

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Vedwati Gangwar  
W/o Shri G. D. Gangwar,  
B-13, baradnagar, Fazalpur,  
Mahrola, Rudrapur,  
Distt. Udham Singh Nagar, Uttarakhand

Vs

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

Representation No. 42/2019

### Order

Date: - 15.11.2019

The petitioner, Smt. Vedwati Gangwar w/o Shri G. D. Gangwar, B-13, Baradnagar, Fazalpur, Mahrola, Rudrapur, being aggrieved with the Consumer Grievance Redressal Forum, Udham Singh Nagar zone (hereinafter referred to as Forum) order dated 31.07.2019 in her complaint no. 55/2019-20 against Uttarakhand Power Corporation Ltd. through Executive Engineer, Electricity Distribution Division, Rudrapur (hereinafter referred to as respondent) has preferred this appeal/representation with the prayer that Rs. 2,660.00 charged by the respondent towards the cost of burnt meter be refunded to her.

2. Petitioner in her appeal has submitted that she is a 65 years old senior citizen suffering from knee pain and thus unable to move, her husband is also a senior citizen and is not keeping good health. She also doesn't have a son and being old aged senior citizen is not keeping well and thus is unable to personally appear before the Ombudsman in his office.
3. She has submitted that she has a 5 KW domestic connection for a long time. The display in the meter got disturbed due to high voltage due to which she had been receiving wrong bills. The department charged Rs. 2,660.00 as cost of meter which was burnt due to high voltage not attributable to her as a consumer. A complaint was

also filed with the Forum but Forum without considering the facts of the case and relying on respondent's submission that the meter got burnt due to a fault on consumer side dismissed the complaint.

4. She has requested that as the meter got burnt not due to any fault on her side but due to high voltage for which the respondent are responsible, the cost of meter charged from her is not justified and Forum's order has also been passed without considering the fact that the meter was burnt due to high voltage as such the Forum order is liable for dismissal and the cost of meter charged from her be ordered to be refunded to her.
5. The Forum have observed that the burnt meter was replaced by the respondent on 27.05.2016 as per sealing certificate. They have although referred sub regulation 3.1.5 (2) & (3) of UERC (The Electricity Supply Code) Regulations, 2007 and have described that the cost of meter is to be borne by the respondent and the consumer if it is burnt due to some technical fault and due to some fault in consumer's wiring in terms of sub regulation 3.1.5 (2) & (3) respectively, but relying upon respondent's submission that the meter got burnt due to overloading by the consumer and not due to high voltage and thus the cost of meter is to be borne by the consumer and thus having held claim of the respondent for charging the cost of the meter to the consumer as justified, have dismissed the complaint.
6. The respondent Executive Engineer has submitted his written statement vide his letter no. 5391 dated 10.10.2019. In his point wise reply, while no comments have been given on point no. 1, 4 and 5 of the petition, he has submitted that the meter was burnt which was replaced and cost of the burnt meter was charged to the consumer. He has substantiated his submission on the basis that a number of other consumers are being fed from the transformer which feeds the petitioner and no complaint of high voltage from any other such consumers have been received. He has argued that if meter of the petitioner would have burnt due to high voltage the same problem would have occurred in the meters of the other consumers also who are connected to the same transformer and hence the meter got burnt due to over current drawn by the petitioner and hence the cost of meter Rs. 2,660.00 has rightly been charged from her as per rules.

7. The petitioner in her rejoinder dated 21.10.2019 has averred that her connection is about 10 years old and they are the only 2 senior citizens residing in the house and their consumption of electricity is also very nominal, even she has taken a 5 KW connection so there is no question of overloading and the respondent submission that meter was burnt due to overloading is only an imagination. She has again reiterated that the meter got burnt due to overvoltage and thus the cost has wrongly been charged to her and thus be ordered to be refunded.
8. The date of hearing was fixed on 04.11.2019 and subsequently adjourned to 13.11.2019. The petitioner vide her letter dated 30.10.2019 had shown her inability to personally appear for arguments and have requested that her case be decided on the basis of her submissions made in her petition and rejoinder.
9. Hearing was held on 13.11.2019 as scheduled. The respondent was represented by Shri Deepak Pathak, SDO who argued his case but did not adduce any lab test report of the burnt meter as required under sub regulation 3.1.5 (2) & (3) of supply code regulation 2007 and has categorically submitted that no such test on the burnt meter was carried out in the lab.
10. Documents available on file have been perused arguments from the respondent's representative have been heard and relevant sub regulations quoted above and reproduced below have also been gone through:

*“(2) The Licensee shall get the burnt meter removed from site/consumer's premises and test the same. If it is established, based on test results, that meter got burnt due to technical reasons e.g. voltage fluctuation, transients etc. attributable to system constraints, the Licensee shall bear the cost of meter.*

*(3) In case upon inspection of the consumer's installation and subsequent testing of the meter, it is established that meter got burnt due to causes attributable to the consumer e.g. tampering, defect in consumer's installation, meter getting wet due to falling of water, connection of unauthorized load by the consumer etc. the consumer shall bear cost of new meter in case the original burnt meter was provided by him. In case the meter was provided by the Licensee, the consumer shall pay the cost of new meter.”*

11. The above regulations clearly provides that it is mandatory to inspect consumer's installation and for testing of the burnt meter by the respondents and cost of the meter is to be borne by the respondents or by the petitioner on the basis of such test report as the case may be. In the instant case the respondent have not carried out any test on the burnt meter as required under the above regulations and have charged the cost of meter simply on their averments that the meter did not get burnt due to any technical fault attributable to them but due to overloading on the meter by the petitioner. This being only an imagination not supported by any test results as required under the relevant regulations and thus cannot be accepted. Such being the case the respondents are directed to refund the sum of Rs. 2,660.00 charged by them from the petitioner towards the cost of burnt meter by way of adjustment in the next bill (s). The Forum order is set aside. Petition is allowed.

Dated: 15.11.2019

Subhash Kumar  
(Ombudsman)