

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Geeta Nautiyal  
W/o Shri Ravindra Nautiyal  
26, Niranjapur, P.O. Kanwali,  
Dehradun, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division  
Uttarakhand Power Corporation Ltd.  
Uttarkashi, Uttarakhand

Representation No. 31/2015

### **Order**

The petitioner Smt. Geeta Nautiyal aggrieved by the order of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 05.12.2015 has filed this appeal no 31/2015. The petitioner has stated that while connection no. UK-2/1325/010721 of 1 KW was sanctioned on 01.02.2000, bills were issued to the petitioner as per reading up to November 2009 against which the petitioner has paid Rs. 8,000.00. From December 2009 to December 2014, according to the petitioner, the meter remained defective and was not changed and IDF bills were issued. The petitioner has also maintained that despite the meter being IDF the bills were being raised as per reading and since no meter was changed there is no basis for calculating 15269 units against which payment is supposed to be outstanding. The petitioner has indicated in her petition that since she and her family stay in Dehradun from 2010 (in her complaint before Forum she has mentioned that after natural calamity of 2012-13 her family is living in Dehradun since 2012) onwards, their house in Joshiyada, Uttarkashi remains vacant, with only minimal power consumption. The petitioner has further alleged that her repeated requests for correcting her bills were not heeded and officers of the respondent made undue demands on her. One JE has also removed 150 meters of cable and the meter before the due date of disconnection 25.03.2015.

2. The petitioner's connection was temporarily disconnected on 22.03.2015. Petitioner request to the Forum was to get the connection restored, corrected bill be given to her for 5 years, which have been IDF, since as per, natural calamity subsidy be made available as per Government Order and if correct bill is made available the petitioner undertakes to make payment. Forum have in their order indicated that the meter of the petitioner was functioning and bills were being issued as per meter reading up to November 2009. Subsequently, i.e. from December 2009 to December 2014 bills were raised on the average of the last 3 billing cycles which came to 404 units per month. Respondent has also informed the Forum that the defective meter was replaced on 15.02.2012. On this newly installed meter, the reading on 13.02.2015 i.e. 3 years after installation was 15269 and bill for consumer up to October 2014 was Rs. 75,101.00. Subsequently, subsidy admissible for natural calamity as per Government orders and as per Forum's orders amounting to Rs. 13,520.00 was adjusted in the bill and an amended bill of Rs. 56,132.00 was issued. Since the petitioner still did not pay, the above connection was temporarily disconnected on 22.03.2015. Respondent UPCL has claimed that while Forum had directed petitioner to deposit Rs. 30,000.00 within 15 days, the same was not deposited till 19.09.2015. The respondent therefore proceeded to temporarily disconnect the connection. Forum has held that despite having received benefit of the calamity relief as per Government order and in compliance of Forum order, the petitioner has not deposited the amount due against the bill. Further, petitioner has also not complied with directions of the Forum of 07.09.2015 to deposit Rs. 30,000.00. Forum held that the amended bill issued by the respondent is correct, petitioner is not entitled to any further relief, and the complaint is liable to be dismissed. Forum have ordered accordingly.
3. Aggrieved by this order, the petitioner has filed this appeal before the Ombudsman and requested that IDF bill be corrected, Government authorized rebate be given, and appropriate punishment awarded to the JE for his uncalled for behavior.
4. Respondent have, in their written statement, before the Ombudsman, indicated that while meter was changed on 15.02.2012, the adjustment in lieu of natural calamity subsidy admissible from 01.06.2013 to 31.03.2014 has been provided and amended bill of Rs. 56,132.00 has been issued. The petitioner has however refused to deposit Rs. 30,000.00 expected of her within 15 days of 08.09.2015. Since petitioner had not

been depositing her dues, the connection which was temporarily disconnected on 22.03.2015 was permanently disconnected on 16.12.2015.

5. Documents filed on record have been perused and the arguments preferred by both parties heard. It is evident from the consumer history filed by the respondent that meter was changed on 15.02.2012, entry regarding which has been made on 20.12.2014. Old meter number has been shown as 189473 and new meter number as 606233. As per consumer history, however, the bill has been raised as per metered unit up to bill issued on 18.12.2009. Thereafter, IDF bills have continued right up to December 2014. It is therefore clear that as per bills issued to the petitioner, no change has been recorded because of change of meter in 2012 as bills continued to be issued on the basis of IDF.
6. The sealing certificate indicates new meter no 606233 with initial meter reading 1 installed on 15.02.2012. The meter removed is shown as with meter number 2309. The sealing certificate indicates load of 2 KW. There is no certificate regarding seals being in order, there is no signature of the consumer/petitioner and no mention of why the meter has been changed. Bill available on file for the period 31.07.2013 to 30.09.2013 still carries the meter number 189473 showing present reading as IDF and showing load as 1 KW. The sealing certificate dated 22.03.2015 when connection was temporarily disconnected, is not available on file.
7. A perusal of consumer history indicates that the units consumed over the period February 2008 to December 2009 vary between 48 to 1422 units per billing cycle. Petitioner has also claimed that from 2010 (2012 in her petition before Forum) onwards they have not been living in Uttarkashi and have moved to Dehradun. It is unfair to levy a charge uniformly for higher number of units for full five years when the Regulation 3.1. (1) of UERC (Electricity Supply Code) Regulations, 2007 provide as under:  
  
*“...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.”*
8. An examination of the documents indicates that a number of lapses and mistakes have been committed by the concerned officers/officials of the respondent in recording the meter readings, issuing bills, when the meter was working, as also in issuing bills for

the period of meter being defective. This points towards lackadaisical working in metering and billing section of the office of respondent as well as gross violation of relevant Supply Code Regulations with regard to billing and replacement of defective meters. The following irregularities, abnormalities and infirmities in billing have been noted.

- a) While the meter installed on 01.02.2000 at the time of release of connection worked till 11/2009 and recorded a total of 9364 units over a period of nine years ten months (118 months) giving average monthly consumption of 80 units, the consumption reported as recorded in different months and bill issued for such consumptions shows inconsistency in the consumption. The consumption varies from 48 units per billing cycle (bill for the month of 06/2009) to 1422 units per billing cycle (bill for the month of 04/2009, this tends to 100% load factor for 1 KW load, which is just not possible for a domestic connection and that too in hilly area). A reasonable variation in the consumption is expected but so much variation is not possible and only indicates that readings were not being recorded correctly.
- b) Although the respondent have purported to have billed on the basis of average consumption of 3 billing cycle preceding the date the meter became defective in accordance with relevant Supply Code Regulation clause 3.1.(1) but in spirit it is not so as the consumption during 3 billing cycles was 70 units, 1000 units and 1354 units per billing cycle respectively giving average monthly consumption of 404 units per month billed for the period that meter was IDF. This is about 5 times the average consumption for the overall period for 01.02.2000 to 11/2009 till when the meter worked. Since the consumption during these 3 billing cycles is inconsistent varying from 70 units per cycle to 1354 units per cycle, it does not give true picture of consumption so the relevant supply code regulation for billing during IDF period does not appear to have been followed in spirit.
- c) In gross violation of the relevant Regulation, the respondent continued to bill as IDF @ 404 units /month from 12/2009 to 12/2014, a period of five years including two years and ten months from February 2012 to December 2014 during which another meter was existing at site. This is not only blatant violation of the Regulation, according to which billing as IDF could not have been done for more than three months and the meter should have been replaced

within three months, but is also dereliction of duty on the part of concerned staff.

- d) The consumption reported through the new meter from 15.02.2012 to 22.03.2015 (the date of temporary disconnection) as 15269 units over a period of 37 months giving an average consumption of 413 units per month, also appears to be doubtful in view of the fact that the petitioner has been living in Dehradun since 2010 and so much consumption in a house which almost remained vacant, as compared to the recorded average consumption of 80 units per month over a period from February 2000 to November 2009 when the petitioner have been living in their Uttarkashi residence does not appear to be correct. Further, the meter installed on 15.02.2012 recorded 13238 units from 15.02.2012 to December 2014 and 2031 units from December 2014 to 22.03.2015 (the date of temporary disconnection) i.e. just in 3 months giving average monthly consumption of 677 units per month which is also unbelievable for a domestic load of 1KW.

9. In view of the documentary evidences it is proved that the respondent have dealt with the case negligently and in gross violation of the relevant Supply Code Regulations as the IDF billing continued for a period of 5 years from 12/2009 to 12/2014 including 2 years 10 months from 15.02.2012 to 12/2014 after replacement of defective meter. The sealing certificate dated 15.02.2012 vide which the defective meter was replaced has been filled carelessly and it does not carry the reason for replacement of the meter and final reading of the old meter appears to be absurd. The consumption from 15.02.2012 to 22.03.2015 recorded by this meter i.e. 15269 units over a period of 37 months appears to be abnormally high as compared to the metered consumption of 9364 units recorded by the old meter from 01.02.2000 (date of release of connection) to 11/2009 a period of 118 months which gives an average of 80 units per month against average of 413 units per month of the new meter. In view of the facts and circumstances of the case and the claim that the petitioner's family has been living at Dehradun since 2010 the consumption of the new meter as reported by the respondent does not appear to be reliable and the same is not acceptable.
10. In consideration of the aforesaid scenario of irregularities in billing over the entire period from 01.02.2000 (date of release of connection till 22.03.2015 (date of temporary disconnection) the respondent is directed to: -

- (i) Frame a revised bill for the period December 2009 to March 2015 @ 80 units per month at appropriate tariffs without levy of any LPS and after adjustment of the relief on account of natural calamity under Government orders and any payments made by the petitioner and issue the same to the petitioner within 15 days from the date of this order allowing further 15 days time for payment.
- (ii) As the petitioner has requested before the Forum for restoration of her connection on payment of correct bill, the same may be restored on payment of the aforesaid bill by the petitioner after installation of the correct meter. Correct meter is defined in 2. (1) (k) of Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 which reads as:
- “(k) ‘Correct Meter’ means a meter, which shall at least have, features, Accuracy Class and specifications as per the Standards on Installation of Operation of meters given in Schedule of these Regulations;”*
- The PD order may be withdrawn. The sealing certificate should be signed by one rank higher authorities of the respondent than the staff who is normally authorized to install the meter of such category of consumers and issue sealing certificate to petitioner. The sealing certificate should also be got signed by the petitioner and a copy of the same be given to her then and there after installation of the meter. However necessary fixed charges/MCG as applicable under appropriate tariff may also be recovered from the petitioner for the intervening period from 22.03.2015 till the connection is restored.
- (iii) Demand notice under section 3, if issued, be withdrawn.

11. The competent authority of UPCL is directed to take necessary disciplinary action against the erring staff for gross negligence and dereliction of duty as aforesaid. The petition is allowed. Forum order is set aside.
12. UERC has also provided that in case of failure of the respondent in following the Regulations provisions of the Standard of Performance Regulation would apply.

The UERC (Standard of Performance) Regulation, 2007 provides as under;

***SCHEDULE –III***

*9 - Guaranteed Standards of Performance and Compensation to Consumers in Case of Default*

*4. Meter complaints*

*Replacement of defective meter - Within 15 days of declaring meter defective - Rs. 50 for each day of default.*

However since the petitioner did not specifically seek this compensation in her complaint before the Forum no relief is admissible under relevant Regulations.

Dated: 25.04.2016

(Vibha Puri Das)  
Ombudsman