

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Rakesh Kumar Bhatia  
M/s Alpha Packaging,  
A 51, H.I.G  
MDDA Colony, Dalanwala  
Dehradun, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Rural),  
Uttarakhand Power Corporation Ltd.,  
359/2, Dharampur, Dehradun, Uttarakhand

Representation No. 17/2017

### **Order**

The petitioner, M/s Alpha Packaging has filed this representation against the order dated 19.04.2017 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no. 169/2016.

2. Petitioner has stated that he has a sanctioned load of 25 KW for his unit Alpha Packaging at UPSIDC Industrial Estate, Selaqui, Dehradun. From day one of the connection, petitioner alleges he received current in the neutral and this information was given to the electricity department in Selaqui multiple times on phone as well as in person, but no solution was found. Every employee who came to investigate, gave different pieces of advice, like getting a separate earthing done, or installing a new transformer. The JE also asked them to setup their own transformer and refused to give them any other help. Since the concerned engineer did not answer on telephone, repeated efforts did not yield any result. Petitioner also informed the General Manager, UPCL on telephone but no action was taken. Finally, he wrote a letter on 16.01.2016 (should be 16.01.2017 as this connection was released on 21.04.2016 as also in view of para 7 of petitioner's complaint before Forum) to the Executive Engineer and again explained his problem in writing and that despite heavy investment in the plant, his industry had been lying closed and it is due to the inaction by the department that he has suffered great financial loss. This loss is also to be borne by the department because his unit is not functioning. He filed a complaint

before the Forum on 24.01.2017. Forum directed the Sub Divisional Officer (SDO) to inspect the premises and resolve the problem. On inspection, the petitioner's complaint was found correct and they accepted that current of 38 volt was flowing through the neutral but no remedial action was taken. Through the hearings in the Forum, it was established that petitioner was entitled to compensation as per the provisions of the UERC (Standard of Performance) Regulations, 2007. However petitioner was still not satisfied with the Forum order and on the grounds that the Forum accepted only the last written complaint filed on 16.01.2017 and overlooked all those previous complaints filed by other means in the SDO's office and via telephone; that quality electricity not being available, they were unable to carry on their industry, and the power department has consistently evaded their grievance, in such a situation their demand for minimum charges is completely unjustified and petitioner needs to be given relief from the same; that the Executive Engineer and Junior Engineer made no efforts even after the orders of the Forum and after Forum had found their conduct to be seriously lacking and asked the General Manager to take appropriate action; since without proper supply of electricity no industry can run and due to the obduracy of the department the matter could not be resolved and petitioner's entire capital expenditure and working capital were exhausted and his standing in the market reduced. He has filed this petition with the following reliefs in mind i) that his problem may be resolved ii) that minimum charges be not recovered from him iii) appropriate action against the concerned defaulting officers through MD Power Corporation and compensation for his industry remaining closed as well as Rs. 10,00,000.00 compensation for mental harassment.

3. Forum, in their proceedings, first of all directed the SDO to inspect the petitioner's premises and furnish detailed report regarding flow of current in neutral. Forum also repeatedly asked the Executive Engineer who is tasked under the MD, UPCL directions of 2011 to personally represent the cases of loads above 10KW of the department before the Forum, to appear before the Forum which he failed to do, and establish through the inspection and the record filed before it, that quality of electricity supply was such, that provisions of UERC (The Electricity Supply Code) Regulations, 2007 and UERC (Standard of Performance) Regulations, 2007 may not be invoked to provide compensation @ Rs. 50.00 per day. Forum, in their order, have accepted that quality of electricity supply was below standard since there was current

flow of 15.8, 32.9, 33.8 and 29.7 in the R, Y, B phase and neutral respectively. The current flow between neutral and earth was 31 volts. At the consumer end the current flow between neutral and earth was 38 volts. The Forum observed, therefore, that the voltage flow between neutral and earth was much more than 1 volt which indicates that the earthing of the transformer is not correctly done. It is also clear that there is a load imbalance in the transformer. Forum have come to the conclusion therefore, that ensuring the quality of electricity supply is the responsibility of the opposite party and they have failed in this responsibility and have also failed to respond to complaints of the petitioner to correct the earthing of the transformer and the imbalanced current in the 3 phases. They have also accepted that from the date of connection to the day when quality supply of electricity is restored after the order of the Forum, the petitioner has been unable to use the electricity connection for the purposes for which he had taken it. Having recognized that the electricity supply had been below standard and the petitioner had been unable to use the electricity because of the improper supply, they have given compensation under the UERC (Standard of Performance) Regulations 2007 schedule III 9 (6) from 16.01.2017, the date of (the written) complaint @ Rs. 50.00 per day till the date on which quality supply is made available and also issued directions to the respondent to make necessary arrangement to ensure proper supply availability either by improving the earthing and balancing the load or by installing a new transformer under UERC (Release of New LT Connection, Enhancement and Reduction of Load) Regulations, 2013.

4. The respondent, in their written statement have repeatedly pointed to the lack of any written complaint prior to 16.01.2017 and have based their argument on the lack of filing of written complaint indicating that the petitioner was himself not ready to use the electricity and hence did not make necessary efforts to lodge a written complaint and get relief. Respondent have also contested that in the absence of proper load he could not run his complaint (respondent perhaps means industry). Respondent have also contested the petitioner's claim that he could not use the electricity and run his unit. They have maintained that use of electricity by petitioner is dependent on his requirement from time to time and if indeed his requirement for electricity was more immediate he would not have waited to make his complaint till 16.01.2017. They have admitted, however, that there has been some delay in compliance of the Forum

order but that was due to Executive Engineer having to direct the SDO for getting earth work done and SDO getting the work executed through the JE.

5. It is seen from the record available on the file and letter of the SDO dated 27.05.2017 to Executive Engineer that the resolution of the problem of the petitioner as per directions of the Forum of 22.02.2017, was done on 25.05.2017 which is more than 3 months after the order of the Forum and more than 4 months after the date of written complaint i.e. 16.01.2017.
6. Arguments of both parties have been heard and record available on file has been perused. It is seen that the Forum have held that the petitioner, due to lack of quality power, has been unable to use his connection (for the purpose of running the industry for which the connection was taken) from the date of connection (i.e. 21.04.2016) till the date of improvement in the quality of supply (which is 25.05.2017). From the electricity bills available on record it is also seen that the first bill issued to the petitioner, has been issued after 11 months, for the period 04/2016 to 02/2017. As per UERC (Standard of Performance) Regulations, 2007 the first bill must issue within 4 billing cycles. In this case, first bill has been issued after 11 cycles, Appropriate compensation as per provisions of Schedule III 9 (1) is payable. Further, the bill does not give connection no., bill no., the bill date, due date and disconnection date. The subsequent bill for the month of March 2017 also suffers from the same lacunae. Connection no. has first been indicated in the bill for month of April 2017. This point is of relevance also because in his rejoinder statement, and during arguments, petitioner has in reply to respondent's insistence on a written complaint, given details of the number of levels of officials he approached to resolve his problem from the line staff to the General Manager and repeated calls to the Executive Engineer. The line staff visited his premises, recognized the problem, but could not resolve it and only suggested that petitioner either does the earthing himself or enhances his load and installs a new transformer but when told that this is the job of the UPCL, they could not give him any relief. These points have been mentioned again in petitioner's letter to the Executive Engineer on 16.01.2017. Further, petitioner has also mentioned that when he attempted to register a complaint through the call center he was asked his connection no. and since petitioner had not been given a connection no. he could not lodge a complaint. A recording of this conversation on telephone was also played during arguments before the Ombudsman, by the petitioner. It is incomprehensible

how a connection has been released against which no connection no is given and no bills are raised for 11 months. Respondent has offered no explanation for this inexplicable conduct. As mentioned above, the bills for the petitioner up to March 2017 have been issued without a connection no. and it is only for April 2017 that a bill carries a connection no. This sequence of events does indicate clearly the efforts petitioner made to register his complaint and the utter indifference of the respondent in addressing his genuine requirement and grievance. From the record of consumption evident from the bills submitted, it is clear that the bill for the first 11 months shows consumption of 1883 units i.e. an average consumption of 170 units per month and subsequent 2 monthly bills for the month of March 2017 and April 2017 show consumption of 75 units and 94 units respectively. For an industrial connection of 25 KW this is negligible consumption. Forum in their order have clearly held that: -

*“जिससे परिवादी द्वारा संयोजन अवमुक्त होने की तिथि से विद्युत आपूर्ति गुणवत्ता सुधार तक की तिथि तक उनके द्वारा इस संयोजन का उपभोग नहीं किया जा सकता”*

7. In the above context and the finding of the Forum as quoted above, recovery of minimum charges from the petitioner for the period 21.04.2016 (date of connection) to 25.05.2017 (date of restoration of quality supply), is not justified because the petitioner was constrained to not use electricity as per his requirement to run his industry due to lack of quality supply by the UPCL which was due to a fault at their end at transformer (unbalanced load and poor earthing causing current in neutral) and inordinate delay by the staff/officials of the respondent in attending to the problem which was resolved only on 25.05.2017.
8. The rationale of Minimum Consumption Guarantee (MCG) is to ensure that investment made by licensee in providing connection to consumer is not rendered fruitless by lack of use by the consumer. In this case it is the investment of the petitioner that has been rendered unproductive due to inadequacy of service on the part of the licensee. As if that were not bad enough, respondent have further, by their obduracy extended the agony for a period of 13 months and deigned to put connection right more than 3 months after Forum had directed them to. In such circumstances, it would fly in the face of justice to recover MCG for such period. It would therefore be justified if only actual electricity consumption charges are levied from the petitioner during the aforesaid period and MCG is waived. The respondent are therefore directed

to revise the bill for the period 21.04.2016 to 25.05.2017 accordingly without MCG and without imposition of any LPS (LPS has in explicably been levied in the first bill issued by respondent). The compensation due to delay in issuing first bill beyond 4 cycles under UERC (Standard of Performance) Regulations, as discussed in para 6 above may be given to the petitioner by way of adjustment in the next bill, in addition to the compensation allowed by the Forum in their order dated 19.04.2017. No further order as to costs. Forum order is upheld with above modifications. Petition is allowed.

9. Action against concerned staff as directed by the Forum and for the delay in implementing the order of the Forum is called for. Senior management of Licensee UPCL are advised to consider the work ethic followed by their technical/field staff and apart from exemplary disciplinary action also ensure appropriate capacity building for the officers and officials working in the field units/divisions.

Dated: 28.07.2017

(Vibha Puri Das)  
Ombudsman