

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Manoj Kumar Gupta
S/o Late Shri Ramji Prasad Gupta
Sai Vihar, Virbhadra Marg, Rishikesh
Distt. Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Shail Vihar, Rishikesh,
Distt. Dehradun, Uttarakhand

Representation No. 09/2015

Order

The petitioner, Shri Manoj Kumar Gupta has filed this appeal before Ombudsman on 01.04.2015 against the order of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 02.03.2015 in complaint no. 136/14 against Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent). He has claimed that in his complaint before the Forum he had asked for relief on 4 issues out of which in item no. 2 he had specifically requested to know how the consumption of 5132 units could have been possible in a closed shop/office while the electricity connection has been disconnected. He also maintained that in reply to an RTI query respondent through their letter no. 554 dated 23.04.2011 have indicated that a sum of Rs. 733.00 excess payment is deposited with the department on behalf of applicant's father Shri Ramji Prasad Gupta.

2. The case before the Forum briefly was that applicant's father Shri Ramji Prasad Gupta got an electricity connection no. 053095 with meter no. REL381 (Maker no. 901359) on 19.08.2003. Despite verbal and written requests he was not given bill against the meter. The bill dated 17.03.2004 with earlier reading 1 and present reading 30 and a bill amount of Rs. 1,315.00 was issued which was paid by the petitioner on 29.03.2004. Similarly the petitioner paid a sum of Rs. 4,200.00 on 09.06.2006.

Subsequently the petitioner sought various items of information under RTI from the department. In response to a query the department informed him on 23.04.2011 that the bill in the name of his father Shri Ramji Prasad Gupta has been corrected and a sum of Rs. 733.00 excess paid by petitioner is still deposited with the department. The meter was found to be defective and was replaced by the department on 09.03.2012 and the old meter no. REL381 was changed and new meter no. 20024463 was installed. Again despite repeated requests no bill was received after replacement of meter. When the petitioner sought information under RTI he was informed on 19.06.2014 along with a copy of bill that at the time of replacement of meter on 09.03.2012 the old meter reading was 5132 and the new meter showed a reading of 5 on 17.06.2014 and therefore the outstanding amount up to 07.06.2014 was shown to be Rs. 53,205.00. Meanwhile petitioner's father Shri Ramji Prasad Gupta passed away on 14.01.2013. Petitioner while seeking compensation and any other relief the Forum may think fit had asked for correction of the bill against connection no. 053095 in the name of his father Shri Ramji Prasad Gupta.

3. The respondent, UPCL in their response before the Forum filed the consumer billing history and also informed the Forum that it appears from departmental records that meter no. REL381 is installed in consumer's premises from the date of release of electricity connection and its reading at the time of replacement of meter on 09.03.2012 was 5132. Since most of the time the premises was found locked, bills were raised as NR or RDF.
4. The Forum, in their order directed the O.P. to revise the bill on the basis of average consumption of the consumer from the date of release of connection on 19.08.2003 to the date of replacement of meter on 09.03.2012 at appropriate tariff while making adjustment of amounts deposited by petitioner. Thereafter bills be raised as per actual consumption and action for sending correct bills be initiated without any further delay. Since the department is responsible for the delay, no surcharge may be levied from the petitioner and petitioner was also directed to make appropriate payment within 15 days of receiving corrected bill, failing which LPS shall be leviable.

In his plaint before Ombudsman the petitioner has asked for following 4 reliefs:

- i. The bill in respect of electricity connection no. 053095 in the name of his father Shri Ramji Prasad Gupta may be corrected.

- ii. He be informed how between 23.04.2011 and 09.03.2012 (when the electricity meter was changed) a reading of 5132 has been arrived at. An enquiry may be ordered.
 - iii. Compensation for mental, financial and general harassment.
 - iv. Any other relief that the Ombudsman may decide.
5. In their written statement before the Ombudsman respondent have reiterated the Forum's finding that the meter of Shri Ramji Prasad Gupta was removed on 09.03.2012 with a reading of 5132. They also claimed that it is wrong to allege that by letter no. 554 dated 23.04.2011 the petitioner was informed that a sum of Rs. 733.00 are in excess deposited with the respondent (this information is contained in annexure to letter dated 18.05.2010 which is annexed to letter of 23.04.2011 and the amount mentioned is Rs. 773.5). They also claimed that all the grievances of the petitioner had been redressed by the Forum and the present petition is not bonafide and has been filed merely to get compensation.
6. From the records filed before the Ombudsman particularly the replies to the RTI queries raised by the petitioner, it is clear that the connection no. 053095 stood disconnected in 2009 and bills were being raised on the basis of NR. On a specific query regarding when the connection has been disconnected and the basis for such disconnection, respondent has refrained from giving any specific reply only maintaining that information is nil (सूचना धून्य है). It has also been indicated that meter reading on 27.10.2004 and March 2005 is the same namely 130. The bill raised in March 2005 is for Rs. 2,089.00. Petitioner has further deposited payments of Rs. 1,335.00 on 29.03.2004 Rs. 2,200.00 on 24.03.2005 and Rs. 4,000.00 on 09.06.2006. In response to an RTI query of 24.08.2009 the respondent have given complete breakup of units charged and amounts paid by the petitioner and after making all adjustments have indicated a total of Rs. 773.50 say Rs. 774.00 as excess payment against this connection of Shri Ramji Prasad Gupta.
7. In response to RTI query, the respondent vide letter dated 17.06.2014 supplied calculations of bill for the period 27.01.2011 to 13.06.2014 wherein arrear on 27.01.2011 has been taken as – Rs. 8,002.00; reading of the old meter at the time of replacement on 09.03.2012 has been taken as 5132 and that of the new meter on 13.06.2014 was taken as 5 and based on these readings and initial negative arrear the

total outstanding dues ending 06/2014 has been intimated as Rs. 53,205.00. The respondent have submitted calculation sheet for revision of the bill for period 18.08.2003 (date of connection) to 06.02.2015, in compliance with Forum's orders. Total consumption of 5132 units (as on meter removed on 09.03.2012) has been billed. Dues up to 02/2015 have been worked out as Rs. 14,087.00, after adjustment of Rs. 7,535.00 already paid by the petitioner. These dues have been shown in the bill from 10.08.2015 to 23.09.2015, as arrears and hence total amount of this bill has been shown as Rs. 15,413.00.

8. From the above discussion and the papers available on file the following conclusions can be drawn:
- i. The connection remained disconnected for some period in or before 2009 specific information has not been submitted by the respondent.
 - ii. Petitioner continued to pay dues up to 09.06.2006 implying therefore that till that time the connection was alive. The meter reading of 130 has been shown on 27.10.2004. After 27.10.2004 the meter is reported to have been defective (no display) and bills have been sent on NR.
 - iii. As per reply given under RTI on 01.05.2009 the last meter reading as per ledger is 133 and the bills are being raised as per NR. In the reply to RTI of 16.05.2009 it has been further informed that meter reading on 27.10.2004 was 130 and after that the meter has been NR. It has also been stated that due to non deposit of outstanding dues connection is cut off. The date of cutting the connection has not been informed despite a direct query.
 - iv. The petitioner has claimed that the bill for period 27.02.2011 to 27.03.2011 raised on 15.04.2011 was issued after correction, and after restoration of the connection. This bill showed excess payment by consumer of Rs. 773.50 which appears correct as explained in para 6 above and as informed by the respondent under RTI.
 - v. The bill raised by respondent for the period 27.03.2011 to 27.04.2011 with the payable date of 28.05.2011 showing outstanding of Rs. 10,268.00 indicates that the corrections as at iv above had not been incorporated in this bill. This is also confirmed by perusal of these two bills.

- vi. Demand Notice under Section 3 issued by the department on 20.08.2011 for a sum of Rs. 33,394.00 appears incorrect since there was excess payment by petitioner up to 27.04.2011.
 - vii. In compliance of Forum order, the respondent have revised bill for period 19.08.2003 to 06.02.2015 and subsequently bills for 10.08.2015 to 23.09.2015 after accounting for amounts paid and shown outstanding of Rs. 15,413.00.
9. It is evident that the respondent have been giving mutually contradictory information while the records on the basis of which reply to RTI queries have been given, demand notice u/s 3 issued, bills raised, have to necessarily be the same. It is therefore concluded, that based on succession of replies given by respondent and the claims made by the petitioner, that meter reading on 27.10.2004 was 130; the meter was defective with no display after 27.10.2004; the connection was disconnected sometime prior to 01.05.2009; as on 27.03.2011 balance of Rs. 773.50 in favour of petitioner was intimated by department and accordingly bill issued for the period of 27.02.2011 to 27.03.2011 showed adjustment of this excess payment of Rs. 773.50; the meter reading of 5132 of the meter replaced on 09.03.2012 does not stand authenticated by any evidence or information and hence cannot be relied upon.
10. In view of RTI reply dated 01.05.2009, when it was informed that the meter was defective (no display), bills after 27.10.2004 at meter reading 130 having been issued at NR, and connection was in disconnected animation on 01.05.2009 (having been disconnected on or before 01.05.2009) due to nonpayment of dues so respondent's claim that reading 5132 at the time of removal of meter on 09.03.2012, is not acceptable as it is not substantiated by any authentic evidence. Based on the last recorded reading of 130 (on 27.10.2004) and as the connection remained disconnected for most of the time consumption appears to have been nominal over the entire period and therefore bills for this period have to be issued as per provisions of the tariff as directed herein the following paragraph.
11. It is directed that:
- a) Since both parties are in agreement regarding bills and adjustments up to 27.03.2011, it is accepted that no intervention is required in bills prior to 27.03.2011. Billing from 27.03.2011 (when excess payment of Rs. 774.00 is recorded) to 09.03.2012, when new meter was installed, be raised as per

provision of the relevant rate schedule as applicable in the case under appropriate tariffs.

- b) From 09.03.2012 to 08/2015 bill on actual consumption recorded by the meter as per provision of the relevant rate schedule as applicable in the case under appropriate tariffs.
- c) Section 3 notice be withdrawn.
- d) Revised bill as directed above in a) and b) be issued within a week from the date of this order.

Forum order is set aside.

Dated: 19.11.2015

(Vibha Puri Das)
Ombudsman