

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Walnut Restaurant  
Arya Tower, Patel Nagar  
Dehradun, Uttarakhand

Vs

Executive Engineer,  
Electricity Distribution Division (South),  
Uttarakhand Power Corporation Ltd.  
18, EC Road, Dehradun, Uttarakhand

Representation No. 13/2019

### **Order**

Date: - 12.04.2019

The petitioner, Mrs. Anita Negi, Proprietor M/s Walnut Restaurant, Arya Tower, Patel Nagar, Dehradun have filed this representation being aggrieved with the order dated 11.02.2019 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum).

2. Petitioner has asserted that their meter in connection no. SD65216157844 was burnt on 31.08.2017 and while they filed an online complaint immediately (acknowledgement no. 23108173319) but due to lack of availability of meter with department, meter was not replaced within the time limit prescribed. Petitioner met the SDO and also Executive Engineer who assured them that their problem will be resolved but did nothing and in fact imposed inappropriate late fee. Petitioner has argued that Forum have only provided them compensation of Rs. 6850.00 for 137 days of delay in installing the meter, @ Rs. 50.00 per day. However this is not the solution for the imposed late fee and for the fact that summer season consumption has been charged from them for the winter season when their consumption was and should have been recorded as much lower than the winter consumption. Accordingly petitioner has requested necessary relief.
3. Forum in their order dated 11.02.2019 have concurred with the assertion of the petitioner that it is indeed unfair that petitioner is charged the summer rates for their

winter consumption and the IDF charges have been levied for 137 days in excess of the 3 days allowed under the UERC (Standard of Performance) Regulations, 2007 schedule III para 9 (4). Forum have further observed that petitioner's meter no. G355351 again got burnt in June 2018 and then the bills for the months June to September were charged on the average consumption of March, April and May which came to  $1548+2035+3805 = 7388 / 3 = 2462$  units per month. Forum have further observed that the maximum demand in the bills of the petitioner has been shown as exceeding 10 KW which Forum have observed is the reason for petitioner's meter getting burnt repeatedly (The consumer history submitted for the period 09/2015 to 03/2019 does not substantiate the maximum demand being higher than 10 KW at any point in this period). Forum however confined themselves to allowing compensation @ Rs. 50.00 per day for a period of 137 days as the meter was replaced in 140 days, for the meter burnt on 31.08.2017.

4. In their written statement respondent UPCL have agreed that petitioner's meter was burnt on 31.08.2017 and was replaced on 19.01.2018. For this reason the bills for the period September 2017 to January 2018 were IDF bills on the basis of average consumption for the months of June, July and August 2017. In substantiation of this respondent have also filed the billing history. Respondent have further stated that this calculation has been upheld by the Forum in their order dated 11.02.2019 but they have only granted compensation of Rs. 6850.00 in their order, which order has been complied with in the bill of 01.03.2019 in substantiation of which a copy of the billing ledger has been submitted. Respondent have therefore concluded that petitioner be directed to pay Rs. 1,01,712.00 in full.
5. Petitioner in their rejoinder apart from reiterating the point that their meter was replaced after considerable delay because of which they should not be charged any late fee, have also repeated the point that their summer consumption being high has been used to assess the consumption in the winter months since the meter has been declared IDF and this makes for a much higher billing than they would have been entitled to, had the meter worked alright. In addition, petitioner also alleges that the billing is not appropriate since other charges are being added to their bills which are not added in bills of other consumers in the vicinity. They have therefore held the other charges of approximately Rs. 52,076.00 as inappropriate.

6. Both parties were heard and respondent directed to submit details of other charges of Rs. 5031.00 shown in the bill for the period 12.02.2019 to 13.03.2019. Respondent have submitted their reply vide their letter no. 6871 dated 28.03.2019 in which they have explained that petitioner has been charged LPS since they are not making full payment of their bill and LPS are chargeable as per UERC Regulations. As far as charges of Rs. 5031 are concerned respondent have explained that this is the cost of 2 burnt meters replaced in January 2018 and September 2018 @ Rs. 2660.00 and Rs. 1909.00 respectively inclusive of LPS.
7. A perusal of the record available on file reveals that while respondent have been negligent in not replacing the burnt meter in accordance with Regulations, there can be no faulting of the billing for the period 09/2017 to 01/2018. Petitioner's claim that the consumption is low in winter as compared to summer and she is put to loss because of being charged average bills for the summer months in winter, cannot be allowed since the billing is consistent with the Regulations for IDF billing and the Forum have correctly upheld the bills raised by the respondent. Petitioner has not raised the issue of the meter being burnt again in June 2018, which was replaced only in September 2018. However a perusal of the record indicates that the meter was burnt in June 2018 whereas the consumer history does not support the point raised by the Forum in their order that the maximum demand exceeded sanctioned load of 10 KW. As such petitioner is not liable to pay for the cost of meter replaced in January 2018 or in September 2018, in fact she will be entitled to compensation for the delay beyond 3 days in the replacement of meter in September 18 in addition to the compensation for meter burnt in August 2017 as allowed by the Forum. Since the dates of burning of the meter and replacement are not known, the calculation of the days for which compensation is admissible may be ascertained by the respondent from the record and allow compensation @ Rs. 50.00 per day, for the number of days by which replacement period exceeds 3 days, in the next bill raised. It is clarified respondent are not entitled to recover cost of meter charged shown as Rs. 5031.00 in the bill of March 2019, quoted above. Forum order is upheld with above modification. Petition is partly allowed.

Dated: 12.04.2019

(Vibha Puri Das)  
Ombudsman