

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Jain Polypackaging Solutions
E-3, Bhahadrabad Industrial Area,
Haridwar, Uttarakhand

Vs

Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Jwalapur, Haridwar, Uttarakhand

Representation No. 54/2019

Order

Date: - 27.12.2019

The petitioner M/s Jain Polypackaging Solutions, E-3, Bhahadrabad Industrial Area, Jamalpur Road, Haridwar being aggrieved with the Consumer Grievance Redressal Forum's, Haridwar zone (hereinafter referred to as Forum) order dated 16.08.2019 in their complaint no. 76/2019 before the said Forum against Uttarakhand Power Corporation Ltd through its Executive Engineer, Electricity Distribution Division, Jwalapur, has preferred this petition.

2. The petitioner in his petition dated 21.10.2019 have stated that the Forum has not completely redressed their grievance in their complaint no. 76/2016 (correct no. is 76/2019) dated 15.06.2019 in their order dated 16.08.2019. They have stated that calculations of the interest are not correct. Bill from September 2017 to February 2018 was wrong, it was for temporary disconnection (TD) but the connection was not disconnected. We had requested for scrutiny of the bill but nothing was done by the respondent. In the bill for February 2018 which was for TD demand has been shown 194 KW while we did not draw any overload. In fact the petitioner has stated that according to them it was the accumulated demand from September 2017 to February 2018. It is stated that in spite of their complaints to the department about wrong billing, the connection was repeatedly disconnected causing them a loss of Rs. 10,000.00 per day. The petitioner has requested that the matter may kindly be got investigated and compensation be granted.

3. The Forum in their order dated 16.08.2019 have observed that payment of the bill for the month of 02/2018 amounting to Rs. 2,15,470.00 was made by the complainant in the month of 02/2018 itself, still a surcharge (LPS) amounting to Rs. 40,400.63 was levied in the bill of 05/2019. Being of the view that levy of LPS in the case was against law they have ordered for deletion/withdrawal of the LPS amount Rs. 40,400.63 and have ordered accordingly and for issue of corrected bill after withdrawal of the said LPS.
4. The respondent has submitted his written statement vide his letter no. 4114 dated 14.11.2019 wherein he has stated that,
 - i) The petitioner has lodged the complaint no. 76/2019 before the Forum and the bill has accordingly been corrected as per Forum's order. To substantiate his statement he has submitted a copy of the ledger which shows that adjustment of Rs. 2,15,470.00 deposited by the petitioner on 28.02.2018 has duly been allowed on 29.06.2019 and adjustment for LPS Rs. 40,400.00 has also been allowed on 04.10.2019 in compliance to Forum order. The copy of ledger as submitted with the written statement shows that after above adjustments the net outstanding dues against the petitioner are Rs. 24,065.00 as on 05.11.2019. Copy of billing history has also been submitted which also shows dues on 05.11.2019 as Rs. 24,065.00.
 - ii) With regard to petitioner's averment regarding TD and excessive demand, he has stated that after perusal of records, bills for the period September 2017 to January 2018 have been revised and as a result of revision, a sum of Rs. 1,40,321.00 are to be deleted from the bills. Detailed calculation for this have also been enclosed, which shows that from 01.09.2017 to 31.01.2018 bills amounting to Rs. 3,65,117.00 were issued which have now been modified on metered units and total amount as per corrected bills comes out Rs. 2,24,795.30 and hence a credit of Rs. 1,40,321.70 is to be given to the petitioner in the month of November 2019.
5. The petitioner has submitted a rejoinder on 03.12.2019. The petitioner has stated that our bills have been corrected and a sum of Rs. 1,40,322.00 which the department has proposed to be reduced from their bills is agreed, but has yet not been credited in their

accounts. The petitioner has requested that credit of the said amount along with interest charged on such amount from January 2018 be also ordered to be given to them.

The petitioner has also stated that during last one year they have repeatedly requested for reduction of their contracted load from existing 75 KW to 30 KW but the same has not been done by the department on the grounds that it cannot be done till final disposal of their pending case. The petitioner has requested that the department be directed to get their load reduced to 30 KW as already requested for.

6. The records available on file have been perused, arguments from both parties were heard on the scheduled date 20.12.2019. It is borne out that bills from 01.09.2017 to 01.01.2018 were issued for 0 (zero) consumption and 0 (zero) demand. Next bill from 01.01.2018 to 01.02.2018 was issued for 33840 metered units and 194.10 KW demand amounting to Rs. 2,15,470.00. The petitioner had deposited the amount of the bill in the month of February itself but credit was not given by the respondent and they continued to charge LPS. The respondent credited the amount Rs. 2,15,470.00 on 29.06.2019 till then the LPS amount has mounted to Rs. 40,400.00. The same was however deleted on 05.10.2019 in compliance to Forum's order but the grievance was still not redressed completely as the bills from 01.09.2017 to 31.01.2018 were still not corrected. In their written statement the respondent have submitted that the aforesaid bills have now been rectified and as a result thereof a sum of Rs. 1,40,321.70 shall be credited to the account of the consumer. The billing history shows outstanding dues Rs. 24,065 as on 05.11.2019 which suggests that the credit was not allowed till 05.11.2019 during hearing also a copy of the ledger from 01.04.2019 to 19.12.2019 has been adduced which shows outstanding dues on 05.12.2019 as Rs. 24,068.00 which suggest that the credit has still not been allowed till 05.12.2019. Respondent's representative, SDO who appeared for arguments also categorically stated that the credit of Rs. 1,40,322.00 could not be allowed till now but he specifically stated that the same shall be allowed in the bill of December 2019 to be issued in the first week of January 2020. As LPS amounting to Rs. 40,400.00 has already been withdrawn and credit of excess amount Rs. 1,40,322.00 is to be allowed in the next bill as committed by the respondent. Regarding his request for credit of interest (LPS) charged on the excess amount of Rs. 1,40,322.00, it is clarified that it is observed from the

calculation sheet submitted by the respondent that no LPS has been charged in the revised bill from September 2017 to January 2018, so no credit towards LPS, as demanded by him is admissible. Further, no such compensation, as demanded by the petitioner, is admissible under any UERC Regulations. The grievance stands redressed. The petition is allowed and Forum order is upheld with above modifications.

7. As regards his request for reduction of load from 75 KW to 30 KW it is clarified that as this issue was not a part of the complaint of the petitioner before the Forum so this issue cannot be adjudicated here. However, a copy of the application for reduction of load dated 26.11.2019 duly received by the respondent's office on 27.11.2019 is available on file. The respondents are advised to take necessary action on his application for reduction of load in accordance with relevant UERC Regulations.

Dated: 27.12.2019

Subhash Kumar
(Ombudsman)