

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri M.C.Agarwal
Retd. Junior Engineer (Mech.)
Gali No. 10, Pragati Vihar,
Rishikesh, Distt. Dehradun, Uttarakhand

Vs

Executive Engineer,
Electricity Distrubiton Division,
Uttarakhand Power Corporation Ltd.
Shail Vihar, Rishikesh,
Distt. Dehradun, Uttarakhand

Representation No. 36/2017

Order

Aggrieved by the order dated 12.09.2017 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no 74/2017 the petitioner, Shri M.C. Agarwal has filed this petition dated 28.10.2017. Delay condoned, in view of the reasons explained in the representation/petition.

2. The case in brief is that petitioner paid a sum of Rs. 1,812.00 vide cheque no. 858529 dated 23.02.2017 drawn on State Bank of India, Rishikesh for the electricity dues for period 24.12.2016 to 22.02.2017. Petitioner is aggrieved that opposite party UPCL charged him Rs. 442.55 additionally in the next bill for the period 22.02.2017 to 23.04.2017 on the grounds that this cheque had been dishonored and payment was not credited to his account by due date. Accordingly when he enquired from the respondent office he was informed that this amount has been charged on the basis that his connection is deemed disconnected and charges for reconnection as well as for late payment have been levied. He is further aggrieved by being denied cheque facility for a period of 1 year and the second bill as above had to be paid by him in cash. Petitioner is aggrieved that in the first hearing in the Forum on 14.08.2017 he had enquired why he was not informed when his cheque was dishonored and since the Executive Engineer present was not aware of the reasons for the same, Forum had allowed another date 07.09.2017 to give this information. He was told that he need

not be present on that date. However, in the order of the Forum no mention has been made of the reasons why the respondent did not inform the petitioner about his cheque being dishonored. Petitioner's contention is that had he been informed in time he would have definitely made payment of the cheque amount before the disconnection date i.e. 08.04.2017. In the event, he claims levy of Rs. 442.55 is unjustified and needs to be refunded/adjusted in the next bill.

3. Forum in their order dated 12.09.2017 have found the petitioner's explanation that cheque was presented by respondent UPCL after some delay because of which the cheque was dishonored, unacceptable since opposite party UPCL has explained that February 24th, 25th and 26th being holidays, cheque received on 23rd February could only be presented on the 27th and Bank returned the same on 03.03.2017 with the note that there was insufficient funds in the account. Forum have found the departmental action on dishonoring of cheque appropriate and as per Rules and have dismissed the complaint.
4. Respondent UPCL in their written statement dated 15.11.2017 have mentioned that the cheque by which payment of Rs. 1,812.00 was made by the petitioner to the divisional office on 23.02.2017 was sent to the bank on the same day and was returned by the Bank on 04.03.2017 with the intimation that funds are insufficient. Accordingly the respondent charged surcharge as well as cheque bounce penalty since an entry of cheque bounce had been made in the online system.
5. Both parties have been heard and the record available has been perused. The Forum have upheld the levy of penalty for dishonoring of cheque of the petitioner and have therefore dismissed the complaint. However the point that respondent UPCL have charged Rs. 442.55 over and above the bill amount (Rs. 1,812.00) in the next bill which as per evidences on file comprises Rs. 200.00 as disconnection/reconnection charges, Rs. 225 as penalty for cheque bounce and Rs. 17.55 LPS. While respondent have not mentioned charging of disconnection/reconnection charges in their written statement before the Ombudsman, the bill details for the period 22.02.2017 to 23.04.2017 reveal the total amount charged is Rs. 442.55 as given in the order of the Forum. It is clear and accepted by both parties that the cheque was dishonored. Penalty for dishonored cheque is payable, LPS for nonpayment within the prescribed time is payable but disconnection/reconnection charges cannot be charged unless the

consumer petitioner has been informed and the connection has been actually disconnected. Since neither of these 2 conditions obtained, any charges levied beyond energy charges, LPS and penalty for cheque bounce are not admissible. To this extent, the order of the Forum stands modified. The disconnection/reconnection charges levied may be adjusted in the next bill. Petition is partly allowed. Cheque facility may be restored to the petitioner as per Rules.

Dated: 14.12.2017

(Vibha Puri Das)
Ombudsman