

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Lata Joshi  
Brahma Resorts Pvt. Ltd.  
Paparselly, Binsar Road,  
Almora, Uttarakhand- 263601

Vs

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

Representation No. 26/2015

### **Order**

The petitioner, Smt. Lata Joshi, Director, M/s Barmha Resorts Paparselly, Binsar Road, Almora has filed this petition dated 17.09.2015 after having failed to obtain an order from the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) as per her request. She has requested that in the interest of justice bills issued for the period 15.12.2014 to 17.04.2015 be cancelled since she was denied power from the time of heavy snowfall on 15.12.2014, and the snapped connection was not restored till 18.04.2015.

2. The case in brief is that Smt. Lata Joshi filed a complaint before the Forum on 12.05.2015 stating that after heavy snowfall on 15.12.2014 her electricity line was damaged and electricity supply obstructed which was restored only on 18.04.2015. Despite this the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) continued to send her bills, whereas she had already paid her dues up to 31.12.2014. Hence she had prayed to the Forum that these bills be cancelled and the respondent be advised not to disconnect her connection till the judgment is pronounced. Both parties are agreed that electricity supply to the petitioner remained stalled between 15.12.2014 and 17.04.2015. The only question is whether bills need to be raised and amount recovered for this period. The Forum have observed in their judgment dated 20.08.2015 that the bill for January has been raised on the basis of

NA and since the connection had been disconnected bill raised on the basis of assessment was not appropriate. Bills for January, February, March and April have also levied minimum consumption guarantee (MCG charges). Respondent have claimed that since bills had not been paid in time, petitioner is liable to pay not only fixed charges but also MCG. Forum raised this question that while the Tariff Order 2014-15 clearly provides for MCG for non domestic consumers of load more than 25 KW, but, is taking Minimum charges justified when there is no electricity supply. On this issue the majority judgment of the Forum has held that since on 26.03.2015 when Rs 1,35,000.00 was deposited by the petitioner she had arrears on her account and on account of her being irregular in paying bills, her connection remained disconnected and the majority found this appropriate as per tariff order and recovery of Minimum charges justified. The consumer member however held, in a minority judgment, that since the MCG is to ensure minimum consumption which the consumer is unable to do when the connection is cut off, the consumer should not be liable to pay minimum charges. The consumer member had held that if the disconnection is due to irregular payments, taking fixed charges is justified. However if the disconnection is due to inefficiency of the licensee then even fixed charges should not be taken from the consumer. MCG charges he has held should not be taken when consumer is not in a position to utilize electricity.

3. Aggrieved by this order, the petitioner filed her petition before the Ombudsman and again sought cancellation of the bills raised between 15.12.2014 and 17.04.2015. On behalf of the respondent it was stated that petitioner has been defaulter and has made part payments against outstanding and her connection has been disconnected repeatedly on account of nonpayment. The connection was disconnected on 02.08.2014 which remained disconnected till 31.10.2014. Petitioner deposited Rs. 30,000.00 and Rs. 40,000.00 on 14.11.2014 and 17.11.2014 respectively and promised to pay the balance shortly because of which the connection was restored in December 2014. Due to outstanding of Rs. 1,23,353.00 the connection was again disconnected and on the prayer of the petitioner it was restored on 11.12.2014. When on 15.12.2014 due to heavy snowfall, line was disconnected in many locations, and on this line Smt. Lata Joshi was the only consumer and she was a defaulter, the restoration of her line was placed at the last priority and after the petitioner deposited Rs 1,35,000.00 on 26.03.2015 the connection was restored on 18.04.2015. Even on

that day an amount of Rs. 1,10,660.66 was outstanding as per billing history submitted by the respondent. As such respondent have argued that there is no justification for cancelling the bills as requested by the petitioner.

4. Arguments were heard from both sides and documents available on file including the Forum's order were perused. It is clear and undisputed that the petitioner is a regular defaulter who has not paid dues owed to the respondent and has been depositing ad-hoc amounts. Even up to November 2015 the outstanding amount is Rs. 1,41,626.58.
5. From the time of restoration of her connection on 18.04.2015 petitioner have again defaulted on payments in the month of April and May 2015 and subsequently right up to November have made only part payments. The respondent have erred in taking part payments without indicating any valid reason.
6. While the consumer whose connection after due payment is not restored within 5 days, is entitled to compensation @ Rs. 50.00 per day, under Schedule III 3. Disconnection/ Reconnection of supply of the SOP Regulations, the petitioner, being a habitual defaulter and has continuously been in arrears is not entitled for the same. Forum order is upheld. Petition is dismissed.
7. The concerned officers must be asked to explain under what circumstances and which authority part payment was allowed not on one instance but repeatedly with no finality to clearing outstanding dues. The matter be got investigated and action against the erring official be taken by UPCL management.

Dated: 21.12.2015

(Vibha Puri Das)  
Ombudsman