection and it has to be a CT connected meter (this is because normally full load meter can only take up to 20A and to take a load more than that, CT connected meter is required). In fact that is why the sealing certificate of 29.03.2010 shows capacity of the meter as 3/10 (cut out) – 5A which indicates that it is a CT connected meter. Further had it been a full load meter of the capacity 5A as mentioned in the sealing certificate, it could have burnt on the load

drawn by the consumer for his 35 KW connection, which has not happened, it therefore indicates that it is a CT connected meter. Examination of his old bills with MF 1 shows a consumption varying from 05 units to 500 units per month. For such a small consumption there was no need for a 35 KW connection. Moreover, with such a small consumption the petitioner would not be able to run any industrial unit as 500 units per month would mean a half hour usage of 35 KW per day. The consumption after installation of the new meter on 13.07.2012 show that the consumption has gone up to 5640 units per month after applying MF of 20. This appears a more reasonable consumption for running this industry.

9. The respondent has informed that the original meter installed at the premises of the petitioner i.e. ABB meter no. 02271742 was earlier installed at the premises of one Mrs. Barthwal. This meter was removed from Mrs. Barthwal's premises on 05.03.2010. The sealing certificate of 05.03.2010 shows that this meter had a CT 100/5A with 20 MF. The final reading on this meter was shown as 824. The meter installed at the premises of the petitioner is the same meter which was removed on 05.03.2010. The sealing certificate of 29.03.2010 date of installation of the meter at the premises of the petitioner show the same meter no. and meter reading 824. The department no. on the meter is the same on both the sealing certificates. The load in the case of Mrs. Barthwal was 40 KW and load for the petitioner is 35 KW, both loads requiring same CT ratio.
10. The respondents have claimed that the connection of the petitioner was released on 29.03.2010 by installing 3 phase 4 wire ABB make CT connected meter no. 02271742 having CT ratio 100/5A and MF 20. However, due to oversight details of CT was not entered in the sealing certificate dated 29.03.2010 due to which the MF of the meter was entered as 1 for billing purpose whereas the MF should be 20 as per installed meter and connected load. Due to this clerical mistake bills were issued as per MF 1. Subsequently the head office issued directions to replace the ABB make 3 phase meter. The discrepancy of the MF of the meter was detected when the old meter of ABB make was replaced by a new L&T make meter no. 10547570 on 13.07.2012. The details of both the old and new meter were recorded jointly by Assistant Engineer, Test and SDO, Distribution in the sealing certificate which was duly acknowledged by the representative of the petitioner. The sealing certificate clearly

showed that the old meter had the CT ratio of 100/5A and MF 20. On 13.07.2012 only the ABB make meter was replaced while the old CT was kept as it was. The respondent maintains that the petitioner was informed of the basis on which revised bill was given to him vide letter dated 28.08.2012. The respondent also denied that the sealing certificate was not signed by the petitioner and was not given to him on the spot. The respondent further states that in compliance with the order dated 21.01.2013 of the Forum the respondent issued office order dated 29.01.2013 for recovery of arrears from the petitioner in three installments. As the applicant did not pay the first installment by its due date 31.01.2013 the connection was disconnected on 23.02.2013 for nonpayment of bill. In compliance with the order of the Ombudsman of 18.03.2013, the petitioner deposited Rs. 50,000.00 and his connection was restored on the same day.

11. An inspection at the premises of the petitioner was carried out on 23.04.2013 in the presence of the petitioner. During the verification CT make –Superfine, ratio-100/5A was found installed with the new meter. (It has already been mentioned earlier that while the meter was replaced on 13.07.2012, the CT was left unchanged.) The connected load on the premises was 19.728 KW. Even for this load, a CT connected meter is required.
12. The whole issue has arisen due to the negligence of the respondent staff in not entering the correct details in the original sealing certificate when the connection was installed on 29.03.2010. The question is whether the petitioner should get the benefit due to the careless mistake of the official who installed the meter and filled up the sealing certificate. There are no provisions in the Regulations or the Act on this subject. In this case the petitioner has claimed that there was no CT installed on his meter installed on 29.03.2010. As has been shown above, it has been proved by the respondent that the meter installed at the premises of the petitioner on 29.03.2010 was the same meter which was disconnected from another consumer's premises. The sealing certificate at the time of removal of the meter shows that it was a CT connected meter with CT ratio 100/5A and MF 20, hence it stands to reason that meter with CT was installed at the premises of the petitioner.

13. The case is dismissed. Order of the Forum is upheld. The petitioner should pay the rest of the arrears due from him. In case the payment is not made, the respondent should take appropriate action to recover the dues.
14. As mentioned above, there has been negligence on the part of the staff which installed the meter in 2010. It has been shown that a meter removed from the premises of one consumer was installed at the premises of the petitioner, however this was done without making an indent for the same. This was an irregularity. The mistake was further compounded the problem by not mentioning the CT/MF on the sealing certificate. The department may take cognizance and initiate action against the officials concerned.

Dated: 31.01.2014

(Renuka Muttoo)  
Ombudsman