

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Teerathpal  
S/o Late Shri Molhad,  
Village Harjoli Jatt,  
P.O. Gurukul Narsan,  
Manglaur, Tehsil Roorkee,  
Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Rural),  
Uttarakhand Power Corporation Ltd.  
Civil Lines, Roorkee,  
Distt. Haridwar, Uttarakhand

Representation No. 60/2019

### Order

**Dated:** 31.01.2020

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) order dated 06.11.2019 in his complaint no. 120/2019 before the said Forum against Uttarakhand Power Corporation Ltd. through Executive Engineer, Electricity Distribution Division (Rural) Roorkee (hereinafter referred to as respondent), has filed this appeal before the Ombudsman with the request that bill amounting to Rs. 1,02,075.00 be set aside and a corrected bill under Kutir Jyoti after adjustment of payment already made without LPS be ordered to be issued in the interest of justice.

2. The petitioner has submitted that he belongs to scheduled caste and lives in village Harjoli Jatt, Distt. Haridwar. He had taken a 1 KW connection for domestic use as a consumer of Kutir Jyoti. At the time of connection it was told that he has to pay a bill of Rs. 8.00 per month only. He has a अन्तोदय ration card no. 010315. He has stated that no bill was given for his above connection till 20.08.2017 and his connection was disconnected on 20.08.2017 on nonpayment of bills without any notice. On 31.01.2018 Shri Avnish Sharma, Junior Engineer and Shri Om Pal Singh from

Landra sub division inspected his premises. During their inspection it was alleged that 2 bulbs were in working condition and an assessment of Rs. 4,499.00 was therefore raised including the aforesaid assessment the department has shown outstanding dues Rs. 1,53,363.00 (Rs. 1,48,864.00 + 4,499.00) which according to him is wrong. The department vide their letter no. 2922 without date informed that a sum of Rs. 1,91,148.00 are outstanding against him, against which a complaint was lodged with the Forum on 18.09.2019 which was registered as complaint no. 120/2019. The respondent sent a revised bill amounting to Rs. 1,02,076.00 on 09.12.2019 which according to him is also wrong. He has further stated that during hearing in the Forum he came to know that Rs. 30,000.00 were paid by his late son in the year 2013, when Rs. 50,000.00 were outstanding against him. No benefit of the scheme was given to him. Even after Forum's order the respondent vide letter no. 4209 dated 04.12.2019 sent him a bill for Rs. 1,02,075.00 which had not been prepared under Kutir Jyoti scheme and hence was wrong. Having submitted as above he has prayed that bill amounting to Rs. 1,02,075.00 be set aside and a corrected bill under Kutir Jyoti after adjustment of payment already made without LPS be ordered to be issued in the interest of justice.

The Forum in its order dated 06.11.2019 in complaint no 120/2019 have observed that the complainant has not raised any objection on the assessment of theft of electricity but have raised objections on the bills till date of temporary disconnection. The opposite party in PD report have shown temporary date of disconnection as 30.01.2019 and that of permanent disconnection as 04.02.2019 but have alleged theft of electricity on 29.01.2018 on the disconnected connection. Hence there is contradiction in the dates of temporary disconnection which suggests that date of temporary disconnection shown in the PD report is erroneous hence the PD report (OM 2922 dated 06.09.2019) is liable to be quashed and as such revision of bill and PD report shall be justified. They have further observed that the perusal of the consumer billing history shows that the connection was released on 14.07.1998 IDF Bills were issued from January 2009 to July 2013, while as per UERC Tariff Order IDF Bills cannot be issued for more than 2 billing cycle and in accordance with Tariff provisions all IDF Bills issued from May 2009 to July 2013 are liable to be quashed. Metered units Bills were started to be issued from September 2013 while average per month consumption in the billing history has been shown as 55 units till 08.11.2016

but from 08.11.2016 to 06.01.2017 the total consumption has been shown as 7,893 units which is not possible technically and practically. The Forum thinks that this has happened due to some error in the meter (meter jumping) as such the Forum was of the opinion that after 08.11.2016 till date of temporary disconnection (28.08.2017), it would be justified to revise the bills for this period on the average consumption in the bills of 07/2016, 09/2016 and 11/2016(3 billing cycles) without levy of surcharge and all bills issued after 28.08.2017 are liable to be quashed. Having observed as above they have allowed the complaint and have quashed the PD report issued by department and have directed the department to issue revise bill as per their observation. They have further directed that since IDF bills from May 2009 to July 2013 have been ordered to be quashed the department should take administrative action against the JE and AE and may recover the amount of such quashed bills from them.

The Respondent Executive Engineer has submitted his WS on 28.12.2019. He has stated that a connection for domestic use was released to the petitioner on 14.07.1998 and was being billed under RTS-1 Tariff. Against the bills issued he had paid a sum of Rs. 27255/- on 30.03.2013. Hence his allegation that no bills were issued till 20.08.2017 is false. The connection was disconnected on non-payment as mentioned in the checking report. A checking was carried out by SDO and JE at the premises on 29.01.2018 vide checking report no 45/11 according to which the petitioner was found using point 0.20 KW by direct tapping from the line on his disconnected connection. Which is an act of theft under Section 135 of Electricity Act 2003 and is a non-bailable cognizable offence. An assessment for un authorizedly used electricity is raised on penal rates under Section 126 and for Rs. 4499/-. Due to non-payment of bills a sum of Rs 148864/- had become due till January 2018 and including assessment amount of Rs 4499/- a consolidated bill for Rs. 153363/- was sent to the consumer vide letter no 435 dated 03.02.2018. Further due to non-payment, PD was finalized vide OM 2922 dated 06.09.2019 and a demand of Rs. 191148/-, including assessment amount of Rs. 4499/- was raised. The PD OM was subsequently revised in compliance to Forum's order dated 06.11.2019 and a revised PD OM No 4209 dated 04.12.2019 was issued for a demand of Rs. 102076/- although he had deposited Rs. 27255/- on 30.03.2013 but did not apply for rebate under the scheme. As regards petitioner's submission that he was not billed under Kutir Jyoti the respondent has

submitted that a consumer is entitled for billing under Kutir Jyoti rate if his monthly consumption is only 30 units, but as monthly consumption in instant case is more than 30 units per month, the petitioner do not qualify to be billed under Kutir Jyoti rate schedule.

The respondents has submitted that as it is interalia a case of theft of electricity the petition be dismissed and petitioner be directed to pay the outstanding dues Rs. 102076/-. He has substiated his submissions with documents referred in his WS.

Further the respondent has submitted a revised bill of Rs. 92801/- including assessment amount of Rs. 4499/- till the date of temporary disconnection 28.08.2017, in compliance to Forum's order dated 06.11.2019.

The petitioner has submitted a rejoinder dated 20.01.2019 in which no fresh points have been raised and it is merely a re-iteration of the contents of the original petition.

Arguments were heard on 28.01.2020 when both parties appeared and submitted their arguments. Documents available on file have been perused. It is borne out that:-

- (1) One KW domestic connection was released to the petitioner on 14.07.1998 under Kutir Jyoti. As submitted by respondents and as shown in the billing history his monthly consumption has been more than 30 units against, the maximum monthly consumption admissible under Kutir Jyoti(average monthly consumption of 55 units as observed by the Forum). He does not qualify to be billed at the rates admissible to Kutir Jyoti consumer and hence his request is not sustainable.
- (2) The connection was temporarily disconnected on 28.08.2017 and permanently disconnected on 04.02.2019. The PD report was finalized vide OM dated 06.09.2019 raising a demand of Rs. 191148/- the PD OM was further revised on 04.12.2019 in compliance to Forum order 06.11.2019 wherein payable amount have been claimed Rs 102076/-. This demand was further revised to Rs. 92801/- till date of temporary disconnection. Wherein bill for the period 08.11.2016 to 28.08.2017 has been revised on average consumption of 3 bills for the month of July 2016, September 2016 and November 2016 without levy of LPS still in compliance to Forum order dated 06.11.2019.
- (3) It has been observed that Forum's order has still not been complied with intotality as the IDF Bills for the period from 05/2009 to 07/2013 have not been withdrawn. The

respondents are therefore directed to further revise the final bill after deletion of the amount of IDF Bills from May 2009 to July 2013 and LPS levied on these bills and issue a rectified bill accordingly within 15 days from the date of this order with a feedback to the undersigned.

The petition is allowed. The Forum's order is upheld. No comments on theft of electricity case, being out of jurisdiction.

Dated: 31.01.2020

(Subhash Kumar)  
Ombudsman