

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Vivek Sheel,
S/o Late Shri Ram Murti,
Ramghat, Haridwar, Uttarakhand

Vs

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

Representation No. 26/2018

Order

Date: - 15.10.2018

The petitioner, Shri Vivek Sheel S/o Late Shri Ram Murti aggrieved by the order dated 06.07.2018 of the Consumer Grievance Redressal Forum, Haridwar zone hereinafter referred to as Forum, has filed this petition.

2. The case in brief is that the petitioner maintains that he has informed respondent Executive Engineer vide his letter dated 28.12.2016 that he has been unwell since September 2012 because of which his business had also closed and he was not using electricity. The department, because of mounting dues, temporarily disconnected the connection in October 2012 without informing the petitioner. He came to know about the disconnection from his neighbour. Petitioner reminded the department vide his letter dated 22.02.2017 and also indicated that his meter was removed by the department after permanent disconnection on 3rd or 4th January 2017 without any intimation to him. On 23.11.2016, petitioner maintains, he deposited Rs. 25,000.00 against an NR bill of Rs. 21,460.00. Despite department also having a sum of Rs. 1677.00 as security they sent an RC of Rs. 75,000.00 to the Tehsil which is completely unjustified. Petitioner claims that while UERC Regulations provide for change of IDF meter within 3 billing cycles, the department has allowed an IDF meter to remain for 4 years. Further, if the connection has not been used and no payments made, department should have suo moto permanently disconnected his connection. He believes that from 2011 if he is asked to pay fixed charges, even then some sum of

money would have been refunded to him if the connection was disconnected after six months of nonpayment. He has therefore requested that the RC may be cancelled and his dues settled.

2. Forum, in their order dated 06.07.2018, have held that petitioner has been unable to provide any evidence that the connection has not been used since October 2012 and it was incumbent on petitioner to apply for permanent disconnection if he was not going to use the connection for long periods. Petitioner has only submitted his written request for PD on 28.12.2016 and the department disconnected his connection on 02.01.2017. Accordingly Forum held that petitioner is liable to pay the balance due from him and respondent are entitled to issue recovery notice and therefore dismissed the complaint.
3. Respondent, UPCL in their written statement dated 07.09.2018 have mentioned that connection no. 69620201047360 in the name of Vivek Sheel was temporarily disconnected on 21.11.2016 when meter no. 829853 was found on site. The said meter was removed by the staff in January 2017 and sent to lab at Mayapur. PD memo was issued on 25.01.2017 and a total sum of Rs. 73,231.00 was found due from him. Accordingly petitioner's request deserves to be dismissed.
4. Both parties have been heard and the record perused. Respondent were required to provide sealing certificate of October 2011, copy of recovery certificate issued by the department, details of adjustment of Rs. 51,597.00 given in the bill dated 01.12.2011 and evidence of temporary disconnection dated 21.11.2016 as reported in the written statement dated 07.09.2018. Respondent have filed a copy of the sealing certificate of 23.08.2011 (which was advised to the system in October 2011) which reveals that new electronic meter no. 829850 was installed and the old mechanical meter removed on account of dues, on the instructions of JE (it may be pointed out that the written statement has given the meter no. as 829853). They have also filed a copy of the RC which confirms that recovery of Rs. 73,256.00 is pending. For confirmation of sealing on 21.11.2016 no fresh documents have been filed and the department have reiterated the JE report of 21.05.2018 which indicates that the connection was temporarily disconnected due to outstanding dues in November 2016 and permanently disconnected in January 2017 after which the meter was removed and handed over to the JE. The P.D. report signed by SDO and JE indicates date of temporary

disconnection and permanent disconnection as 21.11.2016 and 06.01.2017 respectively, meter no. as 829853 and status of meter IDF (no display).

5. While petitioner has maintained that he was not using the connection from October 2012 onwards because of being unwell and had asked the department to disconnect the connection, no evidence regarding such request has been filed until the letter dated 28.12.2016 which is one month after the connection had already been temporarily disconnected at the instance of the department. Petitioner has also claimed in his letter dated 28.12.2016 that the connection was requested in his name Vivek Sheel but the department has all along recorded his name as Vikas Sheel. It is seen from the record that respondent have used the name Vikas Sheel in bills, billing history, PD report, and PD OM, while the written statement has mentioned Vivek Sheel. Forum have also referred to the case as Vivek Sheel. Respondent did not at any stage dispute petitioner's claim and hence, it is taken that the correct name of the petitioner is Vivek Sheel. The department has allowed an IDF meter to continue for 4 years and 2 months (from 11/2012 till permanent disconnection on 06.01.2017 as per billing history) without taking any action for either replacing the meter or disconnecting the supply on account of nonpayment. While petitioner has claimed that his connection was temporarily disconnected in October 2012 no evidence has been filed in support of this and he has also paid an amount of Rs. 25,000.00 on 25.11.2016 which there is no justification for his paying if the connection was indeed disconnected in 2012. As per 3.2 (1) of UERC (The Electricity Supply Code) Regulations, 2007 an IDF bill can be charged for a maximum period of three months. In violation of this provision NA/NR/RDF and IDF bills were issued from 01/2008 to 09/2011 (3 years 9 months) which, it appears from his billing history has been revised, so irregularity committed in billing during this period stands rectified. However, for the second period i.e. for 11/2012 till permanent disconnection, irregularity in billing has continued. Since in terms of the aforesaid Regulation, IDF bills can be raised only for a maximum period of three months, where after, the Licensee are not entitled to raise any bill without installing a correct meter, it is therefore ordered that IDF bills issued beyond a period of three months i.e. from February 2013 till the date of P.D. be withdrawn and a revised demand up to January 2013 be worked out and served upon the petitioner. R.C be also revised accordingly. Forum order is set aside. Petition is partly allowed.

6. In this case billing as per IDF continued from 11/2012 till P.D. on 06.01.2017 as per billing history submitted by the respondent. IDF bills may not be raised for more than three months as per regulations quoted above. Senior management of Licensee may ascertain causes for this extreme negligence and take suitable corrective action to prevent recurrence.

Dated: 15.10.2018

(Vibha Puri Das)
Ombudsman