

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Abhimanyu Gahlaut
S/o Shri Gajendra Singh Gahlaut
318 A, Chukkuwala,
Dehradun, Uttarakhand.

Vs

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

Representation No. 12/2016

Order

The petitioner, Shri Abhimanyu Gahlaut has filed this appeal no. 12/2016 against the order of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 09.05.2016 in his complaint no. 204/205 before the Forum. He had claimed that he received a bill for Rs. 1,72,869.00 in March 2015 which is incorrect bill but despite repeated requests to the respondent this bill was not corrected and further without any information his connection was disconnected on 09.12.2015. He had to spend Rs. 30,000.00 to restore the connection. Subsequently opposite parties gave applicant a notice dated 18.01.2016 asking him to deposit Rs. 1,62,608.00. With no other relief in sight, petitioner approached the Forum on 04.02.2016. However the Forum did not pay sufficient attention to the case and while no copies of documents were made available to the petitioner he was also not afforded opportunity to explain his complaint and hence a wrong order dated 09.05.2016 was passed by the Forum. Since petitioner has not received the reliefs he had requested and the Forum has not utilized its powers to dispense justice he has been constrained to approach the Ombudsman.

2. The case in brief is that the petitioner had been receiving ADF/RDF bills since 2003 to February 2015 based on average consumption which were being paid and there were no outstanding dues till then. In March 2015 he received a bill for Rs. 1,72,869.00. On enquiry he was informed that the bill is for the accumulated units

which were left to be billed due to dial of the meter being completed and in fact the meter was working over this period since 2003 but was wrongly being billed as ADF and RDF. A notice for Rs. 1,62,608.00 was served on him by the respondent. The petitioner had been continuously requesting the respondent for rectification of the bill but with no relief. The respondent also could not explain as to when the dial was completed and how this bill for accumulated units has been arrived at. Mean while his connection was disconnected which was restored after depositing Rs. 30,000.00. He approached the Forum. The Forum allowed his petition and ordered that a revised bill for the period 31.10.2003 at reading 70098 to 03.09.2015 at reading 45456 (dial complete) be issued on average monthly consumption at appropriate tariff without LPS but the petitioner still felt aggrieved and preferred this appeal before the Ombudsman.

3. The respondent in their written statement have concurred that a bill of Rs. 1,72,869.00 was served on the petitioner in March 15 and a notice demanding Rs. 1,62,608.00 was given to the petitioner upon which the petitioner filed a complaint before the Forum. Respondent have not admitted to any fault in the department because of which the petitioner may have suffered any loss. It is accepted that RDF bills over a long period of time have led to bills of small amounts being charged to the consumer and it is only now that a bill has been issued for actual units consumed and that too without any surcharge. Respondent have also claimed that since the petitioner was himself in the know of RDF bills and if the bill was not corrected, he could have taken the reading from the meter and got the bills for the reading prepared. They have alleged that since the petitioner was getting bills for fixed amount for very low amount so he kept silent while it is always possible for the petitioner to take the reading from the meter and get bill against reading prepared. He however did not do so from 2007 to 2015. (The responsibility for raising correct bills as per reading cannot be transferred to the consumer and hence respondent's claim is unwarranted.) In their additional pleas the respondent have further claimed that the reading on the meter on 23.12.2007 (this date as per other records is 23.11.2007) was 73105 and after the dial completed the figure of 99999 it started a fresh from figure 1. Based on the fact that 68505 units had not been billed to the consumer, respondent raised the said bill and then issued notice for Rs. 1,62,608.00. On the basis of the new electronic meter installed on 03.09.2015 the average consumption of the petitioner comes to 410 units up to 11.03.2016 (whereas

up to 09.05.2016 the average consumption comes to 415 units). They have also raised extraneous issues regarding connection continuing in Shri Ram Gopal's name and a separate connection having been taken by the petitioner, none of which have bearing on the present petition. They have further informed that in compliance of the Forum's order they have issued a revised bill of Rs. 2,09,740.54. Having adjusted Rs. 99,259.00 already paid by the consumer, they have claimed net amount of Rs. 1,10,481.54 as outstanding.

4. It is seen that as per the Forum order, the average consumption for the period 31.10.2003 to 03.09.2015 is 530 units and the Forum has directed bill to be raised as per this consumption pattern without LPS. However, it is noticed that as per consumer billing history the date of connection is 19.03.1976 and consumption recorded by the old meter from 19.03.1976 to 03.09.2015 except the period 23.11.2007 to February 2008, is in the region of 400 units or less. The breakup of consumption for the period 19.03.1976 to 03.09.2015 is as below:

From	To	No. of Months	Meter Reading		Consumption	Average monthly consumption
			Previous	Present		
19.03.1976	23.07.1999	280	0	61880	61880	221
23.07.1999	31.10.2003	51	61880	70098	8218	161
31.10.2003	23.11.2007	49	70098	73105	3007	61
23.11.2007	02/2008*	3	73105	8782	35676	11892
02/2008	12.11.2014	81	8782	41610	32828	408
12.11.2014	03.09.2015	10	41610	45456	3846	384

* Presumably respondent have claimed dial over for the meter in this period.

5. Scrutiny of some bills issued on metered consumption reveals as follows:
- i) Bill from 31.10.2003 to 31.12.2003 from reading 70098 to 70198 for 100 units.
 - ii) Bill from 29.02.2004 to 30.04.2004 from reading 70198 to 71302 for 1104 units
 - iii) Bill from 30.06.2004 to 30.08.2004 from reading 71302 to 71647 for 345 units

Bill at sr no. ii) above is in fact from 31.12.2003 to 30.06.2004 as suggested by the readings shown in the bills at sr. no. i) & iii) thus, the total metered consumption from

31.10.2003 to 30.08.2004 i.e. 10 months is 1549 units i.e. average of 154.9 say 155 units per month. The average consumption for this entire period is between 61 to 408 units per month, except the period 23.11.2007 to 02/2008 where inflated consumption, due to purported meter dial over sometime during this period, is appearing which is just not possible even at 100% load factor.

6. The respondent have not been able to establish and give exact date of dial over and the SDO concerned during hearing categorically stated that it is not possible to give the correct date of dial over. Further, the meter reader had reported reading in February 2008 as 8782 and thus the respondent have claimed that the dial would have completed in the period 23.11.2007 to February 2008. If for the time being this claim is accepted, then the total consumption from 23.11.2007 (reading 73105) to 8782 in February 2008 after dial over, comes to 35676 units. This much consumption even for a load of 8 KW as claimed by the respondent to have been found connected at the time of checking on 20.02.2016 is not possible even at 100% load factor, so respondent's claim and as also upheld by the Forum, in their order, does not appear logical.
7. During arguments respondent was asked repeatedly to indicate the specific date on which dial over has happened. In view of the fact that if dial over is presumed in the period 23.11.2007 to February 2008 the consumption reading is illogical, and no other date having been given or established by the respondent, this matter remains indeterminate
8. Respondent have also continued to raise ADF/RDF bills over a period of 12 years except a few bills for metered consumption as explained above. The regulation 3.2 (1) read with tariff order in this regard provide as under:

“3.2 (1) 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 or two billing cycles, in case bi-monthly billing, only during which time the licensee is expected to have replaced the defective meter.”

9. There is no provision for treating ADF/RDF bills as provisional. However this is not held to be a case of RDF/ADF, as the meter was working but billed as RDF/ADF due to reporting of wrong readings without proper advise to computer for any change of status of meter, if any.
10. The meter was changed on 03.09.2015 and consumption recorded through the new meter from 03.09.2015 to 09.05.2016 is 3322 units, so average is 415 units/month.
11. I find that the average consumption recorded by the new electronic meter installed on 03.09.2015 for the period 03.09.2015 to 09.05.2016 is 415 units per month. As the status of meter with regard to dial over could not be ascertained and it is doubtful whether the dial was ever completed or not, so issuing bill at average consumption of 530 units/month, as decided by the Forum is not justified. It would therefore be fair if bill for the period 31.10.2003 to 03.09.2015 is framed @ 415 units/month on appropriate tariff based on average consumption recorded by the new meter.
12. It is therefore hereby ordered that a fresh revised bill from 31.10.2003 to 03.09.2015 at an average consumption of 415 units per month on appropriate tariff without levy of LPS and after allowing adjustment of the amount paid by the petitioner during this period against the bills issued by the respondent, may be issued within 15 days of this order allowing further 15 days for making payment by the petitioner. In case the petitioner fails to make payment of this revised bill within the prescribed due date, LPS may be levied as per tariff provisions. Forum order stands modified up to that extent. Bills after 03.09.2015 may continue to be issued as per metered units by the new meter, Stay stands vacated.
13. It is observed that the respondents have not only made gross violations of the relevant Regulations for not resolving the problem and issuing RDF/ADF bill for such a prolonged period of 12 years but also seems to have failed to perform their duty to issue correct bills based on correct meter readings. The UPCL management may take necessary action against the erring officials/officers.

Dated: 19.07.2016

(Vibha Puri Das)
Ombudsman