

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Hamsa Raj,  
W/o Shri Roop Raj  
House no. 290, Awas Vikas,  
Haldwani, Distt. Nainital  
Uttarakhand

Vs

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

Representation No. 40/2019

### Order

**Dated:** 26.09.2019

Smt Hamsa Raj W/o Shri Roop Raj resident of house no. 290, Awas Vikas, Haldwani, being aggrieved with the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) order dated 17.07.2019 in her complaint no 23/2019 dated 28.02.2019 against UPCL (Executive Engineer, Electricity Distribution Division (Urban), Haldwani), has filed this petition before Ombudsman.

2. Smt Hamsa Raj has stated in her petition that a new meter was installed at her premises on 14.07.2018 which was tested in the test lab of the respondent on 16.07.2018. She has averred that she received a RDF bill for Rs. 2,178.00 including arrear Rs. 1995.00 in the month of February 2019. She filed a complaint to the respondent on 02.02.2019 and 04.02.2019 against the aforesaid bill as according to her arrear shown in the bill were wrongly calculated and she had requested to the respondent for deducting the arrears from the bill.
3. She also contacted the customer care center of UPCL from where it was informed to her that bill is on the basis of RDF instead of MU whereafter the competent authority of UPCL was contacted and the bill was thereafter corrected. After correction a corrected bill for 8 months from 16.05.2018 to 09.01.2019 on MU (metered units)

basis showing consumption 1845 units including consumption for last 6 months from 14.07.2018 to 09.01.2019 as 1707 units.

4. Application for installation of check meter was submitted by her in response of which check meter was installed on 22.02.2019 and finalized on 03.03.2019 as per check meter study consumption recorded by both the meters was found to be the same. It is further stated by her that a complaint was filed before the Forum on 28.02.2019 against the high consumption recorded by the newly installed meter. A supplementary complaint was also filed before the Forum on 22.05.2019 wherein she submitted the facts raised during argument in the hearing held on 20.05.2019. The Forum passed impugned order in her complaint on 17.07.2019 which according to her is erroneous and shows casual approach by the Forum in passing the order so the appeal is bonafied and is in the interest of justice. She has given the following grounds for the appeal:

- a) The Forum has not passed the impugned order with due diligence and appears to have been passed in a hurry without giving cogent reasons.
- b) The forum did not take into consideration the difference appeared in the consumption of the MRI report and the bills for the same period.
- c) Forum did not take in to consideration the drastic changes in consumption pattern from the similar month or season of the previous years.
- d) Forum did not take into consideration the accuracy class of the installed meter.
- e) Forum did not take into consideration that even after installation of new meter the respondent consistently issue the bill in RDF basis instead of MU so irregularity and negligence on the part of respondent was totally ignored by the Forum.
- f) Forum did not take into consideration the violation of regulation 9 (1), 14 2 c), 18 (2) of CEA Regulation 2006 and UERC distribution code regulation, 2018.
- g) Forum did not take into consideration the improper procedure followed by the respondent while installing the new meter by not providing the accuracy class and MRI report of new meter and old meter at the time of installation of new meter and the removal of old meter.
- h) The Forum did not take into consideration the recklessness and negligence on the part of respondent.

- i) The balance of convenience rise in favour of the petitioner and she has a prima fascia case in her favour.
  - j) The appeal has been filed within the period of limitation.
5. In view of her submissions in the petition as above she has prayed that impugned order dated 17.07.2019 passed by the Forum be set aside and her appeal be admitted and allowed and to direct the respondent to install a new meter in the residence of the petitioner according to the regulations for installation of new meter. Direct the respondent to issue bills for the period from 14.07.2018 to 12.07.2019 on the average of previous 6 months from the date of installation of the new meter. Pass any such other order as deemed fit.
6. The Forum after perusal of records and hearing arguments from both parties have concluded that bills of MU as per MRI report are being issued. Regarding accuracy of the meter they have observed that as per test report submitted by opposite party the veracity of the meter is established. Regarding solar water heater rebate they have observed that the same is duly being allowed as per point 7 of the bill so as per their observation they found that the correct bills are being issued and accordingly dismissed the complaint.
7. The respondent, Executive Engineer has submitted his written statement vide his letter dated 22.08.2019 wherein he has submitted as follows:
- a) Meter of the petitioner was replaced on 14.07.2018 as it was found running slow by 25.33% in a checking by YMPL team. The removed meter was checked in test lab on 16.07.2018.
  - b) The new meter was uploaded the billing system on 15.12.2018 by the test division and therefore RDF bills were issued till then. The RDF bills were revised on 09.01.2019 after uploading the meter change in the system on metered consumption.
  - c) A check meter was installed at the premises of the petitioner on 22.02.2019 and finalized on 03.03.2019 in the check meter study. The consumption recorded by the 2 meters was found to be the same.

- d) The petitioner filed a complaint before Forum on 28.02.2019 having received inflated bill. She also complained during pendency of the complaint before Forum that solar water heater rebate not being given to her.
- e) The Forum asked for MRI report and calibration report which was duly submitted. As per MRI report, calibration report and check meter report the meter was found working correctly. Solar water heater rebate is duly being given to her. All these facts show that the complaint had already been redressed so the Forum dismissed the complaint. He has requested that in view of above the petition be dismissed.
8. The petitioner was asked to submit rejoinder to the written statement of the respondent but vide her letter dated 03.09.2019 she informed that she didn't want to submit the rejoinder and had requested that the date of hearing be fixed. Accordingly the date of hearing was fixed for 16.09.2019 when the petitioner was represented by her son Shri Gaurav Raj and AE (R) appeared on behalf of the respondent. Both parties submitted their arguments which were concluded and the order was reserved.
9. The documents available on file as submitted by both parties have been perused. Arguments from both parties have been heard. The petitioner's case is that after replacement of his existing meter on 14.07.2018 till 09.01.2019 RFD bills were being issued to her while the meter had already been replaced and was working and recording consumption. A bill for Rs. 2,178.00 including arrear Rs. 1,995.00 was received by her in February 2019. However on approaching the respondent his bill from 14.07.2018 to 09.01.2019 was revised on metered consumption of 1845 units. She has made a number of allegations and shortcomings in Forum order dated 17.07.2019 and also allegations have been leveled on the working of respondent and that the test reports regarding accuracy of the meter, have not been provided to her and procedure laid down in CEA Regulations 2006 as well as UERC Distribution code have not been followed by the respondent.
10. The respondent have submitted their case clarifying that as the meter replaced on 14.07.2018 was uploaded in the online billing system by the Test Division on 15.12.2018 therefore RDF bills were issued during the said period, however the bills have duly been corrected as per meter reading obtained in the meter which is also

reflected in the MRI report and hence the complaint was duly redressed. Regarding petitioner's complaint before Forum for not allowing solar water heater rebate, the respondent have informed that the same is duly being allowed in the bill as per point no. 7 of the bill.

11. A perusal of the documents i.e. check meter report, MRI report, test lab report clearly show that the meter installed on 14.07.2018 was working correctly. The bills issued on RDF from 14.07.2018 to 09.01.2019 have duly been revised on metered consumption and subsequent bills are also being issued on metered consumption. A perusal of the billing history and the MRI report shows that the meter have recorded a total 2973 unit July 2019 and 2,735.70 units till 15.06.2019 respectively, which matches with the consumption pattern shown in billing history. So bills issued by the respondent are for the actual metered consumption and since the veracity of meter has duly been established as aforesaid there is no substance in the petition and the same is liable to be dismissed. The petitioner's request that a new meter be installed at his residence and her bills from 14.07.2018 to 12.07.2019 be revised on the average of previous six months from the date of installation of the new meter cannot be acceded to as the existing meter is working correctly as established by relevant documents. Forum order is upheld and petition is dismissed with no costs.

Dated: 26.09.2019

(Subhash Kumar)  
Ombudsman