

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Atar singh chauhan
S/o Late Shri K.S. Chauhan
Village Daang (Gusain), Patti Gusain,
P.O. Bangiyal, Vikaskhand Thauldhaar,
Tehsil Kandisaund, Distt. Tehri Garhwal, Uttarakhand

Vs

Executive Engineer,
Electricity Distrubiton Division,
Uttarakhand Power Corporation Ltd.
Tehri, Distt. Tehri Garhwal, Uttarakhand

Representation No. 39/2017

Order

The petitioner, Shri Atar Singh Chauhan aggrieved by the order dated 31.10.2017 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) has filed this representation. He has alleged that his electricity connection no. TH1-4041-078692 was given to him as per sealing certificate of 26.12.2011. Since the meter had become defective and his bills were being issued on estimated basis, he requested that meter be changed. The meter was changed. However, the bills continued to be on the basis of estimate and the same has not been corrected despite his repeated requests. Because of this long standing grievance, the petitioner approached the Forum vide complaint no. 118/2017 which was decided by the order of 30.10.2017 (correct date is 31.10.2017) by the Forum. Petitioner alleges that the Forum did not go into the matter in depth and while his total consumption was 1600 units in the old meter and 870 units in the new meter i.e. a total of 2470 units in 69 months, petitioner has deposited Rs. 11,892.00 against this consumption. He feels that instead of a modified bill for 2470 units (as requested in the Forum) he was only given a modified bill of 870 units. The Forum in their order rightly held the surcharge to be inapplicable but the total consumption of 2470 units which is defined by the sealing certificates of 26.12.2011 and 17.10.2015, and the amounts deposited by him so far has not been taken into account. He feels that his deposit of Rs. 3000 against the bill of 870 units is in excess of that bill and his entire bill for 2470 units for a period of 69 months needs to be corrected taken into account the deposit of Rs.

11,892.00. He has also claimed that in case LPS is charged, by UPCL he should also be paid 18% interest on the excess money deposited by him.

2. Forum, in their order dated 31.10.2017, have relied on the respondent's assertion that total due from the consumer as per metered units is Rs. 5,257.00 against which consumer deposited Rs. 3,000.00 in March 2017 and after correction in the bill (not explained in the order) total of Rs. 1,592.00 is due from the petitioner. Forum held that the bill for the period 14.09.2015 to 28.09.2017 as per actual reading has been modified before the Forum and therefore the surcharge of Rs. 665.91 is not payable by the petitioner as it is not justified. Forum therefore directed respondent to delete the surcharge of Rs. 665.91 and recover the balance dues from the petitioner.
3. Respondent in their written statement dated 28.11.2017 have given reply to 3 paras of the petition namely 4, 7 and 10. Regarding allegation of para 4 on estimated billing they have said the corrected total dues are Rs. 1,392.00; with response to para 7 where petitioner has quoted 2470 units in 69 months as his total consumption against which he has deposited Rs. 11,892.00 respondent have given an extract of consumer ledger for the period 01.04.2017 to 28.11.2017. As per this ledger after giving adjustment for payments made, total due from him as on 28.11.2017 has been given as Rs. 1,392.00. Subsequently respondent have also given a calculation sheet giving petitioner the benefit of having deposited Rs. 2,975.00 claimed to have been deposited by him in 2012.
4. Both parties have been heard and record available has been perused. The ledger for the period 01.04.2011 to 22.12.2017, shows closing balance on 29.11.2017 as Rs. 1,732.00 (A further bill of Rs. 340.00 is included in balance of 29.11.2017). In the hearing held on 02.01.2018 the petitioner again pressed that credit of Rs. 2,975.00 deposited by him vide receipt dated 07.07.2012 has yet not been given. The respondents were asked to scrutinize their records and submit the correct position. The respondents have submitted the revised calculations vide their letter dated 06.01.2018 after allowing adjustment of Rs. 2,975.00 claimed to have been deposited by the petitioner vide receipt dated 07.07.2012. According to this calculation Rs. 1,243.00 has been shown as surplus payment instead of arrears of Rs. 1,732.00 shown against him for the period ending 29.11.2017.

5. Following conclusions can be drawn from examination of the documents and the calculation sheet submitted vide respondent's letter no. 527 dated 06.01.2018.

- I. Forum in their order dated 31.10.2017 had disallowed LPS amounting to Rs. 665.91. Respondent have not objected to the Forum order. However above documents do not clearly show such deletion.
- II. Respondent have accepted petitioner's claim of deposit of Rs. 2,975.00 on 07.07.2012. However above calculation gives credit of this amount not w.e.f. from 07.07.2012 but at present. If Rs. 2,975.00 credit had been allowed on the date of deposit, there would instead have been a credit balance of Rs. 567.00 (Rs. 2,408 – Rs. 2,975) in the account of the petitioner. Therefore the LPS of Rs. 331.00 charged on this opening balance of Rs. 2,408.00 cannot be held to be justified.
- III. Charging of Rs. 1,000.00 towards cost of IDF meter replaced vide sealing certificate no. 36/2 dated 17.10.2015, does not appear justified in view of:
 - a. The aforesaid sealing certificate does not mention that the meter was found burnt but only mentions that "उपभोक्ता का meter IDF पर बदला गया". IDF meter does not necessarily mean that the meter was burnt. No evidence has been adduced to show that the meter was burnt.
 - b. While the petitioner had requested for replacement of this meter, the meter was replaced after billing at NA/NR/IDF on estimated consumption, for 9 cycles (from the month of 06/2014 to 09/2015), in gross violation of relevant Supply Code, Regulations 2007 (Sub regulation 3.1.2 (3) and 3.2. (1)).

In view of the above facts the respondents are not entitled to charge Rs. 1,000.00 towards the cost of meter and the same is therefore disallowed.

6. It is directed that respondent may allow credit of Rs. 331.00 + Rs. 1000.00 = Rs. 1,331.00 in addition to Rs. 1,243.00 shown in the calculations submitted vide letter dated 06.01.2018. Further, if LPS of Rs. 665.91 disallowed by Forum has not been credited so far to the account of the petitioner, the same may also be so credited. Forum order is upheld with above modification. Petition is allowed. No order regarding costs.

Dated: 16.01.2018

(Vibha Puri Das)
Ombudsman