

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Kundan Singh
S/o Shri Param Singh
5-Vyomprasth, GMS Road
Dehradun, Uttarakhand

Vs

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

Representation No. 11/2017

Order

The petitioner Shri Kundan Singh S/o Shri Param Singh has filed this representation no. 11/2017 against the order dated 16.03.2017 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum). Aggrieved with claim of arrears Rs. 9,904.00 for the period 30.05.2004 to 29.03.2007 given to him in the bill for July 2012, petitioner has been making efforts to find redress through RTI and through the District Consumer Forum before approaching the Forum.

2. The petitioner alleges that above bill for Rs. 9,904.00 was included in the bill for July 2012 and the details of this were given in application of Smt. Kamla Devi W/o Late Shri Kundan Singh whose application is also included along with his petition. Respondent UPCL without affording any opportunity to the petitioner and through a unilateral decision imposed this balance on petitioner, which is legally wrong. Petitioner has claimed that he has deposited more than Rs. 11,000.00 against the bill shown by Smt. Kamla Devi while the latest bill for the period 07.07.2007 to 12.06.2007 for Rs. 8,383.00 has been shown as arrears to the petitioner. When he asked for record from the department he was informed that no records are available. When petitioner approached the District Consumer Forum Executive Engineer in his reply dated 12.06.2014 admitted that when they examined the bills some discrepancies were noticed in 2 bills for the period 30.01.2007 to 26.06.2007. Accordingly he said that a sum of Rs. 2,943.00 will be adjusted in the subsequent bills to the satisfaction of the consumer. Petitioner alleges that no action subsequent to this

admission by the department has been taken till 13.04.2017. Petitioner claims that while he had paid all the bills, but since he does not have all the receipts for payments made up to 8 years ago, at least the department should adjust the Rs. 2,943.00 and claim only Rs. 6,961.00 from him for the bill for the period 30.05.2004 to 29.03.2007. Again he has stated that payments had been made by him but the records had not been made available under RTI. Petitioner has also given meter reading of his old meter which was changed on 02.12.2003 and has alleged that while he made a payment against outstanding dues of the old meter up to 31.12.2003 vide cheque no. 244734 dated 16.01.2004 but the department credited the same to the other outstanding dues and have refused to correct the same even after petitioner's requests.

3. Petitioner has further claimed a bill with no. 2222222 has been given to both consumers i.e. Smt. Kamla Devi and Shri Kundan Singh, petitioner and received payment twice over and issued receipts for both but respondent is unwilling to make necessary adjustments in their accounts. Petitioner has also claimed that while he has been regularly paying his bills Smt Kamla devi deposited Rs. 894.00 against connection no. 4012 for the period 30.05.2004 to 25.07.2004 and another bill for 94 units which had been deposited in the petitioner's connection but respondent has refused to give true copies of all the bills and amount deposited so far. Because of the similarity of the names and the interchange of deposits made by one consumer into the account of the other and the inability of respondent UPCL to give documents, or give copies of bills and receipts, petitioner's claim is that a demand of Rs. 9,904.00 from him is completely wrong which should be canceled with interest from his bill and he be paid compensation for mental harassment of Rs. 30,000.00 as well as legal fees of Rs. 20,000.00. He has also requested for setting aside of the order of the Forum.
4. Petitioner approached the District Consumer Forum and then the Consumer Grievance Redressal Forum. Forum in their order have come to the conclusion that petitioner had a new meter installed at his residence on 02.12.2003 this meter starting at a initial reading of 1 had consumed a total of 6722 units up to 30.11.2006 amount payable against this comes to Rs. 14,537.00 whereas petitioner had deposited only Rs. 5,681.00 in this entire period. Forum have further observed that Smt. Kamla Devi has deposited a total of Rs. 9,904.00 against connection no. SD2/5332/100012 on 6 different occasions and she has shown these 6 original receipts because of which

respondent UPCL adjusted this amount against her account of SD2/5332/045567. Forum have found this action of respondent correct and appropriate and have dismissed the representation as without merit.

5. Respondent in their written statement have claimed that Rs. 2,943.00 accepted by the department as adjustment due to him had been adjusted in his bills and Rs. 9,904.00 is an amount over and above that amount. Details of amended bill have been made available to the petitioner and the amount of Rs. 9,904.00 is due from the petitioner. This has been confirmed as against receipts obtained and departmental record.
6. To ascertain whether the adjustment given by the respondent UPCL is indeed incorrect, further records were called for from both parties. Both parties filed requisite documents which have been examined and the arguments advanced by them have been carefully heard.
7. Petitioner has made one basic request before the Forum as well as to the Ombudsman which is to restore Rs. 9,904.00 debited to his account and credited to another consumer account by respondent. He had made some other requests also for adjustment of Rs. 2,943.00 and Rs. 383.00 on different dates. From the papers filed on record it is clear that credit for Rs. 2,943.00 has been given to the petitioner on 31.07.2014. The record filed by the respondent particularly consumer history and consumer ledger are for the period after the date of depositing Rs. 383.00 by cheque dated 16.01.2004. It is therefore not possible to ascertain whether this amount has been credited or not in his account. Respondents are directed to examine their record pertaining to the period under reference and decide as per their records. The bills for the period from 30.05.2004 to 28.11.2006 against which payment of Rs. 9,904.00 had been credited to petitioner's account when the bills were paid, were issued for connection no. SD2/5332/100012 and the receipts have also been issued against the same connection no. It is therefore immaterial who has filed the bills or the receipts and also incorrect as well as unjustified to debit this amount in the account of the petitioner in the bill for July 2012 and credit the same in the account of connection no. SD2/5332/045567 of one Shri Kundan Singh S/o Prem Singh on the application of Smt. Kamla Devi W/o the aforesaid Shri Kundan Singh claiming that this amount was deposited by her. Forum have erred in deciding that Smt. Kamla Devi deposited the amount in connection no. SD2/5332/100012 instead of her own connection no.

SD2/5332/045567 due to ignorance, and in holding the action taken by the respondent UPCL, to be logical and correct. Since this deposit has been made in cash there is no way of ascertaining who has actually deposited the money and it is only the connection no. of the bill and the receipt which can determine the rightful account which should be credited. In the instant case since bills and payment receipts against these bills carry the same connection no. SD2/5332/100012 of the petitioner so the rightful account to which amounts deposited against these bills vide payment receipts is the petitioner's account only.

8. Accordingly respondent are directed to make a credit entry for Rs. 9,904.00 in the account of connection no. SD2/5332/100012 of the petitioner and reflect it appropriately in the first bill issued after the date of this order. Forum order is set aside. Petition is allowed. No order to costs.

Dated: 18.07.2017

(Vibha Puri Das)
Ombudsman