

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Puja Puri
Malsi Deer Park, Bagriyal Gaon,
Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (North)
Uttarakhand Power Corporation Ltd.
18, EC Road, Dehradun, Uttarakhand

Representation No. 09/2016

Order

The petitioner, Smt Puja Puri has approached the Ombudsman on not receiving desired reliefs from the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in her application for compensation. This application was based on the finding recorded in para 5 (iii) a and b of the order dated 20.11.2015 of the Ombudsman.

“5 (iii)...

- a. *The petitioner had on 14.03.2013 deposited Rs. 80.00 for a check meter, but a check meter was not installed. Instead a new meter was installed a year later on 25.02.2014 after the old meter was shown as IDF and defective in June 2013. As per Schedule III of UERC (Standard of Performance) Regulations, 2007 the check meter should have been installed within 30 days of receipt of complaint and defective meter should have been replaced within 15 days of declaring meter defective.*
- b. *As per consumer history the meter had been declared defective in June 2013. The defective meter should have been replaced by 15.07.2013 and check meter should have been installed by 13.04.2013 as per provisions of Regulations quoted above.*

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

2. The petitioner approached the Forum for compensation. Forum rejected the request for compensation asserting that in the instant complaint petitioner has not sought compensation. The order of the Forum starts with the statement that petitioner has filed a petition for compensation and have also dismissed the petition on the basis that no prayer for compensation has been made. Forum held that since Forum in their earlier order dated 19.05.2015 have held the bill issued to the consumer as correct and the same order had been upheld by the Ombudsman, hence no compensation claim is made out.
3. Respondent in their written statement before the Ombudsman have asserted that the petitioner has been successively making only part payments and it is for this reason that the total bill amount has been mounting due to LPS. The bills raised to the consumer are to be paid by her and if not paid in time department is entitled to recover late payment surcharge. Since petitioner has been a defaulter in the department no compensation is justified.
4. On the substantive issue of whether the bill raised is appropriate, the demand for recovery is justified, findings have already been given in the earlier order. Presently the only point at issue is provisions of regulation for grant of compensation to the petitioner. Schedule III of UERC (Standard of Performance) Regulations, 2007 prescribes the following compensation:

<i>Service Area</i>	<i>Standard</i>	<i>Compensation payable in case of violation of Standard (default shall be considered from the time consumer has made complaint)</i>	
		<i>Compensation payable to individual consumer if the event affects a single consumer</i>	<i>Compensation payable to individual consumer if the event affects more than one consumer</i>
<i>Testing of meter</i>	<i>within 30 days of receipt of complaint</i>	<i>Rs. 25 for each day of default</i>	

5. Examination of the record of the case reveals that petitioner deposited Rs. 80 towards check meter fee on 14.03.2013 as per receipt filed along with rejoinder. As per above mentioned Regulation, check meter should have been installed by 13.04.2013. While check meter was not installed the meter installed at the petitioner's premises was reported defective in June 2013. As per Regulation defective meter must be replaced within 15 days of declaring meter defective.

<i>Service Area</i>	<i>Standard</i>	<i>Compensation payable in case of violation of Standard (default shall be considered from the time consumer has made complaint)</i>	
		<i>Compensation payable to individual consumer if the event affects a single consumer</i>	<i>Compensation payable to individual consumer if the event affects more than one consumer</i>
<i>Replacement of defective meter</i>	<i>Within 15 days of declaring meter defective</i>	<i>Rs. 50 for each day of default</i>	

6. Hence meter replacement should have been done by 15.07.2013. Meter was however replaced on 25.02.2014. As regards allowing compensation due to delay in installation of check meter and replacement of defective meter the Regulation provides only for delay beyond prescribed period in terms of relevant Regulations and nothing is provided whether the petitioner incurred some financial loss on account of such delays so the case has to be examined whether the check meter has been installed within the prescribed time and the defective meter has been replaced within the prescribed time. The Regulation provides for “*default shall be considered from the time consumer has made complaint*” As far as installing check meter is concerned, consumer had made complaint as well as deposited money for installation of check meter, hence requirement of regulation is fulfilled by the petitioner. In the case of meter being declared defective and replacement thereof, it is clear that despite fees for check meter having been deposited, the meter was allowed to stand till it became defective and hence the department was in the know of meter being defective. The requirement of Regulation is deemed fulfilled in this case as well.
7. Delay of seven months ten days beyond prescribed time limit has occurred in replacement of meter. Thus in both grievances i.e. installation of check meter and

replacement of defective meter, the respondent are guilty of service deficiency in respect of aforesaid Regulations. While check meter was not installed at all and the defective meter was installed after delay of seven months ten days, hence the petitioner is entitled to following compensation:

- a) Compensation @ Rs. 25 per day from 14.04.2013 till the date the meter became defective in June 2013.
- b) Compensation @ Rs. 50 per day from 15.07.2013 to 25.02.2014 when a new meter was installed.

It is ordered accordingly. Forum order dated 29.02.2016 is set aside.

8. Compliance of orders of Ombudsman in representation no. 16/2015 dated 27.11.2015 regarding action by respondent against negligent officers/officials be submitted within 30 days.

Dated: 27.06.2016

(Vibha Puri Das)
Ombudsman