

THE ELECTRICITY OMBUDSMAN UTTARAKHAND

Mrs Samina Begam
Grastanganj, Near Jai Bharti Public School
Kotdwar, Pauri Garhwal

Vs

The Executive Engineer,
Electricity Distribution Division, Kotdwar
Uttarakhand Power Corporation Ltd.

Representation No. 51/2019

Order

Dated:-29.11.2019

Smt Samina Begam W/o Mahamood Ali resident of Grastanganj, Kotdwara being aggrieved with the Consumer Grievance Redressal Forum, Srinagar zone (hereinafter referred to as Forum) order dated 22.08.2019 (received by her on 17.09.2019) in her complaint no. 11/2019 against Uttarakhand Power Corporation Ltd (UPCL) through Executive Engineer, Electricity Distribution Division, Kotdwara (hereinafter referred to as respondent) has preferred this appeal dated 03.10.2019, which was admitted after condonation of delay.

2. The petitioner has submitted that she had applied for a connection to respondent which was sanctioned on 05.02.2019 and meter was installed on 10.03.2019 at her connection no. KT21432153247 with a delay of more than one month. Sealing certificate was not given to her. A bill for the period 05.03.2019 to 15.04.2019 for Rs. 446.00 was received by her on 15.04.2019 which was deposited in time without any dispute (copy of the said bill enclosed by her shows metered consumption of 110 units). On 16.04.2019 she observed that meter no. U322499 installed at her premises was showing very high reading and hence complaint was made to UPCL and requested for installation of check meter after depositing prescribed fee. A check meter no. U381752 was installed at her premises on 16.04.2019 and finalized on 10.05.2019 (copies of both the sealing certificates enclosed). After finalization of check meter the main meter was removed from the site without mentioning any reason and check meter left at site as the main meter. Subsequently she received bill

dated 13.06.2019 for the period 15.04.2019 to 13.06.2019 for a sum of Rs. 19,608.00 (copy of the bill claimed to have been enclosed as annexure C but annexure C is a bill for the period 13.06.2019 to 19.08.2019 for a metered consumption of 237 units for a sum of Rs. 968.64. The total payable amount including LPS and arrears in this bill has been shown as Rs. 21,092.34). On receipt of the said bill a complaint was made by her to UPCL portal on 13.06.2019 and further a reminder complaint was lodged on UPCL portal on 26.07.2019 having received no response she visited UPCL office where a copy of MRI report of meter no. U322499 which was earlier installed at her premises was given to her but her grievance was not resolved and so she filed a complaint with Forum. The Forum after hearing in her complaint (registered at no. 11/2019) dismissed the same vide order dated 22.08.2019. She has stated that as supply was disconnected by UPCL she deposited entire amount pending against the connection under protest. She has given following grounds for not being satisfied with Forum order:

- i) While meter was installed on 10.03.2019 the Forum has stated that meter on a 2 KW connection no. U322499 was installed on 05.03.2019.
- ii) The Forum has mentioned that as per MRI report from 11.03.2019 to 30.03.2019 the recorded consumption varies from 47.5 units to 344 units per day. The Forum did not notice that if the meter was installed on 05.03.2019 why MRI report was submitted from 11.03.2019. She has explained on technical grounds that it was not technically possible for a connection of 2 KW to consume 344 units per day specially when meter installed is of capacity 10-60 Amp. how it can withstand a load of 73 Amp.
- iii) As referred in Forum order, during the period 11.03.2019 to 30.03.2019 the maximum demand was 14.42 KW which is not possible with 2 KW load and in a meter of capacity 10-60 Amp. The Forum trusted the MRI report blindly without seeing that the consumption and demand as shown in the MRI were not technically possible.

3. She has also submitted grounds of appeal as follows:

- i) Sealing certificate of meter installation on 10.03.2019 and MRI report beyond 11.03.2019 till 05.03.2019 was missing(Its means MRI report from 05.03.2019 to 11.03.2019 is missing, which suggests that meter was not installed on

05.03.2019). It is very likely that before installation on 10.03.2019 the meter might have been tampered in between 05.03.2019 and 10.03.2019 which is a cognizable offence under section 136 and 138 of the Electricity Act, 2003.

- ii) The bill dated 15.04.2019 was generated on 110 metered units. On 16.04.2019 at the time of installation of check meter the meter no. U322499 was displaying a reading of 3716 which suggest that the meter recorded 3606 units from 15.04.2019 to 16.04.2019. Had this been the actual case it would mean that meter had drawn 768 Amp. current and on this high current the meter must have melted, hence it is confirmed that the meter is behaving erratically and hence bill amount Rs. 19,608.00 on the purported consumption should be quashed.
- iii) The main meter was removed and check meter left at site as main meter without any specific reason having been mentioned on sealing certificate, which confirms that the existing meter was having some manufacturing defect.
- iv) The purported high consumption as shown by MRI report during the period till 30.03.2019 was not reflected in the bill dated 15.04.2019 whereas the reading of meter on 15.04.2019 is 110 units as per the bill which covers the period which is purportedly having heavy consumption.

On the basis of her above averments she has made the following prayers:

- i) Bill Rs. 19,608,.00 which is based on purported consumption of a defected meter be quashed.
 - ii) LPS charged in the bills be also quashed.
 - iii) Grant compensation for delay beyond 1 month in installation of the new meter.
 - iv) Quash Forum order.
 - v) Allow cost of the petition.
4. The Forum relying on the documentary evidences i.e. MRI report, consumer history have noted that the complainant made high consumption from 11.03.2019 to 30.03.2019 which is substantiated by MRI report and hence no relief is admissible and thus have dismissed the complaint.
 5. The respondent had requested to grant permission for engagement of a legal counsel to contest the case, which was granted vide letter no. 883 dated 14.10.2019 when

similar option was given to the petitioner and thus a written statement has been filed by him through the counsel on 24.10.2019.

- i) He has held that para no. 1 of grounds of appeal is wrong and denied. It is wrong allegation that meter was installed on 10.03.2019 and it is also wrong to say that sealing certificate was not given to the petitioner. As per consumer history supply was released on 05.03.2019. It is also wrong allegation that since MRI report is from 11.03.2019 so meter was tampered between 05.03.2019 to 10.03.2019 (prior to installation). Energy was recorded as 47.5 units on 11.03.2019 as per MRI report.
- ii) It is submitted that bill dated 05.04.2019 for 110 units could not be sent for metered units, since it was first bill so it was sent for assumed units. The actual units on 15.04.2019 were 3714.3 as per MRI the reading on 17.04.2019 was 3716.5 so it is a wrong allegation that meter recorded 3606 units between 15.04.2019 and 16.04.2019, the question of melting down the meter does not arise as this consumption is for the period 05.03.2019 to 17.04.2019 and not from 15.04.2019 to 16.04.2019. The reading in MRI on 29.03.2019 is 3604.2. The allegations made under this para are just to confuse the Hon'ble Ombudsman from actual facts. It is also a wrong allegation that meter was behaving erratically and hence it is wrong to say that the bill for consumption is liable to be quashed.
- iii) In reply to para 3 it is stated that meter is normally changed due to some doubt however the meter can also be changed at the discretion of the supplier. The meter was changed on 10.05.2019 after installation of check meter as a deviation of 8% was found on finalization of check meter and an adjustment of 269 units for meter running fast was allowed. Rest of the allegations are false.
- iv) In reply to para 4 it is stated that actual consumption was shown in the MRI but the bill dated 15.04.2019 was issued for 110 units while actually recorded consumption as per MRI on the said date was 3714.3 units.
- v) The complaint before Forum was wrongly filed on the ground that meter was installed on 10.03.2019 and till 10.04.2019 the meter jumped up to 3616 units. It is wrong allegation that the meter was changed due to jumping. The meter was changed on petitioner's complaint.

- vi) From allegations in the complaint it is clear that the petitioner has constructed a new house and has yet to perform house warming ceremony. It is likely that she was using the electricity for higher units for completion of the house.

For reasons stated above the respondent has submitted that the representation/petition is likely to be dismissed with costs.

- 6. A rejoinder has been submitted by the petitioner on 04.11.2019. At the outset she has specifically and categorically denied the contents of written statement filed by the respondent being devoid of merits, baseless and no cogent explanation. She has submitted para wise reply to the written statement as follows:

- i) Contents of para 1 of written statement are wrong, false and denied. As per consumer history supply was released on 05.03.2019 but the meter was installed on 10.03.2019. The sealing certificate submitted by respondent has been prepared later as an afterthought and does not bear petitioner signature. The MRI report submitted by respondent with written statement establishes meter was installed on 10.03.2019 as it does not show any consumption from 05.03.2019 to 09.03.2019. No explanation for this has been given by the respondent. Hence the respondent even after giving affidavit has submitted wrong information.
- ii) It is stated that para 2 of written statement needs no comments since first reading was not based on assessment/assumed units as stated by respondent, in fact the bill is for metered units, as is established by the bill itself, as also by the billing history. Referring to clause 2 of sub regulation 3.3.1 of UERC (The Electricity Supply Code) Regulations, 2007 which states "*The Licensee shall raise the bill for every billing cycles based on actual meter readings.*" Hence the respondent's are not authorized to raise bill as per their assumptions. It is denied that the petitioner has tried to confuse the Hon'ble Ombudsman from actual fact, in fact the explanation was based on sound technical basis. On the contrary the respondent is trying to confuse the Hon'ble Ombudsman by stating facts which are contrary to the established laws. Further it is stated that the respondent has tried to mislead the Hon'ble Ombudsman by stating that the first bill was based on assumption and the consumption was for the period

05.03.2019 to 17.04.2019, whereas it is established in all documents that the bill was raised on metered consumption.

- iii) While denying the contents of para 3 of written statement being wrong and false the petitioner has submitted that the meter can be changed at suppliers discretion if and only if either the meter had gone defective or supplier wants to install a meter of higher accuracy than the existing one in order to record energy consumption more accurately. However, in the instant case the replaced meter is of the same accuracy class. It is also denied that the meter was changed due to some doubt of respondent, if there was any doubt the same has to be entered in the sealing certificate. All the submissions of respondent are only afterthoughts as they have left with no answers either logically or technically.
- iv) It is stated that contents of para 4 needs no comments since the same has been replied in para 2 above. It is stated that it is a wrong allegation that actual consumption is shown in MRI and not in bill. The metered units billed in the bill is taken from the meter only and both are calculated through meter software, if there is difference in reading of meter display and MRI there is certain defect in the meter. It is pertinent to note that in the same para the respondent has also admitted the fact that actual units of the meter on 15.04.2019 was 110. Hence reading of 110 units in the meter on 15.04.2019 is undisputed.
- v) It is stated that para 5 of written statement needs no comments since the respondent admits that the meter was changed due to the complaint filed by the petitioner. It is also submitted that meter was changed because it was defective. However the defect was not brought out in the sealing certificate because of malafied intentions of the respondent.
- vi) Contents of para 6 of written statement needs no comments since the construction was already over and house warming ceremony has no connection with the purported consumption of the meter.

Prayer: On the above premises it has been prayed that the Hon'ble Ombudsman may graciously be pleased to allow the appeal filed against the unprofessional acts and deeds of the respondent. Other prayers from sr. no. a to f are the same as in the petition.

7. Hearing in the case was held on 22.11.2019 as scheduled. Both parties appeared. The petitioner Smt. Samina Begam has appeared along with her authorized representative Shri Divas Joshi. The respondent were represented by their legal counsel Shri S. M. Jain. Both parties argued their case.
8. The records available on file have been perused and arguments from both parties have been heard. It is found that the petitioner had applied for a 2 KW domestic connection which was sanctioned on 05.02.2019 with connection no. KTR 21432153247. While the petitioner claims that the meter was installed at her premises on 10.03.2019 and no copy of sealing certificate was given to her, the respondent have claimed that the meter no. U322499 was installed on 05.03.2019 vide sealing certificate dated 05.03.2019. The respondent have submitted a duplicate copy of the said sealing certificate, it creates a doubt as to why a certified Photostat copy of the sealing certificate has not been submitted by the respondent further, the MRI report submitted by the respondent shows consumption from 12.03.2019, if the meter was installed on 05.03.2019, the MRI report should have given consumption right from 05.03.2019, it suggests that the meter was not installed on 05.03.2019 but on a later date may be 10.03.2019 as claimed by the petitioner. The first bill was issued on 15.04.2019 for a metered consumption of 110 units and for Rs. 446.00 for the period 05.03.2019 to 15.04.2019. The bill as well as the billing history shows that it is a metered units bill and not a bill for assessed or assumed units as claimed by the respondent. So it is clear that the recorded consumption till 15.04.2019 was 110 units only. The respondent received the next bill dated 13.06.2019 for the period 15.04.2019 to 13.06.2019 for Rs. 19,608.00. The petitioner has submitted a copy of this bill as Annexure C but a perusal of Annexure C shows that this is a bill for the period 13.06.2019 to 19.08.2019 for a metered consumption of 237 units for these 2 months and it is not the bill for the period 15.04.2019 to 13.06.2019, a copy of bill from 15.04.2019 to 13.06.2019 is not available on file but the billing history shows that a bill for 3434 units has been issued on 13.06.2019. The billing history shows previous reading 110 and present reading 96. The billing history shows meter no. 381752 which is the number of the check meter installed on 16.04.2019 at initial reading 1 and finalized on 10.05.2019 at reading 27. The readings of existing meter number U322499 has been shown as 3716 and 3744 respectively on 16.04.2019 and 10.05.2019 as per sealing certificates. The billed units 3434 in this bill includes 3365 leftover units of the old

meter and this bill amounts Rs. 19,608.00. It is found that as per records on file only 3 bills have been issued from date of connection (05.03.2019 or 10.03.2019) till 19.08.2019 as follows:

- i) First bill from 05.03.2019 to 15.04.2019 for 110 metered units for Rs. 446.00 as per meter no. U322499.
- ii) Bill dated 13.06.2019 for the period 15.04.2019 to 13.06.2019 for 3434 units for Rs. 19,608.00.
- iii) Bill for the period 13.06.2019 to 19.08.2019 for 237 metered units at new meter no. U381752 for Rs. 968.64 in which total outstanding dues including arrears and LPS has been shown as Rs. 21,092.34

9. A perusal of the above bills shows that all these bills are for metered units recorded by the two meters which have been at site during this period and both of them were working correctly with a deviation of 8% in the readings of both the meters as per check meter study for which adjustment of 269 units for fast running of the old meter has been given as shown in the billing history. It is pertinent to know that while bills at sr. no. i) and iii) above are for 110 units and 237 units respectively which appears to be a normal consumption for a domestic connection of 2 KW, the consumption of 3434 units in the bill at sr. no. ii) above is definitely higher in comparison to the metered consumption in the bills at sr. no. i) and iii) as also having regard with 2 KW domestic connection and therefore the reading 3744 appearing in the meter on 10.05.2019 does not match with the consumption in the other 2 bills and which is definitely exorbitant which suggests that something wrong has happened during this period in the meter. It would therefore be logical and justified if this bill is revised on the basis of consumption recorded by the check meter, which is now the main meter. And hence the respondent are directed to revise the bill accordingly. Petition is allowed. Forum order is set aside.