

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Sangeeta Narula
Prop. R.S. Enterprises
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. 44/2019

Order

Dated: 23.10.2019

Smt. Sangeeta Narula Proprieter M/s R.S. Enterprises, Karanpur, Jaspur, Distt. Udham Singh Nagar (hereinafter after referred to as petitioner) being aggrieved with the Consumer Grievance Redressal Forum's, Udham Singh Nagar zone (hereinafter after referred to as Forum) order dated 31.07.2019 on her complaint no. 19/2019 before the said Forum against Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Jaspur (hereinafter referred to as respondent) has preferred this petition/representation before Ombudsman for redressal of her grievances which could not be resolved by the Forum.

2. Smt. Sangeeta Narula has raised 3 issues relating to reduction of load, regarding off season discount and for withdrawal of the bills issued for the period the connection remained disconnected.
3. Regarding her grievance for not allowing reduction of load, she has referred Ombudsman's order in her earlier petition and have submitted that her connection was energized on 30th November (from a perusal of her complaint before the Forum it appears that supply was given on 30.11.2017) after repeated requests to the respondent. She has stated that as advised by respondent's staff an application for

reduction of load from 75 KW to 40 KW was submitted to JE on 30.11.2017. Subsequently an application was submitted to Executive Engineer, Jaspur on 01.11.2018 stating that while she had asked for a connection of 20 KW at the time of connection but from the bill it came to her notice that her contracted load has been shown as 75 KW. So she requested that bill be corrected for 20 KW load.

4. In the same application she has requested that w.e.f. 10.11.2018 she would start rice hulling for which 75 KW load shall be required and hence requested that bill w.e.f. 10.11.2018 be issued for 75 KW load. She has stated that orders for reduction of her contracted load to 20 KW have not been issued by the respondent in spite of her applications and repeated requests.
5. She has also requested that the erring staff be identified and action against such staff be taken. She has stated that an application for off season discount was given to the respondent but off season discount was not given.
6. The respondent averred before the Forum that off season discount is not admissible to her. She alleged that the respondent intentionally has not given the desired off season discount to her but the Forum did not consider to take any action against the respondent so it is requested that action against the said officer be taken now.
7. The Forum however in view of the documentary evidence (acknowledgement from post office), ordered for billing as per off season with which she agrees. In her 3rd issue she has requested that bill till the date of disconnection and thereafter w.e.f. reconnection be issued and no fixed charges be levied during the period the supply remained disconnected because the connection was disconnected without any notice and without giving off season discount. In addition to the reliefs sought for in her aforesaid 3 number issues she has also requested that strict action against the erring staff including Executive Engineer be taken.
8. The Forum passed following orders dated 31.07.2019 in complaint no. 19/2019:
 - a) As the complainant did not apply for reduction of load on prescribed format as required under relevant LT Regulations, 2013, no directions can be issued to the opposite party on this issue. However, if he applies on the prescribed format, the opposite party may take necessary action as per regulations.

- b) The respondent to issue bill from April 2018 to October 2018 as per provisions applicable for billing in off season in accordance with Tariff order RTS LT and HT Industry point no. 4.
 - c) Bills issued from date of disconnection till restoration of supply be waived off and amount of such bills be adjusted in the bills.
9. The respondent has submitted his written statement vide his letter no. 1184 dated 12.09.2019 wherein point wise reply to the petition has been submitted as follows:
- i) Since application for reduction of load was not submitted on prescribed format along with necessary documents so no action for reduction of load was taken.
 - ii) Bills from 01.04.2018 to 31.10.2018 have duly been issued as per tariff provision applicable to off season.
 - iii) Bills of the consumer were corrected in the month of 03/2018 in accordance with Hon'ble Ombudsman judgment passed in her earlier petition. But in spite of that she did not pay the bills, as such supply was disconnected due to nonpayment of outstanding dues.
10. The petitioner has submitted her rejoinder which is a repetition of her original petition or reiteration of what she has already submitted in her petition.
11. Hearing was held on 14.10.2019, the petitioner was represented by Shri Munish Kumar who inter alia submitted that supply was disconnected on 17.02.2019 which is still lying disconnected and argued that relief as sought for in the petition be granted in the interest of justice and on merits of the case. The respondent was represented by Divisional Accountant (Revenue) who submitted that the supply had already been restored but he could not give the date of restoration of supply.
12. Documents available on file have been carefully examined. Arguments from both parties have been heard, relevant regulatory and statutory provisions applicable in the instant case have also been consulted. The Forum have ordered for billing for the period 04/2018 to 10/2018 as per provision applicable to off season, in terms of tariff order. Bills issued for the period the supply remained disconnected be withdrawn, however, have denied to issue any directions to the respondent for reduction of load

as the petitioner did not submit application on prescribed format and have also not completed the formalities as required under sub regulation 8 of LT Regulations, 2013.

13. A perusal of the bills submitted by the respondent along with his written statement from 01.04.2018 to 01.10.2018 as also the billing history shows that bills during this period have already been issued as per provisions of tariff under rate schedule RTS 5 of the appropriate tariff as applicable to off season for seasonal industries and therefore petitioner's issue that off season discount has not been allowed to her in spite of request proves to be false. No further action on this issue is therefore required to be taken by the respondent.
14. As regards her request that nothing should be charged from her during the period supply remained disconnected as her supply was disconnected without notice and without giving off season discount, and is still lying disconnected. Although the respondent have earlier reported that supply had been restored but the date of restoration of supply was not given. But vide his letter no. 1590 dated 22.10.2019, received via email, the respondent has confirmed that the connection no. 28484 of the petitioner, which was disconnected on 17.02.2019 on non-payment of dues amounting to Rs. 1,98,086.00 is still lying disconnected. As such disconnection of supply on 17.02.2019 on nonpayment of dues is justified in view of section 56 (1) of the Electricity Act, 2003.
15. As regards the dues for the period the supply remained disconnected from 17.02.2019 till date, provisions under chapter 4 (disconnection and reconnection) of Supply Code, 2007 shall apply and respondent are directed to ensure that the bills for the period supply remained disconnected have been issued in accordance with the aforesaid regulatory provisions. Petitioner's request that he is liable to pay the dues as were outstanding on the date of disconnection and nothing over and above those dues is payable by her for the period supply remained disconnected cannot be acceded to, as aforesaid Supply Code, Regulations, 2007 shall apply.
16. As regards her third issue for not granting reduction of load, it is borne out from her two applications submitted to JE in which she had requested for reduction of load to 40 KW and to the EE in which she had requested for reduction of load to 20 KW but have further requested in the same application that w.e.f. 10.11.2018 her contracted

load be maintained as 75 KW. This suggests that she doesn't want her contracted load to be reduced to 20 KW for all time but her requirement or request is that her contracted load be taken as 20 KW during off season and as 75 KW which is her existing contracted load, for the season. It is clarified that no such provision exists in the relevant regulations relating to reduction of load in UERC (LT regulation 2013 so such a request cannot be considered being inconsistent with the aforesaid regulation. However, as suggested by her application dated 01.11.2018, her requirement is not reduction of load to 20 KW for all time but she wants reduced contracted load of 20 KW only for off season and for rest of the time i.e. the season, she wants her contracted load to be 75 KW. This facility is already available in the tariff rate schedule applicable to HT and LT industries under point no. 4 Seasonal Industries which provides as follows:

“(ii) Where actual demand in ‘Off Season’ Period is not more than 30% of contracted load, the energy charges for “Off-Season” period shall be same as energy charges for “Season” period given in Rate of Schedule above. However, the contracted demand in the “Off Season” period shall be reduced to 30%”

17. However, if the petitioner now applied for reduction of her contracted load on prescribed format, necessary action may be taken by the respondent in accordance with sub-regulation 8 of UERC (Release of New LT Connection, Enhancement and Reduction of Load) Regulations, 2013.
18. The Forum order is upheld with above modification and the petition is partially allowed.
19. It is appropriate to mention here that the petitioner has leveled allegations on the concerned staff including Executive Engineer in charge of the division for not resolving her problems and causing her 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 her grievances but these were inadvertent and procedural mistakes/lapses. Moreover the allegations leveled 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 herself 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