

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Surendra Singh Rawat  
S/o Late Shri Bhawan Singh Rawat  
Freedom Fighter  
Swatantra Senani Bhawan  
Deputy Dhara, Pauri,  
Distt. Pauri Garhwal, Uttarakhand.

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
Pauri, Distt. Pauri Garhwal, Uttarakhand.

Representation No. 10/2016

### **Order**

The petitioner, Shri Surendra Singh Rawat has filed this appeal against the order dated 11.05.2016 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in his complaint no. 190/2015.

2. The petitioner has claimed that as he was in doubt whether his sanctioned power load was adequate for his requirements, he requested for additional load of 2 KW on 20.03.1995 and from September 1993 to February 2010 he regularly paid his electricity bills but the department has actually recovered more than the actual energy charges due from him and fed up with the harassment caused by the department, petitioner voluntarily requested that his connection no. 000925 be disconnected on 13.05.2010. Petitioner has further alleged that the department gave him a bill for a period 28.02.2010 to 28.06.2010 for Rs. 8,303.00 which was wrong. Petitioner requested correction in the bill because he had Rs. 4,030.00 payable to him by the department as on 10.12.2009. On reexamination of the bills it was found that excess payment of Rs. 5,370.00 had been recovered by the department up to 27.02.2004. In addition, petitioner was also entitled to recovery of his security deposit of Rs. 2,130.00 on which interest is payable from the date of deposit to the date of disconnection. Petitioner has therefore claimed that department owes him Rs. 7,500.00 on which he is entitled to get 18% interest. In this scenario department

having sent RC for Rs. 8,538.00 with collection charges of Rs. 853.00 is unjustified and is also time barred under section 56 (2) of the Electricity Act, 2003. Despite the department owing him money a Recovery Notice was issued to him a senior and respected citizen, which is unfortunate. Petitioner has therefore claimed that Forum has erred in

- a) Not taking cognizance of excess payment of Rs.5,370.00 by the petitioner.
- b) Not conceding the request of the petitioner that demand is barred under section 56 (2) of the Electricity Act, 2003.
- c) Not giving him any compensation for cost incurred for contesting the case.

3. Hence petitioner has sought the following reliefs

- i. Since the recovery of amended bill of Rs. 5,903.00 is barred under section 56 (2) of the Electricity Act, 2003, order of the Forum dated 11.05.2016 may be set aside.
- ii. Excess amount of Rs. 7,500.00 paid by the petitioner to UPCL may be refunded along with interest from the date of deposit.
- iii. Adequate compensation for expense incurred in approaching the Forum and appearing before them on 4 occasions @ Rs. 3,200.00 per appearance amounting to Rs. 12,800.00, be paid.

4. The Forum in their order dated 11.05.2016 have partially allowed the complaint and ordered the respondent OP to withdraw the RC issued against petitioner for Rs. 8,538.00, serve the revised bill of Rs. 5,903.00 submitted to the Forum on the petitioner and the petitioner will, having received the revised bill, make payment of the same within 15 days. Failure on this account, will result in resumption of recovery proceedings as per law.

5. Respondent in their written statement have given a detailed exposition of the units consumed, bills issued and whether the bill has been found to be correct. Against 11 bills reviewed, department has agreed that excess payment has been made in respect of 3 bills amounting to a total of Rs. 3,238.00 + Rs. 280.00 + Rs. 286.00 = Rs. 3,804.00 in the period 11/2000 to 11/2003. Various other statements and annexures point to excess payment having been adjusted already and thus till date of TD/PD (13.05.2010) a sum of Rs. 8,538.00 was outstanding against the petitioner, for which Recovery Certificate (RC) had been issued. The respondents have further stated that

after adjustment of Rs. 422.81 for the IDF bills for the period 28.08.2009 to 13.05.2010 (the date of disconnection) and for security Rs. 2,130.00 and interest Rs. 82.00 (Total Rs. 2,635.00), the correct net amount payable by the respondent works out as Rs. 5,903.00 and thus as stated above revised recoverable amount is (Rs. 8,538.00 ó Rs. 2,635.00 Rs. 5,903.00. Revised bill for this amount has already been served on the petitioner and was also submitted before the Forum.

6. Arguments have been heard and record available on file have been perused. Petitioner has claimed that from 10.09.1993 till 28.02.2010, except the bill amounting to Rs. 8,309.00 for the period 28.02.2010 to 28.06.2010 received on 17.07.1010, which according to him was wrong, returned to department for correction and never received back till the date of permanent disconnection in May 2010, (13.05.2010), all bills were paid by him. He has been regularly paying his bills and he has requested for adjustment of Rs. 5,370.00 excess payment + Rs. 2,130.00 security deposit i.e. Rs. 7,500.00 against recovery expected by the department. The petitioner has also given a detailed statement of excess payments made by him between 2000 and 2003. As per this statement excess payment of Rs. 4,934.00 has been made up till November 2003. Since the figures given in the statement of 30.07.2016 pertain to November 2003 and no details of the intervening seven years have been given by the petitioner which would indicate whether excess payment or adjustments have been made.
7. Since energy charges have consistently been levied and bills issued, Recovery Certificate was issued later and adjusted corrected bill has been issued consequent to Forum order for Rs. 5,903.00, this is not a fresh bill but bill against dues for which bills have been raised in the past but not recovered. Hence it is clear that section 56 (2) of the Electricity Act, 2003 is not attracted.
8. It is also clear that the adjustments given as per the Forum order i.e. net dues payable, after adjustment of excess payment, security deposit and interest thereon, comes to Rs. 5,903.00. No basis for claiming Rs. 7,500.00 in 2010 has been established and therefore Forum order is upheld. Petition is dismissed.

Dated: 23.09.2016

(Vibha Puri Das)  
Ombudsman