

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ranvir Singh
S/o Shri Mahipal Singh
Village & P.O. Prahladpur,
Tehsil ó Lakshar, Distt Haridwar Uttarakhand.

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Lakshar, Distt. Haridwar, Uttarakhand.

Representation No. 15/2016

Order

The petitioner, Shri Ranvir Singh has filed this petition against the order of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 08.06.2016 in complaint no. 205/2015 pertaining to Satakshi Mini Flour Mill, Prahladpur, Lakshar, Distt. Haridwar. The case in brief is that the Mill has an electricity connection No. 10109 with a sanctioned load of 38 KW. A check meter was installed in the Mill without any prior information to the petitioner on 11.12.2014. JE and SDO checked the meter reading regularly and while petitioner had never made any complaint about the meter, the check meter was finalized at the end of six months on 22.05.2015. This sealing was done when petitioner was away and his signatures were obtained after 4 days. The petitioner has alleged that while both meters remained installed for six months his consumption and bills remained the same between Rs. 23,000.00 and Rs. 28,000.00, however, in the bill for the period 01.05.2015 to 31.05.2015, arrears of Rs. 68,208.00 were shown. It was then the petitioner learnt, on enquiry from the department, that his meter was found to be running slow and therefore, the old meter had been removed and new meter installed and arrears as above were to be paid by the petitioner. Petitioner finds these arrears unjustified, excessive and illegal. He has requested that the arrears posed to him for recovery, be cancelled and since his meter was functioning correctly he may be

allowed to pay his dues as per earlier process. The present calculation according to the petitioner is irrational and unjustified.

2. The Forum in their order have rejected the complaint as the calculation of arrears and amount payable by petitioner is consistent with provisions of Regulation 3.1.3 (6) of UERC (The Electricity Supply Code) Regulations, 2007. Forum were convinced of the validity of the action taken by respondent on the basis of their statement that MRI of the meter No. 329703 could not be downloaded and only the tamper report has been obtained and submitted to the Forum. The tamper report indicates that on different dates, phases R, Y & B showed less or 0 voltage and this situation continued for more than six months. It was on this account that respondent were constrained to take cognizance of less recording of energy consumed and therefore while the check meter was finalized on 22.05.2015, based on the difference, a revised calculation of arrears payable was sent to the consumer. Forum has therefore held action taken by the UPCL to be in order and dismissed the complaint.
3. Respondent in their written statement have stated that the AE(Meter) installed a check meter in the premises of the petitioner on 11.12.2014 after having seen the tamper report coming with the MRI report every month showing voltage missing. This check meter was finalized on 22.05.2015 when the old meter was found recording less consumption by 72.06% in KWh and 41.31% in KVAH with respect to the check meter. Therefore the old meter was removed and a bill for the difference of energy left to be billed on account of less recording @ 41.31% in KVAH amounting to Rs. 83,700.87 for last six months in accordance with relevant Regulation was served to the petitioner. The respondent has further stated that a sum of Rs. 1,99,089.87 is outstanding against the petitioner including Rs. 1,15,389.00 arrears of monthly bills ending May 2016 and Rs. 83,700.87 towards the difference as stated above. They have claimed that the Forum have dismissed the complaint having held respondent's action as correct in accordance with relevant Regulation so they have pleaded that the appeal should be dismissed. They have also confirmed that the old meter was never tested in the Lab as alleged by the petitioner. All documents related to the case have been made available to the petitioner by registered post, copy of which had also been submitted before the Ombudsman.

4. Arguments of both parties were heard and all documents on file were perused. On perusal of the petition it has been seen that the petitioner has been contesting recovery of Rs. 68,209.00 which according to him is the arrear shown in the bill for the period 01.05.2015 to 31.05.2015 issued on 08.06.2015. A perusal of this bill shows that Rs. 68,208.54 is the amount of the current bill issued for metered consumption of 12360 KVAH and billable demand 106.80 KVA. However total amount of the dues in this bill including arrears of Rs. 1,09,616.00 are Rs. 1,77,824.54. The petitioner at a number of points in his appeal has mentioned Rs. 68,208.54 as arrear amount and is contesting against this amount while as aforesaid this is the amount of the bill for the month of May 2015 issued on metered consumption and is thus undisputed. In fact his grievance is against the bill of Rs. 83,700.87 raised by the respondent in pursuance of the results of the check meter which showed less recording by 72.06% in KWH and 41.30% in KVAH and for which he has not contested. Such being the case the appeal could have been rejected summarily. But as CGRF/Ombudsman mechanism has been created under the Electricity Act, 2003 for protection of consumer's interest, however without harming the discom if its case is genuine, the proceedings in the case were held.
5. In this matter, respondent have proceeded in a systematic manner based on the tamper report, since MRI report could not be downloaded, installation of a check meter, fixing difference in both KWH and KVAH terms between old meter and check meter and given a clear calculation of arrears against the petitioner up to May 2015 and after finalization of the check meter including difference due to slow running of meter. Petitioner's argument that his meter was functioning properly and his consumption remained unchanged both before and after cannot be a basis for disregarding the calculation made as per provisions of Regulations. Further, petitioner's claim that since he was not present on the date when the check meter was finalized i.e. 22.05.2015 and the old meter was taken away in his absence, cannot be a basis of granting any relief since petitioner's representative was present and results of the check meter have been clearly stated in the sealing certificate.
6. As regards petitioner's request for getting his old meter (removed on 22.05.2015) tested in Lab at this stage cannot be acceded to because the condition of connections to the meter leading to non availability of voltage input to the meter cannot be obtained in the Lab. Forum order is upheld. Petition is dismissed. Stay on

disconnection which was granted till disposal of the case, stands vacated. The facility of payment in installments granted for liquidation of dues ending May 2016 will continue, provided the petitioner is depositing the dues in installments as ordered. Otherwise the respondents are at liberty to liquidate their dues and balance amount of differential bill raised as per check meter report.

Dated: 23.09.2016

(Vibha Puri Das)
Ombudsman