

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Sanjay Kumar Dwivedi
Agarsen Colony, Gali No. 1,
House no. 2, Rudrapur,
Distt. Udham Singh Nagar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Rudrapur, Distt. Udham Singh Nagar,
Uttarakhand

Representation No. 35/2019

Order

Dated: 21.10.2019

Being aggrieved with the Consumer Grievance Redressal Forum, Udham Singh Nagar zone (hereinafter referred to as Forum) order dated 04.06.2019 in complaint no. 06/2019-20 before the said Forum against Uttarakhand Power Corporation Ltd. through Executive Engineer, Electricity Distribution Division, Rudrapur (hereinafter referred to as respondent), Shri Sanjay Kumar Dwivedi (hereinafter referred to as petitioner) has preferred this petition/representation dated 09.07.2019 on behalf of his wife Smt. Asha Dwivedi, a consumer of UPCL for connection no. 891A123113046 who has duly been authorized by the aforesaid consumer for filing this petition.

2. He has averred that the Forum did not clarify in its order dated 04.06.2019 that why the sealing certificate has yet not been given to the petitioner by the Executive Engineer, till date. The meter was replaced on 30.10.2017 (correct date as per sealing certificate is 02.11.2017). As per message dated 02.03.2019 received on mobile no. 9456384028 dues amounting to Rs. 37,800.00 has been claimed but the Forum did not give any comments on this. In the load survey report of the connection of the consumer Smt. Asha Dwivedi, load of connection no. 891A1231108143 belonging to him (Shri Sanjay Kumar Dwivedi) has also been included. The average monthly consumption as per billing history and as mentioned in Forum order has been shown

as 1042 unit while in fact it is 1013 unit per month (18234 / 18). The Forum have only ordered that the bill be revised on which LPS shall also be payable but have not indicated as to how payment of this heavy amount of the bill shall be made. The meter was replaced on being defective and an accumulated bill has been given for which the petitioner is not at fault. All bills from 30.10.2017 to 26.11.2018 have duly been paid but no mention about this has been made by the Forum in its order. The Forum also did not appreciate in their order that after replacement of meter why the bills as per metered consumption were not issued. The respondent have not complied with Forum order till date while it was to be complied with within 30 days from the date of order. The connection was wrongly disconnected on 28.06.2019 but restored the same day on objection raised by the petitioner. Hence this appeal has been preferred against Forum order.

3. The Forum in their order dated 04.06.2019 in complaint no. 06/2019-20, after perusal of documents and hearing both parties have observed that even after replacement of meter the bill from 18.07.2017 to 08.01.2019 have been issued on RDF/NR. The initial reading in the meter on 08.01.2019 has been recorded as 5612 and metered unit as 14844. Again an NR bill was issued on 31.03.2019. As RDF/NR bills were issued even after replacement of meter so bills on metered unit for this period have to be issued. The Forum have also observed that as per checking report the connected load at the premises was 23 nos. fans 2 fridge, 3 coolers, washing machine and other electrical appliances and in addition there are 16 tenants who are also using electricity from this connection. As per billing history 18234 units consumption has been recorded in the meter from 02.11.2017 (date of replacement of meter) till 20.04.2019. As such the average monthly consumption has been 1042 units. Having regard to the connected load and the contracted load of the consumer this average consumption cannot be considered as excessive but in spite of that for the reasons mentioned earlier the bills need to be revised. In view of their above observations and facts of the case the Forum have allowed the complaint and directed the opposite party to revise the RDF/NR bills from the date of replacement of meter till March 2019 on the average recorded consumption on appropriate tariff and also to give a copy of the sealing certificate to the complainant.

4. The respondent Executive Engineer has submitted his written statement vide his letter no. 4412 dated 08.08.2019 and a supplementary reply vide letter no. 4881 dated 05.09.2019. He has submitted that the meter was replaced on 02.11.2017. The sealing certificate carries signatures of the consumer/her representative and a copy of the sealing certificate was handed over to her or representative on the same date at site. He has denied petitioner's allegation that in the checking report load of another connection was included. The petitioner did not pay any bill after 03.02.2019. It is agreed that RDF bills were issued from 01.01.2018 to 01.01.2019 but the bills have now been revised and corrected so Forum's order have duly been complied with. The respondent have not given any comment on point no. 2, 6 and 12 of the petition. In his supplementary reply he has submitted a photocopy of the checking report, a copy of the meter as on 30.08.2019 and has further submitted that the meter is working correctly and reading as on 26.08.2019 was 20893 as per revised bill the total outstanding dues against the petitioner are Rs. 1,03,351.00 ending July 2019.
5. The petitioner through his letter dated 14.09.2019 have informed that as he has mentioned all the facts of his case in his appeal dated 28.06.2019 and 09.07.2019 so he has nothing to submit as a rejoinder and case be decided on the basis of his appeal. Accordingly the hearing was fixed for 14.10.2019. Shri Saurav Kumar Diwedi S/o the petitioner under written authorization dated 13.10.2019 from the petitioner appeared on behalf of the petitioner. The respondent was represented by Shri P. C. Shah. The authorized representative of the petitioner argued his case mainly on the basis that why RDF/NR bills were issued for a long time of about 16 months even after replacement of the defective meter which were duly paid by the petitioner and have now been burdened to pay a heavy amount after revision of the bill on metered consumption in compliance of Forum order and that too with levy of LPS. He has denied that the sealing certificate dated 02.11.2017 carry the signatures of any authorized representative of the consumer and it was not given to her till filing of this petition when he received a copy thereof through the Ombudsman. He has alleged that the sealing certificate is a fabricated document. The respondent's representative denied this allegation and have further submitted that the RDF and NR bills had duly been revised based on metered consumption The petitioner has also submitted the written arguments dated 07.10.2019 which have been received in this office by post on 15.10.2019, which has been taken on record and have also been perused.

6. The documents available on file have been perused, arguments from both parties have been heard. It is found that the defective meter of the petitioner was replaced on 02.11.2017 vide sealing certificate no. 18/42189. Billing continued on RDF/NR while the meter was replaced on 02.11.2017. This action of the respondent is inconsistent with the regulations and is an irregularity on their part. As per relevant regulation 3.1.2 (2) of UERC (The Electricity Supply Code) Regulations, 2007 as also tariff order provisions NR bills cannot be issued for more than 2 billing cycles at a stretch, after which the Licensee is not entitled to issue any bill on provisional basis. In the instant case the respondent continued to issue NR bills from 01.01.2018 to 01.01.2019 although the meter was replaced on 02.11.2017 and metered consumption was available, therefore the respondent are directed to delete NR bills issued for more than 2 billing cycles. Bills from 01.01.2019 be issued as per actual metered consumption recorded by the meter installed on 02.11.2017. A revised bill may accordingly be issued after adjustment of Rs. 13,897.00 deposited by the petitioner against NR bills and no LPS shall be leviable on the revised bill, to be issued in compliance to this order. Forum order is set aside. The petition is allowed.
7. Further, if the petitioner approaches the respondents for payment of this bill in installment, the same may be allowed as per standing departmental instructions on this subject.

Dated: 26.09.2019

(Subhash Kumar)
Ombudsman