

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ved Prakash
S/o Shri Gannu Singh
Sai Colony, Teacher Colony,
Thakurdwara Road, Jashpur,
Distt. Udham Singh Nagar, Uttarakhand

Vs

Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Jashpur, Distt. Udham Singh Nagar, Uttarakhand

Representation No. 14/2019

Order

Date: - 31.05.2019

The petitioner, Shri Ved Prakash aggrieved by the order dated 12.03.2019 of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) in his complaint no. 141/2018, before the said Forum, has filed this appeal.

2. Petitioner's grievance is that while his meter reading had not been taken for the last one year but he was regularly receiving bills and depositing the bill amount. The meter reader came in December 2018 and got reading of 7155 in his meter and sent bill as per this reading. Petitioner feels that this bill which has been upheld by the Forum in their order is unjustified since no reading has been taken for the last one year. In his revised petition (a notarized affidavit) dated 14.03.2019 he has authorized his son Shri Sunil Kumar, being a resident of Canal Road, Dehradun to represent him in the instant case. He has stated that he himself is the owner of the property Sai Colony, Teacher Colony, Thakurdwara Road, Jashpur, Distt. Udham Singh Nagar where domestic connection no. JS2H450107380, ledger no. 4021953681 is existing. While no departmental official had come to take a reading of his meter, for last one year before December 2018, on 23.12.2018 a meter reader took the reading of 2919 units, and noted the same. Petitioner then received a bill for Rs. 13,267.00 which was unprecedented since for last 4-5 years he had been getting bill for not more than Rs.

600.00 to Rs. 700.00. He maintains that he has been depositing all the bills received so far, but it is clear that nobody has taken reading of his meter for a year while he has been getting bills regularly. When petitioner filed a complaint before the Forum he was summoned on 14.02.2019, wherein Forum directed department to submit the MRI report for the meter installed at his premises. However, the MRI has still not been provided. Further, prior to December 2018, no photo reading or any other evidence regarding reading of the meter has been provided. Petitioner has further argued that he being a senior citizen he has been put to harassment and a record office of his consumption history, which he has filed, show that his consumption for the nearly 3 year period of 17.01.2015 to 31.10.2018 is 3499 units whereas, for the period 30.10.2018 to 23.12.2018 (less than 2 months) his billed unit consumption is shown as 2919 units. Petitioner maintains that when the meter reader took the reading in December 2018 that reading was not for 2 months but for whole year, he has therefore requested that the Rs. 5,360.00 paid by him between 17.08.2016 to 31.10.2018 be refunded to him.

3. Forum, in their order, have detailed out that petitioner's case is that his bill has always been about Rs. 500.00 and a bill for Rs. 13,267.00 for December 2018 is uncalled for. They have also observed that respondent UPCL have stated that petitioner's bills from August to October 2018 have been on the basis of NR and for the month of December 2018 bill based on reading 7144 had been issued. Respondent had conducted a spot inspection on the day of hearing in the Forum, wherein the meter reading was found to be 7155 units. Petitioner has further observed before the Forum since he is a poor farmer he is unable to pay such an exorbitant bill and since the meter reader had come only in December 2018 whereas no reading had been taken for more than one year, the said meter reader had taken a wrong reading because of which a wrong bill has been generated. Opposite party UPCL also revealed that MRI could not be conducted of the meter but requested that the case be disposed off. Forum have concluded that while the petitioner is aggrieved with the lump sum bill for 2919 units (from 4225 to 7144 reading) but considering that earlier bills were for NR, consumption of 2919 units is for nearly 6 months and considering sanctioned load of 3 KW this consumption cannot be considered unforeseen. Forum therefore found no logic for revising the bill and accordingly dismissed the complaint.

4. In their revised written statement dated 02.05.2019 respondent UPCL have given a point wise reply to the petition, wherein they have stated that bill for 2919 units is for a period of roughly 6 months and against a sanctioned load of 3 KW, this consumption is not unforeseen. They have further stated that while from December 2016 to October 2017 petitioner was given bills of metered units, the bills for December 2017 were NR, for February 2018 for metered units, for April 2018 NR and for June 2018 metered units. For all NR bills appropriate adjustments have been given to the consumer. Further, they have stated that test division vide their letter dated 26.02.2019 had informed that MRI cannot be done against connection no. JS2H450107380. They have also informed that consumption of 2919 units against NR bills of 6 months cannot be considered excessive since the UERC has fixed a maximum consumption limit of 800 units per KW per month and therefore petitioner with a 3 KW load can have a maximum consumption of 2400 units in a month. They have therefore reiterated that bill of 2919 units for 6 month period cannot be considered unprecedented and cannot be the basis of revision of the bill. They have also averred that because now meter reading has been put in TDS management mode, photo of meter reading is taken at the time of noting the reading. This system was not in existence earlier and therefore it is not possible to give a photo of the meter reading for the earlier period as demanded by the petitioner. Respondent have also averred that petitioner has filed a complaint before the Human Rights Commission and Chief Minister Grievance Portal.
5. In his rejoinder petitioner has objected that respondent have not replied to any specific points raised by him but have only lifted issues from the order of the Forum. He has also questioned the logic of NR bills for a period of 1 year and why adjustment of such bills became necessary. No proof regarding such adjustment has been brought forward by the respondent. Further the fact that MRI of the meter is not possible, cannot be made the responsibility of the petitioner. He has also claimed that the respondent averment of TDS management having been engaged, has not been substantiated by date on which such arrangement was finalized. In case TDS management was available for period prior to December 2018, photo of the meter reading may be made available. Finally petitioner has again sought attention on the ground that he is a senior citizen and respondent have not taken his arguments

seriously so far making it incumbent on him to repeatedly give the same information. He has therefore requested for justice in the matter.

6. In their rejoinder dated 08.05.2019, petitioner has reiterated assertions made in his petition. He has also disputed respondent claim that bills have been adjusted since no proof of adjustment has been provided. Petitioner has also reiterated that the department employees do not come to take reading and subsequently claim that the adjustment of bill has been done. Further the claim by respondent that MRI report is not available from the meter is not acceptable since this is not due to any fault of the petitioner. He has also disputed respondent claim that due to TDS management having introduced photo of meter reading is now available, which was not available before such management had been introduced. Petitioner had requested that the time when such system has been commenced may be made known to him and photo of meter reading provided. He has finally again stated that despite his senior citizen status he has not been given any assistance by the department on the contrary they have harassed him physically and mentally.
7. Both parties were heard and record available on file has been carefully perused. Petitioner's claim that meter reading had not been taken for more than a year is not borne out by the consumer billing history which reveals that it is only 2 billing cycles i.e. 08/2018 and 10/2018 that billing has been on NR basis in the last 6 months, which is in accordance with sub regulation 3.1.2 (3) of UERC (The Electricity Supply Code) Regulations, 2007. Consumption of 2919 units claimed for 2 months is actually for 6 months since the earlier bills given on NR basis have been revised/adjusted which is evident from the billing history. As far as petitioner's grievance that his meter reading has not been corroborated through MRI and MRI report has not been given to him. Respondent during hearing submitted that there is no provision of MRI reporting in single phase meters procured by department earlier and installed at the premises of such small consumers. (Respondent further aver that single phase meters with MRI reporting facility are being procured now). To petitioner's query about the date of introduction of TDS Management System, respondent vide email dated 30.05.2019 have informed that "*TDS Company has started meter reading from September 2018 in EDD, Jashpur. Reading of Mr. Ved Prakash has taken by TDS Company in December 2018.*" Since the bill dated 23.12.2018 for 2919 metered units has been

issued with adjustment of 2 NR bills in accordance with the aforesaid Supply Code Regulation, there is no justification for its revision. Forum order is upheld. Petition is dismissed.

8. Further as the existing meter has no provision of MRI reporting, and it is informed during hearing that single phase meters with MRI reporting facility are now available in the department, the respondent are advised to replace the existing meter by another meter having the facility of MRI reporting after installing such a check meter within a month from the date of this order.

Dated: 31.05.2019

(Vibha Puri Das)
Ombudsman