

## 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.  
Srinagar, Distt. Pauri Garhwal, Uttarakhand.

Representation No. 11/2016

### **Order**

The petitioner, Shri Surendra Singh Rawat has filed this appeal against the order dated 20.05.2016 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in his complaint no. 232/2015. The petitioner in his application has claimed that while the electricity connection no. 162131 in the name of his partner Shri Rajpal Singh Rawat was permanently disconnected on 08.08.2001 and hence there was no justification for depositing Rs. 7,454.00 in that account on 12.02.2002, petitioner had shifted the colour photo lab from Kamleshwar to Pundir complex and had taken a new connection no. 1101/163611 on 14.08.2001. UPCL employees had been harassing him and all the irregularities in the payment/receipts have been presented before the Forum. Petitioner had deposited Rs. 7,454.00 towards payment against connection no. 1101/163611 with the request to restore the temporarily disconnected connection. However, despite this money having been deposited the connection was not restored and the machines in his Lab were ruined due to the faults of these two employees of UPCL. Petitioner was made to suffer loss of lakhs of rupees in spoilage of his machines. Petitioner has claimed that since Rs. 3589 was deposited by him but was credited to account of Shri Jai Prakash against connection no. 1105/164341, this money should be refunded to him with interest. Further, he has demanded that difference of the amount Rs. 7,454.00 deposited by him vide receipt

no. 41/069300 dated 21.09.2005 and Rs. 4,997.00 due to him and Rs. 1,920.00 already refunded in compliance of Forum's order i.e Rs. 537.00 be also refunded to him with interest. Hence petitioner has claimed that sum of Rs. 537.00 + Rs. 3,589.00 + interest from the date of payment may be paid to him. He should also be entitled to costs for having to contest the case.

2. The Forum in their order have concurred with the petitioner regarding additional Rs. 1,920.00 deposited by him and have therefore directed that this money in addition to the security amount Rs. 1,800.00 be refunded to the petitioner within 30 days. Forum have therefore ineffect held that petitioner's deposit of Rs. 7,454.00 exceeded the amount payable by him of Rs. 5,534.00 (Rs. 4,297.00 due up to date of temporary disconnection 30.06.2005 at reading 6365 +Rs. 402.00 for difference of 110 units at the time of PD at reading 6475 + LPS Rs. 135.00 for 2 months).
3. Respondent in their written submission have disputed the petitioner's complaint regarding employees having harassed him since no evidence is available after 14 years and the connection no 163611 has been disconnected for nonpayment. Connection no. 162131 in the name of Shri Rajpal Singh Rawat was got permanently disconnected on 08.08.2001 as per the petitioner where after connection no. 163611 was released in the name of Shri Surendra Singh Rawat at Pundir Complex, Srinagar, Rs. 7,454.00 were outstanding against this connection as on 30.06.2005 Rs. 7,454.00 + Rs. 100 disconnection fee was got deposited by the petitioner on 21.08.2005. As the connection had already been permanently disconnected before depositing of the said amount, restoration of this connection was not possible as per Rules. Regarding complaint of Rs. 3,589.00 paid by him but deposited against connection no. 164341 of Shri Jai Prakash, the respondent have submitted that in case the petitioner has in his possession the bill and receipt of the said amount, the same be submitted in their office. The respondent has also proposed that on submission of evidence, action may be taken by the department. The aforesaid connection of Shri Jai Prakash is still existing and the consumer is paying his bills regularly. Had Rs. 3589.00 been deposited by the petitioner, the same would have reflected as 0 or negative arrears in the next bill but it does not appear so. The respondent have also submitted that all records of Srinagar division were burnt out completely in a fire in the office on 24.01.2007. Therefore there is no evidence available in the respondent's office that

the petitioner had deposited this amount. The fact also could not be verified from Shri Jai Prakash.

4. The respondents have confirmed to have complied with Forum's order dated 20.05.2016 as follows:

- i) Security amount Rs. 1,800.00 + interest total Rs. 4,361.00 have been refunded vide cheque no. 648007 dated 17.06.2016.
- ii) The excess amount Rs. 1,920.00 paid by the petitioner has since been refunded vide cheque no. 648006 dated 17.06.2016.

5. Having heard the arguments from both parties and perused the record available on file the following conclusions can be drawn: In addition to the amount of Rs. 1920.00 already refunded by the department as per the Forum order, petitioner has claimed further sum of Rs. 402.00 + Rs 135.00 as refundable to him since the bill at the time of permanent disconnection included this amount as cost of 110 units and LPS for the two months period between temporary disconnection and permanent disconnection. As the respondent have not submitted any evidence for PD report to establish that the final reading in the meter at the time of PD was 6475 instead of 6365 as found at the time of temporary disconnection hence, demand of Rs. 537.00 (Rs. 402.00 cost of 110 units + Rs. 135.00 LPS for 2 months) does not appear justified so this amount Rs. 537.00 along with interest is payable to the petitioner and the respondents are directed to refund the said amount to the petitioner. As far as refund of Rs. 3,589.00 supposedly given by petitioner but credited to account of Shri Jai Prakash (connection no. 164341) is concerned while petitioner has shown original bill and receipt of payment copy of which is submitted on record, deposit of money in a particular account is no proof that the same has been paid by petitioner and inappropriately credited to the said account. It is therefore illogical as well as not established through any evidence that Rs. 3,589.00 was indeed paid by petitioner and wrongly credited to account of Shri Jai Prakash. It is therefore not possible to grant any relief as requested by the petitioner except for refund of Rs. 537.00 as aforesaid, which the respondent may refund to the petitioner. Forum order is upheld with the above modification. Petition is partly allowed.

Dated: 23.09.2016

(Vibha Puri Das)  
Ombudsman