

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Shiv Enterprises  
Through Shri Ankush Kumar  
S/op Shri Rajkumar  
Khasra No. 569, Village Belda,  
Roorkee, Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Urban),  
Uttarakhand Power Corporation Ltd.  
Civil Lines, Roorkee, Distt. Haridwar, Uttarakhand.

Representation No. 23/2016

### **Order**

The petitioner, M/s Shiv Enterprises has filed the appeal no. 23/2016 before the Ombudsman against the order dated 31.08.2016 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in which the Forum have dismissed his complaint and observed that the assessment given to the petitioner is based on facts and hence no relief is admissible.

2. The petitioner in his petition before the Ombudsman has contended that his connection with a load of 35 KW was sanctioned in December 2014 and as per checking report of 18.03.2016 his meter has been found to be slow due to carbonization and a penalty of Rs. 1,20,043.00 was imposed on him in the bill of July 2016. While he has been depositing his bills regularly and the load factor for the months of July, August, October and December is roughly the same but a penalty of Rs. 53,000.00 has been imposed on him for the month of December which is incorrect. After the carbonization was corrected in March 2016, no change in the consumption pattern was noticed and the bill did not go up, on the contrary, the average came down. Petitioner met officers of UPCL but since he did not receive any relief, he filed a complaint before the Forum. However, even the Forum did not pay sufficient attention to the facts listed by the petitioner and he did not get justice from

the Forum since they observed that the bill has been given as per consumption but this judgment is completely wrong and the petitioner has requested that penalty imposed by the UPCL must to be waived.

3. The Forum directed respondent UPCL to submit corroborative documents to establish the veracity of the inspection report on the basis of which the system was found 56.32% slow during online checking by M/s YMPL and on the basis of which 56% assessment was raised for 93 days for B&Y phase potential missing and for 28% for Y phase potential missing for 125 days as per MRI tamper data report. Forum directed respondent to submit MRI reports from November 2015 to July 2016, billing history of the petitioner, assessment report and the tamper data report. With the help of these documents the Forum concluded that because of the missing potential link in Y phase for 218 days and “जिस कारण मापक द्वारा R,Y&B phase में ‘Y&B’ Phase के Potential Link के carbonised होने के कारण मीटर द्वारा क्रमशः 243.9 वोल्ट, 0.0 वोल्ट एवं 161.8 वोल्ट रिकार्ड किया गया तथा इसी तरह ‘Y’ phase potential link carbonised होने के कारण मीटर द्वारा क्रमशः 260.7 वोल्ट, 143.6 वोल्ट एवं 258.7 वोल्ट रिकार्ड किया गयां ” Consequently the Forum observed that the meter recorded 56.2% less consumption for 93 days and 28% less consumption for 125 days and therefore the assessment bill given to the petitioner reflects actual consumption and has been prepared based on prevalent tariff which is justified and factual. Accordingly they dismissed the complaint.
4. Respondent have in their written statement only tried to establish that the petitioner has not been regular in paying his bill and has paid only Rs. 1,00,000.00 on 04.08.2016 against a total outstanding of Rs. 1,40,373.00 and again for the period July 2016 through September 2016 a sum of Rs. 1,16,392.00 was deposited on 17.10.2016 and not on a monthly basis. Apart from the above no other issue has been raised.
5. Petitioner did not file any rejoinder and requested that all papers have been filed before the Forum and hence the file may be requisitioned from the Forum. Forum file has been called and has been perused.
6. Arguments have been heard on behalf of both parties and evidence on record has been perused. It is clear through the report of M/s YMPL as well as Tamper Data Report and MRI report for the period November 2015 to July 2016 that due to the pressure

wire of Y&B phase being carbonized for 93 days and for Y phase alone for 218 days an assessment of 56.2% & 28% respectively is in order. Since the MRI for the period November 2015 to July 2016 has corroborated the YMPL report as above the assessment raised by the respondent UPCL which has been found to be according to the Tamper report Data and which has been upheld by the Forum is deemed correct. We do not find any reason to interfere with the order of the Forum. The order of the Forum is upheld. The petition is dismissed.

Dated: 14.12.2016

(Vibha Puri Das)  
Ombudsman