

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Sangeeta Narula
W/o Munesh Kumar,
Milap Nagar, Near Gurudwara,
Village Karanpur, Jashpur,
Distt. Udham Singh Nagar, Uttarakhand

Vs

Executive Engineer,
Electricity Distrubiton Division,
Uttarakhand Power Corporation Ltd.
Jashpur, Distt. Udham Singh Nagar, Uttarakhand

Representation No. 28/2017

Order

The Petitioner, Smt. Sangeeta Narula aggrieved by the order dated 11.07.2017 of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) in complaint no. 27/2017 by which her application was dismissed, has requested for relief from the Ombudsman along the following lines:

- i) Since her application (complaint) was not given due consideration by the Forum the same may be given a valid hearing and the same kind of penalty imposed on the Licensee as is liable on a consumer for nonpayment of her bill.
 - ii) Since in the absence of power, petitioner was constrained to hire a generator for the purpose of her paddy milling, the loss incurred by the petitioner on this account should be made good to her.
 - iii) And finally she has requested that since their industry is a rice mill for de-husking and milling paddy and the season for the same is October-November, her connection may be connected in October 2017. Petitioner has also requested that the order to be passed should be such that will have an exemplary impact in the entire state.
2. The complaint, in brief, is that petitioner deposited Rs. 2, 85,000.00 for a 75 KW connection to run her rice mill (RS Enterprises). After considerable effort by the petitioner, the meter, transformer etc. were installed in her premises on 28.11.2016

but the supply was not connected to the transformer nor was her electricity connection energized. Petitioner has alleged through the paddy milling season she made effort to get the connection but finally had to conduct her milling operations with the help of a generator. She has also claimed both before the forum and before Ombudsman that respondent UPCL claim that she had refused to allow energization is false and is denied.

3. Forum, in their order, have found no merit in the complaint of the petitioner since they have held that opposite party UPCL had completed all the works required to give the connection including installation of the transformer and the petitioner herself is responsible for the inability to take electricity supply. Accordingly, they have dismissed the complaint.
4. Opposite party UPCL, in their written statement, have claimed that while on 28.11.2016, consumer representative were present when the meter was installed and department was fully ready to energize the connection, as HT line and 100 KVA transformer were already erected, however, according to the JE, consumer had refused to get the connection energized. She did not even approach the department again to connect her supply. However, billing for the consumer has commenced from 28.11.2016. Later on, respondent have claimed, the JE visited the premises and observed that the outgoing LT cable had been made short so that the department cannot start the transformer. Respondent have therefore alleged that the mentality of the petitioner seems to be to mislead the Ombudsman while the department had completed all the jobs required of it as per the UERC guidelines. As such they have requested that petition may be appropriately disposed off.
5. Record available on file have been studied and hearing has been held on 12.10.2017, 23.10.2017, 07.11.2017 and again on 16.11.17 after respondent had filed documents requested on 7.11.17 (respondent had been requested to file some more documents pertaining to petitioner's refusal to get her connection energized and date wise completion of various elements of the connection process and copies of all bills were also required to be presented). While no documentary evidence has been adduced to establish that the petitioner refused to get her connection energized, copies of bills submitted indicate that the first bill issued on 07.01.2017 for the month of December 2016 was for metered units. The bill shows consumption of 3680 units against the

minimum consumption guarantee of 4450 units. As such the bill is for MCG. All the subsequent bills from January 2017 to June 2017 are also for MCG but with zero consumption in all these months. The recorded consumption in December 2016 bill suggests that the connection was in energized condition in the month of December 2016. However, in the hearing on 16.11.2017 it was explained on behalf of respondent by Executive Engineer that while the connection was not energized on 28.11.2016 or anytime thereafter, however since the department was ready to release the connection the billing was commenced from 28.11.2016. The software in the system would not accept a zero consumption for the first bill and therefore a random reading was fed to the system for generating the first bill. (Executive Engineer committed that billing as per reading recorded in the first bill will be adjusted in subsequent bills, as and when connection is energized.) All subsequent bills continue on zero consumption with MCG. For TD (Temporary Disconnection) status shown in the bills, no credible explanation was forthcoming. The inexplicable and fictitious nature of billing is revealed apart from the recorded number of metered units, by the following entries in the first bill for December 2016 which includes current LPS: Rs. 350.45; amount due in the last bill: Rs. 14,018.00, while this is admittedly the first bill issued against this connection. The TD status for subsequent bills could not be explained. Petitioner has also maintained that her connection has never been energized while she has been requesting for the same. Petitioner has all along claimed that she received no bill till the month of March/April after receipt of which she approached Forum.

6. Since it is accepted by both parties that meter was installed on 28.11.2016 but connection was not energized, the dispute continued in terms of whether it was petitioner's refusal to take connection or respondent's inability to provide the same but the fact of non energization is established. In this event, issue of bills for MCG cannot be deemed to be as per regulation, as sub regulation 1.2.1 t) of UERC (The Supply Code) Regulation, 2007 provides:

“Energy charges” means the charges for energy actually consumed by the consumer in kWh/kVAh (kilo Watt Hour/kilo Volt Ampere Hour) as the case may be, in any billing cycle. Demand/Fixed charges, wherever applicable, shall be in addition to the energy charges;”

As explained by the respondent during hearing on 16.11.2017 and as mentioned in para 5 above, the energy shown as recorded in the bill for December 2016 was not the actual consumption recorded in the meter but the consumption shown by the respondent on the basis of randomly taken readings to enable them to generate first bill. The bills issued are inconsistent with the aforesaid Regulations and therefore cannot be held to be justified.

Further, respondents are duty bound to release connection in time as prescribed under UERC (Release of New LT Connection, Enhancement and Reduction of Loads) Regulations, 2013. In the instant case since the meter was installed on 28.11.2016, after the HT line and 100 KVA transformer having already been erected and the line duly energized, the connection should also have been energized/released on the same day, but which as established above, was never released/energized.

7. In the absence of energization, connection cannot be deemed to have been released and in the absence of existence of connection, billing is not justified. Once the respondents were ready to release connection not only was it incumbent on them to complete the installation requirements but also to energize the same. They cannot hide behind the plea that it was on account of petitioner's refusal (for which they have failed to produce any documentary evidence) that they refrained from energizing the connection. This however did not restrain them from issue of bills. To get over the constraint of software not enabling issue of first bill without recorded energy consumption by the meter they have admittedly forced a random reading from the meter which they claim, will be adjusted in future bills, as and when connection is energized. Bills after December 2016 were issued for zero consumption, showing TD status of the connection which is again admittedly fictitious, since the connection was never energized/released.
8. The current readings shown in the first bill for December 2016 and its status MU are admittedly fictitious while the last reading in this bill shown zero in all time slots (TOD) are as per initial reading shown in the sealing certificate dated 28.11.2016. In all subsequent bills last reading and current readings have been shown the same as current readings in the bill for December 2016 and status of bills has been shown as TD which all are fictitious as the connection was not released as admitted by both the

parties. Petitioner has approached the Forum in view of the provisions of sub regulation 5 (16) of LT Regulations which provide as under:

“In case his connection has not been energized as per these regulations, an Applicant may lodge a complaint about it with the Consumer Grievance Redressal Forum of respective distribution zones giving full details such as date of Application, date of inspection by licensee etc.”

9. In view of the above admitted and established facts of the case, it is hereby ordered that:
 - i) The connection may be energized/released immediately, in presence of the petitioner with prior intimation to her.
 - ii) The bills issued without energization/release of connection, be withdrawn, being inconsistent with Regulations.
10. Further, matter of non release of connection for one whole year, from 28.11.2016 (the date of installation of meter) till now, in violation of the relevant L.T. Regulations and resultant loss in revenue apart from harassment of consumer, be investigated by the UPCL management and necessary disciplinary action, against the erring officers/officials may be taken.
11. The petition is allowed. Forum order is set aside. No order to cost.

Dated: 17.11.2017

(Vibha Puri Das)
Ombudsman