

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND
Shri Naveen Singh Panwar
Banjarawala Chowk,
Near Durga Mandir,
Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (South),
Uttarakhand Power Corporation Ltd.
18, EC Road, Dehradun, Uttarakhand

Representation No. 10/2020

Order

Dated: 28.05.2020

Being aggrieved with Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) order dated 12.03.2020 in his complaint no.129/2019 before the said Forum against Uttarakhand Power Corporation Ltd. (UPCL) through its Executive Engineer, Electricity Distribution Division (South), Dehradun, (hereinafter referred to as respondent) the petitioner Shri Naveen Singh Panwar, an authorized representative of the consumer, Shri Vijay Shankar, Kargi Road, Banjarawala, Dehradun (service connection no. SD65716125924), has preferred this appeal.

2. The petitioner has submitted that Shri Vijay Shankar Dabral is a consumer of UPCL for connection no. SD65716125924 under commercial category. He has not received electricity bill for 23 months. The bill was received after repeated requests in the month of January 2020 for a total sum of Rs. 46,348.00 including Rs. 5,249.00 as late payment surcharge. He has submitted that as the bills were not received for 23 consecutive months it is not justified charging the late payment surcharge (LPS). He has however submitted that the LPS has duly been deleted from the bill by the SDO on his request. Being a small time trader he is unable to pay this bill for 23 months in one go. He has further submitted that the Forum had passed orders dismissing his complaint without giving him the opportunity to explain his case. He has therefore

requested that he may be allowed to deposit the accumulated bill in six installments without LPS.

3. The Forum have dismissed the complaint vide their order dated 12.03.2020 on technical grounds and not on merits, as the complainant is neither a consumer for the connection no. SD65716125924 nor he has submitted any authorization from the consumer from Shri Vijay Shankar Dabral, in spite of directions from the Forum.
4. The respondent Executive Engineer, has submitted his written statement vide his letter no. 4006 dated 06.05.2020 wherein he has mentioned that connection no. SD6/5716/125924 exists in the name of Shri Vijay Shankar resident of Kargi Road, Banjarawala, Dehradun for 1 KW under domestic category (as per records available on file this is a connection under commercial category). The connection was released on 26.02.2005. Bills on metered consumption were issued up to 21.02.2018 where after a consolidated bill for 23 months for the period 21.02.2018-19.01.2020 was issued on 19.01.2020 for Rs. 43,348.00 which included Rs. 5,239 as LPS. On the application of the consumer the aforesaid bill was revised wherein the LPS amount was deleted and thus reducing the bill amount to Rs. 38,112.00. The consumer had filed a complaint on Hon'ble Chief Minister helpline which was duly attended to and SDO vide his letter dated 07.02.2020 reported that the bill had already been revised wherein LPS was deleted. A part payment of Rs. 13,000.00 was made by the consumer on 13.02.2020. He has substantiated his reply with documentary evidences including billing history and bills.
5. The consumer in his rejoinder dated 18.05.2020 has submitted that considering the prevalent covid-19 situation the payment of dues in installment of Rs. 2,000.00 per month may be allowed as the work has taken a serious blow and it appears difficult to restore the work in normal conditions within 24 months.
6. Interim stay in the case was granted on 19.03.2020 till disposal of the stay application and 20.05.2020 was finally fixed for hearing on the stay application. Since written statement and rejoinder have already been received and no further documents were required so with the mutual consent of both parties final hearing in the case was held on 20.05.2020 which was concluded the same day with mutual consent. Documents available on file have been perused. It is found that the regular bills were issued till

21.02.2018 and for next 23 months no bills were issued by the respondents showing the connection status as UDC. There is no dispute between the parties about this. A consolidated bill for 23 months from 21.02.2018 to 19.01.2020 amounting to Rs. 41,348.00 including a sum of Rs. Rs. 5,239.00 as LPS was issued on 19.01.2020. A revised bill for the above period for Rs. 38,112.00 was subsequently issued after deletion of LPS. Subsequently the consumer paid a sum of Rs. 13,000.00 on 13.02.2020 and thus a sum of Rs. 29,508.00 is outstanding against the petitioner up to March 2020 bill.

7. Since the respondent have issued a consolidated bill for 23 months without no fault of the petitioner and in contravention to the provisions of the Tariff, request of the petitioner for allowing him to pay this accumulated sum in installments without surcharge is justified. After deletion of LPS Rs. 5,239.00 and payment Rs. 13,000.00 made on 13.02.2020 the net dues up to March 2020 against the consumer comes out Rs. 29,508.00 as claimed by the respondents as per their billing history A perusal of the billing history shows that revised consolidated bill dated 19.01.2020 for a period of 21.02.2018 to 19.01.2020 (23 months) amounting to Rs. 38,112.00 has been issued from reading 5901 to 12072 i.e for 6171 units. This billing history shows that billing up to a reading of 7730 has already been issued on 13.12.2019 for the month of 12/2019 and thus the bill dated 19.01.2020 should have in fact been issued from reading 7730 to 12072 i.e. for (12072 – 7730) 4342 units instead of 6171 units billed by the respondents and thus (6171-4342) 1829 units have been charged in excess. Thus the bill dated 19.01.2020 needs to be revised accordingly. The respondent are therefore directed to revise the bill dated 19.01.2020 accordingly and the outstanding dues claimed as Rs. 29,508.00 till 03/2020 be worked out as per above directions and the corrected amount of outstanding dues up to the month of 03/2020 be worked out and the same should be got recovered from the petitioner in equal six installments payable monthly along with the current bills, each month up to the grace period of the current bill. The petition is allowed. Forum order is set aside. Interim stay granted on 19.03.2020 shall remain effective till compliance of this order.

Dated: 28.05.2020

(Subhash Kumar)
Ombudsman