

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Piyush Industries  
Plot No. 16-H, IP – II,  
Salempur, Mehdood,  
Bhadrabad, Haridwar,  
Uttarakhand.

Vs

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

Representation No. 11/2018

### Order

Date: - 20.06.2018

The petitioner M/s Piyush Industries Ltd. aggrieved with the order dated 19.03.2018 of the Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) in complaint no. 13/2018 has filed this petition for the relief of approval of load reduction w.e.f. 01.07.2017, refund or adjustment of extra MCG charges and fixed charges and compensation in the shape of zero bill for the period during which electricity remained disconnected from 06.02.2018 to 08.03.2018 and declare this as a zero bill period and compensation for loss of business. Petitioner has also informed that even in the month of April 2018 the bill has been raised against a sanctioned load of 1000 KVA even though the load reduction letter has been issued w.e.f. 30.01.2018. The case in brief is that petitioner M/s Piyush Industries, an HT consumer in SIDCUL, Bhadrabad, Haridwar, submitted a letter for reduction of load from 1000 KVA to 500 KVA on 20.06.2017 (17.06.2017 is correct date). However, the said reduction was not granted by respondent and on 10.01.2018 petitioner filed a second application on prescribed format (Annexure -2) for reduction of load from 1000 KVA to 600 KVA in response to which Executive Engineer granted the load reduction to 600 KVA vide O.M. no. 113 dated 30.01.2018 subject to conditions and restrictions stipulated therein and further subject to completion of formalities and subject to deposit of additional security amount of Rs. 4,87,407.00 and station charges (substation charges) of Rs. 21,540.00 as per his letter no. 165 dated 07.02.2018.

Petitioner has continuously requested respondent to reduce the required load to 600 KVA and accordingly reduce MCG charges and fixed charges w.e.f. 01.07.2017 and petitioner was depositing bill and dues from the month of December 2017 under protest. Petitioner has also highlighted that the SDO Shri Sashi Kant requested on telephone to deposit Rs. 9,55,000.00 as additional security amount. Repeated disconnections caused significant loss of business. Since petitioner has been rendered without any business he has sought relief for business loss and for salary payment as well as bank loan interest for the period 09.03.2018 to 30.06.2018.

2. The Forum, in their order dated 19.03.2018, have found that the petitioner has not fulfilled requisite formalities for reduction of his sanctioned load and have refused to accept petitioner's plea that the letters were not received by him as letter dated 29.06.2017 had required him to complete necessary formalities and deposit the money mentioned in the TC so that his load can be reduced. Since the Forum have not taken cognizance of the deposit of processing fee of Rs 10000/- on 29.01.2018 and charges against TC dated 07.02.2018 had not been deposited till then the case before the Forum was substantially different from the case as it presents itself before the Ombudsman. Forum order disposes of the case as presented by the application dated 17.06.2017 which was an incomplete application. The matter with respect to application dated 10.01.2018 was pre mature. The matter before the Ombudsman pertains to the application dated 10.01.2018 even though petitioner has sought relief w.e.f. 01.07.2017.
3. Respondent, in their written statement dated 03.05.2018, have with reference to petitioner's complaint, mentioned that a letter/application dated 17.06.2017 from petitioner was received in the division office on 20.06.2017. This application sought reduction of industrial load for connection no. 27430 from 1000 KVA to 600 KVA (The petitioner vide his letter dated 17.06.2017, which is available on file, has requested for reduction of load from 1000 KVA to 500 KVA). Division vide their letter dated 29.06.2017 requested petitioner to file requisite documents. Since no reply was received to letter sent by registered post and the desired documents were not submitted, no action for reduction of load on their application of 17.06.2017 was taken. On 17.01.2018 (the correct date of application is 10.01.2018.) petitioner filed an application for reduction of load to 600 KVA this time with requisite documents.

Internal orders require all applications for sanction of load and for load enhancement and reduction to be filed online. However, due to some error in the software, the application of the petitioner could not be registered online till 29.01.2018 and process of offline registration was commenced and processing fee of Rs. 10,000.00 deposited on 29.01.2018. The letter of sanction of reduced load was issued on 30.01.2018 by registered post but the same was received back in the office 3 days later. Respondent have also highlighted that the requisite estimates were prepared in the divisional office and a demand of total amount of Rs. 5,08,946.00 which included Rs. 4,87,407.00 as additional security, was sent vide registered letter on 09.02.2018 which was returned to the office on 15.02.2018. Petitioner deposited Rs. 21,540.00 (towards substation charges) vide demand draft on 13.04.2018 against the above demanded Rs. 5,08,946.00. Petitioner has deposited Rs. 9,55,000.00 on 15.07.2016 payable on account of mistakenly less recovered charges for 11 KV line rather than 33 KV. This money is towards service connection charges and has not been taken towards security deposit as claimed by the petitioner in his application.

4. Respondent maintains that in the absence of deposit of requisite additional security, action to reduce his sanctioned load has been pending. Accordingly they have requested that these facts may be borne in mind and petitioner directed to deposit requisite documents so that reduced load may be released.
5. Both parties have been heard and the record available has been carefully examined. Regarding the two separate applications for reduction of load dated 17.06.2017 and 10.01.2018, it is seen that the petitioner's request has been responded to by respondent, Executive Engineer vide his letter dated 29.06.2017 and 17.02.2018 respectively. Since the application dated 17.06.2017 had been filed without necessary record as laid down in the relevant regulation, it is not considered an application. As far as the request dated 10.01.2018, is concerned, the Executive Engineer has stated that the same was received in his office on 17.01.2018 along with requisite documents. The application could not be processed online due to a problem in the RAPDRP so the application was processed offline and the processing fee, as clear from the receipt available on file, was deposited on 29.01.2018. Reduced load was sanctioned with laid down conditions on 30.01.2018 and letter sent by registered post. However, the said letter was received back undelivered. It is clear therefore while

petitioner kept applying for reduction of load but neither was his application complete nor were the objections and remedial action details reaching him on account of non delivery of letters by the post office. The OM sanctioning the reduced load issued on 30.01.2018 was followed by detailed conditions of sanction on 07.02.2018 sent by respondent via registered post, in which respondent demanded additional security of Rs. 4,87,407.00 and substation charges of Rs. 21,540.00. Respondent have asserted that while the letter dated 07.02.2018 was dispatched by registered post on 09.02.2018, it was returned to them by the post office on 15.02.2018. Petitioner claims that he did not receive the letters sent by registered post. The same was handed over to the petitioner along with their letter dated 17.02.2018 on 29.02.2018 (the 2018 not being a leap year this date is obviously incorrect) Respondent has accepted that petitioner deposited Rs 21,540.00 by demand draft dated 13.04.2018 but not the balance amount required as additional security deposit. Respondent has not reduced the load on the ground that against the demanded Rs 5,08,946.00 only the above Rs 21,540.00 has been deposited and the balance is still awaited after which reduction in load will be effected.

6. During arguments petitioner was vehement that while his demand for reduction in load has been delayed since June 2017 he is being asked to deposit additional security whereas his business has been adversely hit by delay in sanction of load reduction, frequent disconnection of electricity and mounting dues which has brought his unit to near closure. A perusal of the UERC (Release of New HT & EHT connections, Enhancement and Reduction of Loads) Regulations, 2008 sub regulation 9 (6) reveals as follows:-

***Procedure for Enhancement / Reduction in Contracted Load***

*If the reduction in load, sought by the consumer involves replacement of existing equipment, then the consumer shall pay the works charges for the terminal equipment as per Table 1 above and the difference between security deposit required for the reduced load and that already deposited shall be adjusted in the bills within the next three billing cycles*

7. Since the petitioner deposited the works charges as demanded by the respondent on 13.04.2018 and no additional security is required to be deposited as per regulation

quoted above, petitioner is entitled to reduction of load w.e.f. 30 days from when required fees is deposited and adjustment of reduced security is required in the next three billing cycles. Forum in their order had held that load reduction can proceed after completion of formalities and depositing the amount of TC. While the amount of Rs. 21,540/- had been deposited by the petitioner, as explained above no further amount is required to be deposited as per provision of the relevant regulation quoted above. Forum order at the time of issue was appropriate since prescribed conditions were yet not fulfilled. Since all conditions as required under provisions of UERC (Release of New HT & EHT Connections, Enhancement and Reduction of Loads) Regulation, 2008 and as laid down in respondent's letter dated 30.01.2018 and 07.02.2018 / 09.02.2018 have now been complied with by the petitioner and no further compliance is called for as per provisions of regulations, respondent are directed to give effect to reduction of load as sanctioned by them vide their order dated 30.01.2018 within a maximum period of 30 days from the date of this order. No other relief as demanded by the petitioner is admissible. Petition is partly allowed for effecting release of reduced load.

Dated: 20.06.2018

(Vibha Puri Das)  
Ombudsman