

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Kapil Kumar
S/o Shri Surendra Kumar
5, Awas Vikas, Guralbhoj Road,
Gadarpur, Distt. Udham Singh Nagar,
Uttarakhand

Vs

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

Representation No. 09/2020

Order

Dated: 31.08.2020

Dr. Kapil Kumar (Kalra) S/o Late Shri Surendra Kumar of Gadapur being aggrieved with Consumer Grievance Redressal Forum, Udham Singh Nagar zone (hereinafter referred to as Forum) order dated 05.02.2020 in his complaint no. 189/2019-20 before the said Forum against Uttarakhand Power Corporation Ltd. (UPCL) through its Executive Engineer, Electricity Distribution Division Second, Rudrapur (respondent), has preferred this appeal for correction of his bill for the month of September 2019.

2. His petition dated 29.02.2020 was received with his email dated 04.03.2020 and further he submitted his affidavit dated 29.06.2020 he has stated that a connection no. 897031032119 for 5 KW under domestic category exists at his residence in the name of his Late father Shri Surendra Kumar. He has averred that in the month of August 2019 bill for 8000 units amounting to Rs. 46,716.00 showing current meter reading 167555 was issued. The said reading was taken in his absence. No photo evidence of this reading was made available to him. In his complaint no. 189/2019-20 before the Forum, the consumption in the bill dated 29.09.2019 for the month of September 2019 was shown only 37 units. Further bill for October 2019 was also issued for 61 units. Meanwhile complaint for burnt meter was made to the department on 26.09.2019 so what is the basis of issuing of October bill for 61 units when the meter had already burnt. No photo evidence of any bill had been given. After his complaint dated

26.09.2019 for burnt meter the same was replaced after delay of 2 months. He had requested that his bill be got corrected. In his affidavit dated 29.06.2020 he has clarified that the disputed bill amounting to Rs. 46,716.00 pertains to the period 25.07.2019 to 24.09.2019. He has stated that in his complaint before the Forum he had requested that photo evidence of the disputed reading $16815 + 8000 = 24815$ be given to him and the burnt meter which was replaced be got checked in his presence but neither the desired evidence was given to him nor the meter was got checked in his presence. Even after Forum's judgment in his complaint no. 189/2019-20 the corrected bill was not made available to him so he made another complaint no. 01/2020 before the said Forum which was decided by the Forum on 20.06.2020. During that period additional amount of surcharge (interest) was imposed, for which he is not responsible so he has requested that his disputed bill be got corrected.

3. The Forum in their order dated 05.02.2020 in complaint no. 189/2019-20 after perusal of the billing history and hearing arguments from both parties observed that there was no dispute up to the bill dated 14.05.2019, reading in the said bill was shown 16815. The same reading appears as initial reading in the subsequent bill dated 25.07.2019 but final reading is shown as 167555 units (KWh) so this bill was issued for 8000 units amounting to Rs. 46,716.00. The grievance of the consumer arose on this bill. The opposite party admitted that final reading in the bill dated 25.07.2019 shown as 167555 is wrong and the opposite party also submitted that the mistake has since been rectified in the next bill. The Forum have observed that in the bill dated 25.07.2019 initial reading is mentioned as 16815 and final reading 167555 and bill for 8000 units was issued but in the bill dated 24.09.2019 the initial reading is mentioned as 24815 which suggests that the final reading shown as 167555 in the bill dated 25.07.2019 was wrong. The Forum has also observed that the old meter was replaced on 12.11.2019 as a burnt meter in which there was no display but on 25.09.2019 when the reading was again taken it was showing 24815 as initial reading and 24852 as final reading. So they observed that the 8000 units billed in the bill of 25.07.2019 were the accumulated consumption as the meter reader did not report the actual meter readings so they were of the view that bill for the last five years after uniformly distributing the accumulated 8000 units be issued on appropriate tariff and hence ordered to revise the bill accordingly.

4. In his written statement dated 13.07.2020 the respondent Executive Engineer has submitted that bill of the petitioner has already been revised in compliance to Forum order dated 05.02.2020 in complaint no. 189/2019-20 wherein Rs. 4,144.00 has been reduced in the bill. A copy of the calculations of the revised bill has been enclosed with the written statement, which indicates that bill from July 2014 to July 2019 for a total consumption of 18773 units i.e. average monthly consumption of 311 units has been revised on appropriate tariff without levy of any LPS. According to which total amount of the revised bills has been worked out as Rs. 82,825.00 and after deduction of Rs. 40,253.00 towards payments made by the consumer the net payable amount has been worked out as Rs. 42,575.00 against Rs. 46,715.00 as per bill of 07/2019, so a relief of Rs. 4,144.00 has been allowed.
5. The petitioner has submitted a rejoinder dated 29.07.2020. He has again reiterated that the desired evidences as requested for in his petition have yet not been made available to him. The Forum order dated 05.02.2020 have been complied with in July 2020 after a considerable delay on account of which he had to pay late payment surcharge amounting to Rs. 12,500.00 from July 2019 to May 2020 so he has requested that the amount of LPS Rs. 12,500.00 be waived off.
6. Hearing in the case was fixed for 10.08.2020 which was adjourned for 21.08.2020 on request of the petitioner. Shri Prakash Chandra AE (R) appeared on behalf of the respondent for arguments and he submitted that bill of the consumer has already been revised in compliance to Forum order dated 05.02.2020. He has also submitted a written argument and specifically mentioned that no LPS has been levied in the revised bill which is evident from the calculations sheet enclosed with the written statement, so petitioner's submission that he had to pay Rs. 12,500.00 towards LPS is wrong. The petitioner however did not appear for arguments and had sent an email saying that he is unable to appear before Ombudsman for arguments due to Covid-19 problems and has requested that his case be decided on the basis of documents on file.
7. All documents available on file have been perused and arguments from the respondent were heard. It is found that 8000 units in the bill for July 2019 were in advertently billed due to wrong meter readings reported by the meter reader. However the Forum vide their order dated 05.02.2020 in his complaint no. 189/2019-20 have resolved the issue by directing the opposite party to revise the bills for last 5 years by uniformly

distributing the accumulated 8000 units charged in the bill for 07/2019 and the respondent have accordingly revised the bill as details given above. The petitioner also in his rejoinder dated 29.07.2020 has indicated that Forum aforesaid order has duly been complied with by the respondent but LPS amounting to Rs. 12,500.00 which he had paid be also ordered to be deleted. As submitted by the respondent's representative in hearing and as also evident from the calculations of the revised bill appended with written statement it is clear that no LPS has been charged so petitioner's claim regarding LPS is not maintainable.

The petitioner had also filed another complaint no, 01/2020 before the Forum for non compliance of their earlier order dated 05.02.2020, but the Forum has disposed off the complaint vide their order dated 20.06.2020 mentioning that since their earlier order had duly been complied with, by the respondent. Wherein relief of Rs. 4,144.00 has duly been allowed which had duly been uploaded in the system, hence there was no justification for considering the complaint any further.

8. In view of above facts of the case since the grievance of the petitioner stands redressed by way of revision of the bill in compliance to Forum order dated 05.02.2020 and as evident from the records no LPS as been charged, no further relief is admissible so the petition is dismissed. Forum order is upheld.

Dated: 31.08.2020

(Subhash Kumar)
Ombudsman