

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Reena Devi
W/o Shri Saheb Singh,
Near Vishwakarma Mandir,
Shiv Colony, Laltappad,
Majri Grant, Doiwala,
Distt. Dehradun, Uttarakhand

Vs

Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Doiwala, Distt. Dehradun , Uttarakhand

Representation No. 15/2019

Order

Date: - 30.04.2019

The Petitioner, Smt. Reena Devi in her petition dated 18.03.2019, aggrieved with the order dated 30.01.2019 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no. 110/2018, requested “आपसे प्रार्थना है कि मेरे विद्युत बीजको को मेरे वास्तविक मासिक खफत के अनुसार संशोधित कर मुझे प्रेषित करवाने का कष्ट करे जिसे मैं अपने बिजको से समय से भुगतान कर सकू। तथा माननीय मंच के आदेशो तथा विभाग द्वारा आरोपित गलत धनराशि को निरस्त करने की कृपा करें।”

2. The case in brief is that petitioner had deposited Rs. 12,000.00 for a new connection on 03.04.2018. She was told that a line of 90 meters has to be drawn. However, without making this 90 meters line, her connection no. W1/4113/130296 was released on 19.04.2018 but she was not given a sealing certificate and neither were her signatures taken. When she did not receive a bill for 4 months she approached the department and was told that there was no record of her connection available with the department. Subsequently she was assured that her bill will be generated soon. However petitioner was shocked when she received a first bill on 22.11.2018 for a sum of Rs. 45,903.00 (as per billing history it was the second bill). Repeated requests for redress of her bill, to the department did not yield any result and therefore she approached the Forum. Forum had directed her to appear on 17.12.2018 on which

date she was unable to be present but after that she received no intimation from the Forum and while she continued to approach the department she got no relief from them. On 23.01.2019 the department laid the line for her connection and informing that the old meter was defective, installed the new meter at the pole near her house. She also received the sealing certificate signed by her. A load survey of her connection was done by the Forum and the connected load was found to be less than 1 KW. Since the Forum have relied on the cumulative load of 28.35 KW on 23.01.2019, petitioner avers that in that case her consumption should have also been much higher but the Forum have given a wrong order and since she does not have any record of the Forum proceedings she requested that the Forum file may be called for to proceed further with the case. She also requested that since her connection had been disconnected on 12.03.2019, her connection be restored since this is the time for the examination of her children and she is being put to great hardship.

3. Forum, in their order dated 30.01.2019, have given a tabular representation of month wise consumption between 01.11.2018 and 23.01.2019 which is 160 units as on 01.11.2018, 94 units as on 01.12.2018, 107 units as on 01.01.2019 and 56 units as on 23.01.2019. Forum in their order observed that a meter no. 76405268 was installed on 19.04.2018 at an original reading of 01 (As per sealing certificate dated 19.04.2018, initial reading is zero) and the first bill on 29.09.2018 was issued at a reading of 8264. A load survey revealed connected load of 203 watts and 593 watts on 2 different dates. However on 23.01.2019 when the UPCL team was deputed to inspect the meter on the instruction of the Forum, they found that the meter MRI could not be downloaded and the software was not functioning correctly and hence changed the meter, as per the sealing certificate dated 23.01.2019. Forum have explained at length the difference between the consumption in the period 19.04.2018 to September 2018 and the period between October 2018 and January 2019. They have accepted that the cumulative demand for the entire period is 28.53 KW as mentioned in the sealing certificate dated 23.01.2019 and therefore after subtracting $0.4 \times 4 = 1.6$ KW for the four month period of October to January from 28.35 KW arrived at the demand for the period April to September 2018. On this ground Forum concluded that petitioner's demand of 5 to 6 KW on the basis of 28.53 KW cumulative demand is established and therefore it is reasonable for her to pay the charges for the electricity consumed by her. Accordingly, Forum dismissed her complaint.

4. Both parties were present for the hearing on the stay application. However, it was found that the connection of the petitioner had already been disconnected on 12.03.2019 and therefore there was no ground for stay.
5. Respondent submitted their written statement on 27.03.2019 with a subsequent clarification vide their letter dated 05.04.2019. Respondent stated that Rs. 12,000.00 were deposited by the petitioner on 03.04.2018 as per Regulations, as her connection was proposed to be released by constructing an LT service line of 90 meters length. However on the verbal request of the petitioner the connection was released by installing meter at the existing pole of the LT line, 90 meters away from her premises. After construction of the proposed line the meter was shifted at a pole nearby her residence (however no date of shifting of meter has been mentioned). The first bill was issued in September 2018 based on meter reading. Being a domestic connection, and bill issued on the basis of meter reading, hence no correction is possible. The meter was replaced vide sealing certificate no. 021/062 dated 23.01.2019 by AE (meter) under the instructions of the Forum. After Forum's order petitioner was asked to deposit the dues. Since the payment was not made, the connection was disconnected (Date of disconnection not given. However as per petitioner it was disconnected on 12.03.2019). Sealing certificates for release of connection and change of meter have duly been enclosed with the written statement. Respondent have further submitted that the demand mentioned in the sealing certificate is CMD parameter. On other points of the petition the respondent have only said "not concerned".
6. In a subsequent clarification vide letter dated 05.04.2019 respondent have submitted a copy of sanctioned estimate and line diagram. It is further stated that as the petitioner did not submit necessary documents to show her ownership of the premises, security of Rs. 2,400.00 was charged at 3 times the rate. It has again been averred that on the verbal request of the petitioner the connection was released from the existing LT pole.
7. Both the parties have been heard and documents available on file have been carefully perused. On the request of the petitioner Forum's case file was also summoned and has also been examined. It is not disputed that while the connection was proposed to be released by constructing LT overhead line of 90 meters, for which necessary charges were deposited by the petitioner on 03.04.2018, the connection was released

by installing meter no. 76405268 vide sealing certificate no. 05/039 dated 19.04.2018 (which do not carry petitioner's signature) at the existing pole of the LT mains, 90 meters away from petitioner's premises. The respondent have averred that this was done on the verbal request of the petitioner but petitioner has denied this. The said meter was installed at initial reading 0 (zero). The first bill was issued for the month of 09/2018 on 29.09.2018 for 8263 recorded units from initial reading 1 to present reading 8264, that too was issued on the request of the petitioner as she had received no bill since release of connection. As per billing history 2 subsequent bills dated 22.11.2018 for the month of 11/2018 and dated 07.01.2019 for the month of January 2019 were subsequently issued on metered consumption of 185 units and 144 units respectively. This meter was replaced vide sealing certificate 021/062 dated 23.01.2019, as claimed by respondent in their written statement, on the instruction of the Forum, but the Forum had observed as follows in the order sheet dated 17.12.2018 “1 मीटर के Input में मापे गये लोड एवं मीटर के output पर मीटर द्वारा मापे गये लोड में कोई अंतर है तो उसका पूर्ण विवरण। 2 यदि परिवादी का वर्तमान मापक खपत/भार के अनुरूप मापन नहीं कर पा रहा है तो अतिविलंब परिवादी का मीटर बदलना सुनिश्चित करें।” The sealing certificate is jointly signed by AE (meter) and SDO and also carries signature of the petitioner. In this sealing certificate KWH reading has been shown as 8634 and cumulative demand as 28.35 KW. The existing meter no. 7640568 installed on 19.04.2018 has been replaced by meter no. 80002429 by this sealing certificate. In the sealing certificate it has been mentioned that “श्रीमती रीना देवी कनै0 सं0 W114113130296 के परिसर पर स्थित 1ϕ मापक 76405268 data download करते समय (software की error के कारण) MRI और laptop से न जुड़ पाने के कारण defective प्रतीत होता है अतः नये मापक 80002429 से प्रतिस्थापित किया गया।” The instruction of the Forum for change of meter could have been complied only if it was established that there was a discrepancy between the input and output measured by the meter. This could have been done only through installation of a check meter, which was not done. While a possibility of meter being defective, has been recorded in sealing certificate, the billing history states old meter as IDF.

8. The following information has been given as per various documents
 - a) While it is nowhere mentioned by the respondent either in the checking report dated 30.11.2018 or sealing dated 23.01.2019 as to when the meter was shifted

from LT pole where it was installed on 19.04.2018 to the pole nearby petitioner's house but the petitioner in her petition at serial no. 13 has clearly mentioned that meter was shifted on 23.01.2019. So it is evident that the date of change of meter and its installation at the pole near petitioner's premises is the same i.e. 23.01.2019.

- b) SDO checking report no. 22/11 dated 30.11.2018 reports total connected load 593 watts and meter reading 8471. No irregularity at the premises.
- c) However meter body seal on meter no. 76405268 was 76405268 at the time of installation on 19.04.2018 (as per sealing certificate dated 19.04.2018) but at the time of inspection on 30.11.2018 the meter body seal no. is reported to be AR019218 while the meter number remains the same i.e. 76405268. The meter has been opened after 19.4.18 and before 30.11.18, without however, leading to any irregularity and without it finding mention in the consumer history.
- d) As per letter jointly signed by AE (M) and SDO dated 24.01.2019 submitted to the Forum and available on the file of the Forum, meter history from 01.10.2018 to 23.01.2019 is available and given as:

Date	Reading
23.01.2019	8634 KWH
01.01.2019	8578 KWH
01.12.2018	8471 KWH
01.11.2018	8377 KWH
01.10.2018	8217 KWH

However, the first bill issued to the petitioner for the period 19.04.2018 to 29.09.2018 is for 8263 units at a reading of 8264 whereas the MRI reading on 01.10.2018, as stated in the letter dated 24.01.2019, is 8217.

- e) As per this same letter dated 24.01.2019 it is clear that MRI was being downloaded at least up to 01.01.2019 and the MRI reading from 01.10.2018 to 01.01.2019 has been given. However, the MRI readings for the earlier period have not been given which would indicate whether the bills were in accordance with the MRI reading of the meter or not.
- f) The connected load on 23.01.2019 is shown as 203 watts and on 30.11.2018 as 593 watts. In the undated application status, submitted along with the written statement, respondent have also given information that petitioner's connection released on 19.04.2018 shows contracted and connected load as 2 KW. Further, the consumer

history from 09/2018 to 01/2019 also shows maximum demand varying between 1 KW and 2 KW.

- g) The entry of 23.01.2019 pertaining to change of meter in the consumer history gives the status of the old meter as IDF

In the light of these discrepancies, combined with lack of a report on whether the input and output was being measured correctly by the meter replaced on 23.01.2019, the first bill of 8264 units up to 29.09.2018 and the cumulative demand of 26.75 KW for the same period, as worked out by Forum, are not consistent with maximum connected load of 2 KW as per application status and relevant bill as per billing history.

9. In the hearing, on 22.04.2019, the respondent's representative (SDO) argued his case not on the basis of facts and evidence but on imagination and surmises such as perhaps there might have been leakage in petitioner's installation, leading to high demand and consumption which might have been reduced after change of meter but as per his own submission in the aforesaid letter dated 24.01.2019, the connected load on 23.01.2019 was 203 Watt only, so his imagination based argument also lacks credibility. The petitioner however maintained her stand as per her petition and rejoinder.
10. As per documents submitted the connected load of the petitioner varied between 203 Watts to 2 KW. The cumulative maximum demand of 28.35 KW as derived from the sealing certificate dated 23.01.2019, served as the basis for the Forum order. Forum have observed that after subtracting the 1.6 KW cumulative demand for the period October 2018 to January 2019 from 28.35 KW, (total cumulative demand for the entire period 19.04.2018 to 23.01.2019) will give 26.75 KW which they have concluded gives the monthly demand of 5.5 KW for the period 19.04.2018 to 29.09.2018. As observed above, at no point has petitioner's demand been shown to be higher than 2 KW connected load in either of the two sealing certificates or in the application status submitted along with the written statement or in the billing history. Respondent have been unable to establish how a consumer with a connected load not exceeding 2 KW at any point of time, can generate a demand of 5-6 KW in a month. Forum have also observed that a reading of 8264 units for the 5 month period suggest a per month consumption of 1653 units whereas on a 2 KW load the maximum

consumption can be 576 units. However, subsequently in their order Forum have inexplicably concluded that the petitioner's average maximum demand for the period 19.04.2018 to 29.09.2018 was 5.5 KW based on some calculation of cumulative load which has nowhere been established. Taken together with the discrepancies as pointed out in para 8 above, I find it difficult to agree with the reasoning of the Forum, that the bill for 8263 units up to 29.09.2018 is appropriate because the cumulative demand has been shown because of this high consumption to be high.

11. Based on the above discussions it is evident that the meter installed on 19.04.2018 while working till its replacement on 23.01.2019, its working was not correct as confirmed in the billing history where the meter has been declared IDF. In fact this meter should not have been replaced without installing a check meter to ascertain its correctness or otherwise which has not been done by the respondent. In the absence of check meter it is not possible to comment on meter's performance. However, such comment is not required as the meter has been declared IDF. Such being the case and due to recorded consumption by IDF meter not being reliable, it would therefore be reasonable and logical if the bills issued on the basis of readings of the meter installed on 19.04.2018 till its replacement are revised on the basis of average monthly consumption recorded by the new meter (no. 800002439) installed vide sealing certificate dated 23.01.2019 without levy of LPS on appropriate tariff. It is ordered accordingly. Forum order is set aside. Petition is allowed. Respondent are directed to issue revised bill as per this order, within 7 days from the date of this order. Supply be restored immediately after the amount of such revised bill is deposited.

Dated: 30.04.2019

(Vibha Puri Das)
Ombudsman