

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Mohan Lal
Retd. Treasury Officer,
Village & P.O. Ganai, Gangoli,
Pithoragarh, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Pithoragarh, Uttarakhand

Representation No. 12/2015

Order

The petitioner, Shri Mohan Lal has filed this appeal against the order of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) dated 18.04.2015 in his complaint no. 175/2014 against Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent). In the complaint before the Forum Shri Mohan Lal aggrieved by his domestic connection being converted to commercial connection without his knowledge, getting inflated bills and with his requests for corrective action to the department remaining unheeded, petitioned the Forum for the following 4 reliefs:

- i. Since respondent UPCL was not giving the correct bill to him, such bill be made available.
- ii. His domestic connection was unauthorisedly converted to commercial for the period this may be reversed.
- iii. Fresh connection without Shri Mohan Lal's permission was granted to Shri Himanshu who was staying in his house.
- iv. Departmental employees having occupied his house refused to pay expected rental. This rental may be recovered and paid to him.

2. Forum have concluded that while no. iii above is not prohibited under UERC regulations, no. iv expressly lies outside their jurisdiction. It is therefore only with respect to i and ii above that the judgment pertains. The reason for domestic connection being converted to commercial has been given as an inspection by the officers of respondent who found that in the premises with a domestic connection a shop and horticulture department office were conducting business. From the date of the inspection the domestic connection was converted to commercial. Subsequently when the petitioner informed the department that the shop and office have both been relocated, the connection was converted back to domestic. As far as the correction of bills is concerned, petitioner have maintained that he was being given IDF bills for many months but when finally his meter was found to be working well, the amount of Rs. 19,734.00 being the amount deposited against IDF bills was not adjusted. Forum have found that amount of Rs. 19,734.00 was adjusted in the bill for July 2013. Forum have also observed that while adjustment of only Rs. 15,178.00 was to be granted, the department mistakenly gave him adjustment of Rs. 19,734.00 i.e. an excess of Rs. 4,556.00. The Forum have therefore found no merit in the complaint and have dismissed the same.
3. In his appeal before the Ombudsman, Shri Mohan Lal has argued that he has been harassed by the employees of electricity department, the Forum did not pay attention to his appeal and in fact covered up the wrong doings of the employees. The employees of the department had taken 2 rooms of his house on rent for Rs. 600.00 per month for their official work. While he was paid up to July 2010 the rent for the period August 2010 to February 2013 i.e. Rs. 18,600.00 has remained unpaid. However the employees vacated the house in February 2013. Departmental officers did not pay any heed to this and neither did the Forum.
4. Regarding correction of bills the petitioner has stated that despite repeated requests to correct the IDF bills no action was taken by the department. The petitioner sought the following reliefs:
 - i. Contractual employees Shri Deepak Bhist and Khilapati Pandey be given stern warning and Rs. 5700.00 be recovered from them.
 - ii. A sum of Rs. 18,600.00 being outstanding rent be got paid to him towards 31 months' rent.

- iii. Electricity bills be corrected and wrong ones be set aside.
 - iv. Correct meter be installed.
5. The written statement filed on behalf of the respondent has not accepted the complaint regarding contractual employees having taken money since they are not employees of the respondent but of contractor who have denied asking for or taking any money from the petitioner. Respondent have also denied any responsibility of the department in hiring his premises in the absence of a duly executed rent agreement. Further they have claimed that as per provisions of Regulation 4.9.B any person after depositing 3 times the security can apply for electricity connection. The licensee is duty bound to provide the same. They have also refuted the charge of wrongfully charging commercial tariff since on inspection a shop and a government office were seen to be running from the premises. Regarding disconnection they have accepted that for nonpayment of dues the connection has been disconnected w.e.f. March 2015.
6. Respondent were asked to give further documents to establish the contracted load, details and calculations of bill correction, date from which billing done under commercial tariff, total metered consumption and date of disconnection/reconnection. Both parties were required to be present for arguments on 04.11.2015. Petitioner indicated his inability to be personally present and informed that his written plaint may be taken as his arguments as such arguments were concluded on 04.11.2015. The respondent has confirmed that the connection disconnected in March 2015 on nonpayment of dues, has since been restored in September 2015 despite dues remaining unpaid.
7. While it is not clear from records when the initial sanctioned load of 0.9 KW was increased to 1.5 KW, it is seen from the documents that the contracted load was increased from 1.5 KW to 3 KW in March 2013 after an inspection team found actual connected load of 2.76 KW and the running of the horticulture department office and a shop in the same premises. From the consumer history it is evident that in the period August 2011 to February 2013 during which the petitioner was billed on commercial tariff, out of 19 bills, 11 bills are IDF, 1 bill is NR, 1 bill is SB and 1 bill also shown for metered units but in which previous reading shows 1902 and present reading shows 8029 with consumption of 6127 units for October 2012, which appears improbable in a 1 KW connection, Three bills are for metered units. They are all for

less than 200 units per month. Further while the SDO has in his report indicated average consumption of 206 units per month after replacement of meter sometime between September 2009 to March 2010. However, since commercial billing is for period August 2011 to February 2013 this statement without a clear date of change of meter does not give unambiguous information.

8. Tariff for the year 2011-12 and 2012-13 are applicable during the period August 2011 to February 2013 during which commercial tariff have been applied. The relevant provisions of Rate Schedule RTS – 1 of both the tariffs for the domestic consumers using a portion for commercial activities provides as follows:

“B. Tariffs RTS-1: Domestic

1. Applicability

...This rate schedule shall also be applicable to consumers having contracted load up to 2 KW and consumption upto 200 KWh/month using some portion of the premises mentioned above for business/other purposes. However, if contracted load for such premises is above 2 KW or consumption is more than 200 KWh/month, then the entire energy consumed shall be charged under the appropriate Rate Schedule unless such load is segregated and separately metered.”

9. In the instant case the contracted load during the period under reference was 1.5 KW and the average monthly consumption as per the billing history provided by the respondent has been less than 200 units per month. Such being the case commercial tariff should not have been applied.
10. As far as reliefs under point i and ii are concerned they do not fall within the jurisdiction of Ombudsman and hence no comment is made on them. Meter has already been replaced hence the relief sought has already been granted. It is directed that all bills including IDF bills, between August 2011 and February 2013 be revised under domestic tariff as applicable under appropriate rate schedule and no LPS be charged on such revised bill.

Forum order is set aside.

Dated: 23.11.2015

(Vibha Puri Das)
Ombudsman