

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri D. P. Dangwal
Village Tyadi, P.O. Laludikhal
Distt. Tehri Garhwal, Uttarakhand.

Vs

Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Srinagar, Distt. Pauri Garhwal, Uttarakhand

Representation No. 04/2019

Order

Date: - 05.03.2019

The petitioner, Shri D. P. Dangwal being not fully satisfied with the order dated 12.12.2008 of the Consumer Grievance Redressal Forum, Srinagar zone (hereinafter referred to as Forum) in complaint no. 108/2018 has approached the Ombudsman.

2. Petitioner's case in brief is that while he had filed a complaint to the customer care center of UPCL on 09.11.2017 of his meter having been burnt, and as per UERC Regulations, the meter should have been replaced in 3 days i.e. 12.11.2017, but the meter was actually replaced on 10.03.2018 and the Forum holding that the meter was replaced on 05.02.2018 is incorrect. Accordingly petitioner has requested that as per UERC Regulations and the timelines indicated in the Citizens Charter, a penalty of Rs. 4400.00 for a delay of 88 days @ Rs. 50.00 per day should be imposed on the defaulting employees. He has also indicated that apart from harassing him since 8-9 months, the billing at present is also on the basis of NA which will lead to further harassment of the consumer. He has therefore requested appropriate action in the matter.
3. Forum in their order dated 12.12.2018, have found the respondent argument that the meter was burnt because of excessive demand by the petitioner unacceptable and against facts because they have gone through the consumption pattern from 09.10.2016 to 11.08.2018 and found that his consumption has never exceeded 89

units in any billing cycle and have accordingly found the charging of cost of meter to the consumer as unreasonable. Forum have observed that petitioner is entitled to compensation for delay of 65 days in replacing his meter. Accordingly they have ordered the adjustment of meter charges of Rs. 950.00 and imposed a compensation of Rs. 3250.00 on the basis of Rs. 50.00 per day for 65 days considering that the meter was replaced on 05.02.2018.

4. Respondent in their written statement have indicated that the meter was changed on 05.02.2018 which is recorded in the online computer system and has been approved by AE (Meter) on 06.02.2018. They have enclosed a copy of consumer history to substantiate their statement. (however a perusal of consumer history indicates meter change in the month of 10/2018). They have also stated that the compensation awarded by the Ld. Forum will be recovered from the erring officials and adjusted in the bill of the consumer.
5. Petitioner in his rejoinder has taken exception to the fact that the written statement has been filed without an affidavit and also without being notarized. He has therefore requested that respondent may state their arguments on oath and duly authenticate the same especially since petitioner has stated on oath that the new meter was installed on 10.03.2018 and any statement controverting should also be on oath. He has further requested that the respondent be asked to give the copy of sealing certificate and MRI which will indicate clearly on what date the meter was actually installed. He has further stated that order of the Hon'ble Forum with respect to adjustment of charges for new meter is correct and while upholding the same the days for which compensation is admissible may be enhanced since the meter was only installed on 10.03.2018.
6. Both parties were present for arguments and were heard while petitioner submitted copy of MRI which he obtained through RTI which indicates zero cumulative energy on 01.01.2018 and no mention about cumulative energy on 01.02.2018 and 01.03.2018 it reveals recording of cumulative energy on 01.04.2018 and onwards till 01.07.2018. Also the first recording of MD (maximum demand) was on 18.03.2018. This report suggest that the new meter was installed sometime in the month of March 2018 not later than 18.03.2018 and not before 01.03.2018. Respondent have

submitted a copy of sealing certificate claiming that it shows the date of installation of meter as 05.02.2018 and quoting the reason for change of meter as the meter having been burnt. The said sealing certificate however states the number of date of order vide which the replacement of meter was ordered and states as below “...cnyus@pSd djus ds vkns”k i= la;k lanHkZ D57796 fnukad 05@02@2018” and not the date of installation of the meter. It also does not carry any acknowledgment by the consumer. Having perused the record available on file and specially the consumer history suggest that meter change has been recorded in October 2018 even though on a subsequent page meter change details recorded separately indicates 05.02.2018 as the date of changing of meter which has been approved on 06.02.2018. Further, petitioner filed his complaint before the Forum on 08.03.2018 which was received in the office of the Forum on 09.03.2018. In this complaint petitioner has claimed that his burnt meter has still not been replaced and has requested his grievance to be redressed. Petitioner is still aggrieved that his billing continues to be on NA basis and he will be subjected to further harassment. From the above evidence adduced by both parties and the MRI report obtained by the petitioner through RTI, suggests that the meter could not have been installed before 01.03.2018 and not later than 18.03.2018. Since conflicting reports are present in the consumer history and billing as per new meter has not commenced even as late as October 2018 and the sealing certificate submitted by the respondent does not carry a date of installation, petitioner’s claim that meter was installed on 10.03.2018 seems justified. Further, petitioner has also argued that Forum have erred in granting him compensation on the basis of defective meter whereas his case is of a burnt meter in which case Licensee is entitled to only 3 days for replacement of burnt meter and not 15 days as has been allowed by the Forum (which is applicable in case of defective meter). In the event, the argument placed by the petitioner seems borne out by the sequence of events as narrated above and in accordance with UERC (Standard of Performance) Regulations, 2007. Accordingly, the petition is allowed. Forum order is upheld with the modification that instead of compensation for 65 days as awarded by the Forum, compensation will be admissible from 3 days after the date that meter was reported burnt i.e. 09.11.2017 to the date before the meter was installed i.e. 10.03.2018 as per provisions of UERC (Standard of Performance) Regulations, 2007.

Dated: 05.03.2019

Ombudsman