

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Prof. H. C. Chandola  
Dept. of Physics  
(UGC Centre of Advanced Study)  
D.S.B. Campus, Kumaon University,  
Nainital, Uttarakhand

Vs

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

Representation No. 20/2020

### Order

**Dated:** 04.11.2020

Prof. H. C. Chandola Galway House, Ayarpata, Nainital, being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone (hereinafter referred to as Forum) order dated 29.08.2020 in his complaint no. 57/2020 before the said Forum against UPCL through Executive Engineer, Electricity Distribution Division, Nainital, has preferred this appeal for correction of his bill.

2. The petitioner has submitted that this appeal is being preferred by him against Forum's order dated 29.08.2020 in his complaint no. 57/2020 in respect of his domestic connection no. 592ZN32067404 for setting aside Forum's order and for passing appropriate order keeping in view all the facts related to the case. He has asserted that the order passed by the Forum is ex-parte and unscientific and is not acceptable to him. He has also enclosed a copy of the complaint dated 20.06.2020 lodged before the Forum. As also a copy of his letter dated 06.07.2020 submitted before the Forum in reply to Forum's letter dated 07.07.2020 (a perusal of Forum's order suggests that the correct date is 02.07.2020). He has further asserted that in spite of scientific submission based on facts before the Forum, the Forum relying upon opposite party submission which are unscientific and objectionable and by applying rule of unity proving that consumption of 1440 unit per month is possible at his connection and thus trying to establish that the opposite party's action is justified. The

view taken by the Forum is impracticable and unscientific. The consumption at 2 KW connection which was of the order of 1600 to 2000 units in 8 months has been shown 6830 units. He has further pleaded that in a domestic connection in a house of only 3 rooms where LED has been installed and electricity is not used continuously for 24 hours. The calculations worked out in the Forum order are unrealistic and wrong. The submissions made by the department before Forum were baseless, misleading, impracticable and illegal. Although the department have themselves accepted that:

- i) The firm to whom the work was given earlier was not working correctly.
  - ii) Due to feeding of wrong readings by the earlier contractor there were balance units existing in the meter which are being shown now. (This submission is unscientific and false)
  - iii) Although this is reflected as the consumption for the period from 19.04.2020 to 15.06.2020 but this pertains to the earlier period also due to the mistake of the meter reader.
3. He has submitted that even if the above acceptance of the opposite party are taken as correct then why the consumer should suffer for the mistakes committed by the department. All bills were being paid timely. He has also stated that the earlier contractor was working correctly and there was no discrepancy between the readings and the bill prior to June 2020. The excessive consumption of 6830 units shown in the disputed bill of June 2020 in just 8 months as compared to earlier consumption of 1600-2000 units is an effort on the part of the department to establish their action and consumption as correct. He has also challenged that the comparative consumption shown for the year 2018-19 in the table under point 4 (ख) of Forum order nowhere shows annual consumption as high as 6830 units. He has given a table prepared by himself showing bill wise consumption in the year 2018 and 2019 according to which total consumption for the year 2018 and 2019 is 2814 units and 2273 units respectively. He has tried to establish that the consumption of 6830 units shown in the disputed bill from 18.04.2020 to 15.06.2020 is more than twice the yearly consumption as stated by him as aforesaid. He has thus stated that the Forum has overlooked his submissions made before them as such the Forum's order is based on the discrepancies and surmises so it is liable to be set aside. He has further stated that he was never given an opportunity to personally appear before the Forum to explain

his case. He has therefore prayed that his case may kindly be examined on the basis of the facts submitted by him and necessary correction in the bill may kindly be ordered.

4. The Forum after perusal of the documents and hearing arguments have observed that the complainant's grievance is related to 6830 units consumption shown in the bill from 18.04.2020 to 15.06.2020. The earlier 2 bills were of NR. The Forum have theoretically worked out that on a 2 KW load the highest maximum consumption in a month can be 1440 units as such they have concluded that consumption of 6830 units in 8 months is not an impossible consumption and therefore have concluded that any correction in the disputed bill does not appear to be justified and have accordingly dismissed the complaint.
5. The respondent, Executive Engineer has submitted his written statement vide letter no. 5063 dated 29.09.2020 as follows:
  - i) The work of meter reading in the division has been outsourced. The old agreement was terminated in the month of October 2019 and another firm was engaged for the work of meter reading. The new firm started the work of taking meter reading from December 2019 but due to certain preliminary problems as well as Covid-19 pandemic the work of taking reading was conducted smoothly from the month of June 2020 only.
  - ii) The reading of the connection of the petitioner was taken on 15.06.2020 after 18.10.2019 i.e. after a period of 8 months. He has substantiated his submission with a photograph of the meter as existing on 15.06.2020 which shows reading as 021931 as on 15.06.2020.
  - iii) The reading in the meter on 18.10.2019 was 15101 and that on 15.06.2020 was 21931 so a consumption of 6830 units was recorded in 241 days (8 months) so average monthly consumption during this period was 853 units.
  - iv) He has tried to justify that due to winter and snowfall consumption of electricity obviously increases in the winter in Nainital city.
  - v) The disputed bill has been issued as per metered units recorded in the meter during the period under reference. He has further stated that provisional bill issued between the period 18.10.2019 to 15.06.2020 have duly been adjusted in the disputed bill and such being the case, he has requested that the petition

be dismissed. A copy of the billing history from 02/2018 to 08/2020 have also been submitted.

6. The petitioner has submitted a rejoinder dated 10.10.2020 at the outset he has submitted that the reply submitted by the respondent's vide his letter dated 29.09.2020 is completely unsatisfactory, false, misleading and unacceptable due to the reasons mentioned below:

- i) Facts, details and proofs mentioned in representation to Forum and appeal before Ombudsman have completely been ignored and there is no mention of the grounds communicated in earlier decisions of Forum dated 29.08.2020.
- ii) He has submitted that the reasons for sudden jump in the reading given by the Executive Engineer earlier before Forum and now before Ombudsman are contradictory. The consumptions during the year 2018 and 2019 being 2814 units and 2273 units respectively have completely been ignored as the consumption shown in the disputed bill being 6830 units in just 8 months is highly unjustified and objectionable in view of consumptions during the year 2018 and 2019. He has asserted that the sudden jump from a reading of 15101 to 21931 has been artificially and intentionally created by the meter reader on 15.06.2020 on the directions of the concerned authority which is itself a highly illegal act (**However this allegation has not been substantiated by any documentary evidence**). As such the arguments given by the officials of the department are completely misleading, unscientific, false and illegal and he has been mentally tortured by the officials during the present tough time of Covid-19 pandemic. He has again reiterated that his bill dated 15.06.2020 must be decided on the basis of averaging from previous year bills/consumptions.

7. Hearing in case was held on 26.10.2020. Both parties appeared and argued their case. Documents available on file have carefully been examined. Arguments from both parties were heard. It is observed that a 2 KW domestic connection was released to the petitioner at his residence on February 06, 1994 with installation of meter no. 1118. This meter was replaced on 05.03.2014 by a new meter no. 518782 at initial reading 1. This meter is existing at the premises of the petitioner till now as per billing history and reading as obtained on 15.06.2020 was 21931 and that on 27.08.2020 was

22529. While all the bills from 02/2018 to 08/2020 have been issued on metered units only 2 bills for the month of 12/2019 and 04/2020 have been issued on NR. The disputed bill for the period 18.04.2020 to 15.06.2020 for 6830 units is in fact a bill for 8 months from October 2019 (18.10.2019) to 06/2020 (15.06.2020) and thus monthly consumption for this period is 854 units and consumption per billing cycles of 2 months is 1708 units. A perusal of billing history shows that the bills for metered consumption have been issued for a minimum of 301 unit per bill (in the month of 04/2019) and to a maximum of 598 units per bill (in the month of 08/2020) of two months. This suggests that the per bill consumption of 1708 units for the period 18.10.2019 to 15.06.2020 is really very high as compared to all the other bills metered consumption as per billing history which indicates that meter readings in the past have not been reported correctly. The total consumption recorded by the existing meter from its installation on 05.03.2014 at 1 initial reading to 21931 reading on 15.06.2020 as established to be a correct reading on the said date from the photocopy of the meter appended with the written statement and thus it is a fact that the total consumption recorded by this meter from 05.03.2014 to 15.06.2020 is  $21931 - 1 = 21930$  units over a period of 75 months from 05.03.2014 to 15.06.2020 which gives average monthly consumption of 292 units and average consumption per billing cycle of 2 months of 584 units. It will therefore be logical and justified if total billing from 05.03.2014 to 15.06.2020 be revised @ 584 units per bill and be quantified on appropriate tariff without levy of LPS and a revised bill as aforesaid be issued after adjustment of the payments made by the petitioner during the said period. The respondents are therefore directed to issue a revised bill for the entire period from 05.03.2014 to 15.06.2020 as aforesaid within a period of 15 days from the date of this order which the petitioner has to pay within the due date of payment to be prescribed on such a revised bill in accordance with relevant regulations and tariff provisions. The petition is allowed. Forum order is set aside.

Dated: 04.11.2020

(Subhash Kumar)  
Ombudsman