

## **THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Mohd. Yunus  
C/o Shekh Ahmad  
Garhwal Hotel, Kotdwara,  
Distt. Pauri Garhwal, Uttarakhand

Vs

Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.,  
Kotdwara, Distt. Pauri Garhwal, Uttarakhand

Representation no. 26/2017

### **Order**

The petitioner, Mohd. Yunus has filed this petition against the order dated 27.06.2017 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no. 22/2017. Forum have dismissed the complaint on the grounds that they do not have jurisdiction over matters connected with section 126 and 135 of the Electricity Act, 2003.

2. Petitioner's case is that the meter against his connection no. KT 61136010111 was shifted to outside his shop on 11.11.2011. His shop is on the main road in Kotdwara which is always busy. At the time of installation of the meter outside his shop the seals were intact and the seal were again installed by the department. However on 15.05.2016 (As per records the correct dated is 13.04.2016) M/s YMPL conducted an inspection and reported the meter to be running 92% slow. Petitioner also claims that no notice for depositing Rs. 36,681.00 has been served to him and whenever he approached senior officers in the department, he was not entertained and turned out discourteously. Petitioner has therefore requested that since he is not responsible for the security of the meter installed on the road as he opens the shop at 8 O Clock in the morning and closes it at about 9:00 pm and goes to his house which is about 1 KM away, he should not be put to loss on account of the meter. He has also expressed lack of trust in the report of M/s YMPL and has requested that Rs. 36,681.00 added to his bills may be deleted.

3. Forum in their order, have explained the sequence of events from M/s YMPL checking on 13.04.2016 to departmental checking on 16.04.2016 on the basis of which meter was removed, and sent for detailed testing in the Lab; testing in the Lab after issue of 2 notices to the petitioner to be present, despite which he did not attend (Test Lab reports carries signatures of petitioner's representative and further the petitioner at the time of arguments before the Ombudsman, has admitted that his younger son had witnessed the checking of meter in test lab on 15.06.2016) and the report of the Lab testing where it was found that the meter had shunt resistance installed to reduce electricity consumption (recorded in the meter) and secondly tamper in the meter body seal. Forum therefore came to the conclusion that based on this evidence the assessment under section 126 and 135 of the Electricity Act, 2003 is beyond the jurisdiction of the Forum under UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievance of the Consumers) Regulations, 2007 and thus there is no justification for continuing the case before it. Having held this the Forum went on to dismiss the complaint.
4. The respondent in their written statement have reiterated the above sequence of events and regarding the issue of responsibility of the safety of meter installed outside petitioner's premises have held the claim of the petitioner as wrong that since the responsibility of the meter fixed outside the premises is not his, meter should be fixed in his premises. Respondent has also reiterated that the Forum have correctly held that this case lies beyond their jurisdiction and the same situation applies to the Ombudsman.
5. Arguments have been heard on behalf of both parties and the record has been perused. It is clear from the record that the respondent have proceeded as per the provisions of the Electricity Act, 2003 for offenses under section 126/135. The finding recorded by the Forum that irregularities reported in the meter and consequent assessment under the provisions of section 126/135 of the Electricity Act, 2003 are beyond the jurisdiction of the Forum as defined by UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievance of the Consumers) Regulations, 2007, is consistent with provisions of law and fact and there seems no justification or ground to interfere with the same. Accordingly, Forum finding is upheld, being beyond jurisdiction of Ombudsman in terms of sub regulation 2 (1) (f) (i) (ii) of UERC (Appointment and Functioning of Ombudsman) Regulations,

2004, No order on merits in the case can be passed. However, petitioner is at liberty to approach the appropriate appellate authority as prescribed under section 127 of the Electricity Act, 2003.

6. The date for order in this case was fixed as 29.09.2017. However, 29.09.2017 having been declared a holiday by the State Government, order is being pronounced on next available working day i.e. 03.10.2017.

Dated: 03.10.2017

Vibha Puri Das  
Ombudsman