

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Chandan Singh
S/o Shri Ananta Singh
501, Ganga Nagar, Rishikesh
Distt. Dehradun, Uttarakhand

Vs

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

Representation No. 25/2014

Order

The petitioner, Shri Chandan Singh, submitted a petition dated 15.12.2014 against the order of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 18.11.2014 in his matter against the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent.) The petitioner also submitted a petition dated 15.12.2014 requesting for an interim stay against the order of the Forum. The application for stay was rejected.

2. The petitioner has stated that he has a domestic connection at his residence in Rishikesh where meter no. 75604 of Accurate company was installed in February 2005. Prior to this a manual meter had been in place at his premises. The petitioner states that he resides there with his wife, son and daughter in law. The house consists of 4 rooms plus bathroom and kitchen. The electrical fittings include 6 fans, 10 CFL bulbs, 375 watt water pump, 250 watt fridge and 1500 watt geyser, the total load being 2.5 KW. On 07.04.2014 the meter reader noted meter reading as 12004 i.e. a total of 380 units between 08.02.2014 to 07.04.2014. The bill for this was paid by the petitioner on 23.04.2014.
3. On 10.04.2014 the respondent's staff carried out a surprise check at the premises of the petitioner. The petitioner states that the check team claimed that the reading on the

meter was 67502 units. They accused the petitioner of theft and removed the meter from his premises and sealed it and installed a new meter in its place. The petitioner maintains that the old meter had a seal. The petitioner claims that he was asked to sign on the report prepared by the checking team and even though he argued that as the old meter had a unbroken seal hence how could he have being stealing electricity, he was forced to sign under the threat that he would be handed over to the police otherwise. Due to his fear of police and disconnection, the petitioner signed the report. The respondent's team informed the petitioner that the meter which had been removed would be tested at the Test Lab on 16.04.2014. The meter was taken away by the team. The petitioner maintains that he had no idea what was written in the report as he is illiterate.

4. The petitioner states that on 16.04.2014 he was present at the Test Lab and was forced to sign on the report which stated that the petitioner had been stealing electricity and had tampered with the meter. His argument that he had no knowledge of what was written in the report or what it meant was not paid attention to and he was again threatened with police detention/disconnection and hence he signed the report. The petitioner states that he received communication dated 05.05.2014 from the respondent (assessment as per section 126 of the Electricity Act, 2003) for the sum of Rs. 14,570.00. Fearing disconnection the petitioner paid the amount on 12.05.2014. On 11.06.2014 he received the bill for the period 07.04.2014 to 11.06.2014 wherein the current consumption was shown as 468 units but including arrears the bill was for Rs. 2,03,494.00. The petitioner approached the respondent to allow payment of the current bill but was not allowed to do so. On 07.08.2014 he received the next bill from 11.06.2014 to 07.08.2014 where the current consumption was 473 units but the arrears of Rs. 2,03,894.00 were still being shown and the total bill was now for Rs. 2,10,383.00.
5. The petitioner then approached the Forum on 28.08.2014. The Forum vide their order dated 18.11.2014, however, disposed his complaint. The Forum held that the consumption of 67398 units for the period from installation of the meter totaling 108 months was correct. They ordered that the bill be prepared on average monthly basis for the entire period on the basis of applicable tariff and no surcharge be claimed if the bill was paid within 15 days failing which surcharge would be levied. The petitioner has prayed that i) the order of the Forum be set aside as it is wrong. ii) The

demand of Rs. 2,03,894.00 and surcharge demand of Rs. 5,097.35 be set aside iii) he may be permitted to pay his bills as per the meter readings.

6. In their arguments before the Forum the respondent stated the Lab report showed that the old meter removed from the premises of the petitioner had been tampered, the seal had been tampered, shunt had been put within the meter to record reduced meter reading and there were marks of soldering within the meter. The respondent stated that the meter was installed on 27.03.2005 with a reading of 104. Checking on 10.04.2014 showed reading of 67502. On the basis of this average monthly usage of 624 units was worked out by the respondent. The respondent also informed that the petitioner had been keeping tenants in his house due to which there was such a high consumption. The Forum has written that the petitioner admitted before them that his premises were rented out. The Forum in their order has mentioned that they have heard arguments from both sides and seen all documents and are of the opinion that the final reading of 67502 on the old meter was correct. They have however passed strictures against the meter reader for not reporting the current readings correctly and recommended action against him. The order regarding payment as passed by the Forum is mentioned in the para above.
7. In their statement before Ombudsman, the respondent informed that during surprise checking on 10.04.2014 the test team found that while tong tester showed current being drawn as 10.2 Amp., the current in the meter was found to be only 0.57 Amp.. The meter was sealed in the presence of the petitioner and when opened in the Lab in his presence shunt resistant was found in the meter. (Lab report dated 16.04.2014 signed by four officers and the consumer shows presence of shunt resistor for reducing the recording of consumption.) A report dated 06.01.2015 sent by Executive Engineer, Test Division to the office of Ombudsman also confirmed presence of shunt to bypass the circuit and signs of resoldering within the meter. The respondent claims that the bill of less reading were provided by the lower staff in collusion with the petitioner and the reading taken at the time of removal of the meter was accumulated reading.
8. The respondent has also reiterated that the petitioner has more than 1 tenant and hence his consumption was more though bills were sent for low consumption. The

petitioner's contention that the bill based on final reading was wrong as the meter had jumped was not correct.

9. During hearing the petitioner claimed that his consumption prior to 07.04.2014 was very small varying from 124 to 570 units per billing cycle and after installation of new meter again the consumption is only 468 and 473 units per billing cycle. Hence the contention of the Forum that he was using 624 units per month is incorrect.
10. Brief facts of the case are that the petitioner has a domestic connection installed as per the respondent's statement on 27.03.2005. The petitioner has a number of appliances including water pump, fridge, geyser etc. at his premises. While he has argued before the Ombudsman, that the respondent's contention that he had been keeping tenants and hence his consumption was so high is incorrect, the Forum in their order have recorded that in the hearing before them, the petitioner had admitted that he had a number of tenants. The reading on the meter as reported till 07.04.2014 was only 12004. However, on 10.04.2014 when a team carried out a check at the premises of the petitioner they found that the meter reading was 67502. Immediately the meter was removed, sealed and sent to the Test Lab. During examination at the Test Lab on 16.04.2014 the Lab has reported that the meter seal had been found tampered, shunt resistor installed in the meter etc. The petitioner has argued that the meter seal was not broken and hence how could he have tampered with it. He has also alleged that he was forced to sign the report of the check team and the Lab report under threat and he was not aware what was written in these reports as he was uneducated. Regarding tampering with the seal, the lab report signed by four officers has clearly indicated that there was tampering. The petitioner's claim that he was threatened also appears to be little farfetched.
11. After hearing both parties and having gone through all the documents it is clear that tampering of the meter had taken place. Due to this tampering, it was not possible to carry out proper testing of the meter or take MRI which could have established whether there was any case of meter jumping. I agree that the number of units consumed per month as shown if we take the final reading of 67502 on 10.04.2014 as correct appears to be on the higher side $(67502 - 104 \text{ (initial reading on the meter)}) = 67398 / 108 \text{ months (from date of installation till 10.04.2014)} = 624 \text{ units per month}$. Even if we take the argument of the respondent that the petitioner had a number of

tenants from time to time, the consumption appears to be on the higher side. However due to the petitioner's own fault in tampering with the meter, it is not possible to check whether the higher consumption is shown due to meter jumping, the petitioner will have to bear the fruit of his own deception in tampering with the meter and pay the amount drawn up by the respondent. The respondent is ordered to draw up the bill as ordered by the Forum and give it to the petitioner within 15 days. Surcharge will not be levied if the petitioner makes the payment within 15 days of receipt of the bill. The order of the Forum is upheld.

Dated: 31.03.2015

(Renuka Muttoo)
Ombudsman