

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri P. K. Sharma
H -3, Harilok Colony,
Near Sabji Mandi, Saray Road,
Jwalapur, Haridwar, Uttarakhand

Vs

Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Foundry Gate, BHEL, 33/11 KV Substation no. 2,
Jwalapur, Haridwar, Uttarakhand

Representation No. 18/2019

Order

Date: - 17.06.2019

The petitioner, Shri P. K. Sharma aggrieved with the order dated 23.03.2019 of the Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) in complaint no. 11/2019, has filed this appeal for modification in the bills for the period 08.07.2018 to 06.11.2018 on the ground that such excessive bills have never been generated on his connection which has always remained in the region of 1000 units per billing cycle.

2. Petitioner's case in brief is that while he was not given an adequate opportunity for hearing before the Forum since after his appearance on 14.02.2019 he was informed that he need not appear on the next date fixed for opposite party's statement but he was never informed about subsequent hearings scheduled on 06.03.2019 and 13.03.2019 and therefore he was unable to present his case before the Forum. Regarding his billing he complained on 16.10.2018 regarding excess billing and a check meter was installed on his meter on that date. The check meter was finalized on 07.01.2019 which showed a variation of 7% between the two meters. Representatives of opposite party took away his old meter without informing him the reason for the same and was saying that the meter will be checked deposited in the office. Petitioner has therefore requested that either he should be charged @ average consumption for

previous 12 months i.e. from 12.09.2017 to 07.09.2018 which comes to 662.33 units for the period 08.07.2018 to 06.11.2018; or as per the check meter report for the period 16.10.2018 to 07.01.2019 consumption of 776 units over 84 days which means a daily consumption of 9.238 units may be multiplied by 60 days i.e. 2 months i.e. 555 units per bill instead of the 2 bills of Rs. 26,604.00 and Rs. 13,082.80. Accordingly his bills may be modified as per one of the above 2 alternatives.

3. Forum in their order dated 23.03.2019, have explained that on the basis of the check meter report of 07.01.2019 opposite party have already given an adjustment of Rs. 2,849.00 against the bill already generated. Forum have observed that the grievance of the petitioner stands addressed by the action of the opposite party and therefore they have ordered that since the complaint has been partly accepted by the opposite party, the matter may be considered disposed off accordingly.
4. Respondent UPCL in their written statement, have given details of the meter reading of the old meter on 16.10.2018 which was 53128 whereas the check meter was installed at a 0 reading. At the time of finalization 07.01.2019 the meter reading of the old meter was 53935 whereas the check meter gave a reading of 753. Accordingly a discrepancy of 7% was noted and adjustment @ 7% was allowed to the petitioner whereas, the old meter was removed and the check meter was allowed to remain as the main meter. Respondent have further averred that petitioner's claim that his bill has never been more than 1000 units is incorrect because on examination of consumer billing history it has been noted that in the period 17.01.2009 to 20.03.2009 his consumption was 6031 units and for the period ending 11/2009 his consumption was 5103 units.
5. Petitioner, in his rejoinder dated 23.05.2019, has reiterated his averments in his petition further he has submitted that the check meter fee was deposited by him on 04.10.2018 and not on 04.08.2018 as reported by the respondent. He has also confirmed that the readings of the check meter and the old meter at the time of installation were 0 and 53128 respectively. At the time of finalization of check meter on 07.01.2019 the old meter recorded 807 units while the check meter recorded 753 units and as such the existing meter was found fast by 7%. He has also submitted that he had to get the check meter installed as his consumption during the period

08.07.2018 to 07.09.2018 as recorded by his meter was excessive as compared to his consumption in other months. His existing meter was installed on 19.05.2007, this meter could have been running fast @ 7% or even more since its installation. He has therefore requested that adjustment for his all bills from 19.05.2007 to 07.07.2018 be ordered to be given @ 7% along with interest @ 2% per month on the amount paid in excess. Regarding his previous history of consumption, petitioner has averred that since at various times in the past he had tenants in his house, the consumption shown in the bill may have been higher but from October 2010 he has been living in this house and his consumption has never been more than 1000 units per billing cycle. Accordingly he has requested that he may be allowed adjustment @ 7% from the time this meter was installed i.e. 19.05.2007 till 07.07.2018 while also giving him 2% interest per month on the excess amount paid by him as charges in this period.

6. Both parties have been heard. Respondent were directed to get MRI report of the old meter for the period 08.07.2018 to 06.11.2018 as well as photo of the reading being displayed on the meter as to confirm the readings on which the bills were issued. The Executive Engineer while reporting over the telephone, that it was not possible to download the MRI due to non availability of software of this make of meter, has submitted photos of the meter showing readings as 50879 and 53361 on 07.09.2018 and 06.11.2018 respectively. A perusal of the bill for the period 07.09.2018 to 06.11.2018 confirms that billing has followed these readings. While petitioner may be aggrieved that his billing for these 4 months (08.07.2018 to 06.11.2018) is excessive, any action for amendment in the bills has to follow laid down process and has to be as per regulations. Sub Regulation 3.1.3 (5) of UERC (The Electricity Supply Code) Regulations, 2007 for fast meter lays down the method of amendment in the bill

“(5) When the meter is found to be fast beyond limits specified in Rule 57 (1) of the Indian Electricity Rules, 1956, the Licensee/consumer, as the case may be, shall replace/rectify the defective meter within 15 days of testing. The Licensee shall adjust/refund the excess amount collected on account of the said defect, based on percentage error, for a maximum period of 6 months or less depending on period of installation of meter prior to the date of consumer’s complaint and up to the date on which defective meter is replaced/rectified.”

7. While petitioner may feel that his billing should be rectified for a longer period and through comparison with his earlier consumption pattern, however rectification of bills will have to be in accordance with regulations. It is observed that respondent have immediately after finalization of the check meter allowed adjustment of Rs. 2,849.00 which constitutes payment @ 7% for six months prior to the date of finalization of the check meter. Forum in their order have concurred with the action taken by the respondent. No documentary evidence showing any abnormal behavior of the existing meter in recording energy consumption, justifying his request for modification of his bills since date of installation of his existing meter has however been adduced by the petitioner, so his request cannot be acceded to. The only basis for correction for the bill is the check meter report, which has already been complied with, by the respondent as per provisions of the aforesaid regulation. Hence no further modification in his bills is admissible. There is no justification or cause to interfere with the order of the Forum which is upheld. Petition is dismissed.

Dated: 17.06.2019

(Vibha Puri Das)
Ombudsman