

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Taseen  
S/o Late Shri Abdul Salam,  
Village Dargahpur, Raisy,  
Distt. Haridwar, Uttarakhand

Representation no. 38/2019

Mohd. Yunus,  
S/o Shri Ismile  
Village Dargahpur, Raisy,  
Distt. Haridwar, Uttarakhand

Representation no. 39/2019

Vs

The Executive Engineer,  
Electricity Distribution Division (Urban),  
Uttarakhand Power Corporation Ltd.  
Tikoniya, Haldwani,  
Distt. Nainital, Uttarakhand

### Order

**Dated:** 26.09.2019

Shri Taseen (for connection no. LK1/1433/050954 being in the name of his father Late Shri Abdul Salam) Village Dargahpur, Raisy, Distt. Haridwar and Mohd. Yunus S/o Ismile Village Dargahpur, Raisy, Distt. Haridwar for his connection no. LK1/1433/051419 (hereinafter referred to as the petitioners) had filed complaint no. 45/2019 and 44/2019 respectively before Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) against wrong bills issued to them by the Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Lakshar (hereinafter referred to as respondent) with the request for correction of their bills. The Forum vide its order dated 22.06.2019 in both these cases dismissed their complaint. So being aggrieved with the Forum order both of the above consumers have preferred appeal before the Ombudsman which were registered as appeal no. 38/2019 and 39/2019 respectively. Since the subject matter in both these cases is similar, both these petitions are being dealt with in this common order.

2. Both the petitioners have averred in their petitions that as the Forum orders dated 22.06.2019 in their complaints have been passed without perusal of the file and without using the judicial mind so Forum orders in both the cases are liable for dismissal. They have further stated that Forum have passed the order without considering the evidences and thus the order is liable for dismissal. Both the petitioners have stated that they had deposited Rs. 600.00 each for taking 1 KW domestic connection while at that time there was no LT mains in the vicinity of their residences (photocopy of receipt no. 18/470622 dated 30.06.1998 is available on the file of Shri Taseen) while the department have assured them that the LT mains shall be laid down shortly but no such proposed LT line was drawn till the year 2004. In the year 2004 the residents themselves arranged some broken pole and wire and laid down a single phase line in their locality, the same LT line is still existing as it is.
3. It is further stated that the meters were installed at their residences in the year 2013 (photocopies of sealing certificates no. 8/411 and 06/411 on which although year of installation is legible as 2013 date and months are not legible have been submitted by both the petitioners). Exorbitant bills were issued by the department.
4. On enquiry the departmental officials informed that arrears are outstanding against them since 1998. They were further informed that the Government has launched a scheme for waiver and a camp is being organized by the department on 29.03.2013 wherein they may get benefitted by the scheme and get their bills corrected. Accordingly each one of them deposited Rs. 24,807.00 on 29.03.2013 (photocopy of receipt no. 34/D200245 dated 29.03.2013 for Rs. 24,807.00 and receipt no. 27/D200245 dated 29.03.2013 for Rs. 24,807.00 for Shri Taseen and Mohd. Yunus respectively are available on file). They have stated that the department have assured them that after depositing this amount all outstanding dues against them till 03/2013 have been cleared but after that heavy amount bill were issued and it was told to them that their billing started since the year 1998 and threatened them to deposit the dues, so under threat each one of them deposited Rs. 8,000.00 on 23.02.2017. Shri Taseen has stated that meanwhile his father expired on 07.03.2018. The petitioners have submitted that they approached the Forum for correction of their bills but the Forum instead of redressing their grievance dismissed their complaint.

5. The respondent submitted before the Forum that bills of the complainants have duly been corrected in compliance to Forum order dated 17.01.2017 in complaint no. 117/2016. Hence, no further correction in their bills was required.
6. The petitioner's have stated that they were not party to the said complaint before the Forum but the Forum relying upon the submissions of the opposite party decided the case against them. They have submitted that the so called corrections in their bills by the opposite party (UPCL) was not justified as the supply to their residences was commenced only in the year 2004 which had duly been admitted by the opposite party but still they have billed them since 1998. The bills from the year 2004 to 2013 were to be issued as per tariff (perhaps the petitioner's means that in the absence of meter having not been installed till 2013 bills for this period were to be issued on flat rate) and after 2013 only the bills were to be issued as per metered consumption but the bills have not been issued as per above provisions. Also the meter readings have not been correctly reported, neither the meters were ever checked. Bills were also not being sent to them regularly resulting into accumulation of arrears. They have requested that Forum order dated 22.06.2019 be set aside and their bills be ordered to be corrected as per Rules.
7. The Forum in their separate orders dated 22.06.2019 in both the complaints relying upon the submissions of the opposite party that bills of shri Taseen up to the month of 06/2017 was revised from Rs. 42,325.00 to Rs. 26,443.00 and that of Shri Mohd. Yunus up to the month of 05/2017 revised from Rs. 72,800.00 to 25,558.00 in compliance to Forum order dated 17.01.2017 in complaint no. 117/2016 and after the said corrections the corrected amount of the bills of Shri Taseen up to the month of 03/2019 at meter reading 2686 has been issued for Rs. 35,231.00 and that of Mohd. Yunus at reading 13500 has been issued for Rs. 45,384.00 and as such there was no possibility of any further correction. So the Forum held that Rs. 35,231.00 and Rs. 45,384.00 are payable by Shri Taseen and Mohd. Yunus respectively up to the month of 03/2019 and they therefore dismissed their complaints.
8. The respondent Executive Engineer, Electricity Distribution Division, Lakshar submitted written statement in both the cases, the contents of which are as follows:

- i. **In case of Shri Taseen** connection no. LK00433050954 is existing at the residence of the petitioner for 1 KW load where meter no. 30679595 is installed. A complaint was lodged by the petitioner before the Forum on 08.04.2019 for correction of his bill. Bill of the petitioner up to 06/2017 had already been revised from Rs. 42,325.00 to Rs. 26,443.00 in compliance to Forum order dated 17.01.2017 in complaint no. 117/2016 and accordingly corrected bill up to the month of March 2019 at meter reading 2686 has been issued for Rs. 35,231.00. The Forum vide its order dated 22.06.2019 in complaint no. 45/2019 have ordered that since his bill had already been revised there is no justification for further revision and had dismissed the complaint. The respondent have accordingly requested that the petition is liable for dismissal.
  - ii. **In case of Mohd. Yunus** the respondent has submitted that a connection no. LK11433051419 for 1KW domestic purpose is existing at the residence of the petitioner where meter no. 30678511 is installed. He had filed a complaint before the Forum on 08.04.2019 for correction of his bill. His bill up to 05/2017 amounting to Rs. 72,800.00 had since been revised to Rs. 25,558.00 in compliance to Forum order dated 17.01.2017 in complaint no. 17/2016 and accordingly total payable amount ending 03/2019 has been worked out as Rs. 45,384 at meter reading 13500. The Forum in their order dated 22.06.2019 in his complaint no. 44/2019 had ordered that since his bill had already been revised there is no justification for further revision and had dismissed the complaint. The respondent have therefore requested that the petition is liable for dismissal.
9. Both the petitioners have submitted their rejoinders on 21.08.2019 which are merely repetition or reiteration of the contents of their petitions and therefore need not be reproduced here.
10. Hearing in both the cases was fixed for 12.09.2019 and petitioners themselves appeared. AE (R) cum SDO appeared on behalf of the respondent. All parties submitted their arguments. As the respondent could not clarify the position of billing since beginning till date, they were asked to submit a written argument in both the petitions giving details of billing since date of connection by 19.09.2019. The respondent have accordingly submitted their written argument vide letter no. 2815 dated 18.09.2019 and number 2814 dated 18.09.2019 in case of Taseen and Mohd.

Yunus respectively. In accordance with the details as submitted by respondent the outstanding dues against Shri Taseen have been claimed to be Rs. 9,256.00 ending July 2019 and that against Mohd. Yunus as Rs. 41,480.00 ending July 2019. The details of the billing as submitted by respondent are reproduced hereunder:

Sr. No.	Particulars	Dues (In Rs.)		Remarks
		Shri Taseen	Mohd. Yunus	
1	Billing from 1998 to 03/2004	Nil	Nil	Connection did not exist
2	Billing from April 2004 to July 2013	20,445.00	20,445.00	Unmetered supply, billed on flat rate for fixed charges on appropriate tariff, without LPS.
3	Billing from July 2013 to July 2019	12,290.30	46,714.15	Billed on MU without LPS
4	LPS on arrears	9,328.03	9,328.03	
5	Total outstanding dues till July 2019			
6.	Less payments made	32,807.00	32,807.00	
7.	Net outstanding dues ending July 2019	9,256.33	43,680..18	
8.	Metered consumption till 03/2019	2686 KWh	13500 KWh	As per written statement
9.	Metered consumption till 07/2019	3012 KWh	14107 KWh	As per billing history

11. A perusal of the above details show that the respondent have now correctly revised the bills of both the petitioners but the LPS claimed on old arrears is not justified as the bills issued earlier were not correct and now the corrected accumulated bill for a longer period is to be issued and thus LPS shall not be payable, so the respondent's are directed to withdraw the LPS amounting to Rs. 9,328.03 from the billing account of both the petitioners and issue revised bills after deletion of the aforesaid LPS amount, the net payable amount shall be (Rs. 9256.33 – Rs. 9328.03) = Rs. -71.70 for Shri Taseen and for Mohd. Yunus (Rs. 43680.18 – Rs. 9328.03) = Rs. 34352.15.
12. In view of above the respondent is directed to issue revised bills to both the petitioners for Rs. (-) 71.70 (to be credited to his account) to Shri Taseen and for Rs.

34,352.15 for Mohd. Yunus up to the month of July 2019 which he is liable to pay. The petitions are allowed. Forum orders dated 22.06.2019 in complaint nos. 45/2019 and 44/2019 are set aside.

13. As a corrected accumulated bill for Rs. 34,352.15 for a long period shall now be issued to the petitioner Mohd. Yunus facility of payment in installment, if requested for by him, be allowed as per standard practice and standing orders prevailing in UPCL. Further the recorded consumption of Mohd. Yunus appears to be high for his 1 KW domestic connection, the respondent are directed to install a check meter at his premises and necessary action if required as per check meter study be taken in accordance with sub regulation 3.1.3 (5) or (6) of UERC (The Electricity Supply Code) Regulations, 2007 as the case may be, be taken.

Dated: 26.09.2019

(Subhash Kumar)  
Ombudsman