

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Poorna Semwal
W/o Shri Lokendra Dutt Semwal
House no. 128, Near Shiv Mandir,
Rajeshwari Puram, Mohkampur,
Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural)
Uttarakhand Power Corporation Ltd.
359/2, Dharampur, Dehradun, Uttarakhand

Representation No. 43/2017

Order

The petitioner, Smt. Poorna Semwal W/o Lokendra Dutt Semwal has filed this representation against the order dated 16.11.2017 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum).

2. Petitioner has electricity connection no. 9721245162374. While petitioner lives in Distt. Udham Singh Nagar she has a house no. 128, near Shiv Mandir, Rajeswari Puram (Dehradun) which is occupied presently by tenants. Petitioner's case is that from 19.06.2012 the electricity bill was deposited by the tenant till 15.11.2015 when the tenant vacated the house. The house remained vacant from 16.11.2015 to 20.07.2016. During this period the electricity dues were deposited by her neighbor at her instance. On 21.07.2016 a new tenant occupied the house and started making regular payments. However he found his bill excessive and when he approached the department he did not get a satisfactory reply. Hence, he got a new meter installed on 19.01.2017. Suddenly, a bill for Rs. 48,798.00 was received and upon enquiry, petitioner learnt that from 11.03.2014 to 19.01.2017 the electricity bills were sent on the basis of NR and cost of average units 6836 has been included in the bills issued. This money is twice the amount that is legitimately due from the petitioner and hence most unreasonable. After the new meter was installed, for every 2 months, a bill of roughly 350 units has been received. Petitioner claims that if his payment of metered

units over the 36 months period had been appropriately credited to his account then this additional 6833 units would not have been shown as due from him. Petitioner has therefore requested that the additional dues for the period 11.03.2014 to 19.01.2017 is undue since they have deposited much more than the present average consumption of 315 units for 2 months as per the new meter and this additional charge may be quashed.

3. Forum, in their order dated 16.11.2017, have concluded that the meter at the petitioner's residence remained IDF from 11.03.2014 to 19.01.2017 and respondent did not take timely action while giving her estimated bills which are contrary to rules. Forum accordingly decided that since the petitioner commenced using the premises for residential purpose from 19.06.2012 therefore the average monthly consumption of 382 units recorded from 19.06.2012 to 11.03.2014 (when the meter became IDF) should be used to revise the bills from 11.03.2014 to 19.01.2017. No LPS should be charged.
4. Respondent in their written statement have disputed that the petitioner regularly pays her bill and has contended that petitioner pays her bills only when threatened with disconnection. Regarding meter having remained IDF/NA/NR for 36 months, respondent have maintained that intimation of fault in the meter is generally given by the consumer and since the consumer did not give a complaint earlier, the meter could not be changed in time. Respondent have further maintained that the petitioner's bills have been revised as per the rules and regulations of UERC. Respondent have given an ambiguous reply in para 6 regarding whether the meter was IDF or whether meter reading was not displayed and have sought to place the responsibility of non intimation of defective meter on the petitioner.
5. Respondent have filed the consumer history and a calculation sheet based on the Forum order which they have complied. A total of Rs. 18,392.55 is shown due from the consumer after adjustment of amounts already paid by her during the period 11.03.2014 to 19.01.2018. (i.e. 1 year after the new meter was installed).
6. Both parties have been heard and the record available on file has been carefully perused. The following points are clear from the record and from the arguments heard:

- a) The meter of the petitioner is installed outside the premises and on the electricity pole, it is therefore not possible for the consumer to know if and when the meter is rendered defective. Sub Regulation 13 (3) of CEA (Installation and Operation of Meters) Regulations, 2006 provides for as follows:

“(3) Licensee shall be responsible for the safety of the consumer meter located outside the premises of the consumer and the consumer shall be responsible for the safety of the real time display unit installed by the licensee in consumer premises.”

- b) The consumer billing history given by the respondent has maintained the status of the bill to be NR from the bill of 11.03.2014 right up to 03/2017. Bill of 11.05.2017 is for 7800 units showing previous reading 8086 NR and present reading 8086 RDF. Bill dated 19.07.2017 is for 7692 units showing previous reading 8086 NR and present reading 860 MC (Meter Change). Thereafter bills dated 19.09.2017 and 31.01.2018 are for metered consumption. The balance amount in the bill dated 31.01.2018 has been shown as Rs. 18,392.55 after allowing adjustment of Rs. 33,654.45 which is in accordance with the bill revision calculations submitted by the respondent in compliance of Forum orders dated 16.11.2017.
- c) It is evident from above that billing for NR/IDF (while respondent have used these two interchangeably it has been established that the meter was not NR but IDF for the entire period) has continued for 36 months and 18 billing cycles, whereas the relevant regulations provide for IDF billing for a maximum of 2 billing cycles in case of bimonthly billing on the basis of average of past 3 billing cycles and where after the licensee are not entitled to raise any bill without correct meter. The relevant regulation 3.2 (1) of UERC (The Electricity Supply Code) Regulations, 2007 is reproduced below.

“(1) The consumer shall be billed on the basis of the average consumption of the past three billing cycles immediately preceding the date of the meter being found or being reported defective. These Charges shall be leviable for a maximum period of three months only during which time the licensee is expected to have replaced the defective meter.”

Further para 4 of General Conditions of Supply of Tariff order, provides as follows:

“These charges should be leviable for a max period of three months or two billing cycles in case of bi-monthly billing.”

- d) As per billing history it is revealed that the new meter installed on 19.01.2017 was advised to billing system on 20/24.01.2017 but the billing continued on NR/IDF basis up to 05/2017 and that for the month of 07/2017 bill was issued showing previous reading 8086 NR of the old meter and present reading 860MC (meter change new meter). Subsequent bills till January 2018 were issued on metered units by the new meter. The total consumption recorded by the new meter from January 2017 till January 2018 has been 1705 units i.e. 142 units per month and 284 units per billing cycle.
7. Respondent have continued to issue IDF bills for a period of 36 months and have replaced the defective meter after 36 months in contravention of above regulation, Forum orders for revision of the bills for the period 11.03.2014 (date of IDF) till 19.01.2017 (Date of meter replacement) on the average recorded consumption from 19.06.2012 to 11.03.2014 (21 months) is also not consistent with above Regulation. As such the revised bill is quashed and Forum order is set aside. It is hereby ordered that the bills for 2 billing cycles w.e.f. the date meter became defective i.e. 11.03.2014 be revised on average consumption recorded in the three billing cycles immediately preceding the date meter became defective.
8. For the balance period, after 2 billing cycles, till 19.01.2017, although, as per provisions of Regulations, Respondent are not entitled to issue any bills without correct meter, but since the petitioner had consumed electricity during such period, is hereby ordered that bills for the remaining period after 2 billing cycles till 19.01.2017 be issued on the average consumption recorded by the new meter from its installation on 19.01.2017 till January 2018 i.e. @ 142 units per month or 284 units per billing cycle for the reasons explained above. Revised bill for the period 11.03.2014 to 19.01.2017 may therefore be issued accordingly after adjustment of payments made by the petitioner for the bills issued during this period and without any LPS.

Dated: 23.03.2018

(Vibha Puri Das)
Ombudsman