

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Lakshmi Narayan  
S/o Late Shri Jaaharmal  
Bholenath Baag, Haldwani,  
Distt. Nainital, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.,  
Tikoniya, Haldwani,  
Distt. Nainital, Uttarakhand

Representation No. 15/2017

### **Order**

The petitioner, Shri Lakshmi Narayan aggrieved by the order dated 19.04.2017 of Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) filed this representation before the Ombudsman.

2. The case in brief is that the petitioner has an electricity connection, with a sanctioned load of 15 KW, which has continued in his now deceased Father's name for many years, while the bills are paid by the petitioner. While petitioner deposited Rs. 3,031.00 as bill for the period 06.01.2016 to 02.03.2016, he received IDF bills for the period from 02.03.2016 to 07.11.2016 which were also paid. When petitioner complained about IDF bills, the respondent checked his consumption with a check meter installed on 01.02.2017 and finalized on 14.02.2017 which showed consumption of 650 units in 14 days. The meter was checked on 14.02.2017 and its terminals were found burnt for which entire charges of Rs. 2,660.00 were paid by the petitioner and the meter replaced. Petitioner has alleged that for January 2017 also he was given an IDF bill and when he wanted to deposit the same, respondent refused permission. After that petitioner was served a bill for the period 21.03.2017 to 20.04.2017 for a total sum of Rs. 2,00,916.00. When confronted by a threat of disconnection of his electricity he deposited Rs. 80,000.00 under protest by cheque dated 18.03.2017 but respondent continued to put pressure for recovery of the balance amount. Petitioner approached the Forum on 20.03.2017 but the Forum, as alleged by

the petitioner, did not follow basic legal principles and also did not pay heed to the provisions that IDF billing cannot continue indefinitely nor did the Forum see that a unilateral demand being raised against the petitioner is against law. Petitioner has also alleged that it is not possible for meter reading to be incorrect on the basis of terminal plate being burnt and the Forum have failed to see how assessment can be done for the period July to November 2015 when these bills had been issued on the basis of metered reading. Petitioner has therefore requested that the unwarranted demand of Rs. 2,00,916.00 be declared illegal and order of the Forum be set aside. Petitioner had also requested for stay against disconnection during the pendency of the proceedings which was granted on 29.05.2017.

3. Forum in their order have concluded that the meter reader of the opposite party had not been taking reading as per meter because readings as per MRI when the bills for the month of May, July, Sept and Nov 2016 were issued were 28501, 34173, 40252 and 44897 respectively. In this case it has been found that the meter was working alright the MRI revealed a reading of 51664 at the time of removal of meter on 14.02.2017, and spot billing on 02.03.2016 revealed a reading of 6288 whereas the MRI for 01.03.2016 gives a reading of 23659. Forum have concluded therefore that the bills have been given as per MRI and no relief is admissible to the petitioner. However, they have directed opposite party (UPCL) to take action against such employees who give bills without reference to meter reading so that such cases are not repeated. Forum have therefore dismissed the complaint.
4. Respondent in their written statement have said that connection no. 3823914005920 is established in the petitioner's premises under the name of Shri Jahar Mall S/o Shri Solu Ram. As the meter reading was indistinct, the meter reader declared the meter IDF in May 2016. On 05.01.2017 when UPCL employees went to change the meter, they found that the meter was working alright, the meter reading was 49612 KWH and petitioner's billing was changed from IDF to metered units. However, since petitioner objected a check meter was installed on 01.02.2017 which was finalized on 14.02.2017. Both meters showed the same consumption. Respondent have further stated that since the MRI report has clearly given a meter reading of 51664 at the time of change of the meter, this represents actual consumption of the petitioner and therefore there is no logical reason for changing or negating the bills issued by the respondent. Accordingly the Forum decision of rejecting his complaint is appropriate

and petitioner has to deposit the balance amount of Rs. 1,43,108.00 due to him till 05/2017.

5. During the course of arguments it was revealed that the bill for the period 05.01.2017 to 06.03.2017 For Rs. 2,00,916.00 contained arrears of Rs. 1,88,500.00 and LPS Rs. 4,712.00 in addition to the current dues. Calculations by which these arrears were derived were called for from the respondents after which arguments were heard from both parties and the record available carefully examined. As mentioned in the Forum order, it is clear that the spot billing for 02.03.2016 gives a reading of 6288 and the MRI for 01.03.2016 revealed reading of 23659. Accordingly, Forum have held the billing as per MRI reading to be appropriate and not requiring any intervention.
6. Consumption by petitioner has followed a broadly consistent pattern of about 2400 units per month throughout the period 02.05.2015 to 14.02.2017, during which the meter recorded 51659 units (final reading 51664 on 14.02.2017 - initial reading 05 on 02.05.2015) as per MRI and sealing certificates. However, the respondent has billed for 6288 units during first 10 months after installation of meter i.e. from 02.05.2015 to 02.03.2016 against 23650 units consumption as per MRI. For the next 8 months i.e. from 02.03.2016 to 07.11.2016 IDF bills @ 710 units per bill have been issued and thereafter a consolidated bill for the period 02.03.2016 to 05.01.2017 for 43324 units (49612-6228) has been issued. It is seen that in the first 10 months the petitioner has been under billed and in the consolidated bill issued for the period 02.03.2016 to 05.01.2017 the petitioner has been deprived of the benefit of tariff provisions and at the same time the tariff provisions have been wrongly applied. As a result of check meter study it is revealed that the meter was not defective and it was working correctly as there was no variation in the consumption recorded by the check meter and consumer's old meter. Thus the IDF billing has been done wrongly without ascertaining the status of the meter.
7. While, as the Forum have observed, bills have been raised as per MRI and no intervention regarding excessive billing as claimed by petitioner is called for, Forum have failed to appreciate that the entire 43324 (49612 – 6288) units left to be billed over the period 02.03.2016 to 05.01.2017, have been billed in one bill rather than being spread across 5 bimonthly bills. This has led to application of higher tariff. In order to rectify the mistake committed by the billing division of the respondent in

issuing bills, it would be justified and logical, therefore, if a revised bill for the entire period (02.05.2015 to 14.02.2017) on the basis of average monthly consumption on appropriate tariff without levy of LPS and after adjustment of payments made by the petitioner against bills for this period, is issued. Accordingly respondent were directed to give calculations which have been submitted on 14.07.2017. These are available on record. Revised bill may be issued accordingly after calculations have been carefully scrutinized. No other relief is admissible as per finding above. Forum order is upheld with above modifications. Petition is partly allowed. Stay granted on 29.05.2017 stands vacated.

Dated: 28.07.2017

(Vibha Puri Das)  
Ombudsman