

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Madhusudan Shastri
Pandit Bastiram Pathsala
Sanyas Road, Kankhal,
Haridwar, Uttarakhand

Vs

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

Representation no. 21/2017

Order

The Petitioner, Shri Pandit Bastiram Sanskrit Vidhyalaya, Khankhal Haridwar represented by Shri Madhusudan Shastri has filed a petition dated 15.06.2017, which was admitted on 30.06.2017 after removal of shortcomings on 29.06.2017, as he is aggrieved by the order dated 23.05.2017 of Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) in complaint no. 05/2016.

2. The case in brief is that the petitioner had filed a complaint before the Forum vide his complaint dated 27.02.2017 where he had explained that he had a connection no. 692/0432/006590 for a long time. The opposite party, without his knowledge had changed category of his connection to non domestic from November 2000. He has further stated that poor students receive free education through this institution and through this application petitioner has requested that his connection may be transferred to domestic category from November 2000 and the bills be revised accordingly.
3. In his petition before Ombudsman, the petitioner has submitted that they had 2 connections in their pathshala at Kankhal, which is being run by a Trust. Both these connections were under domestic category till the year 2000. One of these connections (692/0432/006590) was converted into commercial category by the respondent which came to their knowledge after a long time. They have further stated that due to ignorance they continued to pay the bills. Having come to know about the

change of category letters were written to Executive Engineer/Sub Divisional Officer Haridwar, but they received no response, neither was the category changed. No commercial activities are carried out in their institution, which have duly been investigated by the SDO but without any decision. They approached Forum in February 2017 who passed their order on 23.05.2017 which is not acceptable to them. Forum have ordered for change of category into RTS-2 Non domestic (Charitable) category w.e.f. 05.04.2016 but the petitioner has requested that the category be changed from November 2000 instead of w.e.f. 05.04.2016, as they are a charitable Trust since beginning (since 1925) and qualify for billing under RTS-2 Non domestic (Charitable) tariff, under which they were being billed from 20.08.2003 to the year 2010-11. They have requested that RTS-2 Non-domestic tariff (Charitable) be applied to their aforesaid connection (692/0432/006590) right from the year 2011-12 and onwards, as applicable to under all the appropriate tariff orders, issued by UERC.

4. Forum while passing their order dated 23.05.2017 have heard both parties and concluded that the petitioner is covered under RTS 2 in the tariff order dated 05.04.2016. Forum accordingly directed petitioner to deposit all relevant documents pertaining to Income Tax rebate under Income Tax Act, 1961 and after examining the record Forum was convinced that the request of the petitioner is valid and they ordered accordingly that petitioner may submit his application for revision of tariff in prescribed form to UPCL.
5. Respondent UPCL in their written statement dated 21.07.2017 has informed that they have examined the consumer billing history and have found that in the year 2000 the petitioner was being billed as per LMV 4 rate schedule in which category institutions including charitable institution and trusts and government and government aided educational institutions and their hostels, libraries etc. were covered. In the revised tariff order of 2003-04 and right up to 2010-11 petitioner was billed under the category of charitable institutions as per RTS 2. However, from 2011-12 petitioner's billing was changed to RTS 2 other non domestic consumers and they have informed that if the petitioner deposits all relevant income tax certificates it will be possible to charge him as per RTS 2 charitable institutions but he cannot be charged as per domestic tariff. Having said this, respondent have then requested that petitioner's complaint may be dismissed.

6. Both parties have been heard and record available on file have been perused. It is clear that the petitioner is a charitable trust from 1925 onwards and right up to 2010-11 as conceded by respondent, petitioner was being charged under category RTS 2 charitable trust. However, from 2011-12 he is being charged as per RTS 2 other non domestic category. As per record available on file, petitioner is entitled to being charged as per RTS 2 charitable institution category. Accordingly petition is allowed. Forum order had allowed modification of category of tariff w.e.f. 05.04.2016 whereas the same is admissible from the tariff of 2011-12. Accordingly Forum order stands modified. Respondent are directed to make necessary changes in the applicability of tariff and allow adjustment of excess amount recovered from 2011-12 onwards.

Dated: 28.09.2017

Vibha Puri Das
Ombudsman