

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Harish Chand Pant  
S/o Late Shri Mohan Chand Pant,  
269, Awaas Vikas, P.O. Bhotiya Padav,  
Haldwani, Distt. Nainital, Uttarakhand

Vs

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

Representation No. 21/2016

### **Order**

The petitioner, Shri Harish Chand Pant has filed this appeal against the order dated 15.09.2016 of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) whereby they have refused to intervene in the assessment of Rs. 30,290.00 by respondent UPCL on the basis that his meter was running 91.99% slow. Petitioner has reported that the responsibility for appropriate calibration of the meter rests with the department and a meter which is shown to be 91.99% slow is seemingly defective or inappropriately calibrated. He has also alleged that accepting such a meter reading without a declaration on oath about its authenticity is wrong and deserves to be rejected. He has further claimed that installing a correctly functioning meter is the responsibility of the department and that while he has submitted complaints to senior officers regarding defective meter and wrong calibration as well as the breaking of the seal of his meter he has not received any reply. He has therefore faulted the order of the Forum and claimed that he has been harassed physically, mentally and financially and he has requested that both the order of the Forum dated 15.09.2016 and the order dated 25.02.2016 by which assessment has been communicated to him should be set aside.

2. Forum in their order dated 15.09.2016 have relied on the M/s YMPL report which alleges that the meter was found 91.99% slow and have also placed reliance on the fact that the petitioner, did not either at the time of checking, or after, file complaint regarding the veracity of the meter. Forum have also said in their order that since

petitioner has filed copy of M/s YMPL testing report, sealing certificate and test lab report with his application therefore while he was fully in the know of the report he did not file any complaint and he has requested for withdrawal of the assessment during hearing. Forum have therefore found no merit in the complaint and have consequently disallowed it.

3. Respondent UPCL in their written statement have reiterated the above sequence of events of M/s YMPL inspection on 04.11.2015 whereby the meter was found 91.99% slow and hence meter was changed on 09.02.2016 as per provisions of sub Regulation 3.1.3 (6) of UERC (The Electricity Supply Code) Regulations, 2007 and an assessment of Rs. 30,290.00 against assessed 8315 units was made. Respondent have therefore claimed that appeal needs to be rejected and petitioner be directed to pay the entire due amount. Respondent have also filed a copy of UERC regulation 3.1.3 (6) to show that if the accuracy of the test is not disputed, in a case where meter has been found to be slow beyond permissible limits, the meter shall be rectified or replaced within 15 days of the testing and the consumer shall pay the difference due to the defect in the meter at normal rates for a maximum period of not more than 6 months. Respondent have also given consumer history for the petitioner for the period June 2011 to March 2016.
4. File has been perused and arguments on behalf of both parties have been heard. It is observed that while the YMPL report dated 04.11.2015 states that the meter is running 91.99% slow and maximum load drawn 1.55492 KW, in the testing of the meter removed from site on 08.02.2016 vide sealing certificate no. 20/11383 dated 08.02.2016 and tested in Lab on 09.02.2016 indicates no tamper with the meter.
5. Petitioner has all along stated that the fault is either in the calibration of the meter or in the testing otherwise how can it be shown to run 91.99% slow
6. Respondent have followed the provisions of Regulation 3.1.3 (6) of UERC (The Electricity Supply Code) Regulations, 2007 in making the assessment for a period of six months prior to inspection on 04.11.2015. However it needs to be seen whether the consumption alleged as a result of meter running 91.99% slow is at all possible, given that maximum load drawn is 1.55492 KW against sanctioned load of 1 KW. At 100% load factor, per day consumption for 1 KW can be 24 units. With meter alleged to be 91.99% slow and with assessment of 1386 units per month, per day consumption

comes to 46.2 units which is almost 200% of load factor. The assessment as a result of M/s YMPL checking presumes consumption of 1386 units per month i.e.  $1386 \times 2 = 2772$  in one billing cycle. The YMPL report also states that there is no tampering of the meter. The maximum load drawn at the time of YMPL inspection is stated to be 1.55492 KW. Even at this maximum load, the load factor on the assessed units 8315 at 91.99% slow running of meter comes to be 150% (approximately) which is not possible. The assessment and the inspection report on which it is based, seem technically flawed and cannot be sustained. The Forum order which has relied on this assessment in rejecting the complaint is set aside. Respondent UPCL are directed to withdraw the assessment bill. The appeal is allowed with no costs.

7. Further, in their order dated 15.09.2016, Forum have mentioned that petitioner had on 15.09.2012 filed a complaint regarding his meter running fast and had also deposited a sum of Rs. 35.00 but no checking of the meter was done. Respondent were directed to submit status of installation of check meter and have informed that while indent for installation of meter had been placed but check meter was not installed. As per Regulation 7.3 of UERC (Standard of Performance) Regulations, 2007, the licensee is required to test the meter within 30 days of receiving the complaint and if needed the meter has to be replaced within 15 days thereafter. In the instant case compliance of the said regulation has not been done and the check meter was never installed. The respondents are in violation of the said regulations.
8. As regards petitioner's allegation that no action has been taken on his complaint dated 03.08.2016 to the Energy Secretary, Government of Uttarakhand, the respondents have submitted that a report in the matter has duly been submitted to higher authorities. However, a copy of the said report is not available in the file.

Dated: 30.12.2016

(Vibha Puri Das)  
Ombudsman