

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Smt. Pushpa Budakoti  
W/o Shri Vipender Budakoti,  
A 85/6, East Shivpuram,  
Paniyala Road (Near Petrol Pump)  
P.O. Paniyala, Thana Ganga Naher,  
Roorkee, Distt. Haridwar, Uttarakhand

Vs

Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
Ramnagar, Roorkee, Distt. Haridwar, Uttarakhand

Representation No. 05/2019

**Order**

Date: - 22.04.2019

The petitioner, Smt. Pushpa Budakoti has filed this petition for the implementation of order dated 28.09.2018 of the Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) in complaint no. 134/2018.

2. Petitioner's case in brief is that she had obtained a domestic connection of 2 KW on 11.07.2014. The sealing certificate indicates that the meter no. 32189654 was installed at a reading of 02. She filed 8 complaints between 15.08.2014 and 10.12.2018 regarding non receipt of bill. On not receiving any reply, petitioner registered a complaint before the Forum on 21.08.2018. Petitioner claims that while the meter was installed on 11.07.2014 the first bill for Rs. 43,000.00 was received on 15.11.2017. She also claims that through a receipt no. 3420921 dated 09.06.2014 she deposited a sum of Rs. 12,000.00 for overhead line which was got deposited by the department through fraud. She further claims that Forum directed refund of this Rs. 12,000.00 and to check the meter so that the charges are levied as per the meter reading from the time the meter was installed. Further, had she been given bills regularly she would have paid in time but she is unable to pay in lump sum and requested that she be permitted to deposit the bill in installments, and the Electricity Distribution Division be directed to implement the order of the Forum. They should

be directed to recover bill as per unit charges from 11.07.2014 and return the Rs. 12,000.00 they have taken fraudulently.

3. Forum in their order dated 28.09.2018, have agreed with the petitioner's grievance that she was not given a bill after her meter was installed for a period of 30 months and have therefore held that opposite party UPCL are not entitled to charge LPS before the first bill was issued and petitioner is liable to pay as per readings in the meter. The present reading in the meter as held in the Forum order is 20042. As such Forum have directed OP UPCL to modify the bill immediately as above and submit a compliance report within 30 days.
4. Respondent UPCL submitted a written statement on 29.01.2019 in which they only stated that they have complied with the order of the Forum and sent a bill to the petitioner for 20042 units, which has not been paid till date. Accordingly, they requested that her petition be dismissed. Respondent revised their written statement and submitted another statement on 06.02.2019 wherein they stated that the first bill for the petitioner was issued on 20.08.2015. They disputed petitioner's claim that Forum have issued any order for refund of Rs. 12,000.00 deposited through receipt no. 3420921. They also stated that online surcharge of Rs. 309.00 charged in the bills has been subtracted as per the orders of the Forum. Respondent claim that despite having used 20042 units of electricity, petitioner has not paid any amount into departmental account till 07.02.2019 even though electricity is available to her without interruption.
5. Petitioner, in her rejoinder dated 12.02.2019, has reiterated her statements in the original complaint and while saying that Forum had agreed that the first bill was issued with a delay of 24 months had given direction to withdraw LPS charged in the bill, she is aggrieved that disregarding the analysis of the Forum, respondent had merely subtracted Rs. 309.00 as surcharge from the bill which is wrong. They have also not adjusted Rs. 12,000.00 paid on 09.08.2014 (the correct date is 09.06.2014) by receipt no. 3420921 which represents a deficiency in service.
6. Both parties have been heard and the record has been carefully studied. It is accepted by both parties as well as by the Forum that meter no. LT-32189654 for 2 KW was installed on 11.07.2014 with an initial reading of 02 as per sealing certificate dated

11.07.2014. The first bill as per respondent was issued for the period 20.07.2015 to 20.08.2015 on NR basis for average 200 units for a sum of Rs. 614.00 (As it contains no arrears, so it is confirmed that this was the first bill). Similarly NR bills have been presented up to the period 05/2016. The billing history submitted by respondent also shows NR bills for the period 08/2015 to 05/2016. However billing for the period 07/2016 to 11/2017 has been shown as by metered units except the bill for 09/2017. Meter readings have progressed from 8525 in the bill of 07/2016 to 14538 in the bill of 11/2017. Thereafter bills from 01/2018 to 09/2018 have been issued on metered consumption from reading 14538 to 20069. Petitioner claims that the first bill that she received on 15.11.2017, was for Rs. 43,000.00. It is obvious that bills have been issued in a random manner on NR or as per metered units suggesting that NR bills are only because the meter reader has not taken the reading but the meter is recording progressive readings over the period 07/2014 to 09/2018 from initial reading 02 to 20069.

7. Meter no. LT-32189654 was installed on 11.07.2014, at a reading of 02, as per sealing certificate no. 2066/42 dated 11.07.2014 which also says that “u;s la;kstu ij foHkkxh; ehVj yxk;k”. The signatures of the consumer have also been appended on the sealing certificate. This meter has continued right through till September 2018 showing a reading of 20069 as per billing history. Irrespective of whether the bills have been issued or if they have been issued as per NR or metered units, the meter is recording consumption during this entire period which is not disputed by either party. It is therefore incorrect to suggest, as the respondent have, that the connection was released on 20.07.2015 instead of 11.07.2014. Petitioner has herself accepted that the connection was released on 11.07.2014 by installing meter no. LT-32189654 vide sealing certificate dated 11.07.2014. She has also enclosed a copy of the said sealing certificate. Forum have correctly ordered that consumer is required to pay the bill as per consumption of 20042 units and without LPS for the period of NR billing. However, while recognizing that the meter was indeed installed on 11.07.2014, they have erred in not allowing the billing to progress from that day itself and not 20.07.2015 which is the date from which billing has presently been commenced. Respondent have been unable to show how, if at all, construction of line changed the

connection since the connection had already been released on 11.07.2014 and the meter has continued from that date itself.

8. A perusal of the records available on file clearly shows that the connection was actually released on 11.07.2014 and not on 20.07.2015 as mentioned in the consumer billing history. The total metered consumption from 11.07.2014 to 09/2018 was thus (20069-2) = 20067 units. While the respondent had not billed from 11.07.2014 till before issue of first bill dated 20.08.2015, they skipped billing for one year and started billing from 07/2015 randomly on NR till 05/2016 and thereafter issued metered bill except bill for the month of 09/2017. The billing has therefore not been consistent with meter readings. For these reasons the bills from 11.07.2014 till 09/2018 for the recorded consumption of 20067 units have to be revised. It would be reasonable, logical and justified if the total consumption of 20067 units is uniformly distributed over the entire period and bills on appropriate tariff are issued without levy of LPS because such a revised consolidated bill shall be the firm bill. It is therefore ordered that the respondent prepare a revised bill on monthly average consumption worked out for the above mentioned period on total recorded consumption of 20067 units and issue such a bill without levy of LPS. Further, as requested by the petitioner if she approaches for payment of such a revised bill in installments, the same may be granted as per departmental rules. Forum order is upheld with the above modifications. The petition is partly allowed.
9. As far as the payment of Rs. 12,000.00 towards construction of line is concerned, no details have been given by the respondent as required from them, on 2 separate occasions. It is therefore not clear whether connection of the petitioner was indeed given from a dedicated line constructed from the Rs. 12,000.00 deposited by the petitioner or whether it continued from the connection already released on 11.07.2014 through a point from the existing LT mains. It is therefore hereby ordered that respondent may appoint a senior officer above the rank of Executive Engineer to examine the need of constructing the LT line for which Rs. 12,000.00 has been got deposited on 09.06.2014 vide receipt no. 3420921 which as per report submitted by the respondent was completed in 07/2015 while connection to the petitioner was released on 11.07.2014 by installing meter no. LT-32189654 through sealing certificate no. 2066/42 dated 11.07.2014 from some point of existing LT mains. If it is

found, as seems evident from the record, that no such line was required for the purpose of giving a connection to the petitioner, Licensee may take appropriate action for refund of the amount, so deposited along with interest and appropriate action against the erring staff.

10. Compliance of the order may be reported by Licensee, within 60 days of the order.

Dated: 22.04.2019

(Vibha Puri Das)  
Ombudsman