

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Naresh Kumar Dhiman
Shri Hanumaan Ji Mandir,
Hill Bypass Road,
Near Industrial Area, Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Foundry Gate, BHEL, 33/11 KV Substation no. 2,
Jwalapur, Haridwar, Uttarakhand

Representation No. 34/2017

Order

The petitioner, Shri Naresh Kumar Dhiman is aggrieved by the order dated 18.09.2017 of the Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum). His complaint before Ombudsman pertains to 2 connections nos. namely connection no HR/1429/014210 (part A) and connection no. HR/1429/104584 (part B). Petitioner claims that Forum order has been passed in his absence and without looking at the reading of the meter as well as money deposited. In his petition, he has mentioned starting reading 1460 and reading on 26.08.2016 as 36239 thus bill payable for 34779 units. Petitioner has calculated his dues based on per unit cost of Rs. 3.4 and claimed that while Rs. 1,18,248.00 is the clear due amount from him as per reading of 26.08.2016, he has already deposited a total of Rs. 1,54,308.00 and therefore a total of Rs. 36,060.00 has been deposited in excess with the department from 26.08.2016 which should be paid back to him along with interest rather than he being asked to pay anything more. In his complaint regarding the second connection 104584 he alleges that Forum has in some unknown way revised his dues to Rs. 9774.00 as on 05.09.2017 whereas the department had given him a bill for Rs. 4126.00 on 22.09.2017. Since petitioner has already deposited Rs. 2508.00 he is supposed to deposit only Rs. 1645.00. He has also complained that no reading has been taken against this connection and for about 2 years, his bill has been coming as NR. He has therefore requested that Forum order may be set aside; in respect of

connection no. 014210 readings may be terminated at 50000 while later bills may continue to be issued; Rs. 36,060.00 excess with the department may be refunded to him with interest; and compensation of Rs. 2,00,000.00 at least be paid to him for his harassment.

2. The Forum in their order dated 18.09.2017 came to the conclusion that petitioner is responsible for paying bills as per reading and in respect of K.No. – HR-1/1429/014210 the amount of Rs. 19,756.00 is payable by him as per the last bill dated 06.05.2017 to 10.07.2017. Further, since the time limit by which waiver of LPS was admissible as per UPCL order dated 08.02.2016 was already over before the complaint was filed, Forum could not take cognizance of the same, since petitioner has been paying part bills and the last bill for the period 06.05.2017 to 10.07.2017 for 19756 has been issued. Forum have held that petitioner is liable to pay bills raised on metered units. As far as the second connection is concerned, Forum have observed that petitioner has filed no evidence regarding his deposit of Rs. 2508.00. Bills against this connection have continued to be on the basis of NR from the date of connection i.e. 07.03.2014 to the date of filing of complaint i.e. 11.07.2017. Since on 12.07.2017, the meter has been replaced as it was IDF, and a bill of Rs. 7,493.00 has been issued on the basis of reading in July 2017, Forum have held that petitioner is liable to pay bills generated on this meter up to 05.09.2017 which establish Rs. 9,774.00 as the liability of the petitioner. Accordingly, Forum dismissed the complaint.
3. Written statements have been filed by respondent UPCL on 21.11.2017 and a revised statement on 30.01.2018, while a clarificatory letter had already been given on 27.01.2018. In their written statement dated 21.11.2017, respondent have stated that connection no. JW11429014210 with a sanctioned load of 2 KW is running since 23.06.1980. Metered bill up to April 2011 had been credited and for the period May 2011 to July 2016 the reading progressed from 1460 to 36239 (this is the same as averred by the petitioner as per para 1 above. These readings stand corroborated in the consumer billing history) for a total of 63 months, average bills @ 553 units per month were revised. Respondent stated that with the deposit of Rs. 1,20,000 on 26.08.2016, dues of the petitioner had been cleared and after that bills were being issued as per reading. As on November 2017, outstanding of Rs. 35,737.00 is payable by the petitioner while the bill is correct as per reading. Respondent also filed consumer ledger details and consumer history along with this statement. With respect

to part B respondent claimed that while connection no. JW//429104584 with a sanctioned load of 2 KW was connected on 07.03.2014. Corrected bill for Rs. 4,125.00 was issued for the month of 09/2017, as per meter reading. Bill for the month of 11/2017 was also issued on the basis of meter reading and the present outstanding dues are Rs. 6,828.00 ending 11/2017. (against Rs. 9774 in Forum order)

4. Petitioner, in his rejoinder dated 01.12.2017 disputed both the averments made in the written statement. He also informed that in respect of part A of his complaint, the meter no. of this connection was 099742, the reading up to 23.02.2013 was 3110 (as per billing history this was the present reading in the bill for 01/2013 issued on 23.01.2013) according to which he had paid the entire outstanding and in the period 02/2013 to 07/2016 the reading came up from 3110 to 15060. As such, for the 40 month period, his average consumption comes to 298.75 units rather than 553 units suggested by respondent (No documentary evidence to support this point has been adduced whereas the consumer history indicates reading of 1460 in the bill of 05/2011 issued on 25.05.2011 and a reading of 36239 in the bill for July 2016, issued on 21.07.2016). Further, petitioner has also asserted that the bill of 18.02.2013 was for meter no 099742. However the consumer ledger quotes the meter no. 754209 and therefore he has alleged major mix up in the billing for his meter with meter no. 754209. In respect of part B, he again reiterated the need to account for Rs. 2,508.00 deposited by him. If that is accounted for, the outstanding amount will be Rs. 4320.00 which he is agreeable for. Two further hearings were held after December 2017 on 12.01.2018 and 19.01.2018 in which respondent furnished some more information after having a committee reexamine the case (the findings of the committee have not been made known to the Ombudsman). As a result of these 2 hearings, respondent filed a revised written statement vide letter dated 30.01.2018. According to this written statement, in respect of Part A, respondent averred that meter no. 754209 with a preliminary reading of 00 was established at the premises of the petitioner on 08.05.2013. However, due to a mistake of the petitioner and the line staff, connection no. 104584 was mentioned instead of 14210, which was actually another connection of the same petitioner. Respondent have reiterated that the petitioner is fully responsible for giving this wrong connection no. They have also explained that the meter was issued to the concerned JE on 07.05.2013 along with other meters of the same series which establishes that this meter was indeed installed at the petitioner's

premises. Accordingly, respondent have averred that they have changed the bill of the petitioner on the grounds that meter no. 754209 started at a preliminary reading of 00, its reading on 08.01.2018 is 46513 and in May 2013 the balance due from the petitioner Rs. 1,405.00. Accordingly, respondent have concluded that on 08.10.2018 (perhaps meaning 08.01.2018) total dues against the petitioner come to Rs. 88,932.00. As far as part B is concerned respondent have averred that the connection no. 104584 was released through meter no. 32192913 on 07.03.2014 (this is at variance with the point averred by the respondent in their statement regarding part A that the connection n. 104584 was wrongly recorded while on 08.05.2013 when the meter was being replaced, as it was another connection of the petitioner, whereas this other connection was released as per their own statement exactly 10 months later. How was the connection number of non existing connection number given as the connection no. on which meter was installed on 08.05.2013? The date on which connection no. is allotted to a prospective consumer could not be explained by the respondent despite repeated queries). This meter was changed on 12.07.2017 on account of being IDF and meter no. 635158 was established in which the reading as on 08.01.2018 is 1526. Respondent have also mentioned that the bill for the consumer for this connection has been amended as per the order of the Forum and an electricity bill for Rs. 8,148.00 has been made out which is due from the petitioner. Petitioner has given a 19 point objection in his letter dated 01.02.2018 followed by another 5 points mentioned in his letter dated 11.03.2018. A final hearing was held on 14.03.2018.

5. It is clear from the sequence of revised statements of the respondent and subsequently the petitioner, that the case details have substantially altered from what they were before the Forum. In substance, the changes in the position between when the Forum gave its order on 18.09.2017 and the date of physical verification on 06.03.2018 and final hearing in this matter on 14.03.2018 are as follows:

Part A:

- i) In the hearing on 12.01.2018, the respondent informed that meter no. 754209 was issued to the JE concerned on 07.05.2013 but as the sealing certificate for its installation was not traceable , a committee has been set up to decide the date of change of meter. However, no findings of such committee were ever put up before the Ombudsman. The respondent requested for one more

hearing date to enable them to submit complete case in detail. As such next date was fixed on 19.01.2018.

- ii) On 19.01.2018 the respondents made the following submissions: -
 - a. Meter no. 754209 was installed vide sealing dated 08.05.2013. Old meter was not found at site, Last metered unit bill on old meter was issued for the month of 05/2013 from reading 3039 to 3601 for Rs. 1405.00
 - b. Bills on the readings of new meter issued from 08.05.2013 to 08.01.2018 from reading zero to 46513.
 - c. Up to date dues were Rs. 2,18,930.00 and after payment of Rs. 1,30,000.00, the net payable dues are Rs. 88,930.00.
 - d. Despite SDO's report advising the new meter to billing system on 29.02.2016, no action was taken to see as to how and when old meter was removed and by whom.
- iii) Meter no. 754209 is stated to have been installed against connection no. 14210 whereas the sealing certificate of 08.05.2013 mentions connection no. as 104584. The said sealing certificate does not carry consumer's signature. Meter no. 754209 is presently installed at connection no. 14210 as per inspection report dated 06.03.2018.
- iv) Meter readings as per consumer history continue in sequence from 01/2010 to 01/2018 from reading 200 to 46513. The mention of meter change is recorded in the consumer history on 29.02.2016. But nowhere does reading commence at 00 (zero).
- v) Sealing certificate dated 08.05.2013 which carries neither a) details of old meter claiming that meter was not found b) does not carry a signature of the consumer/petitioner c) carries a different connection no. from the connection no. against which it is purportedly used for billing, was not placed before the Forum and it appears that respondent also discovered that the meter had been changed on 08.05.2013 only after deciding the case in the Forum had been decided vide their order dated 18.09.2017 and proceedings before Ombudsman had proceeded far beyond written statement and rejoinder stage. The respondent submitted for the first time in hearing on 14.12.2017 that the old meter no. 099472 was replaced by the present meter no. 754209 and subsequently made submissions as aforesaid.

Part B:

Against the current dues of Rs. 6,828.00 shown in November 2017 before the Forum, in their latest written statement before the Ombudsman respondent have only updated the outstanding position and claimed dues of Rs. 8,148.00 as on 08.01.2018. Receipt for Rs. 2508.00 is not available to respondent nor the petitioner.

6. Despite 4 hearings and multiple written statements and a site inspection it is still not clearly established a) when meter no. 754209 was installed since sealing certificate mentions a different connection no., is not signed by petitioner, and does not carry details of the old meter, b) if the meter was indeed installed on 08.05.2013 intimation regarding new meter to the billing system is recorded as issued on 29.02.2016 and at no point in the consumer history is the meter reading starting at 00 (zero) which is the starting reading of meter no. 754209 as per sealing certificate dated 08.05.2013.
7. Not only has the position for the period under dispute in this case materially altered from the time it was under consideration by the Forum to now, the averments of the petitioner and the respondent have undergone repeated and multiple changes. The consumer billing history and the sealing certificate do not help in clarifying the position and bills for the relevant period have not been filed on record.
8. In view of the above discussions, analysis and examination of the case regarding part A (connection no 14210), it is clear that the claim of the respondent having installed the meter no. 754209 on 08.05.2013 at zero reading at connection no. 14210, in place of old meter no. 099472 and having recorded reading in 01/2018 as 46513 and thus total outstanding dues ending 01/2018 against the petitioner Rs. 88,932.00 is not established. Contrary to this, Forum finding that the last bill for the period 06.05.2017 to 10.07.2017 for Rs. 19,756.00 already issued on metered consumption is payable by the petitioner and have accordingly/disallowed and disposed off the complaint. The billing history submitted by the respondent shows that the readings are consistent right from January 2010 at 200 to January 2018 at 46513 showing outstanding dues Rs. 40,122.00. The outstanding dues ending 11/2017 has been shown as Rs. 35,737.00 at reading 45720, which were claimed by the respondent in their written statement dated 21.11.2017. Forum order being consistent with the consumer history is upheld. Respondent's claim of outstanding dues of Rs. 88,932.00 claimed on new meter consumption, which they could not establish, is turned down. The petitioner is

directed to pay to the respondent dues amounting to Rs. 45,720.00 ending January 2018 as per bill already sent to him.

9. As regards connection B (connection no. 104584), the respondent vide their revised written statement dated 30.01.2018, have submitted that the bill for 07.03.2014 to 08.01.2018 have been revised and sent to petitioner as per Forum's order and outstanding dues are Rs. 8,148.00 which are duly reflected in the billing history. It is held that the petitioner is liable to pay the outstanding dues as per bill. However, regarding his claim for adjustment of Rs. 2,508.00 as neither he could submit the receipt for this amount, not the respondent, as submitted by them, have been able to trace out this receipt in their records. However, they have asserted that in case the petitioner submits the receipt for Rs. 2,508.00 adjustment may be allowed.
10. The Forum order is upheld with the above modifications for up to date dues. Petition is dismissed.

Dated: 23.03.2018

(Vibha Puri Das)
Ombudsman