

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Pushpa Joshi
Prop. Ashutosh Aata Chakki Plant
Village Sabhawala, Pargana Pachwadoon
Distt. Dehradun, Uttarakhand.

Vs

Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Vikasnagar, Distt. Dehradun, Uttarakhand

Representation No. 21/2018

Order

Date: - 06.08.2018

The petitioner Smt. Pushpa Joshi Prop. Ashutosh Aata Chakki Plant, Village Sabhawala, Pachwadoon, Dehradun has filed this petition being aggrieved with the order dated 17.04.2018 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no. 204/2017.

2. The electricity connection no. 2790 in respect of which this complaint is made out is held in the name of Shri Atmaram Joshi. Petitioner maintains that she has been paying these bills from 2008 onwards and while earlier the bills were paid in cash but for the last one year since bill payments have to be made through bank there has been irregularity in accounting for the payments made by the petitioner via NEFT/RTGS as a result of which connection has been disconnected for nonpayment frequently while she has been paying her bills regularly. Petitioner claims that respondent accounts staff do not adjust their accounts in time and while payments have been made, they include previous months bill as overdue in the current bill. Further, petitioner maintains, that from the year 2017 she has been purchasing less wheat as a result of which there has been less electricity consumption and her monthly bill has varied between Rs. 30,000.00 to Rs. 45,000.00. The respondent have considered this as indication of meter being slow and without her permission changed the meter. The petitioner was also not informed of the reading in the meter at the time of change and

without any testing a sum of Rs. 87,222.00 was included in her bill whereas as per regulation the consumer signatures are required at the time of installation of new meter. Petitioner's claim is that her connection was disconnected for nonpayment of illegally attributed bill of the above Rs. 87,222.00. Petitioner filed a representation to Executive Engineer, EDD (Rural), EE (Commercial), SDO and JE of the department through her Advocate on 16.12.2017. Respondent were annoyed with this and immediately disconnected her connection without intimating her. Petitioner's case is that she has suffered shut down 10 to 15 times per day. Since the SDO is aware that her's is the only commercial connection in Sahaspur and without approval of the Government repeated rostering is undertaken which has caused great loss and her factory is unable to function properly. Petitioner has also alleged that on 23.03.2017 she was given a notice for the period 01.06.2017 to 31.07.2017 which included Rs. 80194.00 as arrears, LPS of Rs. 1002.43 and assessment of slow meter of Rs. 87,222.00 apart from current dues of energy charges, fixed charges, cess etc. adding up to Rs. 2,91,937.43. Petitioner maintains that she had paid the entire balance amount except the slow meter charges. On 23.01.2018 petitioner was given a letter dated 10.01.2018 where she has been threatened that she should deposit a sum of Rs. 1,26,924.00 within 2 days failing which the sum would be recovered as arrears of land revenue. Petitioner alleges that respondent are themselves unaware of what is the total outstanding against her since they have given different figures of amounts outstanding on 23.01.2018 and in their notice dated 07.09.2017 where they referred to Rs. 2,00,270.00 as the outstanding against her. Petitioner has also alleged that her son approached the respondent in their office on 23.01.2018 and requested for a receipt against amounts deposited via cheque, NEFT and RTGS. Respondent refused to give the receipt and dismissed her son from their office. She has also alleged that due to frequent power cuts she has suffered a loss of at least Rs. 2,00,000.00 which should be recovered from the salaries of the concerned SDO and JE. Accordingly she has requested that the amount shown in the letter dated 10.01.2018 be disallowed on the above ground.

3. In the grounds for appeal petitioner has alleged that no responsible officer of the respondent appeared in the Forum even once; that the Forum fixed 17.03.20018 as the date for order but passed their order one month later on 17.04.2018 whereas order

should be passed within 15 days of the hearing; No relief requested by the petitioner has been granted despite the fact that the Forum themselves accepted that the percentage calculation for slow meter as well as the period for which slow meter charges are recovered has been wrongly calculated by the respondent. No penalty was levied on the respondent for their fault. Accordingly, petitioner has requested that a sum of Rs. 1,26,949.00 shown as slow meter charges in their letter dated 01.10.2018 (probably meaning 10.01.2018) be cancelled and she be given compensation of Rs. 2,00,000.00 to be recovered from the salary of opposite party 3 and 4 i.e. SDO and JE respectively.

4. Forum in their order dated 17.04.2018 have taken note of the fact that opposite parties have, as per sealing certificate dated 12.06.2017, computed the meter in respect of connection no. 2790 (mentioned as meter no. in the order of Forum) to be 21.6% slow and accordingly made out an assessment of Rs. 87,222.00. Forum have, after hearing both parties, concluded that calculation was wrong and the meter was 17.77% slow. They have further observed that opposite party have mistakenly assessed for a total period of 10 months and 12 days from 01.08.2016 to 12.06.2017. Forum have held that as per regulation 3.1.3 (6) of UERC (The Electricity Supply Code) Regulations, 2007 assessment for slow meter can only be up to 6 months. Forum have therefore ordered to modify the assessment in respect of meter no. UPC13679 to 17.77% slow and as per the provisions of regulation 3.1.3 (6) as per appropriate tariff without LPS. They further directed that the petitioner must pay the bill amount within 15 days of receipt of the bill. On the issue of repeated disconnections faced by the petitioner, Forum have taken note of the fact that this happens because amounts deposited via NEFT/RTGS are not accounted for since the amount comes from another account rather than that of the consumer consuming unit. However, no LPS or reconnection charges have been charged by the opposite party for such disconnections, Forum have therefore advised that future payments by NEFT/RTGS be made by the petitioner from the account of the consumer firm. Simultaneously, they have also advised the opposite party to take account of money credited by the petitioner, before disconnecting their connection.
5. Respondent in their written statement have, apart from giving details of connection no. 2790, sanctioned load of 68 KW, and KCC module, have also said that since

petitioner has been depositing bills from an account other than account mentioned in the bill i.e. Shri Atmaram Joshi, hence, it is not possible to reconcile the deposited amount with the due amount. Petitioner has been repeatedly advised by the respondent to inform the divisional office immediately after making the payment so that the NEFT/RTGS payment is duly accounted for. Respondent have further claimed that all the amounts supposedly deposited by the petitioner have been reconciled against bills issued. They have claimed that while they have modified the bill in compliance with orders of the Forum dated 19.04.2018 (correct date is 17.04.2018) and the revised assessment has been incorporated in the bill for May 2018, it is seen that there is total outstanding dues of Rs. 2,72,609.00 pending against him as of May 2018.

6. Both parties have been heard and the record has been perused including the file of the Forum which has been called for, on the request of the petitioner. Since the petitioner was of the view that all payments made by her had not been accounted for, a date was fixed when the accounts could be mutually reconciled in the office of respondent. At the appointed date and time petitioner failed to present herself or any evidence. As such, despite additional time allowed, no further reconciliation could be done. Respondent have clearly stated that as per the bill of May 2018 total outstanding, after allowing all adjustment in respect of payments made and slow meter assessment as per orders of the Forum, is Rs. 2,72,609.00. Petitioner's allegations that her various payments have not been adjusted, that she has not been heard by the Forum and that Forum have failed to discipline defaulting officers of UPCL are all generalized statements without specific information or evidence which was not even forthcoming when specific time was allowed for the same.
7. It is therefore clear that the relief admissible to the petitioner in respect of slow meter and period of assessment for slow meter not exceeding six months, has already been allowed by the Forum. No other relief is admissible in the absence of any further clear evidence in support thereof. The petitioner has alleged that no responsible officer of the respondents appeared before the Forum for hearing. This allegation is not sustained as the Forum have clearly mentioned in their order that "एप ङकुक मक; ककुसा दक लुक ख;क". Her (petitioner's) allegation that her meter was replaced without informing her and without any checking thereof, is also not sustained because

a meter was installed on 17.05.2017 on the finding that her existing meter was showing less voltage in R phase. The check meter was finalized vide sealing certificate no. 004/288 dated 12.06.2017, wherein the existing meter was found running slow as recorded in the sealing certificate dated 12.06.2017. The old existing meter recorded consumption of 6052 units during the period 17.05.2017 to 12.06.2017 while the check meter recorded 7360 units consumption during the same period which clearly shows that the existing meter was running slow in comparison to the check meter. Further, both sealing certificates carry signatures in the space meant for consumer/representative signature. However the percentage of slow running of meter worked out by the respondent as 21.60% is wrong which has rightly been corrected by the Forum as 17.77% and revised assessment amounting to Rs. 41,781.00 has rightly been worked out for a period of 6 months as per directions of Forum which is consistent with relevant Regulations 3.1.3 (6) of UERC (The Electricity Supply Code) Regulations, 2007. Forum order is therefore upheld. Petition is dismissed.

8. In the interest of justice respondent are however advised to obtain from the petitioner details of deposits claimed to have been made and undertake a reconciliation exercise so that petitioner's claim that no amount, except slow meter charges, is outstanding against her, is adequately tested for veracity and relief if any, made available based on documentary evidence.
9. In their reply dated 20.07.2018 to the rejoinder of the petitioner the respondents have submitted that since the connection under reference exists in the name of Shri Atmaram Joshi and Smt. Pushpa Joshi, not being a consumer of this connection, cannot invoke the jurisdiction of Forum or even the Ombudsman. It is clarified that Smt. Pushpa Joshi, a complainant in case no. 204/2017 before the Forum, being aggrieved with Forum order dated 17.04.2018 in the said complaint filed this representation before Ombudsman and the same was entertained in accordance with sub regulation 5 (1) read with sub regulation 5.(5) of UERC (Appointment and Functioning of Ombudsman) Regulations, 2004.
10. Seeing that the electricity connection existed in the name of Late Shri Atmaram Joshi whereas the petitioner is Smt. Pushpa Joshi Prop. M/s Ashutosh Aata Chakki Village

Sabhawala, Distt. Dehradun, petitioner had been asked to show how she could be regarded as a complainant since the connection was not in her name and she herself has claimed this connection no. 2790 to be in the name of Shri Atmaram Joshi. Petitioner's claim regarding sentimental reasons for continuing the name is hardly valid in the face of specific provisions under sub regulation "2.3.2 *Transfer of Connection*". However, respondent are directed to ensure compliance with provisions of Regulation quoted above and report compliance within a period of 30 days from the date of order. Stay on coercive action for realization of disputed amount of Rs. 41,781.00 granted on 04.07.2018 stands vacated. Respondent are free to realize dues as finalized in the order of Forum dated 17.04.2018 and upheld by this order.

Dated: 06.08.2018

(Vibha Puri Das)
Ombudsman