

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ghanshyam
Moholla Bahar Kila, Manglaur,
Roorkee, Distt. Haridwar Uttarakhand

Vs

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

Representation No. 20/2014

Order

The petitioner approached the office of Ombudsman with a petition dated 05.11.2014 against the order of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 09.09.2014 in his complaint against the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent).

2. The petitioner claims that at his request a check meter was installed at his premises. On finalization it was stated by the respondent that the existing meter was running 1075% fast. Wanting to take advantage of the Government's policy of permitting waiver of surcharge if the payment was made before prescribed date of the scheme, the petitioner approached the respondent on 19.05.2014 with the request that a corrected bill on the basis of the check meter report may be provided so that he could take advantage of the waiver of the LPS. On not getting any feedback from the respondent by July 2014, he then approached the Forum with the request that the respondent may be asked to give the revised bill at the earliest so that he could take advantage of the scheme. Forum vide their order dated 14.08.2014 gave reference to the hearing of 11.08.2014 wherein they had advised the respondent to provide the petitioner the revised bill before 14.08.2014 so that he could take the benefit of LPS waiver. They also ordered that in case the respondent delayed the submission of the bill, the petitioner would be given the benefit and would not have to pay the surcharge. The respondent however did not give the bill to the petitioner by the date

fixed as ordered by the Forum, however the Forum in their final order dated 09.09.2014 forgot about their interim order and held that the revised bill submitted by the respondent on 01.09.2014 in which surcharge had been included, addressed the complaint of the petitioner and hence dismissed his complaint. The petitioner again approached the Forum to remind them that their order of 09.09.2014 was violative of their earlier order of 14.08.2014. The Forum in their order dated 18.10.2014 however held that they had already given the order on 09.09.2014 and did not have the power to review their own decision. Holding the order of 09.09.2014 as correct they dismissed the complaint of the petitioner.

3. The petitioner has now approached the Ombudsman with the request that surcharge be waived off as ordered by the Forum on 14.08.2014 on the ground that the revised bill was not given by the prescribed due date.
4. The Forum gave 3 orders. In the interim order dated 14.08.2014 the Forum had drawn attention to the hearing held on 11.08.2014 wherein they had ordered the respondent to give the corrected bill to the petitioner before 14.08.2014 so that the petitioner could avail the benefit of waiver scheme. In their final order of 09.09.2014 the Forum forgot about their earlier order and on the basis of the report of the Executive Engineer dated 01.09.2014 found the reassessment done by the respondent to be in order. The respondent in the letter of 01.09.2014 confirmed that as per the check meter, the meter of the petitioner was running 1075% fast. As per the Regulations the petitioner could be given adjustment for previous six months only, the same had been done and now the amount due from the petitioner was reduced to Rs. 30,375.00 from Rs. 74,696.00. The Forum hence dismissed the complaint of the petitioner.
5. When the petitioner approached them regarding the failure of the respondent in giving him the bill in time so that he could take advantage of the waiver of surcharge scheme the Forum gave its order dated 18.10.2014 wherein they stated that their order of 09.09.2014 was final and they did not have the power to review their own order. They dismissed the complaint.
6. In their statement the respondent admitted that as per the report of the check meter the meter installed at the premises of the petitioner was running 1075% fast. The respondent also admitted that the Forum had sent a letter dated 14.08.2014 to give the

petitioner the bill before the end of the surcharge waiver scheme so that the petitioner could take advantage of the same. The respondent however denied that the Forum had stated that in case the bill was not given in time the surcharge would be waived.

7. Brief facts of the case the petitioner suspecting that his meter was running fast requested the respondent for check meter installation. The check meter was installed on 07.04.2014 and finalized on 09.05.2014. The petitioner applied for correction of the bill on 19.05.2014. However, on receiving no relief from the respondent, the petitioner approached the Forum in July 2014 so that he could take advantage of waiver of surcharge scheme. The varying stand of the Forum has already been brought out above. The respondent's only defense in not giving the corrected bill before the end of the waiver scheme is that the order of the Forum to revise the bill before the scheme ended was received only on 14.08.2014 when the scheme was over.
8. From the above it is very clear that there was ample time for the respondent to give the corrected revised bill to the petitioner before the cut-off date of the scheme. The ground given by the respondent in delaying the issue of corrected bill is not logical as there was no reason for them to wait for an order from the Forum to correct the bill. The respondent delayed the matter and took 4 months to submit the revised bill due to which the scheme could not be taken advantage of. As the delay is totally inexplicable and due to the negligence of the respondent, plea of the petitioner to waive the surcharge is accepted and it is ordered that the respondent draw up the corrected bill without the surcharge and issue the same to the petitioner within 15 days of this order. The petitioner is advised to make the payment within 15 days of receipt of the bill failing which he would have to pay the surcharge. Order of the Forum is set aside.
9. The petitioner has also given a complaint against the respondent at the last hearing that he is being harassed to withdraw his complaint/make the payment as per the bill sent to him. A notice under section 5 of the Electricity Dues Recovery Act for liquidation of dues has also been served on him. These are all methods of harassment by the respondent to cover up their own negligence and highly deplorable. It is advised that the matter may be enquired into and action taken against concerned staff. Action started by the respondent under the above mentioned section should be stayed. If necessary a revised recovery certificate (RC) under section 5 may be issued after

expiry of due date of payment of the revised bill if the payment is not made by that date.

Dated: 15.04.2015

(Renuka Muttoo)
Ombudsman