

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ram Kumar
C/o Smt. Rama Gupta
Opp. Brij Lal and Sons
Chowk Bazar, Jwalapur Road,
Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Urban),
Uttarakhand Power Corporation Ltd.,
Haridwar, Uttarakhand

Representation No. 20/2017

Order

Aggrieved by the order dated 13.06.2017 of Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) where they have not accepted his plea for late fee @ 50.00 per day for 425 days for delay in installation of check meter, the petitioner, Shri Ram Kumar C/o Smt. Rama Gupta has filed this petition, which was registered as representation no. 20/2017. A perusal of the records such as electricity bills and consumer history suggests that the connection under reference is in the name of Smt. Rama Gupta W/o Shri Rajeev Gupta.

2. Petitioner's case in brief is that on 08.03.2016 he had submitted an application for installation of check meter on his 1 KW connection no. 40119821. His meter is installed at a distance of about 25 meters from his shop on the pole and he alleges that on the day of installation of his meter i.e. 17.11.2014 departmental employees had also connected a wire from his meter to another shopkeeper. Petitioner realized this many days later when he got his bill and he felt his reading was excessive. His complaint with the department was not heeded and therefore he submitted a written application on 08.03.2016 for installation of a check meter. On enquiry from the department he was informed that checking had been done by M/s YMPL and his meter has been found OK. He approached the Forum and requested the Forum to get the check meter installed and it was due to the orders of the Forum that a check meter was installed on 09.05.2017 which was finalized on 31.05.2017 and meter was found

OK. Petitioner has therefore claimed that installation of check meter was delayed by 425 days and he is entitled to late fees for this period. Since Forum rejected his complaint hence this petition.

3. Petitioner had earlier approached the Forum on 18.04.2017 which had been disposed off by the Forum through their order dated 09.05.2017 vide which they had directed the respondent UPCL to install a check meter as requested by the petitioner. Subsequently petitioner again approached the Forum on 22.05.2017 for payment of late fees for delay of 425 days in installation of check meter. This complaint was disposed off by the Forum vide order dated 13.06.2017 against which the present petition has been preferred. Forum in their order dated 13.06.2017 have concluded that the respondent UPCL had responded expeditiously to the request for check meter by getting a checking of meter done on 02.04.2016 by M/s YMPL and the meter was found OK. On the direction of Forum, a check meter was installed on 09.05.2017 and finalized on 31.05.2017. While Forum had conceded the request of the petitioner and got a check meter installed vide the order dated 09.05.2017 in complaint no. 19/2017, however since petitioner had not suffered any financial loss Forum have held that no compensation from the respondent department is in order. Accordingly Forum have dismissed the complaint.
4. Respondent UPCL in their written statement have argued that the complaint on behalf of complainant Smt. Rama Gupta was filed on 16.02.2016 and as per SOP the complaint should have been disposed off by 22.04.2016. The fees of Rs. 80.00 for installation of check meter was deposited on 08.03.2016 and since M/s YMPL were at this time checking single phase and 3 phase meter in this division under corporate contract no. 614 dated 13.05.2015, petitioner's meter was got checked through M/s YMPL on 02.04.2016. Petitioner did not raise any objection to this but after one year i.e. 18.04.2017 consumer filed a complaint before the Forum which was disposed by the order of the Forum of 09.05.2017 vide which a check meter was directed to be installed. That check meter was installed on 09.05.2017 and finalized on 31.05.2017. Since the petitioner's meter has been found OK in the M/s YMPL checking as well as in the checking through the check meter the petitioner's demand for penalty for late installation of check meter is not justified and the same has been held not justified in the order of the Forum. Respondent UPCL have also requested that the order of the Forum dated 13.06.2017 may be upheld.

5. Both parties have been heard and record available on file has been perused. It is clear that the petitioner's request for checking of his meter was complied with by the department within the time frame laid down in the Regulations through checking by M/s YMPL on 02.04.2016. The purpose of installation of a check meter is to ascertain whether the meter is running correctly or not. This purpose has been served through the checking done by M/s YMPL which was concluded on 02.04.2016 whereas the fees for check meter was deposited on 08.03.2016. The checking has been done within the limit specified in the Regulations. Petitioner's allegation of opposite party using his connection for giving electricity to other consumer has not been corroborated through any evidence and the remedy sought by him of installing check meter has been provided both on 02.04.2016 and subsequently via check meter study from 09.05.2017 to 31.05.2017. Petitioner is, therefore, not entitled to any late fee/compensation. While Forum have given the finding that meter has been found correct on 02.04.2016 and through the check meter installed on 09.05.2017 and finalized on 31.05.2017, they have erred in holding that no compensation is payable by the department since the petitioner did not suffer any financial loss. Petitioner's case is only for late fee for delay of 425 days in installation of check meter. It is immaterial whether petitioner suffered any financial loss or not but in the instant case there has been no delay in checking of the meter and consequently no late fee/compensation is payable to the petitioner. The regulations provide for testing of meter and the mode of testing (through installation of check meter or by any other mode) is not prescribed. To this extent the Forum finding in their earlier order dated 09.05.2017 in complaint no. 19/2017 is not sustained by provisions of the Regulations. Petition is dismissed. Forum order is upheld with above modifications.

Dated: 30.08.2017

(Vibha Puri Das)
Ombudsman