

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Jagmohan Singh Rana  
S/o Shri Late Daya Ram  
Present Address Rajawala Premnagar,  
Connection is at Village Shayanachatti  
Distt Uttarkhashi Uttarakhand

Vs

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

Representation No. 14/2020

### Order

**Dated:** 28.10.2020

Being aggrieved with Consumer Grievance Redressal Forum, Uttarkashi Zone (hereinafter referred to as Forum) order dated 22.07.2020 in his complaint no. 09/2020 before Forum received their on 20.02.2020 against UPCL through Executive Engineer, Electricity Distribution Division, Badkot, has preferred this appeal for transferring connection no BD63322301537 in his name which is existing in the name of his Late Father Shri Daya Ram and for correction of his bills.

2. The petitioner Shri Jagmohan Singh Rana in his petition dated 13.08.2020 before Ombudsman has submitted that his native place is village Shayanachatti, Tehsil Badkot, Distt Uttarkashi and for the last 20 years he is residing at Rajawala Premnagar, Dehradun. He submissions are as follows:-

- i) A connection was released in his residential house at Shayanachatti under Distribution Division, Badkot in the year 1989 in the name of his father Late Shri Daya Ram.
- ii) After death of his father in the year 1992 he has been paying the bills for the aforesaid connection and has been requesting for transferring the connection in his name. A payment of Rs. 3,602.00 was made by him in the year 2005 against the bill (Photocopy of the bill enclosed) but due to non transfer of the

connection in his name, the said amount could not be credited in the account of the connection and therefore is being added in the bills.

- iii) In the year 2007 as directed by the then SDO a sum of Rs 350.00 were deposited for transferring the connection in his name and formalities were completed but the name could not be changed and so the bills were not got deposited.
  - iv) In the year 2013 during the period of Aapda, a drive for recovery of dues was launched by distribution division Badkot and meter being defective and on the basis of the average a bill of about 1 lakh was prepared and a complaint was lodged with Assistant Engineer. He was advised to deposit Rs 30,000.00 and his total bill will be corrected based on average consumption.
  - v) Receipt of Rs. 30,000.00 was issued in his name but still the name was not changed and after getting the said amount deposited a new meter was installed which is also existing at his premises at present. According to this meter actual consumption from June 2013 to December 2019 was only 787 units i.e., an average consumption of 112 units per month. Based on this from year 2012 to 2013 a bill of only 896 units should have been made, against which he has already deposited Rs. 33602/- which should have been adjusted in the subsequent bills but based on the defective meter a sum of Rs. 188916/- including interest has been shown due against the said connection. In reply to RTI quarry, a confusing reply was given. He has stated that bill for actual consumption should have been issued.
  - vi) A complaint was made to the Forum on 20.02.2020 which was registered as complaint no 09/2019 (should be 09/2020) and the forum dismissed the complaint vide their order dated 22.07.2020 and hence this appeal is preferred before Hon'ble Ombudsman with the request that a corrected bill of actual consumption be got issued after adjustment of the amount already deposited and action against erring staff be also taken.
3. He has made a supplementary submission vide his letter dated 07.10.2020 wherein he has submitted that no case on this subject is pending in any other court or Forum and other submission are the repetitions or reiteration of his original petition.

4. The Forum after registration of the complaint directed the opposite party to correct the bill as per actual consumption and change the name as requested. In compliance to Forum's order the name was changed on 28.02.2020 and further 10 days time for correction of bills was given. Admitting the same Forum allowed time up to 18.03.2020. Thereafter they mentioned that in view of Corona/ lockdown, etc. proceedings were held up and opposite party had informed the Forum vide their letter dated 16.06.2020 that the bill has since been corrected to Rs. 188916/- from Rs 189574/- The Forum has observed that the name has since been changed and it also appears from the reports that bills have been corrected as per rule to Rs. 188916/- from Rs. 189574/- and they have therefore concluded that since the complaint has been duly resolved by the opposite party there is no justification for any action by the Forum and they have therefore accordingly disposed off / dismissed the complaint.
5. The respondent Executive Engineer, has submitted a WS vide his letter no 762 dated 10.09.2020 wherein he has asserted that:
  - a) Connection No BD6/3322/301537 was sanctioned in the name of Shri Daya Ram.
  - b) It has not come out from the records that as to who has been making payment of the bills of above connection, as the payment of the bills are made against the connection no. mentioned on the bill and the payment made against the bill is also adjusted against the connection number of the bill.
  - c) In compliance to Forum's order 20.02.2020 the connection was transferred in the name of Shri Jagmohan Singh on 28.02.2020 as per UERC Regulation 2007 security of Rs. 1000/- was required to deposit for non domestic connection. No security appears to have been deposited against the said connection. Security amounting to Rs. 1000/- was to be deposited for changing the name of the consumer but no documentary evidence showing depositing the said amount towards the security has been adduced by the petitioner . Depositing Rs 350/- is no relevant.
  - d) Bills are issued as per appropriate tariff issued by UERC from time to time.
  - e) As per records meter no 06937 was existing on the aforesaid connection which was replaced by meter no 060417 in the month of 10/2012 a sum of Rs. 139465/- was the amount of the bills upto 10/2012 the meter 06937 was replaced as IDF. Bill in the month of 08/2016 was corrected for Rs. 147844/-

at actual reading 2205 appearing in meter no 060417. The meter number 060417 was again replaced in the month of 03/2017 by meter number 769744 on becoming defective bills from 03/2017 to 06/2020 were issued as IDF which has since been corrected on actual reading and which was duly informed to the Forum.

- f) Compliance of Forum's order have duly been made.
6. He has substantiated his submissions with documentary evidences such as copy of ledger, and billing history.
  7. The petitioner has submitted his rejoinder dated 19.09.2020 wherein he has submitted that necessary documents have already been submitted by him with his petition and nothing new to further justify his petition has been submitted and no document has been adduced, so his rejoinder is nothing but a repetition or reiteration of what he has submitted in his petition.
  8. Hearing in the case was held on 06.10.2020. Both parties appeared and argued their respective case. The respondent's representative was asked to verify the discrepancy in the ledger in which opening balance on 01.04.2011 has been shown as 0 (zero) but dues on 15.04.2011 has been shown as Rs. 1,09,417.00 and also put up copies of the sealing certificates for initial installation and subsequent replacements of the meter, as mandatory in terms of sub regulation 3.1.1 (5) of Supply Code Regulations, 2007. As the representative of the respondent Shri Sunil Uniyal, SDO cum AER could not clarify the position and the discrepancy yet another date for hearing was fixed for 15.10.2010.
  9. Both parties appeared and submitted their arguments. The respondent in addition to the verbal arguments also submitted a written argument vide letter no. 992 dated 14.10.2020, in which he has submitted that connection no. BD6/3322/301537 is for a Hotel. He has substantiated his submission with a copy of the judgment of Asst. Collector, Badkot in case no. 92/2011. Copy of the sealing certificate has still not been submitted but he has asserted that the Executive Engineer Test has been requested to submit a copy of the desired sealing certificate. Regarding discrepancy in the ledger he has submitted that the opening balance 0 (zero) in the ledger has been appeared due to a technical mistake on updating the billing in IT system, the dues Rs. 1,09,417.00 were adjusted on 15.04.2011. His clarification regarding discrepancy in

the ledger is not convincing for not being consistent with the balance of dues appearing in the billing history submitted by him, wherein the balance has not been shown zero at any point of time since 10<sup>th</sup> January 2008 (starting date of billing history) being Rs. 43,561.00 and Rs. 1,09,417.00 on 15.04.2011 and further goes on mounting to Rs. 1,94,068.00, on 26.07.2020. So showing zero opening balance on 01.04.2011 is misleading and he could not succeed to clarify the discrepancy. He has also submitted a copy of letter dated 13.10.2020 from one Shri Sanjay Kumar, claiming him the owner of the Hotel and submitted a copy of the registry in his name and has requested that the Forum's order for transferring the connection may be cancelled and it may again be registered in the name of Shri Daya Ram. The respondent Executive Engineer have requested that in view of the letter of Shri Sanjay Kumar, petition of Shri Jagmohan Singh Rana be dismissed.

10. The petitioner has also submitted a written arguments also dated 15.10.2020. Further, he has also sent a letter dated 21.10.2020 which has been received in this office on 23.10.2020 which both have been taken on record.
11. Documents submitted by both parties have been perused and their arguments have also been heard. It has been noted that the respondent have submitted contradictory statements regarding the ownership of the connection no. BD63322/301537 while in written statement he has submitted that this connection belongs to Shri Daya Ram but in his written arguments dated 14.10.2020 he has submitted that this connection is of a Hotel as is confirmed in Assistant Collector Badkot judgment in case no. 92/2011. The billing history also shows that this connection was released on 05.07.1979 in the name of Shri Daya Ram which has later been transferred in the name of Shri Jagmohan Singh Rana on 28.02.2020 as per his own submissions in the written statement so it is clear that 1 KW connection for non domestic category was released in the name of Shri Daya Ram Singh on 05.07.1989 which was later on transferred in the name of Shri Jagmohan Singh Rana on his request on 28.02.2020 in compliance to Forum's order. While the petitioner has claimed that his meter was never changed and the meter installed at the time of release of connection is still existing at the premises, the respondent have claimed that a meter no. 06937 was initially installed at the aforesaid connection at the time of release of connection but on becoming defective it was replaced in the month of October 2012 by another meter no. 060417 when the dues outstanding against the connection where Rs. 1,39,465.00. The bill of 08/2016

was corrected on actual meter reading 2205 appearing the new meter 60417 to Rs. 1,47,844.00. It is also confirmed from the billing history. Meter no. 060417 had become defective and was replaced by meter no. 769744 in the month of 06/2017. This meter change has been advised to the system in the month of 06/2020 i.e. after a period of 3 years and 3 months of installation of this meter and billing as per billing history from 12/2016 till 06/2020 continued to be either on NR or RDF, as shown in the billing history and as also confirmed by the respondent. The respondent have also confirmed that the RDF bills issued from 03/2017 to 06/2020 were later corrected on actual meter reading obtaining in the meter as 787 in the month of 07/2020 when after verification it was found by them that the meter was actually working and RDF bills were issued due to wrong reporting by the meter readers. The respondent have submitted before Forum that after correction the dues outstanding at the end of 06/2020 have been worked out to Rs. 1,88,916.00 instead of Rs. 1,89,574.00 and the same figure of outstanding dues is reflected in the ledger and billing history enclosed by them with the written statement dated 10.09.2020 submitted before Ombudsman. No detailed calculations for correction of the bills have been submitted so correctness of the revised bill could not be ascertained. The Forum in their order dated 22.07.2020 have agreed to respondent's action of revision of the bills as also change of connection In the name of the petitioner w.e.f. 28.02.2020 and thus they have dismissed/disposed off the complaint as both of the grievances of the complainant have duly been redressed by the opposite party,

12. A perusal of billing history for the period January 2008 (10.01.2008) to July 2020 (26.07.2020) submitted by the respondent with written statement shows that gross violation of relevant UERC (The Electricity Supply Code) Regulations, 2007 regarding billing on NA/NR/IDF and RDF have been committed by issuing these bills for a period more than allowed in the relevant regulations as given below:
13. NA/NR bills issued from 04/2009 to 08/2009 i.e. for 5 billing cycles then IDF bills were issued from 09/2009 to 09/2012 i.e. for 37 billing cycles in a stretch then NR bills were issued from January 2013 to June 2014 i.e. for 18 billing cycles then again NR bills were issued from 08/2014 to 07/2016 i.e. for 21 billing cycles in a single stretch. Thereafter NR bills were issued from 11/2016 to 06/2017 i.e. for 7 billing cycles in a stretch again RDF bills were issued from 06/2018 to 05/2020 i.e. for 24 months in a stretch. It has strangely been noticed that after issuing bill for the month

of 06/2018 a bill for the month of 06/2019 was issued i.e. a bill for 12 months in a stretch. Thereafter bill for the month of 06/2020 and 07/2020 have been issued on metered consumption.

14. The relevant UERC sub regulations under supply code regulation 2007 providing for billing of NA/NR/IDF/RDF are reproduced hereunder:

Sub regulation 3.1.2 (3) For NA/NR billing

*“3.1.2 (3) Where meters could not be read because of non-availability of any consumer, licensee may raise a provisional bill based on the last one year’s average consumption of the consumer clearly showing the date when the meter reader went to the consumer’s premises to take the meter reading and reason for not being able to do so. All such bills shall be suitably adjusted as and when such meters are read. Such provisional billing shall not continue for more than 2 billing cycles at a stretch and thereafter no provisional bills shall be raised.”*

3.2 (1) For ADF/IDF and RDF billing

*“3.2 Billing during the period defective/stuck/stopped/burnt meter remained at site  
(1) The consumer shall be billed on the basis of the average consumption of the past three billing cycles immediately preceding the date of the meter being found or being reported defective. These Charges shall be leviable for a maximum period of three months only during which time the licensee is expected to have replaced the defective meter.”*

Following provisions for billing of ADF/IDF/RDF NA/NR cases do exists in the tariff orders issued by UERC in all the tariffs issued from time to time:

4. Billing in Defective Meter (ADF/IDF), Meter Not Read/Not accessible (NA/NR) and Defective Reading (RDF) cases.

*“In NA/NR cases, the energy consumption shall be assessed and billed as per average consumption of last one year average consumption (as per the Electricity Supply Code) which shall be subject to adjustment when actual reading is taken. Such provisional billing shall not continue for more than two billing cycles at a stretch. Thereafter, the licensee shall not be entitled to raise any bill on provisional basis. In case of Appear defective meter (ADF) Identified defective meter (IDF) and Reading*

*defect (RDF) cases, the consumers shall be billed on the basis of average consumption of the past three billing cycles immediately preceding the date of the meter being found or being reported defective (as per the Electricity Supply Code). These charges shall be leviable for a maximum period of three months or two billing cycle in case of bi-monthly billing only during which time the licensee is required to replace the defective meter. Thereafter, the licensee shall not be entitled to raise any bill without correct meters.*

*The checking and replacement of defective meter cases namely IDF and ADF and defective reading cases namely RDF shall be done by the licensee in accordance with the provisions of the Electricity Supply Code as applicable.”*

Supply Code sub regulation 3.1.4 reproduced below provides for the duty of the respondent for checking and replacement of the meters in case of ADF/RDF and IDF:

***“3.1.4 Meter not recording***

*(1) If the meter is not recording/stuck as reported by the consumer, the Licensee shall check the meter within 30 days of receipt of complaint and if found stuck or identified as defective (IDF), the meter shall be replaced by the Licensee/consumer, as the case may be, within 15 days thereafter.*

*(2) Where the Licensee observes that meter is not recording any consumption for the last one billing cycle or appears defective (ADF), he shall notify the consumer. Thereafter, the Licensee shall check the meter within 30 days and if the meter is found stuck/stopped, the meter shall be replaced within 7 days.*

*(3) Where the licensee observes that current reading is lower than the previous reading (RDF), which is possibly due to current reading being less than actual, or previous reading be higher than actual or old meter having been replaced with new meter. Licensee shall investigate the matter within 15 days and meters found defective shall be replaced in 2 months else correction shall be made in the data base to set his record straight.*

*(4) All new case of defective meters namely ADF, RDF or IDF, if any, shall necessarily be rectified within a maximum period of 3 months.”*

Supply Code Regulations, 2007 under sub regulation 3.1.1 (5) which is reproduced below provides directions for initial installation, subsequent replacement of meter and issuing sealing certificate.

*“(5) Initial installation and replacement of the meter shall be done by the Licensee in the presence of the consumer or his authorised representative after giving one week’s notice. At the time of Initial installation and replacement the Licensee shall record the particulars of meter in the Sealing certificate which shall be jointly signed by the Licensee and the consumer. A copy of the sheet shall be issued to the consumer under proper receipt.”*

15. As described above under para 13 the respondents have made blatant violations of the aforesaid regulations and tariff provisions in issuing NA/NR/IDF/RDF bills for a prolonged period and have not complied with the regulations in checking and replacement of the meters. Further they have also not complied with regulations 3.1.1 (5) regarding initial installation of meter and its subsequent replacement as although they have claimed that meter no. 06937 installed initially was replaced by meter no. 060417 in the month of October 2012 after the initial meter had become defective and further this meter was also replaced in the month of 03/2017 by another meter no. 769744 when the meter installed in October 2012 also became defective. Neither they have given a copy of the sealing certificate for installation and replacement of meter to the petitioner as they were bound to do under the aforesaid regulation nor they have adduced a copy of the sealing certificates before the undersigned despite providing opportunities. Further, no meter change except meter no. 769744 is reflected in the billing history and that meter change too has been shown on 10.06.2020 in the billing history and 20.11.2019 in a report “meter change details” annexed with the billing history so from respondent’s submission in written statement and entries in the billing history being different and in the absence of sealing certificates it could not be ascertained as to on which date the meter was actually replaced.
16. Above facts of the case not only confirms the blatant violations of regulations but also suggest the lackadaisical working in the division resulting into wrong billing for a prolonged period that caused the grievance to the petitioner. As per provisions of the aforesaid regulations and tariff provisions the respondent are not entitled to issue any NA/NR bill for more than 2 billing cycles and IDF/RDF bills for a maximum period

of 3 months in the instant case and they are not entitled to issue any bill beyond that prescribed period without metered consumption. Therefore the period wise billing done on the basis of NA/NR beyond 2 billing cycles and IDF/RDF beyond 3 months as reflected in the billing history and also mentioned in the above para 13 cannot be upheld. The respondents are therefore directed to reissue these bills for each of the period only for 2 or 3 billing cycles as applicable under the aforesaid regulations and rest of the billing be withdrawn. A revised bill for the entire period as directed above after adjustments of the payments made and rebates allowed under Aapda 2013 may be issued and served to the consumer without levy of any LPS.

17. The difference of the balance amount of the NA/NR/RDF and IDF bills issued in violation of relevant regulations as pointed out in above paras and as also reflected in the billing history, be recovered from the officers/officials responsible for this gross violation, apart from taking other departmental action against them. As the UPCL cannot be made to bear the revenue loss caused due to disapproval of the NA/NR/RDF and IDF billing beyond the prescribed period under relevant regulations and the loss has to be made good by recovery from their salaries. The UPCL management is directed to identify the officers and staff responsible for committing this gross mistake and recovery of the amount as aforesaid be made from their salary in proportion to their responsibility, apart from administrative action against them. This action be accomplished within a period of 60 days from the date of this order with compliance report to undersigned.
18. The Forum has not appreciated the gross violations committed by the respondents in billing and have passed the order that both grievances of the complainant i.e. change of name and correction of bill has been redressed by the opposite party. The Forum order as regards to change of name of the petitioner is upheld but second point of their order related to correction of bills is set aside. The petition is allowed.
19. The application of Shri Sanjay Kumar and judgment of the Assistant Collector, Badkot and that of Civil Judge, Junior Division, Purola submitted by the respondent has no relevance with the subject matter of the petition as these judgments are regarding property dispute and change of land use.

Dated: 28.10.2020

(Subhash Kumar)  
Ombudsman