

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Kheem Singh Khatri
S/o Shri Narayan Singh Khatri
Village Gintigaon, P.O. Kotabaag,
Distt. Nainital, Uttarakhand

Vs

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

Representation No. 05/2020

Order

Dated: 31.08.2020

Shri Digpal Singh Khatri S/o Shri Kheem Singh Khatri Proprietor M/s Nandi Laghu Udhog Village Gintigaon, P.O. Kotabaag, Distt. Nainital a consumer of Uttarakhand Power Corporation Ltd. under industrial category with service connection no. RROK0000012050 for 8 KW load has preferred this appeal through his authorized representative Shri Kheem Singh Khatri S/o Shri Narayan Singh Khatri on being aggrieved with Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) order dated 14.01.2020 in his complaint no. 129/2019 before the said Forum against Uttarakhand Power Corporation Ltd. (UPCL) through its Executive Engineer, Electricity Distribution Division, Ramnagar, Distt. Nainital (respondent) with the request for issue a revised bill without levy of LPS after cancelling the bills already issued. He has also requested to grant stay on recovery of the disputed amount till disposal of the case by Hon'ble Ombudsman.

2. The petitioner has submitted in his appeal that he has a Aata Chakki in the name of M/s Nandi Laghu Udhog in village Gintigaon, Kotabaag, Distt. Nainital. Connection no. RROK0000012050 was released to him for 8 KW in the month of November 2010. He has been paying his electricity bills regularly since then. Suddenly he got September 2018 bill from reading 35470 to 60048 total consumption 24578 units for Rs. 1,25,396.00. On enquiry from the department on receipt of a bill of such a huge amount he was informed that inadvertently instead of cumulative KWh readings TOD

reading only in one slot were being taken. Further the department vide their letter dated 18.09.2019 added an additional amount of Rs. 9,157.00 saying that in the bills the contracted load was being shown as 6 KW instead of 8 KW. In his complaint before the Forum the Executive Engineer, Ramnagar submitted his clarification before the Forum vide his letter no. 4205 dated 09.10.2019 and perhaps the Forum has decided his case on the basis of the aforesaid clarification of the Executive Engineer. He has further submitted his point wise averment on each aforesaid letter. While he has agreed that Executive Engineer's clarification on point no. 1 and 2 is true on other points he has submitted as follows:

- iii) The department under this point has submitted that as per MRI the reading in the bill for September 2018 was 60150 KWh and the department held this reading as correct but he has explained that the average consumption of his connection from November 2010 till August 2018 was 400 units per month but according to the department this was the reading for only one slot. Now that the department had got the MRI done and reading on all TOD slots are being taken by the meter reader, the average consumption is still about 385 units per month. He has further submitted that as per MRI the total consumption from December 2017 to October 2018 was only 4718 units meaning that the average consumption has been 428.9 units per month. Based on this the cumulative KWh reading from November 2010 to October 2018 had been only 40316 while this has been shown as 60048 in the bill for September 2018.
- iv) The department had taken a written explanation of the meter reader wherein he has clarified that reading of one slot was being taken instead of TOD reading. Challenging the clarification of meter reader Shri Pan Singh he has asserted that the said meter reader had been taking readings of other consumers also of the same category in the area and it appears unlikely that he would have been taking cumulative reading of all the other consumers except that of him in which case he had been taking the reading of his meter only of one slot inadvertently. But in his view it was not so. Shri Pan Singh meter reader has also submitted that since November 2010 (date of connection) the readings were being taken of one slot only which means the same mistake was being

committed by all the other meter readers who have been taking meter reading prior to Shri Pan Singh meter reader. He has also raised a question that was this mistake being committed by all the meter readers in taking reading of all the other consumers also and if it was so, had the department sent them the bills for arrears. He has further raised a question that had any officer of the department ever checked his meter in these 8 years and had they checked the meter, had they also noted the mistake that readings only one ToD slots were being taken. Hence he is of the view that consumption in the month of September 2018 was excessive due to some fault or jumping in the meter.

- v) He has stated that he had never accepted that the readings were being wrongly reported and bills be corrected on the average basis since beginning to account for 24578 units, so department's averment is false. He has further stated with reference to MRI report that the average consumption from December 2017 to October 2018 was 428.9 units per month and if as per department correct readings are being taken as per MRI report from November 2018 to December 2019 the average consumption is 385.28 units per month. He has argued that now as per MRI reading from November 2018 to December 2019 if the average monthly consumption is from 380 units to 425 units then on which basis the department is holding 640 units per month average consumption as correct.
- vi) He has stated that issuing bill for 6 KW instead of 8 KW contracted load is the carelessness of the department and he is not responsible for the same.
- vii) The department has claimed that MRI data is available only for last one year and the bill is revised on the basis of the average of that data but he has claimed that as per MRI report the average consumption is 428.29 units per month, while the bill has been corrected at 649 units per month average consumption.
- viii) The department had sent him the corrected bill.
- ix) No calculations has been given to him despite repeated written requests. He has stated that the meter reader had been taking correct readings since beginning, the excessive reading appeared in the meter in the month of

September 2018 due to some fault in the meter or jumping. He has substantiated his argument that there are four or five similar Aata Chakkis in a limited area of about 1-2 KM whose readings are also being taken by these meter readers. Should the meter readers have committed such mistake in taking the readings, he would have committed the same mistake in respect of other such consumers also but has not happened.

4. In view of his above submissions he has prayed that
 - i) The arrear bill given by the department be ordered to be cancelled in view of above facts of the case and a new bill be given without levy of LPS.
 - ii) Stay may kindly be granted for recovery of the disputed bill till disposal of the case.

In the end he has also submitted that the department had been getting deposited his bills from September 2018 to August 2019 regularly but from September 2019 they have refused to accept the current monthly bills payment saying that without depositing the arrear, the payment shall not be accepted as such the department may be directed to accept current monthly bills without depositing the disputed amount.

5. The Forum have observed that the meter was installed at the premises of the consumer on 20.10.2010 at initial reading 08 and as per MRI report the reading on 01.12.2017 was 55753. The opposite party had issued a revised bill from October 2010 to December 2017 on the basis of average monthly consumption of the total recorded consumption during this period on appropriate tariff in this bill the actual consumption up to March 2019 has also been added and no LPS has been charged in this revised bill but they have taken initial reading 1 instead of 8 and there appears no error or mistake in this bill and it appears to be correct. They have accordingly directed the opposite party to further correct the bill taking initial reading 8 and have disposed off the complaint after allowing it partially.
6. The respondent Executive Engineer has submitted his written statement vide letter no. 839 dated 20.02.2020, wherein he has submitted as follows:

- i) Connection no. RR0-K000012050 for 8 KW exists in the name of Shri Digpal Singh Khatri S/o Shri Kheem Singh Khatri M/s Nandi Laghu Udhyog.
- ii) Bill for the month of 09/2018 from initial reading 35470 to 60048 consumption 24578 was issued based on manual meter reading slip of the meter reader. It is further stated that till August 2018 readings of the consumers up to 25 KW were being submitted by the SDO.
- iii) As a consumption of 24578 units was shown in the bill for 09/2018, MRI was got done on the request of the consumer and the reading in the MRI was found correct

He has further stated that in the year 2010 when connection to the petitioner was released there were only 3 aata chakkis in the area but presently there are 11 aata chakkis in this area so comparison of his consumption of the past period with the current consumption by the petitioner is baseless.

8 KW connection was released to the petitioner in the month of 10/2010 at 0 initial reading. As per MRI report the reading on 30.11.2017 was 55753 KWH so the average consumption during 85 months was 649 units per month which is correct from 11/2017 the bills were being issued on actual consumption.

- iv) The meter reader has submitted his explanation that he had been taking reading of the installed meter only in 1 slot of TOD. He verbally also informed that this was also informed by him to the consumer. Reading of the connection was wrongly being taken since beginning while reading of the other aata chakkis in the nearby area were being taken correctly. Consumer's meter is working correctly and there was no fault or jumping in the meter which is itself confirmed from the MRI.
- v) The excess 24578 units were adjusted on average basis since beginning on appropriate tariff on petitioner's request as already reported under point no. iii) above the reading in the month of 11/2017 was 55753 KWH so from 10/2010 to 11/2017 the average consumption was 649 units per month. The Forum vide its order dated 14.01.2020 had directed to further revise the bill taking initial

reading as 08 instead of 0 (zero) and necessary correction had accordingly been made.

- vi) Since the bills from beginning have been issued on 6 KW instead of 8 KW contracted load so bills since beginning have been corrected for 8 KW contracted load.
 - vii) As per reply under point no. iii) and v) above.
 - viii) The averment is correct.
 - ix) The bill was revised since release of connection on verbal request of the consumer and efforts were made to explain him the calculations of the revised bill several times but he has shown his disagreement to deposit the bill. In the end, the respondent have submitted that the bills are being issued on actual metered units. The meter is working correctly and at present Rs. 1,71,123.00 are outstanding against him. With the above averment the respondent has requested that the petition be dismissed and the petitioner be directed to deposit the above outstanding dues. He has substantiated his submissions with documentary evidences which are available on file.
7. The petitioner has submitted his rejoinder dated 05.03.2020. It is merely a repetition or reiteration of what he has mentioned in his petition and no new point legal or technical or any evidence has been adduced.
8. The interim stay was granted 17.02.2020 and 26.02.2020 was stipulated for hearing on the stay application, which however was held on 05.03.2020 in which the petitioner appeared for arguments but respondent intimated via email to decide the matter of stay on the basis of documents already submitted. The stay was confirmed till next date of hearing of the case.

The hearing of the case was fixed for 18.03.2020 but multiple adjournments were sought for by both the parties in view of Covid-19 lockdowns and other associated problems regarding transport and health conditions of the petitioner being a senior citizen. Finally hearing was fixed for 21.08.2020. Asst. Engineer (Revenue) appeared for arguments on behalf of the respondent and argued the case and also submitted a written argument. As the petitioner did not turn up for arguments on this date also a

copy of the written argument no. 2443 dated 20.08.2020 submitted by the respondents at the time of hearing on 21.08.2020 was emailed to the petitioner with the request that he may also submit his written argument. In reply the petitioner telephonically requested that he wants to appear personally for submission of his arguments so he was allowed to appear before Ombudsman on 26.08.2020 for submission of his argument. His authorized representative Shri Kheem Singh Khatri accordingly appeared for arguments on 26.08.2020. During arguments he denied veracity of MRI readings and also submitted that he did not agree to revision of his bills from date of connection till 30.11.2017 on average consumption of 649 units per month based on so called MRI reading 55753 on 30.11.2017. As according to him the last reading in the bill of 08/2018 was 35470 and the reading in 09/2018 bill shown 60048 and consumption for the month of September 2018 shown 24578 units could not be possible. He insisted that his bills be revised on the basis of average consumption from December 2017 to October 2018 as 428.9 (say 429) units per month from date of connection till 30.11.2017. He has further substantiated his claim that his total consumption from October 2018 to December 2019 as per MRI readings had been 5761 units and thus average consumption as per MRI during this period has also been 384 units per month which is even less than the average consumption of 429 units from December 2017 to October 2018. He has further submitted that his average consumption has never been 649 units per month as have been taken by the respondent in the revised bill from date of connection to 30.11.2017 so he requested that his bill from date of connection to 30.11.2017 be revised on average consumption of 429 units per month on appropriate tariff without levy of LPS and further bills be also issued on actual consumption recorded without LPS.

9. The documents available on file have been perused and examined carefully, arguments from both parties were heard on 21.08.2020 and 26.08.2020. It is confirmed that the respondents have been issuing bills on wrong readings i.e. reading of one slot only since beginning till 30.11.2017, a period of about 86 months continuously which is not only a mistake but gross irregularity and carelessness on the part of the respondent as during this long period no supervisory staff has ever checked the status of the meter and thus the irregularity continued for 86 months due to which the consumer was under billed however he paid the bills as received. As per MRI report the total reading in the meter was 55753 on 30.11.2017. The bill of 08/2018

was issued at a final reading of 35470. The subsequent bills for the month of September 2018 was issued from initial reading 35470 to 60048. Thus for a consumption of 24578 units and for a sum of Rs. 1,25,396.00 with no arrears. This caused the grievance to the consumer and is the disputed bill against which he approached the Forum. The Forum vide their order dated 14.01.2020 found the revised bill issued by the respondent from date of connection to 30.11.2017 on the basis of average consumption of 649 units per month from date of connection till November 2017 based on MRI reading of 55753 on 30.11.2017 and initial reading 0 (zero) on 20.10.2010 and further bill till March 2019 on actual MRI readings as justified except the initial reading should have been taken as 08 instead of 0 (zero). They accordingly directed the respondent to further correct the bill and disposed of the complaint accordingly. The respondent in compliance of the Forum order further revised the bill taking initial reading as 08.

10. While it is true that the respondents have been issuing bills on wrong readings not consistent with MRI reports for such a long period of about 86 months for lesser consumption than what the petitioner has made during this period as per MRI report and necessitating revision of his bills for such a long period whereby the total billed amount from October 2010 (date of connection) till March 2019 has been worked out as Rs. 3,57,527.54 without levy of LPS (termed as DPS in the current tariff orders), based on average consumption from October 2010 to November 2017 @ 649 units per month based on MRI reading of 55753 as on 30.11.2017 and further bills from December 2017 to March 2019 on the actual MRI readings. After allowing adjustment of Rs. 2,08,140.00 made by the petitioner towards the bills issued to him in past, a differential amount of Rs. 1,49,387.54 has been worked out as outstanding dues against the consumer ending March 2019 and as per billing history submitted on 21.08.2020 along with the written argument by the respondent. The total outstanding dues ending July 2020 has reached to Rs. 1,86,651.00. In view of that, the MRI report being a computer generated document the correctness of which cannot be challenged. The revised bill as per calculation sheet submitted appears to be correct and justified and the differential amount so worked out as Rs. 1,49,387.54 at the end of 03/2019 which has now reached to Rs. 1,86,651.00 up to the bill for the month of July 2020 is the legitimate dues of the respondent and are payable by the petitioner. Further as this heavy differential liability of Rs. 1,86,651.00 has been created on the consumer due to

continued mistake by the respondent and a small consumer of 8 KW cannot be expected to be financially capable of paying such a huge amount in a single go, it is hereby ordered that this amount be recovered in 10 equal monthly installments to be paid along with future current monthly bills without levy of any LPS on the unpaid amounts remained balance due to payment in installments. The respondents are accordingly directed to issue revised consolidated bill as per their calculations and billing history along with calculation sheets plus office order granting installments as ordered above to the petitioner within 15 days from the date of this order. Forum order is upheld with above modifications. Petition is dismissed. Stay stands vacated.

Dated: 31.08.2020

(Subhash Kumar)
Ombudsman