

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Janak Singh  
S/o Shri Harender Singh  
19A, Balbir Road,  
Dehradun, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Central)  
Uttarakhand Power Corporation Ltd.  
18, EC Road, Dehradun, Uttarakhand

Representation No. 08/2015

### **Order**

The petitioner approached the Ombudsman with a petition dated 01.04.2015 against the order of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 13.10.2014 in his complaint against wrong assessment of domestic connection at his residence raised by Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent). The petitioner explained that he was misguided regarding the appellant authority and therefore requested that the delay be condoned. The petitioner also requested for a stay against the order of the Forum. An interim order was issued on 30.03.2015 condoning the delay and granting stay till final disposal of the case.

2. The petitioner states that electricity meter no. 310957 was installed at his residence on 03.02.2012. The Sealing Certificate mentions the old electronic meter was found burnt and new meter was installed at the premises. The certificate mentions the load as 7 KW. The petitioner claims that from the beginning no meter reading was taken by any departmental employee and that instead of getting regular metered bills he was receiving IDF bills from the beginning for 28 months (02/2012 to 05/2014) on assessment basis @ 1208 units for 2 months for an amount of Rs. 4153.00 which was being paid by him. The petitioner has drawn attention to the Regulation that no assessment can be charged from the consumer after 3 months in the case of IDF bills.

3. Subsequently the SDO sent a consolidated bill w.e.f. 28.11.2011 to 12.05.2014 (30 months) for 33060 units amounting to Rs. 54,229.00. The explanation given was that the meter was working properly and this was the consumption. As per the bill the previous reading was 210 and present reading was 31757. The petitioner questions that if the meter was working properly why had the meter reading not been taken regularly.
4. Not satisfied with the explanation the petitioner approached the Forum vide his complaint dated 23.08.2014. On the request of the petitioner, the Forum ordered a check meter be installed. The check meter was installed on 10.09.2014 and removed on 25.09.2014 during which time the installed meter was found working correctly. The petitioner claims that the energy consumption recorded by the meter was totally wrong and it had definitely overshot/jumped as prior to this meter being installed in February 2012 his average monthly consumption was 604 units per month which is why IDF bills for 1208 units for 2 months were being raised against him. According to the revised bill sent by the respondent the petitioner was supposed to have used 33060 units in 30 months i.e. 1102 units per month against 604 units previously. During the period of check meter installation consumption was only 191 units for 15 days which would make monthly consumption about 382 units. The petitioner informed that he had deposited Rs. 33,000.00 as demanded by the respondent, under protest.
5. During hearing, the Forum ordered that the petitioner deposit 50% of the dues. The Forum mentioned in their order dated 13.10.2014 that till the last date of hearing, 29.09.2014 the petitioner had not deposited 50% of the money due from him. In their order the Forum have made reference to the MRI report submitted by the respondent which showed that during the period 09/2013 to 09/2014 the average monthly consumption was 1223 units and maximum demand was from 4.52 KW to 11.26 KW against sanctioned load of 7 KW. The check meter further showed that the meter installed at the premises of the petitioner was functioning correctly and this was further confirmed by the MRI report. The Forum have held that the meter reader was incorrectly showing the meter as IDF and hence less consumption was being shown in the bills. Forum has ordered that action be taken against the meter reader for his negligence. The bill sent up to May 2014 based on the meter reading was incorrect and has to be revised. The Forum ordered that the bill from 28.11.2011 to 09/2013 be

revised on the meter reading 22310 on average monthly basis and from 10/2013 to 09/2014 on the basis of monthly units shown in the MRI report on appropriate tariff and payments made against IDF bills be adjusted and computerized bills be given to the petitioner. The Forum also ordered waiver of all surcharge on this bill if the petitioner paid the bill within 15 days.

6. The respondent informed that the connection of the petitioner was IDF from April 2011 and a new meter was installed on 03.02.2012. As the sealing report of the new meter was not fed in the billing section, the meter continued to be shown as IDF till 21.01.2014. Thereafter in the month of May 2014 a consolidated bill for the period 28.11.2011 to 12.05.2014 (30 months) was sent to the petitioner. As per the respondent the reading on the new meter installed on 03.02.2012 at reading 6 was 31757 on 12.05.2014. To this they added 1309 units from 28.11.2011 to 03.02.2012 @ 1208 units per bill of 2 months. Thus the total units billed became (31751+1309) 33060. The total assessment was for Rs. 54,507.00. On the instructions of the Forum a check meter was installed on 10.09.2014 and removed on 25.09.2014. The check meter report showed that the installed meter was functioning correctly. On the basis of the order of the Forum surcharge was adjusted in the bill dated 30.03.2015.
7. Brief facts of the case. From the statements given to the Ombudsman, it appears that the meter of the petitioner was defective from April 2011 but was replaced only on 03.02.2012. IDF bills were being sent to the petitioner from April 2011 till May 2014. After discovering the fact that details of new meter had not been communicated to the billing section, a consolidated bill from 28.11.2011 to 12.05.2014 for consumption of 33060 units was sent to the petitioner. A check meter was installed from 10.09.2014 to 25.09.2014, this showed that the installed meter was functioning correctly. An MRI was carried out on 25.09.2014 for the period 01.10.2013 to 01.09.2014 which showed consumption varying from 400 units to over 2000 units per month. Accumulated units during this period were 14402 (approximately 1200 units per month).
8. From the perusal of the MRI report and check meter sealing certificate it would appear that the meter was recording properly, however due to negligence of the meter reader and carelessness of the respondent in ensuring recording of the new meter in the billing section, IDF bills on earlier consumption kept being sent. The metered

units shown in the consolidated bill up to 12.05.2014 and thereafter appear to be correct and the petitioner has to pay for this consumption.

9. According to the respondent's own statement the previous meter installed at the premises went faulty in April 2011 but was replaced only on 03.02.2012 after 10 months. This inaction by the respondent is against the Regulations issued by the UERC.

The Uttarakhand Electricity Regulatory Commission (The Electricity Supply Code) Regulations, 2007 provides;

***3.1.4 Meter not recording***

*(4) All new case of defective meters namely ADF, RDF or IDF, if any, shall necessarily be rectified within a maximum period of 3 months.*

***3.2 Billing during the period defective/stuck/stopped/burnt meter remained at site***

*(1) The consumer shall be billed on the basis of the average consumption of the past three billing cycles immediately preceding the date of the meter being found or being reported defective. These Charges shall be leviable for a maximum period of three months only during which time the licensee is expected to have replaced the defective meter.*

Further the UERC has also provided that in case of failure of the respondent in following the Regulations provisions of the Standard of Performance Regulation would apply.

The UERC (Standard of Performance) Regulation, 2007 provides as under;

***SCHEDULE –III***

*9 - Guaranteed Standards of Performance and Compensation to Consumers in Case of Default*

*4. Meter complaints*

*Replacement of defective meter - Within 15 days of declaring meter defective - Rs. 50 for each day of default.*

10. Thus as per the Regulations any new case of defective meter namely ADF, RDF or IDF, if any, should necessarily be rectified within a maximum period of 3 months and

the consumer could be sent IDF bills only for 3 months. The SOP regulation provide that within 15 days of the meter showing as defective, it should have been replaced.

It is presumed that once IDF bills started being sent the respondent would have checked the situation and replaced the meter in the time stipulated i.e. 3 months. In this case however the regulation was not followed and the meter was replaced after 10 months. Thus as per the Regulation the petitioner is entitled to compensation @ Rs. 50.00 for the extra 7 months taken by the respondent to replace the meter. The respondent has argued that as the petitioner has not claimed any compensation under SOP, he cannot be given this reward.

11. However the consumer/petitioner is not privy to all rules and regulations and may not know what compensations he is entitled to. As this body has been set up to dispense justice, in such cases it is felt that even if the petitioner has not asked for the compensation he is entitled to the same. It is therefore ordered that under the SOP regulations the petitioner be given compensation @ Rs. 50.00 per day for 7 months. At the same time it has been found that as per the MRI report and the check meter report the installed meter is functioning correctly, hence the petitioner has to pay for the consumed units up to date. The respondent should issue the latest bill after adjusting the amount of compensation and the payments already made. The petitioner is ordered to pay the amount due from him after adjustment of the compensation and the payments already made. No surcharge will be levied if the petitioner pays the amount within 15 days of receipt of the bill. Order of the Forum is modified up to that extent.

Dated: 29.05.2015

(Renuka Muttoo)  
Ombudsman