

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Munish Kumar
Prop. L.T. Industries
Village Karanpur, Tehsil Jaspur,
Milap Nagar, Near Gurudwara,
Jaspur, Distt. Udham Singh Nagar, Uttarakhand

Vs

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

Representation No. 43/2019

Order

Dated: 23.10.2019

Shri Munish Kumar, Partner/Proprietor of M/s LT Industries, Village Karanpur, Tehsil Jaspur, Distt. Udham Singh Nagar, being aggrieved with the Consumer Grievance Redressal Forum, Udham Singh Nagar zone (hereinafter referred to as Forum) order dated 31.07.2019 on his complaint no. 18/2019 before the said Forum against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Jaspur has filed this petition/representation before Ombudsman for redressal of his grievances which could not be resolved by the Forum.

2. Shri Munish Kumar has raised 6 issues relating to the grievances arose due to issue of wrong bills, no action on check meter, no action on his application for reduction of load, not allowing off season discount, illegal disconnection and charging of reconnection/disconnection fee and for grant of compensation on account of mental and financial losses suffered by him due to wrong actions by respondent staff.
3. It is stated in the petition that the Forum in their order dated 31.07.2019 in their complaint no. 18/2019 have only allowed the complaint partially. The Forum have not given a serious thought on the problems and issues so this appeal is being filed for

complete redressal of his grievances relating to the issues mentioned above and as explained hereinafter.

- i) He has been receiving wrong bills continuously and the Forum was requested for getting the bills corrected but the Forum have not issued any directions for correction of the bills. He had deposited a sum of Rs. 55,778.00 towards the wrong bills. Although the bills have partially been revised in compliance to Forum order but compensation and action against erring staff has not been ordered by the Forum.
- ii) Application for installation of check meter was given on 08.09.2017 but the check meter was installed only on 29.05.2019, although the Forum have granted compensation @ Rs. 25.00 per day but no adjustment on the basis of check meter result has been given which may be granted now.
- iii) Application for reduction of load from existing 75 KW to 20 KW was given but in spite of repeated requests the reduction of load was not granted. The Forum have relied on the submission of opposite party that since application was not on the prescribed format so no action was taken by the department and have accordingly not issued any directions to UPCL.
- iv) In spite of submitting application for off season discount the same was not allowed by the department and he had to make payment of the bills in full although the Forum have accepted his request partially and have ordered to refund the excess amount but compensation or interest @ double the LPS be granted on the excess amount deposited by him.
- v) Reconnection and disconnection fees Rs. 800.00 charged for illegal disconnection has been allowed by the Forum but he is not satisfied with the said order and have requested that bill for this period be corrected by allowing adjustment for twice the number of days for which connection remained disconnected.

In addition above he has also requested that action against the erring staff for causing harassment and financial loss be also taken.

4. The Forum in their order dated 31.07.2019 in complaint no. 18/2019 after perusal of records and hearing arguments from both the parties have observed that the petitioner had deposited Rs. 55,778.00 on 31.12.2017 which was not accounted for in the bills. During hearing the respondent accepted that the said amount along with LPS Rs. 10,458.00 and a total of Rs. 66,236.00 has since been advised to the billing system through CCBR on which the complainant has raised no objection so this issue has duly been resolved. Regarding his application for reduction of load from 75 KW to 20 KW the Forum have observed that although he has submitted application for reduction of load but have neither submitted the application on the prescribed format nor he has completed the formalities as required under sub regulation 8 of LT regulation 2013 so under such circumstances no directions can be issued to the opposite party for reduction of load. However, the Forum have mentioned that on submission of application by the complainant on prescribed format the opposite party may take necessary action as per rules for reduction of load. Regarding not allowing off season discount despite submission of application by the complainant the opposite party could not submit any logical ground for not allowing such rebate except that since the documents have been sealed by the police in a case of embezzlement of revenue so action could not be taken. Since the complainant has submitted documentary evidence from the post office according to which application for demanding off season discount was received in the office of the opposite party on 25.01.2018. Based on this documentary evidence the Forum held that the complainant is entitled for off season discount. Regarding installation of check meter in spite of depositing necessary fees on 08.09.2017 an indent for installation of check meter was issued to AE (Meter) on 15.09.2017. The Executive Engineer have asked the AE (Meter) vide letter 24.05.2019 for submission of check meter report which indicates that check meter was not installed till date. As per UERC(Standard of Performance) Regulations, 2007 in the event of non installation of check meter within 15 days of the application, provision for compensation @ Rs. 25.00 per day exists so it would be justified to allow such compensation. Regarding reconnection/disconnection fee the Forum have observed that it would be justified to refund the same. Having observed as above the Forum have ordered that the complaint is allowed partially and directed the department to

- i) Revise the bill from April 2018 to October 2018 on the basis of off season as per provisions of Tariff order applicable to point no. 4 of RTS LT and HT industries.
 - ii) Allow compensation @ Rs. 25.00 per day w.e.f. 08.09.2017 till date of installation of meter.
 - iii) Reconnection/disconnection fee be refunded by way of adjustment in the bills.
5. The respondent Executive Engineer has submitted his written statement vide letter no. 1185 dated 12.09.2019. He has stated that
 - i) Adjustment of Rs. 55,778.00 deposited by the petitioner and surcharge LPS accrued on such amount for Rs. 10,458.00 a total sum of Rs. 66,236.00 has since been allowed on 29.04.2019.
 - ii) Rs. 62,930.00 towards off season discount compensation Rs. 15,700.00 for delay in installation of check meter and reconnection/disconnection fee Rs. 800.00 total Rs. 79,430.00 have duly been allowed by way of adjustment on 03.09.2019 in compliance of Forum orders. He has corroborated his statements with a copy of consumer ledger which shows that adjustment as referred above have duly been allowed and after allowing such adjustments the closing balance as on 03.09.2019 is Rs. (-) 42,194.00.
 - iii) No action for allowing reduction of load has been taken as the petitioner had not submitted the application on prescribed format.
 - iv) He has further stated that Executive Engineer, Test Division, Kashipur has duly been requested vide letter 12.09.2019 for giving check meter report and necessary action as may be required shall be taken on receipt of pending report.
6. Check meter report has subsequently been submitted by the respondent during hearing according to which difference in check meter and existing meter recording was only 037% in KWh and .70% in KVAh. The check meter was installed on 29.05.2019 and finalized on 13.09.2019. Both sealing certificates have also been submitted.

7. Petitioner has submitted a rejoinder with an affidavit dated 24.09.2019 which is merely a repetition or reiteration of his averments in the petition so need not be elaborated here.
8. Documents available on record have been carefully examined, arguments from both parties have been heard. Relevant regulatory and statutory provisions applicable in the case have also been consulted. It is found that after filing of complaint no. 06/2019-20 to the Forum and pursuant to Forum order the grievances related to correction of bill, adjustment of Rs. 55,778.00 deposited by the petitioner, refund of excess amount deposited during off season, compensation of delay in installation of check meter and refund of reconnection/disconnection fee have duly been allowed by the respondent as follows:
- i) Rs. 55,778.00 bill amount + LPS Rs. 10,458.00 (total amount 66,236.00) were adjusted in the bill of 29.04.2019.
 - ii) Following adjustments have been allowed on 03.09.2019 in compliance to Forum order
 - a) Excess amount of off season discount (Rs. 62,930.00)
 - b) Compensation for delay in installation of check meter Rs. 15,700.00
 - c) Refund of reconnection/disconnection fee Rs. 800.00.
 - d) Total Rs. 79,430.00
- The above adjustments are duly reflected in the ledger, a copy of which has been adduced by the respondent with written statement.
9. The following points of grievances still remain to be dealt with.
- i) Interest on the refund of excess amount deposited in the off season.
 - ii) Reduction of load.
 - iii) Correction of bill on the basis of check meter report.
10. These grievances are being dealt with herein as under
- i) The petitioner is entitled to get interest on the excess amount of Rs. 62,930.00 refunded to him in accordance with section 62 (6) of the Electricity Act, 2003 at Bank rate which is reproduced below:

“(6) If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee.”

The bank rate is defined in sub regulation 2 (2) of UERC (Release of new HT & EHT Connections, Enhancement and Reduction of Load) Regulation 2008 as follows:

“(2) “Bank Rate” means the Rate as notified by Reserve Bank of India u/s 49 of the RBI Act, 1934.”

The respondent are therefore directed to give interest as per above statutory and regulatory provisions on the aforesaid refunded amount w.e.f. the date the said amount was deposited and till the date of its refund, by way of adjustment in the next bill (s).

- ii) The petitioner has claimed that he had applied for reduction of his contracted load from 75 KW to 20 KW which was not allowed by the respondent on the grounds that he did not make application on prescribed format and the Forum had accordingly denied to give any direction to the respondent on this issue.

While it is true that the petitioner did not apply for reduction of his contracted load on prescribed format as required under LT regulations, 2013 but on the other hand the respondent did not act on his application responsibly by not advising him to apply on the prescribed format and complete necessary formalities which indicates towards lackadaisical working of the respondent due to which an avoidable grievance has taken place. However, now there are two options first the petitioner may apply for reduction of load on a prescribed format and complete necessary formalities as required under sub regulation 8 of LT Regulation 2013 regarding procedure for enhancement/reduction in sanctioned load, if the petitioner wants that his contracted load be reduced for all time. Secondly being a seasonal industry, he is entitled for off season discount as per provisions of the appropriate tariffs, if he applies for such a off season discount and in that case relevant provision of tariff RTS 5: LT and HT industry applies under which the contracted load for the off season shall be 30% of the normal contracted load and in such a situation the contracted load

of the petitioner during off season shall be 30% of his normal contracted load 75 KW i.e. 22.5 KW which is very near to his desired reduced load of 20 KW and that may satisfy his requirement regarding reduction of load, if it required only during off season.

- iii) Regarding his grievance for non correction of bill on the basis of check meter report. It is clarified that the check meter report has now been submitted by the respondent according to which the check meter was installed on 29.05.2019 and finalized on 13.09.2019 and according to this report the difference in KWh and KVAh has been found as 0.37% and 0.70% respectively. Such being the case no revision /adjustment of the bills on the basis of check meter can be allowed, as in terms of sub regulation 3.1.3 (5) (6) of UERC (The Electricity Supply Code) Regulations, 2007, any adjustment in the bills can be allowed only when the meter is found fast or slow beyond limits specified in Rule 57 (1) of Electricity Rules, 1956 i.e. more than $\pm 3\%$.

As such his request for correction of bills on the basis of check meter report is not maintainable and is hereby disallowed.

11. The Forum order is upheld with above modification and the petition is partially allowed.
12. It is appropriate to mention here that the petitioner has imposed allegations on the concerned staff including Executive Engineer in charge of the division for not resolving his problems and causing him harassment and financial loss and have categorically asked for action against them. It is found that there has been some lapses and irregularities by the staff in dealing with his grievances but these were inadvertent and procedural mistakes/lapses. Moreover the allegations imposed by the petitioner are not sustainable for want of documentary evidences and as such the allegations are dismissed. Further the petitioner is advised to refrain himself from imposing such wild allegations on the staff and even on the Executive Engineer without any documentary evidence.

Dated: 23.10.2019

(Subhash Kumar)
Ombudsman