

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Arvind Kumar  
S/o Shri Sitaram  
Village Binarsi, Chudiyala,  
Police Station Bhagwanpur  
Distt. Haridwar, Uttarakhand.

Vs

Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
Bhagwanpur, Roorkee, Distt. Haridwar, Uttarakhand

Representation No. 37/2018

### **Order**

Date: - 30.01.2019

The petitioner Shri Arvind Kumar S/o Shri Sitaram resident of Village Binarsi, Police Station Bhagwanpur, Distt. Haridwar has filed this representation against the order dated 30.10.2018 in complaint no. 154/2018 of Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum).

2. Petitioner has stated that he is not satisfied with the judgment of the Forum on the following grounds
  - a) While the meter was changed on 20.03.2014 the difference in units for current and previous reading was 50 units for the bill dated 22.05.2015 (as per consumer history the correct date is 22.05.2014) but the billed units were 1600 even though the bill has been raised for metered units and not as NR and Forum did not enquire the reasons for the 1600 units.
  - b) Despite provisions of the UERC (The Electricity Supply Code) Regulations, 2007 clause 3.1.4 (2), the ADF status of the meter on 26.07.2014 observed by UPCL was not notified to him and neither was the meter tested
  - c) In bill dated 07.06.2015 the current reading was less than the previous reading which should have been an RDF case needing investigation as per sub clause 3 of 3.1.4 of UERC Supply Code.

- d) Likewise bill dated 12.04.2017 has been raised as NR.
  - e) The ups and downs in the consumer history have been pointed out that ADF meter bill dated 26.07.2014 restored to normal by itself and showed a sudden jump in reading in the month of May 2014, followed by decrease in cumulative energy reading which indicates that the meter developed some fault at this stage but no check of the meter has been done and no MRI report presented to the Forum.
  - f) Most importantly, petitioner has pointed out that the meter was disconnected at 36655 units which is evident from consumer history. However, a total of 40462 units has been billed to the consumer as against the final reading of 36655 units. An abstract of month wise bills of units and excess billed has been given in Annexure 1.
3. Petitioner has therefore stated that right from the beginning, excess units have been billed and apart from being charged extra units per month, LPS has also been levied which is against regulations and while the matter was brought to the notice of the respondent and he was given assurances and also threats to disconnect the meter and even threatened with a case of theft but no corrective action was taken. Finally the connection was disconnected in October 2017 and the meter was not even sealed as per procedure laid down by UERC.
4. Petitioner has therefore requested that MRI and tamper report along with Maximum demand for each month from installation till disconnection be provided to him and the excess bill of 3807 units or as per actual as per MRI report, be corrected as per clause 3.3.3.4 (there is no such clause) of UERC (The Electricity Supply Code) Regulations, 2007 and LPS charged due to negligence in billing may be waived.
5. Forum in their order dated 30.10.2018, have observed that while the connection was released on 10.02.1990. The billing as per consumer history was being done as per IDF, till May 2014. The meter was changed on 20.03.2014 and after that the bills have been issued as per metered units. While a bill as per reading dated 14.10.2017 had been sent to the petitioner for Rs. 2,18,457.00, his connection was temporarily disconnected for nonpayment on 24.10.2017 at meter reading 36843. Fictitious arrears of Rs. 67,048.00 charged for the period October 2017 to May 2018 (08/2018 as per

billing history as also as per calculation sheet, enclosed with PD OM dated 29.09.2018) have been waived as per OM issued on PD. Forum have concluded that Rs. 2,41,378.00 shown as due in the PD OM dated 29.09.2018 is due from the consumer and accordingly dismissed the petition.

6. Respondent UPCL in their written statement filed through counsel on 24.12.2018 had repeatedly stressed the point that complainant is not a consumer and has no right to file any complaint before the CGRF or the Ombudsman since the connection is in the name of Shri Sitaram and not Shri Arvind Kumar. Respondent have, apart from taking exception to petitioner not being a consumer and yet filing a complaint, also objected to points being raised in the representation before the Ombudsman as they have not been agitated before the Forum. Respondent maintained that new pleadings cannot be pressed at the time of filing an appeal and hence points regarding 1600 units being charged instead of 50, ADF status of meter dated 26.07.2014 being not notified to the petitioner, meter not being tested and no test report being given to the petitioner were not pleaded before the Forum. Similarly the fact that current reading was less than the previous reading in bill dated 07.06.2015 and the meter should have been investigated as an RDF case as per clause 3.1.4 (3) is also agitated for the first time before the Ombudsman and not before the Forum. Similarly allegations/objections raised in para 4, 5 & 6 of the petition have also not been raised before the Forum and hence they cannot be raised at the appellate stage. Complicated facts raised in para 7 regarding excess 3807 units charged by the UPCL also cannot be raised in appeal since it was not pleaded before the Forum and therefore respondent UPCL have concluded that the representation has been filed to avoid the recovery of Rs. 2,55,887.50 as per bill for the month of October 2018 as clear in consumer history. It has also been stated in additional pleas that the consumer of this connection Shri Sitaram has filed a complaint before the Forum in respect of the checking of the meter dated 28.11.2018 in which theft of energy was found and assessment bill for Rs. 3,79,027.00 given, copy of checking report has been enclosed. Respondent have therefore claimed that this complaint is not a bonafide complaint and is only for the purpose of avoiding payment. Accordingly they have requested that the petition may be dismissed.
7. In his rejoinder to the written statement petitioner has found it strange that the counsel for respondent UPCL have belaboured the point that petitioner has filed the

representation on behalf of his father and has remarked that it will be waste of time if the petition was to be dismissed on this ground and he was to file another complaint in the name of his father. On the point of raising issues which had not been included in his complaint to the Forum, afresh before the Ombudsman, petitioner has argued that he was never given copies of replies of UPCL and the case was decided in favour of opposite parties without giving him an adequate chance. As regards respondent allegation that the petitioner has approached the Ombudsman to avoid recovery of dues of Rs. 2,55,887.50 as per the bill for the month of October 2018 as per the billing history, petitioner has quoted from the UERC Supply Code Regulation 4.1 wherein permanent disconnection for nonpayment of dues has been provided and as such it is not for petitioner to avoid paying dues. Petitioner has further quoted from regulation 4.2 of the Supply Code stipulating that Licensee shall not raise any bill after disconnection on consumer's request/permanent disconnection. Petitioner has attempted to prove that despite the provisions of the regulations, respondent have themselves delayed in effecting permanent disconnection beyond 6 months of the temporary disconnection and it is therefore not for them to speak of petitioner avoiding recovery of dues. Further, petitioner has commented on the working of Bhagwanpur Electricity Division and also made other allegations about the Bhagwanpur Division deliberately delaying filing of written statement. In conclusion petitioner has requested that the documents that he has asked for may be obtained from opposite party UPCL may be directed to give him copies of the same rather than hide behind legal terminology.

8. Both parties have been heard. During hearing respondent were requested to submit details of bills raised from March 2014 to October 2017 to clarify whether indeed 40462 units have been billed while total 36655 units are shown consumed in the meter. On the next date, 24.01.2019, respondent submitted details that while NR bills had been forwarded for 273 units in June 2015 and 1734 units in April 2017, adjustment of these 273 & 1734 units has been granted to the petitioner. This is corroborated from the billing history wherein adjustment of the NR bills for the month of 06/2015 and 04/2017 has been allowed in the bills for the month of 08/2015 and 06/2017 respectively. In their letter dated 24.01.2019 respondent have further admitted that the bill for 1600 units given in May 2014, and 200 units in July 2014 i.e.

1800 units (although respondent have spoken of 1700 units) as not having been adjusted. Respondent have therefore agreed that an adjustment of Rs. 6,043.00 is admissible to the petitioner on account of the non adjusted units. It is incumbent on the respondent to ascertain that this amount pertains to 1800 units and not 1700 units as mentioned in letter dated 24.01.2019. The grievance of petitioner that he has been billed for 40462 units whereas the bills show his consumption till the removal of the meter on 25.05.2018, to be 36655 units, is clarified from the above discussion that an adjustment of 1734 + 273 total 2007 units billed as NR for the month of June 2015 and April 2017 has already been allowed in the bills for the months of August 2015 and June 2017 respectively. Bills for the month of May 2014 and July 2014 have been issued for 1600 units and 200 units respectively as per billing history and as submitted by the respondent vide letter dated 24.01.2019 adjustment for these units is admissible to the petitioner. The request of the petitioner for adjustment for 3807 units billed in excess of the actually recorded units in the meter stands resolved as above.

9. A copy of the PD OM dated 29.09.2018 was called from the respondent. This reveals that fictitious arrears for the period after temporary disconnection amounting to Rs. 67,048.00 have been adjusted against the final bill of Rs. 3,08,426.00 leaving a net payable amount of 2,41,378.00.
10. It is noticed from the calculation sheet given along with PD OM dated 29.09.2018, that respondent have charged LPS amounting to Rs. 21,922.00 for a period of 8 months after temporary disconnection while the total period from temporary disconnection (24.10.2017) to permanent disconnection (25.05.2018) is only 7 months. LPS is therefore chargeable only for 7 months. Excess LPS may thus be credited to the petitioner in addition to Rs. 6,043.00 already committed by the respondent vide their letter dated 24.01.2019. The grievance of revision of bill for the period May 2014 to August 2018, as amplified before the Ombudsman, stand redressed as explained above. Petition is therefore allowed. Respondent are directed to issue revised bill as explained above. Forum order which had dismissed the complaint, is set aside.

Dated: 30.01.2019

(Vibha Puri Das)  
Ombudsman