

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Hajara Singh
S/o Shri Milawa Singh
Village Itabba, P.O. Jogipura, Bazpur,
Distt. Udham Singh Nagar Uttarakhand.

Vs

Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Ramnagar, Distt. Nainital, Uttarakhand

Representation No. 08/2019

Order

Date: - 27.03.2019

The petitioner, Shri Hajara Singh resident of Village Ittaba, Tehsil Bazpur, aggrieved with the order dated 28.12.2018 of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) wherein his complaint has been partially accepted and he has been granted the benefit of payment in 12 installments without surcharge, has requested that his bill for the last 3 years be reassessed through a new meter. Petitioner claims that his aata chakki is the same, no machinery has been added to it nor reduced and since his bills had always been in the range of Rs. 2500-3500, he is unable to comprehend how a bill of Rs. 1,00,763.00 has been generated on his connection. When he complained about excessive billing he was asked to get a check meter installed to ascertain the veracity of the meter. He paid Rs. 350.00 towards check meter charges. The sealing certificate dated 26.07.2018 reveals what has been mentioned by the petitioner that since the meter reading was disturbed the check meter could not be connected to the old meter. The petitioner has accordingly requested that his bills for the last 3 years may be seen and compared to a new meter which may be installed according to which the billing may be done. He has again reiterated that his aata chakki is the same and without any addition of machinery it cannot suddenly record increased consumption, as shown. He has also claimed that

the department's claim that the meter is working correctly is wrong as is shown by the MRI of the months July and August 2018.

2. Forum in their order dated 28.12.2018, have observed that the bills issued to the petitioner have not been issued as per actual reading and now he has been served correct bills as per MRI report. Forum also concluded that in response to complainant's apprehension that meter was faulty, since his aata chakki had a motor of 10 HP, they asked for an MRI report against the current established meter. In the disputed period i.e. May 2017 to April 2018, maximum demand of the complainant was found in excess of 11 KW. Accordingly, Forum found no merit in complainant's arguments that his aata chakki was of low wattage. However, observing that a bill of Rs. 90157.00 had been served on complainant in one go, Forum directed that recovery of this amount may be in 12 monthly installments, without any LPS and its only in future billing that opposite party will be entitled to charge LPS. Accordingly, Forum partly allowed the complaint and also directed opposite party to submit a compliance report by 28.01.2019 that they are recovering Rs. 90,157.00 without any surcharge in 12 monthly installments.
3. Respondent in their written statement dated 14.02.2019 have faulted consumer Shri Hajara Singh for never having given a complaint regarding malfunction of his meter and it is only when a discrepancy was noted in the bill of April 2018 it was found lower than the bill of March 2018, an MRI was obtained and it was found that the electricity bills have recorded lower reading than the actual reading in the meter as per MRI. Further, the maximum demand in this connection was also found to be higher than the sanctioned load. Accordingly the bill for April 2018 was modified according to the MRI report and an assessment of Rs. 90,157.00 was made out and clubbing with bill for May 2018 served on the petitioner. Subsequently, petitioner requested for a check meter to be installed but because the display was faulty, check meter could not be established. Respondent have also faulted petitioner for not keeping track of the variation in the meter reading and for not monitoring whether the bills were commensurate with the reading in the meter. Further, respondent have maintained that since the meter was functioning correctly till June 2018, and the reading was being taken as per MRI, there was no occasion to make out an IDF bill

for him. In the same para of written statement respondent have averred that meter was recording till 08/2018, which is also corroborated by MRI readings for these months up to August 2018, as appearing in the billing data. Further, as per current energy and demand statement, dated 01.11.2018, the MRI reading was 31889.93 KWh. It is clear therefore, that MRI reading of the existing meter no. 323714, was available till 01.11.2018. Respondent have also disputed petitioner's statement that display of the meter has been washed in May 2017. If the meter display was not working, petitioner would have filed a complaint which he has not done. After June 2018, since the display was found to be faulty, the check meter could not be installed in petitioner's premises, leading the respondent to file a report of the AE (Meter) dated 20.11.2018 from Lab in Ramnagar whereby the meter removed after finalization of check meter on 16.11.2018 was found to have its display washed and the main meter has been recorded as defective. Further, respondent have also stated that petitioner has been drawing electricity load in excess of the sanctioned load of 8 KW. Respondent have also claimed that petitioner has himself recorded the Rs. 90,157.00 recovery without surcharge in 12 installment as justified (which is misplaced as in petitioner's representation, he has merely been quoting what has been stated in the order of the Forum rather than his own statement) however, has not paid even a single installment. Accordingly respondent have found the petition without merit and requested for it to be dismissed.

4. Both parties have been heard and the record available in the file carefully examined. Respondent UPCL had been restrained from coercive action for realization of disputed amount and from disconnection of electricity till disposal of petition upon petitioner paying dues other than the disputed amount by 25.02.2019. It is seen that while petitioner requested for a check meter to be installed in July 2018, and deposited the check meter fees on 11.07.2018, the check meter was installed only on 01.11.2018 and finalized on 16.11.2018, since on 26.07.2018 when the meter tester had visited the site to install the check meter, the same could not be installed because the reading on existing meter was disturbed. The disputed amount of Rs. 90,157.00 assessed as per OM no 2199 dated 30.05.2018 is for the period May 2017 to April 2018. While Forum have observed that billing as per MRI is appropriate since the display of the meter is not functioning, the period for which the billing as per MRI is

to be conducted and therefore the period for which the bills will stand revised needs to be established logically and in accordance with principles of natural justice. The assessed amount of Rs. 90,157.00 has been added to the bill for the month of May 2018. It is clear from a perusal of the OM that billing as per MRI has been revised from bill of May 2017 to April 2018 because the meter reader in the month of April 2018 posted a reading of 26183 whereas in the previous month the recorded reading was 17780. Accordingly consumption of 8403 units was found for this one month and therefore an MRI was got conducted which concluded that actual reading was much higher than the reading being posted. The reading of 17780 recorded by the meter reader up to March 2018 which is the last point of billing by manual reading and the reading of 26183 in April 2018, are not consistent with the MRI reading of 31258 of April 2018, as per aforesaid OM dated 30.05.2018. Total accumulated units which have escaped billing are therefore 31258 (as per MRI) – 17780 (recorded by meter reader) = 13478 rather than 8403. This may be cross checked by the respondent. Forum have correctly held the billing as per MRI as valid. However, the period for which revision of billing may be allowed cannot be merely from April 2018 to May 2017 (for which there is no cogent ground), but be carried back to the date from which revision is logical. If unbilled units as per MRI have to be charged to the consumer as is only appropriate, the revision should follow the period during which such units may have actually been consumed i.e. April 2018 to April-May 2012 (when the meter may have been installed as suggested by the billing data). However, respondent may cross check the exact date of the installation of the meter. Accordingly, Forum order to the extent that billing as per MRI to recover the cost of units escaped billing, is upheld. Their order permitting complainant to pay the assessed amount in 12 installments without LPS is beyond jurisdiction. This However, bill revision based on MRI reading of April 2018 till the actual date of installation of meter be done on monthly average consumption basis on appropriate tariff without levy of LPS and after adjustment of payments, if any, made by the petitioner against the manual bills issued for the above period. Petition is partly allowed.

5. Since the petitioner deposited check meter fees on 11.07.2018 the check meter was finally installed on 01.11.2018 as per UERC (Standard of Performance) Regulations,

2007 petitioner is entitled to compensation @ Rs. 25.00 per day of delay beyond 30 days after depositing the fee. Respondent may ensure payment of such compensation as adjustment in the bill first issued immediately after this order.

6. Compliance of directions in para 4 & 5 above may be reported within 30 days of this order.

Dated: 27.03.2019

(Vibha Puri Das)
Ombudsman