

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Harichand
S/o Shri Nanak
Village Peerpura, P.O. Manglaur
Tehsil Roorkee, Distt. Haridwar
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.
Civil Lines, Roorkee,
Distt. Dehradun, Uttarakhand

Representation No. 27/2019

Order

Dated: 26.07.2019

The petitioner, Shri Harichand S/o Shri Nanak Village Peerpura, Distt. Haridwar, being aggrieved with order dated 25.04.2019 of Consumer Grievance Redressal Forum., Haridwar zone (hereinafter referred to as Forum) in his complaint no. 18/2019 against respondent, Executive Engineer, Electricity Distribution Division (Rural), Roorkee has filed this representation before the Ombudsman with the request that corrected bill based on metered consumption without levy of LPS be given to him.

2. The petitioner in his representation dated 22.05.2019 has submitted that he has a 1 KW domestic connection no. 602/1510/150105 under BPL (Kutir Jyoti Yojana) since 2007. Meter no. 666241 was installed at his house. A bill dated 06.12.2017 amounting to Rs. 67,322.00 was received by him which was not based on meter reading of the meter installed at his house. Correction of this bill is therefore necessary in the interest of justice. Further, he has requested that corrected bill should be given without levy of LPS. In support of his claim that the connection was given under BPL category he has mentioned a receipt no. 25/UA040505. It is also stated by him that he had made a complaint to the Forum for correction of his bill but the Forum did not

give him justice and disallowed his complaint, hence the present appeal is preferred before the Ombudsman.

3. The Forum after considering the submissions made by the complainant in his appeal and the opposite party's reply thereto have passed order dated 25.04.2019. The Forum have observed that a perusal of the records revealed that the connection was released to the complainant on 09.09.2006 and no payment of bills since release of connection was ever made by him. Therefore the connection was disconnected on nonpayment as per rules; followed by permanent disconnection. A bill amounting to Rs. 63,507.00 was issued as a final bill after permanent disconnection and finalization of accounts. The Forum in view of their observations was of the view that the complaint is not liable to be accepted or allowed and has dismissed the same.
4. The respondent Executive Engineer has submitted point wise reply to the appeal in his written statement dated 10.06.2019. It is submitted by the respondent that the petitioner has not made payment of any bill since beginning and therefore as per departmental rules the connection was permanently disconnected. After finalization of accounts a final bill amounting to Rs. 63,507.00 was sent to the petitioner. Copy of office order dated 23.03.2019 vide which PD has been finalized has also been submitted as an evidence. Further he has stated that the Forum in their order dated 25.04.2019 has upheld the bill Rs. 63,507.00 and has directed the petitioner to make payment of the same. The respondent has requested that as the permanent disconnection and final account has been prepared as per rules and Rs. 63,507.00 is finally payable by the petitioner which has also been upheld by the Forum. As such the Ombudsman may kindly like to dismiss the petition in view of the facts of the case.
5. In his rejoinder dated 17.06.2019 the petitioner has stated that the billing has not been done on the tariff applicable to the BPL category of consumers and therefore the amount of Rs. 63,507.00 claimed as the final bill after finalization of PD is not payable by him and needs to be corrected on the tariff applicable to the BPL category and such corrected bill be given to him without levy of LPS, which is necessary in the interest of justice.

6. The respondent Executive Engineer vide his letter no. 1972 dated 04.07.2019 has further informed that since the monthly consumption of the petitioner is more than 30 units per month as admissible to BPL category of consumers as per appropriate tariff orders he is not entitled to be billed under BPL category tariff and has therefore been billed at the tariff rates applicable to general category domestic consumers and as such his request for revision of his bill under BPL category tariff is not admissible. In support of his averment he has enclosed a copy of billing history to show that the monthly consumption is more than 30 units per month.
7. The documents available on file have been perused carefully. Arguments from both the parties have been heard. A perusal of the records including billing history and PD OM clearly shows that no payment has been made by the petitioner since the date of release of connection resulting into mounting outstanding dues. The billing history submitted by the respondent also confirms that his consumption has been more than 30 units per month. The respondent have disconnected the connection temporarily on 15.03.2017 on nonpayment of dues by the petitioner and in doing so they are well within their rights as per section 56 (1) of Electricity Act, 2003 as well as sub regulation 4.1 (1) of UERC (The Electricity Supply Code) Regulations, 2007 which provides for disconnection of a consumer who neglects to pay the electricity dues. Even after temporary disconnection the petitioner did not turn up to pay the outstanding dues and get his supply restored. So ultimately the connection was permanently disconnected on 26.03.2019 when service line and meter were removed and the accounts were finalized vide OM no. 1087 dated 23.03.2019 according to which after waiver of fictitious dues accumulated after temporary disconnection amounting to Rs. 15,850.00 and adjustment of security Rs. 383.00 the net payable amount has been worked out as Rs. 63,507.00 and the same amount is also reflected in the billing history.
8. In view of above mentioned facts of the case, the petitioner's request for revision of his bill on BPL category tariff and waiver of LPS is not admissible as having consumed energy more than 30 units per month, do not qualify him to be billed at the tariff applicable to BPL category consumers. This limitation of monthly consumption of 30 units per month has been applicable under all the tariff orders till the tariff for the year 2017-18. Further since the petitioner has continuously defaulted by not

paying any bill since release of connection, respondent's action for temporary disconnection on 15.03.2017 followed by permanent disconnection on 26.03.2019 is consistent with relevant statutory provision i.e. section 56 (1) of Electricity Act, 2003 and sub regulation 4.1(1) of UERC (The Electricity Supply Code) Regulations, 2007, as mentioned in above para. The final amount of Rs. 63,507.00 after PD finalization is payable by the petitioner. The Forum has also held the said amount payable by the petitioner and have accordingly directed the petitioner to pay the aforesaid amount and have accordingly dismissed the complaint. Such being the case there is no justified ground to interfere with Forum's order and to allow any relief as requested for by the petitioner. The Forum order is therefore upheld. The petition is dismissed without costs.

Dated: 26.07.2019

(Subhash Kumar)
Ombudsman