

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Iqbal Baksh
S/o Late Shri Imam Baksh,
House no. 573 H 2,
Garhi Cantt, Tapkeshwar Colony,
Lane no. 5, Dehradun, Uttarakhand

Vs

Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Pithoragarh, Uttarakhand

Representation No. 16/2019

Order

Date: - 19.06.2019

The petitioner, Shri Iqbal Baksh representing his brother Shri Ahsan Baksh is aggrieved by the order dated 27.02.2019 of the Consumer Grievance Redressal Forum, Udham Singh Nagar zone (hereinafter referred to as Forum) in which Forum have dismissed his complaint on the ground that they do not have the authority to review their own earlier order and in case petitioner is aggrieved by the order dated 09.06.2017 of the Forum, he can approach the Lokpal Vidyut (Ombudsman), 80, Vasant Vihar, Dehradun.

2. The case in brief is that petitioner received a bill for 4 months for the period 16.02.2016 (the correct date is 14.02.2016) to 07.06.2016 whereas his billing cycle was always for 2 months. He has also mentioned a bill for the period 14.02.2016 to 07.04.2016 for Rs. 385.08 and a subsequent bill of Rs. 531.00 in which petitioner claims that the department has conceded a clerical error in issuing the bill. He is also aggrieved that after these 2 bills of Rs. 385.00 and Rs. 531.00 he received a bill for the period 14.02.2016 to 07.06.2016 for Rs. 10,254.00 supposedly generated by the computer. Petitioner is shocked that while he had always been getting bill in the range of 400-500, how is it possible that he has got a bill of Rs. 10,254.00 for 4 month period. As far as changing the meter is concerned petitioner feels that when he has not

asked for changing the meter and no signature of an authorized signatory had been taken on the sealing certificate, only the uneducated Bengali tenant who was residing in the building who has signed, he is aggrieved that his meter was changed without his written request and without his meter being reported defective. He has also referred an order of the Forum of 2011 (no details of the order of 2011 have been given, in which Forum are supposed to have given him justice while following section 56 (1) of the Electricity Act, 2003). Petitioner is also aggrieved that respondent have not co operated with him even after Forum order dated 09.06.2017 in petitioner's complaint no. 04/2017-18 and issued a bill for Rs. 66,500.00 which is completely unjustified. After the bill of Rs. 10,254.00 respondent have directly issued bill of Rs. 66,500.00 for which there is no basis He has also regretted that despite being a State Andolankari, he has not been given justice and it is to save his honour that he has deposited the Rs. 66,500.00. Apart from many miscellaneous requests for justice as a member of a minority community he has finally requested that permanently disconnected connection no. PT21822028117 be restored, justified bill be adjusted against the money already deposited and the rest refunded to him.

3. Forum, in their order dated 27.02.2019, have observed that petitioner has requested rectification of his bill because the bill amount has been mounting since the connection was disconnected only in February 2018 whereas it should have been disconnected earlier. However, they have concluded that at the time of final disconnection on 22.08.2018, final bill of Rs. 66,500.00 has been issued regarding which petitioner has not raised any dispute and therefore Forum have not dwelt on this subject. In the course of examination petitioner has also referred an earlier order of the Forum dated 09.06.2017 in which case the same facts and complaint had been raised and since Forum do not have the authority to review their own order, they decided that if petitioner is aggrieved by the said order of the Forum, he should approach the Lokpal Vidyut (Ombudsman), 80, Vasant Vihar, Dehradun. Accordingly Forum dismissed the complaint.
4. Respondent in their written statement dated 03.06.2019 have dispute the claims made in the petition and termed it wrong. They have agreed that the bills of NA of Rs. 385.00 and RDF of Rs. 531.00 were revised since the meter had been changed on 28.02.2016 and a bill of Rs. 10,254.00 had been issued on the basis of reading. Old

mechanical meters were being changed as a matter of policy and being replaced by electronic meters and it is in this context that petitioner's meter was changed. Respondent have also disputed that there has been a violation of any rules in not disconnecting his connection earlier. They have also disputed petitioner's allegation that bill of Rs. 66,500.00 was sent directly after bill of Rs. 10,254.00. Bills were being regularly sent to the petitioner and he was consistently utilizing electricity without making any payment. Further they have explained the reason for the two bills of Rs. 385.00 and Rs. 531.00 which were then subsumed in the bill of Rs. 10,254.00, while the bill for Rs. 385.00 was an NA bill for the period 14.02.2016 to 07.04.2016, the bill for Rs. 531.00 was for a period 07.04.2016 to 07.06.2016 and this was RDF since meter change was not advised along with input data wherein previous reading was **represented** that of old meter and present reading that of new meter. Thereafter bills for metered reading were being issued regularly but the petitioner continued to use the electricity but did not pay the bill. Hence the connection was disconnected on 01.02.2018 and thereafter PD was made on 26.09.2018. A recovery certificate was also issued and this amount was paid by the petitioner.

5. In his rejoinder petitioner has apart from many points like importance of hindi, methodology of verification of signatures and continued pendency of arrears against large consumers while small consumers are pressurized via revenue authorities, on the specific issue sealing certificate he has questioned signatures of contractor representative and consumer representative also the fact that no signatures of JMT JET, SDO are appended. No other points that are pertinent to the representation pending before Ombudsman have been raised.
6. Both parties have been heard and record available has been perused. The petitioner had filed a complaint in the Forum which was registered as complaint no. 04/2017-18. The Forum decided the case vide order dated 09.06.2017 directing the opposite party OP to issue the corrected bill to the consumer. Not being satisfied with the Forum order he again filed a complaint (complaint no. 229/2018-19) in the Forum with the request that the Forum may review its order dated 09.06.2017 as he was not satisfied with the said order and his grievance could not be redressed. The Forum after hearing both the parties and examining the complaint and the documents placed before it dismissed the complaint vide their order dated 27.02.2019 as in their view they were

not authorized to review their own earlier order. Being aggrieved with Forum's order dated 27.02.2019 petitioner preferred an appeal (16/2019) before the Ombudsman with the prayer that the excess amount paid by him after adjusting the amount of the corrected bill be refunded and his connection be restored.

7. A perusal of the records on file revealed that an NA bill amounting to Rs. 335.00 was issued for the period 14.02.2016 to 07.04.2016. Subsequently a bill on RDF basis for Rs. 531.00 was issued for the period 07.04.2016 to 07.06.2016. After the change of meter was advised to the system by the respondent, a corrected bill for the period 14.02.2016 to 07.06.2016 (4 months) amounting to Rs. 10,254.00 was issued to the petitioner. While the respondent have claimed that the bill amounting to Rs. 10,254.00 for the period 14.02.2016 to 07.06.2016 based on balance units recorded by the old meter up to 28.02.2016, the date of replacement of meter and the units recorded by the new meter from 28.02.2016 to 07.06.2016 is a corrected bill for entire period of 14.02.2016 to 07.06.2016 wherein the earlier NA/NR bill have been deleted. But the petitioner still questions why a 4 months bill has been issued to him while there is a provision of bi monthly billing. Also why his connection was not disconnected for nonpayment of this bill of Rs. 10,254.00 so that dues could not have mounted further. The respondent have submitted that although connection of a consumer can be disconnected for nonpayment of any bill but petitioner has also continued to use electricity without making any payment against the bills regularly issued to him based on metered consumption. They have further submitted that the connection was temporarily disconnected on 01.02.2018 and permanent disconnection was done on 26.09.2018. After finalization of the accounts RC amounting to Rs. 66,500.00 was issued which had duly been paid by the petitioner. Hence there is no grievance remaining unaddressed and have requested that the petition be dismissed.
8. The petitioner filed complaint no. 229/2018-19 before the Forum with the request that the Forum may review their order dated 09.06.2017 issued in his earlier complaint no. 04/2017-18 as he was not satisfied with the said order. The Forum vide their order dated 27.02.2019 have dismissed the complaint no. 229/2018-19 on the ground that they are not empowered to review their own order. Petitioner's complaint no. 04/20107 vide their order dated 09.06.2017. Forum order dated 27.02.2019 is consistent with the relevant regulations Ombudsman can review order of Forum but

petitioner has represented against Forum order dated 27.02.2019 which as stated above is consistent with regulations and cannot be interfered with. The earlier order of the Forum dated 09.06.2017 is already final and there is no representation against the same. Forum order dated 27.02.2019 is upheld. As far as petitioner's request for restoration of his connection which has been permanently disconnected on 26.09.2018, there is no provision for restoration of a permanently disconnected connection and hence the request cannot be acceded to. The petition is dismissed.

Dated: 19.06.2019

(Vibha Puri Das)
Ombudsman