

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Jai Prakash Chauhan
D-8, Shri Ramnagar, Jwalapur
Haridwar, Uttarakhand

Vs

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

Representation No. 59/2019

Order

Dated: 21.01.2020

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) order dated 06.10.2019 in her complaint no. 98/2019 dated 19.08.2019 before the said Forum, Shri Jai Prakash Chauhan (petitioner) has preferred this appeal on behalf of his wife Smt. Sulochna Chauhan who is a consumer of Uttarakhand Power Corporation Ltd. (hereinafter referred to as UPCL) under domestic category with connection no. JW2/1224/102453, against UPCL through its Executive Engineer, Electricity Distribution Division, Jwalapur, Haridwar.

2. He has stated that in spite of depositing necessary charges as per Uttarakhand Electricity Regulatory Commission (The Electricity Supply Code) Regulations, 2007 (hereinafter referred to as Supply Code) the supply was not given in time as indicated in consumer history and the department has also not submitted any solid grounds for delay in release of connection. He has further stated that after filing complaint before the Forum some correspondence was done by the Forum and some cuttings were made in the file. Documents pertaining to his earlier appeal were asked for and the case was decided and dismissed on the basis of his earlier appeal and no order has been passed on his complaint. After the hearing was over, the opposite party, Executive Engineer submitted his reply on point no. 1 to 6 of the complaint.
3. Further he has submitted his appeal on the following 6 points:

- i) The commencement of supply has been shown from 31.05.2008 while in the consumer history it is from 17.02.2010(The bill for the month of February 2010). No evidence has been submitted to show that the connection was released on 31.05.2008 and not in the month of February 2017, as shown in the billing history. The development charges have been levied while this has not been done from other consumers in the area and thus discrimination has been made.
 - ii) Charges for enhancement of load were deposited on 11.07.2011 while enhancement was made effective from 24.10.2011. No evidence of the meter indent dated 11.07.2011 has been produced.
 - iii) Meter blanks formats for the year 2012 and 2013 have not been shown on the grounds that it is a newly created division and so the desired meter blanks(Formats)are not available in the division. He has stated that as a petitioner, he has no concern with creation of division, so meter blanks for the year 2012 and 2013 should have been given to him.
 - iv) The sealing report is doubtful, the department is misguiding.
 - v) While enclosing a copy of respondent's letter no. 86 dated 11.07.2024 (the correct date is 11.07.2014). He has alleged that the department is misguiding.
 - vi) As per billing history NR bills were issued from April 2011 to August 2011 and IDF bills from October 2011 to October 2012. He has been harassed by Shri Mukesh Kumar(meter reader), Shri Arvind Kumar SDO Bhadrabad and Sarv Shri Ashok Kumar JE, Manoj Saini JE and Suresh Kumar, JE. No reply has been given about the action against them for causing harassment to him.
4. The Forum after perusal of records and hearing from both parties at 8 number occasions have observed that the service line charges, security and development fee has been charged in accordance with relevant regulation 2007 which is correct as per the regulations. Charges for new connection were deposited on 31.05.2008 and as per consumer billing history the connection was also released on 31.05.2008. Consumption of 1369 units had been recorded in the meter till 17.02.2010. All these facts suggests that there has been no delay in release of connection so the Forum was of the opinion that the complaint was not liable to be accepted. The other complaint from point no. ii) to vi) are of the same nature as had already been submitted by the petitioner in his complaint no 125/13 in which order was passed on 17.05.2014 by Consumer Grievance Redressal Forum, Garhwal zone.

An appeal against the said order was preferred by the petitioner before the Hon'ble Ombudsman which was dismissed by him(Hon'ble Ombudsman) vide his order dated 14.11.2014. The Forum have therefore held that they are not empowered to hear and pass any order on such complaints which have already been dismissed by the Hon'ble Ombudsman. Hence they observed that complaints from sr. no. ii) to vi) are also not liable to be accepted and in view of their aforesaid observations they have dismissed all the complaints.

5. The respondent, Executive Engineer has submitted his written statement vide letter no. 4652 dated 16.12.2019, while he has recused himself from submission of any reply on point no. i), iii), iv) and have held point no. v) of the complaint as not clear. He has submitted his reply on the other points as follows:

Supply to connection no. JW2/1224/102453 in the name of Smt. Sulochna Chauhan as per billing history was commenced on 31.05.2008 which is in accordance with sub regulation 5 (11) of Supply Code, so the supply was given within the prescribed time period. He has substantiated his submission regarding date of release of connection as 31.05.2008 on the basis that as per billing history the meter reading on 17.02.2010 was 1125 units. Details of billing online system before the said date are not available. Further he has stated that the development charges have been taken from the consumer in accordance with UERC (Release of new LT) Regulations, 2007 as regards enhancement of load he has submitted that necessary charges were deposited by the consumer on 11.07.2011 and meter indent was also placed by SDO on 11.07.2011 itself and meter for enhancement of load was installed by test division on 24.10.2011.

Regarding his complaint for details for the year 2012 and 2013 it is stated that all details are duly mentioned in consumer billing history. A copy of the sealing certificate for enhancement of load has also been submitted by him. NR bills for the period April 2011 to August 2011 and IDF bills from October 2011 to October 2012 have been issued in accordance with sub regulation 3.2 (1) of Supply Code. Referring to Forum's order dated 06.10.2019 in the instant case, he has submitted that his earlier complaint no. 125/2013 on the similar issues was dismissed by CGRF, Dehradun vide their order dated 14.05.2014 and further appeal no. 13/2014 preferred before Hon'ble Ombudsman against the said order of the Forum was also dismissed by the Hon'ble Ombudsman vide order dated 14.11.2014. A copy of billing history from February 2010 to February 2019 has also been submitted with the written statement.

6. The petitioner has submitted his rejoinder dated 24.12.2019 wherein no new point has been submitted and this is merely a repetition or reiteration of what he has already mentioned in his appeal.
7. Hearing was fixed for 06.01.2020 which was subsequently postponed for 13.01.2020 and again for 16.01.2020. Finally hearing was thus held on 16.01.2020 when both parties appeared and submitted their arguments. The petitioner shri J. P. Chauhan appeared himself and the respondent was represented by Shri Keval Singh. SDO. Arguments from both parties were heard, documents available on file have been perused. The earlier case file of appeal no. 13/2014 decided by the then Ombudsman vide order dated 14.11.2014 has also been perused.
8. The Forum's observation and conclusion that points no. ii) to vi) of the complaint cannot be heard and considered for passing any order being the same as were in his complaint no. 125/2013 already dismissed by the Forum vide their order dated 17.05.2014 and further his appeal no. 13/2014 was dismissed by the Ombudsman vide order dated 14.11.2014 is in accordance with the relevant regulations and is upheld. Further, Forum order dismissing his complaint as per point no. i) is found to be correct in view of the documents available on file and as such the Forum order dismissing the complete complaint needs not be interfered with and the same is upheld. The petition is dismissed.
9. However the following points need to be mentioned here:
 - i) As per para 10 of Ombudsman order dated 14.11.2014 in earlier appeal no. 13/2014 the respondent have committed that action against the erring JEs and SDOs shall be taken, but no feedback has been submitted by the respondent till date. They are therefore directed that in case action as per above order has duly been taken, a copy thereof be submitted now within a week from the date of this order. If however no action as directed in the above order has yet been taken, the same be taken now within 30 days from the date of this order with a copy to this office.
 - ii) Regarding his complaint for levy of development fee from him and not from other consumers of the area, and thus alleging it a case of discrimination, it is observed that in his appeal to the State Information Commission, the State Commission had while dismissed the appeal vide their order dated 15.05.2017 had interalia directed the MD, UPCL to get the matter investigated and get the development charges realized from other consumers of the area from whom it was not taken and had also asked for a feedback. As no documents or reply regarding compliance of the State Information

Commission's above order have been submitted by the respondent before me(Ombudsman), it is not known whether compliance of these orders have been made or not. However it is directed that the MD, UPCL may look into the matter and ensure that compliance of State Information Commission's order dated 15.05.2017 has been made and if not, the same be complied with now. A feedback may be submitted to the undersigned also within 30 days from the date of this order.

- iii) During hearing the petitioner informed that he had deposited Rs. 10,000.00 towards development charges whereas in a list of consumers of the area only Rs. 4,000.00 has been shown as the deposit towards development charges and Rs. 6,000.00 deposited by him towards development charges vide receipt no. 07/029875 dated 11.07.2011 have not been shown in the said list. Since the receipts are available on file which confirms that development charges amounting to Rs. 10,000.00 (Rs. 4,000.00 vide receipt dated 31.05.2008 and Rs. 6,000.00 vide receipt dated 11.07.2011) were deposited. The respondent's representative Shri Keval Singh, SDO, who appeared for hearing was directed to issue a certificate to the petitioner for the total amount of development charges deposited by him.
- iv) The respondent could not submit sealing certificate for release of connection on 31.05.2008 although on the basis of other documents available on file it is confirmed that the connection was released on 31.05.2008 but non issue of sealing certificate is in violation of sub regulation 3.1.1 (5) of Supply Code. This lapse on the part of the respondent has been noted as a dereliction of duty on the part of the concerned officials of the respondent.
- v) As regards petitioner's request for giving him or showing him the meter blanks for the year 2012 and 2013, the respondent is directed to arrange to search such meter blanks from the records of their parent division and show the same to the petitioner for his satisfaction.

Dated: 21.01.2020

(Subhash Kumar)
Ombudsman