

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Pawan Dev
S/o Shri Dalautra,
Village Saal/Galni, P.O. Jhandgaon,
Nainital, Uttarakhand

Vs

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

Representation No. 16/2017

Order

The petitioner, Shri Pawan Dev has filed this representation on behalf of his son Sanjeev Kumar in whose name electricity connection no. 0591131079597 exists. Petitioner has alleged that because he did not fulfill the personal demands of the then lineman, his meter was tampered on 22.01.2014 and while his normal monthly consumption did not exceed 35 units this was raised to 4825 units and thereby caused him a loss of Rs. 12,000.00. Petitioner has claimed that despite his repeated requests defective meter was not changed for 18 months and in December 2016 (December 15 is the correct date as the new meter was installed on 31.12.2015) he himself went to the Bhimtal office, obtained the meter from the SDO and got it installed by the lineman Shri Pappu. However, since his earlier grievance regarding billing by old meter had not been redressed, he approached the Consumer Grievance redressal Forum, Kumaon zone (hereinafter referred as Forum) but is aggrieved by the order dated 18.03.2017 of the Forum, in complaint no. 233/2016, who have not paid attention to his complaint and have accepted the statement of the respondent as correct. Petitioner has alleged that since he has paid bills against 731 metered units and recovery as per the wrong reading of 4825 is being made from him, he has prayed that recovery against $4825 - 731 = 4095$ (This actually comes out 4904) units should be set aside.

2. Forum in their order dated 18.03.2017 have referred to the main complaint of the petitioner as bill for the month of March 2014. Forum have observed that the petitioner maintains that in 2 months his reading was taken from 731 to 4825 and bill given accordingly which is incorrect. Forum have pointed out that the opposite party have defended this action on the basis that the reading of 4825 has been obtained through the spot billing machine and is the real reading of consumption by the petitioner. Before this, the meter reader, being an employee of the contractor, was taking wrong readings and he has therefore been dismissed. The reading of 4825 and bill made on this basis, is correct. Forum have therefore concluded that while opposite party should take action to ensure that such meter readers are properly supervised by senior management, they have found consumption of 11, 17, 25 units in 2 months as recorded by the said meter reader as very low, compared to his present consumption and have observed that no credible ground for this low consumption was given in the hearing. Forum have therefore found no reason to interfere with billing on the basis of reading of 4825 and have dismissed the complaint.
3. Respondent in their written statement have given the information that spot billing was commenced in the Nainital Distribution Division after 2014 and before that the system of manual meter reading was in prevalence through an external agency. As per this new system when the reading was taken at the petitioner's residence on 09.03.2014 his reading was found to be 4825 which is also corroborated by the record in the billing history. Accordingly bills were issued. However, since the ceiling for metered units as per software is 1600 units, a bill could be issued only for 1600 units, whereas the consumption was $4825 - 731 = 4094$ units. Therefore in the next month the initial reading IR was entered as 2331. Similarly for the bill issued on 23.05.2014 while consumption was $4965 - 2331 = 2634$, the bill could be generated for 1600 units and the next month initial reading was 3931. Therefore, respondent have asserted that the meter reading given to the petitioner is correct and appropriate as per the above rationale and 3931 is a correct reading but after 23.05.2014 the meter became defective and subsequently bills issued were as per NA/IDF. The respondent changed the meter on 31.12.2015 which is also the date on which the petitioner deposited Rs. 10,000.00 against an electricity bill of Rs. 16,598.00. Respondent have also referred to the Forum order where they have observed that consumption of 29, 17, 25, 31 units is not reasonable and is also very low compared to consumption at the present time.

On the above basis respondent have asserted that the bill given as per reading on 09.03.2014 is correct and the petition deserves to be dismissed.

4. While petitioner relied on the documents he had already supplied and informed that he will not be present for oral arguments, arguments were heard on behalf of the respondent and record available on file has been carefully perused. Forum in their order have observed that the meter was working alright and it is the meter reader who was defaulting his duty because of which correct reading was not being billed to the petitioner. There is no ground to show that the meter reading of 4825 is incorrect because subsequent reading on 23.05.2014 has been recorded at 4965. Even if the pattern of consumption is seen $4965 - 269 = 4696$ units consumed over period of 37 months (from 03/2011 to 05/2014) as per consumer history, gives an average monthly consumption of 127 units which is roughly the same as the present consumption by the petitioner. As decided by the Forum, petitioner's case for setting aside assessment of 4095 units is not made out on the basis of record available. However, while holding that reading 731 in the month of January 2014 was wrong and that in the month of 03/2014, 4825 was correct, thus have failed to appreciate that consumption of 4094 units ($4825 - 731$) in 2 months from January 2014 to March 2014 could not be correct and further billing for 3200 units in 2 billing cycles from 01/2014 to 05/2014 was not justified. Further, while they have observed that 1034 units ($4965 - 3931$) remained unbilled but they have not considered these facts in their order and have dismissed the complaint relying upon the submissions of the respondent. In order to rectify these mistakes and omissions in the billing process by the respondents which have not been considered by the Forum in passing their order, the respondents are directed to issue a revised bill from the date of installation of old meter no. EM1960 till 05/2014 for the consumption of 4965 units on 23.05.2014 (till when the meter was functioning correctly) on average basis at appropriate tariffs without LPS and after adjustment of amount paid by the petitioner against the bills issued for this period i.e. from date of installation of the old meter no. EM1960 till 23.05.2014. Since there is no dispute about the period in which the meter was IDF/NR no observations are made regarding those bills. Petition is partially allowed. Forum order is set aside.
5. The respondent took 17 months to replace an IDF meter and took further 12 months to feed the change of meter to the system resulting in issue of IDF bills for another 10 months from 12/2015 to 10/2016 during which time the new meter was working

correctly. Appropriate action by respondent's competent authority for violation of Regulations, regarding replacement of IDF meters and further delay of 12 months in feeding the change of meter to the system may be taken against the erring staff.

Dated: 11.08.2017

(Vibha Puri Das)
Ombudsman