

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Sheel Chand Agro Oil Pvt. Ltd.  
Kichha Road, Lalpur, Rudrapur,  
Distt. Udham Singh Nagar, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division  
Uttarakhand Power Corporation Ltd.  
Rudrapur, Distt. Udham Singh Nagar, Uttarakhand

Representation No. 22/2015

### **Order**

The petitioner, M/s Sheel Chand Agro Oil Pvt. Ltd. aggrieved by the order of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) dated 16.07.2015 have filed their petition before the Ombudsman along with a stay application. Interim stay was granted at the time of admission on 21.08.2015 and in the hearing on 03.09.2015, the stay was allowed to continue till next date of hearing. The case in brief is that petitioner M/s Sheel Chand Agro who is a consumer of the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) with connection no. K No. 8288 and a contracted load of 700 KVA received a notice dated 07.08.2014 for recovery of Rs. 8,00,510.00 from respondent for the financial year 2011-12 for the billing month November 2011 which was reflected in the bill dated 02.09.2014, for the month of August 2014. The petitioner claims that the reading in the MRI is in increasing order and there is no defect in the meter or the connection and hence the assessment is illegal and unjustified. Despite repeated requests to the respondent no action was taken on his complaint and the appellant was compelled to file a complaint on 19.03.2015 before the Forum. Since the respondent have, in their reply to the Forum, stated that audit committee has asked to raise assessment to the appellant by taking average consumption for the month July, August and September for the bill raised in November, it appears that the respondent are not convinced about the justification for the demand. This is also borne out from the fact that Executive Engineer has taken up with the audit committee requesting

them to modify/drop the audit para in view of the bill for September, October 2014 (probably meaning 2011) having been raised on the basis of MRI slip which could not have been done if the meter was defective. The petitioner has further argued that bills on account of defective meter and based on earlier average consumption can be raised only if the meter is proved to be defective. In the light of respondents having categorically stated that meter is not defective such raising of bill is unwarranted. The petitioner further has alleged that the Forum in the absence of any document or evidence in support of the contention of the petitioner has believed all the contentions of the respondent without any examination of the record. The petitioner have therefore requested for the order of the Forum and also the assessment of Rs. 8,00,510.00 to be set aside. The amount of Rs. 2,70,000.00 deposited by the petitioner in pursuance to the order dated 27.04.2015 be refunded and adjusted in future bills and appropriate compensation be also awarded.

2. While Forum acceded to petitioner's request of providing interim relief after they deposited one third of the amount they did not find merit in their complaint and rejected the same on 16.07.2015.
3. In their written statement before the Ombudsman, respondent have only reiterated that because the meter of the petitioner was defective the same was replaced on 06.11.2011 (as per the sealing certificate this date is 04.11.2011) and taking account of the objections raised by the departmental audit committee, revenue recovery of Rs. 8,00,510.00 was proposed against the petitioner.
4. Having heard arguments and perused the records available on file, the following points become clear that
  - i) Sealing certificate of 04.11.2011 mentions that meter was found defective and MRI was not being done and hence meter was replaced. Audit has pointed out that since the meter was defective and since MRI could not be done, as per Regulations, reliance has to be placed on the consumption pattern immediately prior to meter being found or reported defective.

Regulation 3.2 (1) of UERC (The Electricity Supply Code) Regulations, 2007 provides as "*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.”*

- ii) Looking at the consumption pattern between April and December 2011 it is clear that the consumption of September and October is by far the lowest. Petitioner have maintained that they were paying what was being asked for in the bill. As no justified reason for this substantial fall in consumption has been put up by the petitioner, it is clear that the fall is attributable to the defective meter. The demand raised by the respondent pertains to the period 01.09.2011 to 03.11.2011.
5. Forum have in their order gone into the basis of assessment, the lower consumption, and lack of justification for the same, as well as the prevailing Regulations and placing reliance on the audit report have given a reasoned order. There is no justification for interfering with the order and the same is upheld. The petition is dismissed. The stay already stands vacated w.e.f. 17.11.2015 (the date of hearing up to when it was extended on 03.09.2015.)

Dated: 12.01.2016

(Vibha Puri Das)  
Ombudsman