

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Arjun Singh Rawat
Kargi Chowk, Dehradun, Uttarakhand

Vs

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

Representation No. 27/2016

Order

The petitioner, Shri Arjun Singh Rawat has filed this petition no. 27/2016 against the order dated 12.05.2016 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in his complaint no. 219/2015 before the said Forum.

2. The case in brief is that meter no. 001860 was installed at residence of the petitioner which without intimation to him or his family was removed on 02.10.2013 (as per respondent this date is 10.12.2013) and a new meter no. 32164526/ST was installed. According to petitioner, the reason for changing the meter was neither known to him nor intimated and more importantly this change was not entered in the department records as a result of which his bill from that time onwards came on the basis of NR. When the NR bills came to the notice of the petitioner he enquired the reason from the meter reader who informed him that the meter has not been entered in the departmental record and therefore petitioner got his meter checked vide sealing certificate dated 10.06.2015. Petitioner deposited his dues regularly up to 10.07.2015. He has further stated that he deposited Rs. 1,556.00 and by adjusting this amount the SDO has indicated Rs. 0.00 balance as on 10.07.2015. Bill for the period 11.07.2015 to 12.09.2015 has been raised for a total of Rs. 36,831.00. Petitioner desires that the reason for such excessive billing may be enquired from the department. It is not clear how the new meter is showing a reading of 8767 whereas he has been paying NR bills

up to 10.07.2015. What is further unfair is that department disconnected his connection in the month of March 2016 when his children had their board exams and which adversely impacted their result. He has alleged that the SDO has acted with animosity to him and his family, has harassed him and despite his having made all payments, has issued faulty balance of Rs. 36,861.00 on 12.09.2015 and further unauthorizedly disconnected his connection. He has received no relief from the Forum. Finding fault with the order of the Forum, petitioner has requested that

- a) He may be provided duplicate copies of bills from 2002 to June 2015 so that the adjustment of the NR bills may be clearly visible.
 - b) While he has made payments against all bills received for NR and metered units, the Forum did not pay attention to the payment made and additional amount due on the reading of 19855 of the old meter. Petitioner has also taken exception to the SDO claiming ignorance of the identity of the JE whereas the SDO would be aware of his colleagues/subordinates. He has therefore requested that while guilty officers/officials may be punished, his complaint may be enquired into appropriately.
3. The Forum in their order dated 12.05.2016 have pointed out that they directed the petitioner on 11.04.2016 to deposit the money as per amended bill. The Forum was convinced that the revised bill for the period 08.11.2013 to 08.03.2016 as per tariff prevalent at the appropriate time is in order. The amount deposited by the petitioner has been adjusted and no surcharge has been imposed on the petitioner. Further the cheque of 24.02.2016 for a sum of Rs. 26,000.00 was dishonored because of which a sum of Rs. 425.00 has been charged to the revised bill, which is in order. Forum have therefore held that the revised bill of Rs. 29,553.00 prepared as per directions of the Forum should be honored by the petitioner and amount deposited as required. Forum have not found any credence in the allegations of petitioner that while he had given Rs. 15,000.00 to employees of the respondent they did not enter the same in official records, since there is no receipt/evidence for the said amount having been paid.
4. Respondent in their written statement have conceded that the meter installed at the petitioner's premises on 10.12.2013 (not 02.10.2013 as mentioned by petitioner) was not entered in departmental records and hence bills as per NA/RDF continued to be issued from 08.11.2013 to 09.07.2015. However, they have contested the other

statement of the petitioner including the discrepancy pointed out between meter reading 19588 of the old meter and 8279 meter reading as on 10.06.2015 of the new meter. This meter reading is duly mentioned in the billing history as also the old reading of 19588. Petitioner sought time for making payment up to 22.02.2016 and the said time was granted by the respondent. Thereafter a cheque no. 824325 of Rs. 26,000.00 was paid. However the cheque was dishonored due to insufficient balance and the department proceeded to disconnect his connection after a bill of Rs. 36,800.00 was issued and received by the petitioner, but not paid. It is wrong to allege that the department officers have animosity towards the petitioner. Arrears were shown in the bill due to non payment, bills for assessed 286 units on the basis of average of 3 previous bills have been issued to the petitioner. Respondent have therefore asserted that the petition deserves to be dismissed and the Forum order upheld.

5. Arguments on behalf of both parties have been heard and record perused. Respondent was also asked to submit documents of permanent disconnection and a revised bill by bifurcating the entire period between 10.12.2013 to 10.06.2015 and 11.06.2015 to 08.03.2016. These documents have been submitted by the respondent, from which it is evident that connection was disconnected due to nonpayment. The sealing certificate given by the respondent is supposedly a duplicate sealing certificate. There is reference of a letter of AE (Meter) dated 22.07.2015 whereas the meter is supposedly installed on 10.12.2013. There is no reason given why a duplicate sealing certificate is being given rather than a copy of the original sealing certificate. All relevant details regarding the old meter have been left blank in this duplicate sealing certificate, there is obviously no signature on behalf of consumer or his representative. As per the PD report submitted by the respondent, the connection was temporarily disconnected on 17.03.2016 and permanently disconnected on 08.12.2016. The PD has been finalized vide OM dated 31.01.2017 according to which the outstanding dues are Rs. 31,859.00 including LPS and after adjustment of security. The respondent has submitted the revised calculations for outstanding dues from 08.11.2013 to 08.03.2016 by bifurcating the total units consumed during this period in the time slabs from 08.11.2013 to 10.06.2015 and from 11.06.2015 to 08.03.2016 and according to these calculations the outstanding dues after adjustment of the payments made by the

petitioner during this period against NA/RDF bills issued are Rs. 29,982.00 against the already worked out amount of Rs. 29,553.00 for the same period.

6. During hearing held on 25.01.2017 the petitioner had requested for the aforesaid bifurcation and had indicated willingness to pay the outstanding dues worked out as aforesaid. This bifurcation is now available on file.
7. No requirement of obtaining bills for the entire period from 2002 to 2015 is established since readings of old meter recorded in bills up to 08.11.2013 are not disputed. Also there is no dispute on the total units consumed as recorded by the new meter. There is therefore no necessity of obtaining copies of the bills from 2002 to June 2015 as requested by the petitioner.
8. In view of the above facts of the case, it is observed that the petitioner is liable to and is apparently willing to pay dues for the period 08.11.2013 to 08.03.2016 for the total units consumed during this period worked out on average monthly consumption on appropriate tariff after adjustment of the amount paid by him during this period against NA/RDF bills and this amount according to the revised calculations submitted by the respondent vide their letter dated 03.02.2017 is Rs. 29,982.00. This amount is acceptable to petitioner as per his statement during hearing. Petition is partly allowed. The Forum order is upheld with above modification. Respondent are directed to serve revised bill on the petitioner as per calculation submitted by them on 03.02.2017.
9. It has been noticed that in filling of sealing certificate and communicating to the concerned division/record respondent rarely follows UERC (The Electricity Supply Code) Regulations, 2007. Also it may be pointed out that the respondent's statement in para 13 of their written statement indicating that it is not the concern of the petitioner that meter installed in his premises has not been registered in the consumer billing data for over one and half years is not acceptable. Firstly it is mandatory for the respondents to abide by sub regulation 3.1.3 (3) and 3.2 (1) of UERC (The Electricity Supply Code) Regulations, 2007, in issuing NA/RDF bills which limits the period of issue of NA/RDF bills only up to two bills (two billing cycles) only, while in this case the NA/RDF bills continued to be issued for more than one and a half years in violation of relevant Regulations and secondly because petitioner had to resort to Consumer Grievance Redressal Mechanism as his grievance was not

addressed by the respondent. Respondent may wish to take corrective action to avoid recurrence of such basic loopholes in their functioning.

Dated: 08.02.2017

(Vibha Puri Das)
Ombudsman