

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Deepak Maheshawari
Shiv Bhawan, Kathgodam,
Distt. Nainital, Uttarakhand

Vs

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

Representation No. 06/2016

Order

The petitioner, Shri Deepak Maheshawari has filed this appeal against the order dated 26.04.2016 of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum). The petitioner claims that he has not been granted any relief by the Forum even though the Forum agreed with most of his averments. The case in brief is that petitioner, a subscriber of UPCL since 1977 has a domestic electricity connection with a sanctioned load of 10 KW. While the connection is continued since 1977 the load was enhanced from 5 to 10 KW in 2010 when the meter was also changed as the old meter had got burnt. The petitioner claims that he has been regular in paying his bills till in the month of July 2015 a bill no. 02331506220807 for the period 11.04.2015 to 22.06.2015 was delivered to him for an amount of Rs. 26,863.00. Two further bills for four months period 22.06.2015 to 19.10.2015 amounting to Rs. 1,95,152.00 and 19.10.2015 to 18.12.2015 Rs. 2,05,458.00 were received which included all previous arrears and incorporated a correction of Rs. 46,631.00. However the amount of Rs. 20,000.00 paid by him had not been adjusted in the revised bill. On 07.01.2016 without any further information his electricity connection was cut off and petitioner went through the ignominy of staying without electricity for the whole night. When he brought the matter to the notice of the department, they insisted on recovery of Rs. 47,000.00 before his connection could be restored. Under duress, he had no option but to comply with the request of the

department. The petitioner has requested for quashing of total backlog and overdue shown against his name and have further requested that UPCL be restrained from disconnecting his connection for the purpose of recovering dues since he had paid more than what is due towards him.

2. Forum in their order dated 26.04.2016 have observed that several irregularities have been committed by the respondent in issuing the bills and have also observed that since a consolidated bill for accumulated units have been issued the late payment surcharge (LPS) should not be charged and the opposite party should allow payment of this accumulated amount in installments if the petitioner requests for the same. However even after the aforesaid observations the Forum have dismissed the complaint and not given any relief to the petitioner.
3. Respondent UPCL in their written statement have claimed that while meter of petitioner was changed on 20.02.2010, MRI done on 29.06.2015 showed a reading of 61933 as on 01.06.2015 while metered units bills up to 22.06.2015 had been only up to 30500. Consequently bill of Rs. 1,73,296.00 was raised following which a further bill incorporating 4618 units consumption for the period 22.06.2015 to 19.10.2015 was raised for Rs. 1,95,152.00. Respondent have also stated that based on petitioner's request, a sum of Rs. 46,631.00 was adjusted as also the deposit of Rs. 20,000.00 given by the petitioner in the bill for the period 19.10.2015 to 18.12.2015. Even though these adjustments were made, since the petitioner had not deposited the due amount, department was constrained to disconnect his connection. Connection was, however, restored on the request of the petitioner. Respondent have also claimed that billing as per reading obtained through the MRI is evidence enough for consumption and no other evidence is called for. They have also informed that in compliance of Forum's order surcharge of Rs. 7,294.54 has been adjusted in the revised bill issued to the petitioner. Further, respondent have also maintained that meter reader has informed the JE that in the absence of petitioner and for other reasons bill has been raised based on reading given by petitioner or his representative. Consequently the JE took the MRI so that corrected bill may be raised and also checked the meter at site and in the sealing report dated 29.06.2015 has recorded reading as 63294.
4. Arguments have been heard from both parties and record available on file has been perused. Following conclusions can be drawn.

5. Bill for the period 11.04.2015 to 22.06.2015 showing previous reading 24084 and present reading 30500 was issued for Rs. 26,863.00. On examination of MRI on 29.06.2015 it was found that the actual reading in the meter on 22.06.2015 was 61933, this was corroborated by site checking of the meter by the JE and hence it was established that the bills for the lesser consumption than the consumption actually recorded in the meter were being issued due to wrong reporting of the reading by the meter reader and hence the revised bill for the month of 06/2015 incorporating present reading 61933 instead of 30500 was issued for Rs. 1,73,296 and subsequent bill for the period 22.06.2015 to 19.10.2015 for the readings from 61933 to 66351 for Rs. 1,95,152.00 was issued. Such being the case it is established on the basis of MRI report that the meter reader had been reporting wrong readings, lesser than actually appearing in the meter.
6. The respondent's averment about not reporting the correct readings by the meter reader saying that the petitioner was not allowing entry in his premises to take the reading and he had been reporting the readings as given by the petitioner is not maintainable. If such had been the situation, the meter reader instead reporting the readings given by petitioner (according to him) should have reported as NA and NA/NR bills should have been issued instead of wrong readings and in that case all the NA bills were subject to revision on receipt of actual reading appearing in the meter as per MRI or as per site checking and in that case the petitioner could have not raised any objection for raising and revision of NA bills based on actual reading.
7. While the petitioner is liable to pay the dues on account of the accumulated units left to be billed due to wrong reporting of the meter readings by the meter reader, the respondent have committed irregularity in taking readings and not issuing correct bills based on actual readings as also lack of supervision by the JE concerned on the meter reader.
8. It has also been observed that although the Forum has pointed out towards the mistakes and irregularities committed by the respondent in billing but have dismissed the complaint.
9. It has also been found from the documents that the respondent has revised the bill from February 2010 (the date of replacement of meter) till December 2015 on the MRI reading of 61933 on appropriate tariff on average consumption of 1956 units

/bill and has allowed adjustment of Rs. 46,631.00 and Rs. 20,000.00 deposited by the petitioner in the bill from 19.10.2015 to 18.12.2015 and have further deleted LPS amount of Rs. 7,294.54 and as per billing history after allowing aforesaid adjustments the net amount payable for the bill dated 13.04.2016 has been shown as Rs. 84,137.00 and as per consumer ledger the net amount as on 18.05.2016 has been shown as 78,011.00. This includes the current bill and the amount of revised bill of accumulated units.

10. The supply was disconnected by the respondent due to non payment in the month of January 2016 but which was restored on petitioner's request as the petitioner had already raised objections on the bill of accumulated units and have approached the respondent for correction of his bills. The supply should not have been disconnected in view of section 56 (1) (b) of the Electricity Act, 2003 which reads as follows:

"...Provided that the supply of electricity shall not be cut off if such person deposits, under protest, -

b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee."

11. It is seen from the above observations that adjustments due to the consumer for the period February 2010 to December 2015 on account of revision of the bills on appropriate tariff on average consumption of the entire units consumed from February 2010 to December 2015 as per MRI has already been given by the respondents themselves and further relief by waiver of surcharge amounting to Rs. 7,294.54 accrued on the outstanding dues for this period in compliance of Forum's order dated 26.04.2016 have already been allowed and net dues payable for the period ending December 2015 are Rs. 91,959.00 as worked out by the respondent after adjusting Rs. 46,631.00 on account of revision of the bill and Rs. 7,294.54 on account of LPS so no further relief is admissible. However if petitioner so desires and applies for payment of the aforesaid dues in installments the same may be allowed by the respondent. The LPS on the unpaid amount is levyable in case of payments in installment but in the instant case these outstanding dues accrued due to billing of the accumulated units not reported by the meter reader earlier correctly and as the JE has also not carried out proper supervision on the meter reader they are responsible for accumulation of this

amount and as such it would not be proper to recover LPS on unpaid amount from the petitioner so it is directed that if petitioner seeks installments only the principal amount should be charged from him and LPS on unpaid amount be recovered from the salary of the meter reader concerned. If meter reading have been outsourced then the amount of LPS be recovered from the bill of the contractor. Further the JE concerned should be warned for not excising proper control on the meter reader.

12. Payment of bills after December 2015 as issued on correct readings be realized as per provisions of the Tariff. It is also directed that in case the petitioner do not pay the corrected amount of dues for the period ending December 2015 either in lump sum or in installment as the case may be necessary action for recovery may be taken as per prevailing rules including disconnection. In case the meter is still an inaccessible location from where the meter reading is difficult, the meter may be got shifted to an appropriate location.

Dated: 17.06.2016

(Vibha Puri Das)
Ombudsman