

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ramesh Chandra Arya  
EWS-245, Aawas Vikas Colony,  
Bhotiya Padav, Haldwani, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division  
Uttarakhand Power Corporation Ltd.  
Tikoniya, Haldwani, Distt. Nainital, Uttarakhand

Representation No. 19/2014

### **Order**

The petitioner, Shri Ramesh Chandra Arya approached the office of Ombudsman with a petition dated 25.10.2014 in his dispute against the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) wherein the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) had given an order against him on 28.06.2014.

2. The petitioner states that his mechanical meter was replaced in 2006, however the respondent continued to send him IDF bills till February 2013 and consumption of the new electronic meter was first shown in the bill sent on 31.03.2013. The petitioner claims that the bill sent on 31.03.2013 showing consumption of the electronic meter was wrong and the petitioner lodged the complaint before the Forum. The Forum however in their order dated 28.06.2014 held that the bill was correct and provided the respite that he could make the payment in 3 installment.
3. The petitioner claims that the amount billed on the basis of consumption shown on the electronic meter amounted to Rs. 50,933.00. He states that as a retired employee he was in no position to pay this amount. The petitioner states that he had made a request before the Forum that as per section 56 (2) of the Electricity Act, 2003 he should only be billed for the previous 2 years. The petitioner claims that the fault of the bill not

being given on time was the fault of the respondent and hence he should be given relief under section 56 (2).

4. The petitioner made 3 complaints before the Forum. In his first complaint dated 18.09.2013, against the bill received by him on 31.03.2013 the petitioner requested that the amount paid by him against IDF bills from 2006 to 2013 should be adjusted against the amount demanded. The Forum in their order dated 12.12.2013 held that the respondent had already complied with the request made by the petitioner and hence they dismissed his petition. The petitioner then made another complaint before the Forum on 15.04.2014 in which the Forum issued an order dated 28.06.2014. In this complaint the petitioner maintained that the meter was replaced on 01.10.2006 but bill up to 31.03.2013 were received as IDF. In the same complaint, the petitioner stated that the first bill based on metered units recorded by new meter was received on 31.03.2013 for Rs. 20,590.00. However on 10.03.2014 the petitioner claims he was sent a bill for Rs. 52,555.00. The petitioner claims that in 8 years the bill was for Rs. 20,590.00 but bill for the next 8 months was for Rs. 31,965.00 which did not appear to be correct and hence the petitioner maintained that the meter was jumping. The petitioner again stated that he was a retired Govt. employee and not in a position to pay such a huge amount and requested that the amount be reduced or waived off.
5. During hearings, the respondent placed before the Forum that they have revised the bill by removing the surcharge imposed and now an amount of Rs. 50,933.00 was due from the petitioner till 04/2014. The Forum found that the revised bill was correct and ordered that the amount was due from the petitioner but provided him the relief to make the payment in 3 installments. In the next complaint dated 14.08.2014 before the Forum, the petitioner again raised the point of the respondent giving him the accumulated consumption bill in March 2013 and requested the Forum that he should be given relief under section 56 (2) of the Electricity Act, 2003 and the respondent be ordered not to raise demand for more than previous 2 years. The Forum in their order dated 30.09.2014 stated that the section could not be applied in this case and dismissed the complaint.
6. The respondent agrees that billing as per the electronic meter was not done till 2013. The fact of the new meter having been installed was fed into the billing system in February 2013 and a bill for accumulated units amounting to Rs. 42,900.00 was

issued on the basis of the reading seen on the electronic meter. As per the advice of the Forum the respondent revised the bill from 01.10.2006 to 31.10.2013 for 21290 units consumed by the new meter on average basis and on tariff applicable from time to time and hence a revised bill for Rs. 46,658.85 was issued on 24.12.2013 after deducting Rs. 22,764.15 (the amount paid by the petitioner on IDF bills during the above mentioned period). Further the respondent informs that the meter of the petitioner was shown as ADF till December 2013 hence bill up to 31.12.2013 was further revised to Rs. 49,560.22 after deleting an amount of Rs. 8,580.78 for ADF bills. The respondent states that the petitioner filed a complaint before the Forum on 15.04.2014 that there was jumping in the meter and therefore the bill amount should either be waived off or reduced. The respondent informs that as per directions of the Forum during hearings, the surcharge amounting to Rs. 3,354.99 was further removed and a revised bill for Rs. 50,933.00 for the period ending 04/2014 was issued. On 14.08.2014 the petitioner again approached the Forum that his case should be decided under section 56 (2) even though he had already paid one installment as per the orders of the Forum. The Forum dismissed the complaint.

7. During hearing the respondent was requested to provide the sealing certificate of 2006 when the new meter was installed. They were however unable to provide a copy of the same. The petitioner maintained that no such sealing certificate was either shown to him or copy given to him.
8. There are two issues to be considered here a) whether the charges are for actual consumption by the petitioner, b) whether there was any negligence by the respondent. The Forum has ordered that the surcharge should be removed as the problem arose due to the fault of the respondent. The petitioner has only raised the applicability of section 56 (2) and requested that the respondent be stopped from demanding arrears for more than 2 years and not asked for any compensation . As already shown above section 56 (2) does not apply in this case.
9. From an examination of the consumer history and consumer's ledger details the new meter has shown a consumption of 22931 units up to 04/2014 from 01.10.2006. Thus if the units per month are calculated on the basis of average consumption for this entire period (91 months) amounts to approximately 252 units per month which does not appear to be excessive usage on a 1 KW connection. Hence, it appears that the

metered consumption as shown on the electronic meter from 2006 onwards is correct. Hence the amount worked out by the respondent after deducting the amount paid by the consumer amounting to Rs. 50,933.00 up to 04/2014 appears to be correct. The petitioner has already paid one installment of this amount of Rs. 17,000.00 on 15.07.2014.

10. The respondent's defense from the beginning has been that though the new meter was installed in 10/2006 because it was not fed into the billing system, cognizance of the new meter was not taken and bills were issued for IDF/ADF for over seven years. This is pure and simple negligence by the staff of the respondent. The Uttarakhand Electricity Regulatory Commission (Supply Code) Regulations, 2007 clause 3.2 (1) provides that *“(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.”*
11. Further the Uttarakhand Electricity Regulatory Commission tariff orders issued from time to time provide that *“in case of defective meter (ADF/IDF... cases, the consumers 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 (as per regulation 3.2 (1) of the Electricity Supply Code). These charges shall be leviable for a maximum period of 3 months only during which time the licensee is expected to have replaced the defective meter. Thereafter, the licensee shall not be entitled to raise any bill without correct meters.”*

Reading these 2 Regulations together makes it very clear that after having issued IDF bills for 3 months from October 2006 the respondent could not issue any further IDF bills to the petitioner. They should have promptly enquired into the situation and corrected the same. Instead of following the Regulations and taking corrective action, the negligent and casual attitude of the respondent is clearly shown by the fact that it took them over 7 years to correct the position.

12. Unfortunately no compensation to the consumer is provided in such cases, the Uttarakhand Electricity Regulatory Commission (Standards of Performance) Regulations, 2007 provide relief in the case of replacement of defective meter.

Schedule III of the Regulations, regulation 9 (4) provides that *“if the defective meter is not replaced within 15 days of the meter being declared defective, the Licensee would have to pay the consumer Rs. 50.00 for each day of default.”*

13. In the present case the meter was not defective however due to the negligence of the respondent in sending IDF/ADF bills for over 7 years the resultant effect was as if the meter was defective and hence I feel that while the above provision of the SOP does not strictly apply in this case it is necessary that the respondent be penalized for the negligence and the case be treated as a case of inordinate delay in setting right a defect.
14. The plea of the petitioner that section 56 (2) be applied in his case is not feasible as that section only becomes applicable in case the billing was not done continuously from the date due. In this case the billing was done continuously albeit incorrectly as IDF/ADF from the date due i.e. 10/2006. The mistake here was that the billing was being done under IDF/ADF instead of on the basis of metered units. There has been negligence by the respondent but this does not give any benefit to the petitioner under section 56 (2).
15. While the respondent has sought to place the responsibility on the petitioner, it is the responsibility of the respondent to ensure that proper bills are sent to the consumers. They cannot suddenly wake up after 7 years and claim that the consumer was being wrongly charged albeit due to the respondent's negligence and accuse the consumer for not taking up the matter with the respondent to correct the bills.
16. In view of the facts brought out above it is clear that power has been consumed. The amount drawn up after deducting surcharge and amount already paid is Rs. 33,933.00. Hence amount charged for electricity consumed has to be paid by the petitioner, however, in the spirit of natural justice it is ordered that as the sudden awakening of the respondent about the amount due was due to their own negligence, the petitioner is given an equal amount of time i.e. 7 years (the number of years he was issued IDF bills) to repay the amount outstanding of Rs. 33,933.00 in equal installments. No Late Payment Surcharge will be levied on this amount. The petitioner should be allowed to pay the installment amount every month along with his current bill.

17. Further it has been informed that the petitioner's supply has been disconnected. This should be reconnected immediately. Order of the Forum to the extent relating to LPS being waived is upheld rest is set aside. Responsibility should be fixed for the delay leading to such harassment of the consumer and action taken against the erring staff.

Dated: 11.05.2015

(Renuka Muttoo)  
Ombudsman