

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Jitendra Bhandari  
Villa Aadhya,  
Guptkashi (Viewguard)  
P.O. Devidhar, Tehsil Ukhimath  
Rudraprayag, Uttarakhand.

Vs

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

Representation No. 09/2021

**Order**

Dated: 23.04.2021

Being aggrieved with the Consumer Grievance Redressal Forum, Karanprayag zone (hereinafter referred to as the Forum) order dated 15.01.2021 in his complaint no. 05/2019-20 against UPCL through its Executive Engineer, Electricity Distribution Division, Rudraprayag, Shri Jitendra Bhandari, Manager M/s Villa Aadhya Guptkashi, Distt. Rudraprayag has preferred this petition for correction of his disputed bill for the month of October 2019.

2. The petitioner has submitted an undated representation received in this office on 07.02.2021, subsequently he submitted a supplementary representation dated 08.03.2021. His averments in the representations are as follows:

That he has a hotel in the name of M/s Villa Aadhya in Distt. Rudraprayag where he has taken an electrical connection no. 41600620442 where meter number 14780640 was installed at the time of release and the same is still existing at his premises (the connection no. mentioned on the bill for the month of October 2019, in the billing history, in consumer ledger and in written statement submitted by respondent has been mentioned as RP0K000027970 and no connection no. has been mentioned in Forum order dated 15.01.2021). UPCL has sent bill of October 2019 amounting to Rs. 2,03,327.00 which is wrong. All bills prior to the said bill have duly been paid by him

regularly. Monthly bills for the months of February, March, May, June, July, August and September 2019 have been received for a sum of Rs. 12,285.00, 2,582.00, 13,230.00, 9,517.00, 16,497.00, 11,804.00, 20013.00 and 33,720.00 respectively which have all duly been paid. A complaint was lodged before the Forum against the said inflated bill which was registered there as complaint no. 05/2019-20 and decided by the Forum vide their order dated 15.01.2021 which reads as follows:

*“मंच ने इस प्रकरण में दोनों पक्षों को सुनने एवं प्रस्तुत किये गये तथ्यों का अवलोकन करने के पश्चात यह पाया गया कि एक 31080 यूनिट का बिल उपभोक्ता को प्रेषित किये गये एम0आर0आई0 रिपोर्ट के हिसाब से सही है शिकायत निवारण मंच का यह मतह” कि अक्टूबर 2019 से पूर्व में जो बिल प्रेषित किये गये हैं वह मीटर विभाग द्वारा गलत मीटर रिडिंग लेने की वजह से हुए हैं जिसमें कि विभाग की गलती है। अतः शिकायत निवारण मंच का यह भी मत है कि विभाग की गलती की वजह से उपभोक्ता को एक साथ 31080 यूनिट बिल देना उपभोक्ता के साथ अन्याय है। मंच माह अक्टूबर 2019 का बिल जो कि 31080 यूनिट का है उपभोक्ता को 4 किश्तों में भुगतान देने का आदेश देता है और उक्त बिल का लेट पेमेंट सरचार्ज नहीं लिया जायेगा।”*

3. He has submitted that he is not satisfied with Forum’s aforesaid order and has therefore requested that his problem be resolved and relief by correcting the bill be granted. In his supplementary appeal the following grounds of appeal have been submitted
  - a) The Forum has failed to appreciate that the impugned bill for the month of October 2019 has been issued in a most illegal, obscure, erroneous, arbitrary, unwarranted, perverse, irregular and unjust manner in clear violation of the settled proposition of law resulting in manifest in justice and causing serious prejudice to the complainant and hence the same deserved to be quashed and set aside.
  - b) The Forum has failed to appreciate that the action of the UPCL is in clear violation of principles of natural justice, equity and good consensus in as much as no notice or opportunity of being heard was given to the appellant before raising the impugned demand.

- c) Because the Forum has stated in the order that bill before October 2019 were issued on the basis of wrong readings. However, there is nothing on the record which establishes that the bill issued prior to October 2019 were based on wrong readings. That the bill issued are on the basis of metered units which is confirmed by the billing history.
4. Further he has submitted the supplementary facts of his case as follows:
- a) As per clause 3 (other conditions) of the approved tariff 2018-19 of Hon'ble UERC "TOD meters shall be read by Meter Reading Instrument (MRI) only with complete dump with phasor diagram, tamper reports, full load survey reports etc shall be downloaded for the purpose of complete analysis.". That similar provisions followed in all the subsequent tariff orders. That the installed meter in his premises is a TOD meter as the readings are taken as per the MRI which is confirmed from the billing history which established beyond doubt that the reading have been entered on MU basis.
- b) He has quoted sub regulation 3.1.2 (reading of meters) of UERC Supply Code Regulations, 2007 (the quoted UERC regulations 2007 have since been replaced by UERC (The Electricity Supply Code, Release of new connections and related matters), Regulations, 2020 dated 29.10.2020 which have come into force w.e.f. 28.11.2020 and no such provision exists in the new regulations in force at present.)
- c) If any difference is observed in the reading and the MRI report that implies that meter is not working as per its specifications and has gone defective. The assessment can only be done by the Electrical Inspector in case of defective meter as per the UERC regulations. The UPCL is not authorized to issue any bill on the billed units based on their whims and fancies.
- d) As per billing history and impugned bill the units consumed in the month of October 2019 are 31080. But it is not possible technically, logically and practically for a connection of 10 KW to consume such units in a month, hence the bill is liable to be quashed.

Based on his averments he has made the following prayers.

- i) To set aside Forum's order dated 15.01.2021 passed in his complaint no. 05/2019-20
  - ii) Direct the respondent to revise all the subsequent bills in line with approved regulations of the Hon'ble Commission without imposition of LPS.
  - iii) Quash the wrongly prepared bill for the month of October 2019 for which the respondents were not authorized.
  - iv) Pass any order or direction or provide any other relief which the Hon'ble Ombudsman deemed fit in the interest of justice.
5. The Forum after perusal of records and hearing arguments from both parties observed that bill for 31080 units sent to the consumer is correct based on MRI report. However, they were of the opinion that bills issued prior to October 2019 were issued on wrong meter readings by the metering department and the department committed mistake in issuing such bills as such they were of the opinion that issue of a bill for 31080 units due to a fault on part of the department is unjustified, Hence they ordered that payment of the bill for the month of 2019 for 31080 units be allowed in 4 installments without levy of late payment surcharge.
6. The respondent Executive Engineer has submitted his written statement vide his letter no. 490 dated 18.03.2021, wherein he has submitted that connection no. RPAK000027970 exists in the name of the petitioner where meter no. 14780640 is existing. It is admitted that bills up to the month of 10/2019 have duly been paid although not regularly but with a gap of one month. After the month of 10/2019, Rs. 10,000.00 and Rs. 7,000.00 were paid in the month of September 2020 and further Rs. 25,000.00 were paid in the month of October 2020 and Rs. 50,000.00 were paid in the month of December 2020 in 2 installments of Rs. 25,000.00 each and again payments amounting to Rs. 6,462.00, Rs. 5,915.00 and 4,627.00 were paid in the month of January 2021, February 2021 and March 2021 respectively. In addition to above Rs. 30,000.00 were paid on 16.03.2021 under the orders of Hon'ble Ombudsman and thus a sum of Rs. 1,58,761.00 is presently outstanding against the petitioner. It is admitted that bill for the month of October 2019 for the balance 31080 units as obtaining in the meter was issued for a sum of Rs. 2,03,327.00. The petitioner has objected to this bill and approached the Forum with complaint no. 05/2019-20 which was decided by the

Forum vide their order 15.01.2021 wherein they upheld the bill for the month of October 2019 being correct as per MRI for 31080 units but at the same time they held that issue of an inflated bill for 31080 units is unjustified and directed to recover this amount in 4 installment without levy of LPS. Being dissatisfied with Forum's order the consumer has preferred the instant petition before the Hon'ble Ombudsman. He has substantiated his submissions with documentary evidences such as consumer ledger. A reading slip dated 03.03.2021, billing reports.

7. The petitioner has submitted a rejoinder dated 24.03.2021. At the outset he has specifically and categorically submitted that contents of the written statement filed by the respondent before Hon'ble Ombudsman are specifically and categorically denied being devoid of merits, baseless and no cogent explanation has been furnished with respect to the contentions of the appellant, hence denied except to the extent which are specifically and categorically admitted herein as follows.

- i) That the contents of para 1, para 2, para 4, para 5, para 6 and para 7 are admitted facts and need no comments. Contents of para 3 are denied in totality except to the admitted fact that the consumer has cleared all his bills till October 2019 but it is specifically denied that the current amount due is Rs. 1,58,761.00.

Parawise rejoinder to supplementary facts/grounds

- a) The submission is denied in totality and the same is not relevant to the instant case
- b) That the submission is denied in totality as the bill raised and reading entered is binding on both the Licensee and the consumer.
- c) That the submission needs no comment.
- d) In addition to above following additional points have also been submitted
  - a. It is an admitted fact that the consumer has paid all his dues up to October 2019 which is clearly established from the billing history and consumer ledger submitted by the respondent. Subsequently the bill was raised for an amount of Rs. 2,03,327.00 for the month

of October 2019 for 31080 units. That it is not possible to consume such units in a month. Hence the bill is liable to be dismissed.

- b. That from the perusal of the billing history it is clear that the billed units never crossed 3500 units in a month. Hence consumption of 31080 units in the month of October 2019 is not possible. This establishes that the meter has jumped the reading. Further it is pertinent to mention that all the units have been calculated on metered consumption. Such high reading confirms that there is some technical defect in the meter and meter is also liable for replacement.

8. In view of his above submissions, he has reiterated the prayers which he has already made in his petition. The hearing in the case was fixed for 12.04.2021, while the petitioner did not turn up on the scheduled date for arguments, Shri Mohit Dabral, Executive Engineer did appear for arguments but he could not explain his case, except a submission that 31080 units billed in the disputed bill for the month of 10/2019 are the accumulated consumption of the previous bills, as such next date of hearing was fixed for 19.04.2021. Shri Raj Kumar accountant appeared on behalf of the respondent but he could explain nothing about the case. The petitioner submitted a request via email dated 19.04.2021 showing his inability to appear personally for arguments due to covid-19 but he submitted his written argument dated 17.03.2021 and requested to decide the case on the basis of his submission and documents already submitted. In his written arguments dated 17.03.2021 he has referred clause 3 (Other conditions) of UERC tariff 2018-19 which is also applicable in all the subsequent tariffs. He has also quoted sub regulation 3.1.2 (reading of meters) of UERC Supply Code regulation, 2007 and has again reiterated his prayers already made.

9. Documents available on file have been perused carefully. It is found that a 10 KW non domestic connection no. RPOK000027970 is existing in the name of the petitioner for a hotel named as Villa Aadhya with meter no. 14780640 which was installed at the time of release of connection on 07.06.2016 and is still existing at the premises and is in working order, veracity of which has not been challenged by the petitioner and as such it is taken for granted that the meter is working correctly. A perusal of the consumer's billing history shows that the meter was installed on

07.06.2016 at 0 (zero) initial reading. The KWh reading in the month of 09/2019 was 34335 and bill for September 2019 was issued for 2122 units from reading 32213 to 34335. Bill for the month of October 2019 issued on 05.11.2019 for 31080 units from reading 34335 to 65415. It is strange to see that while bills purportedly for metered units from 06/2016 to 09/2019 have been issued for 34335 units, average monthly consumption 880 units, a single bill for the month of October 2019 was issued for 31080 units from reading 34335 to 65415 in KWh for a sum of Rs. 2,03,327.00. From perusal of the billing history and the MRI billing reports it is observed that there is a discrepancy in the readings appearing in billing history and the MRI billing report. For example while the previous and present KWh readings in the bill for the month of October 2019 issued on 05.11.2019 are 34335 and 65415 respectively giving metered unit for the month of October 2019 as 31080 which also reflects in the billing history. The KWh readings in the MRI billing report on 01.10.2019 and 01.11.2019 are 62023.15 and 65156.98 respectively giving a metered consumption of 3133.85 KWh (say 3134 KWh) in the month of October 2019. The respondent Executive Engineer could not explain this discrepancy. Although in his written statement as well as his oral submission during hearing on 12.04.2021, he admitted that bill for the month of October 2019 amounting to Rs. 2,03,327.00 was issued for balance 31080 units obtaining in the bill. This amounts to his admission to the fact that the disputed bill was for the accumulated consumption due to billing on wrong recorded readings in the past before the month of October 2019 and thus this consumption of 31080 units is in fact not the consumption for the month of October 2019 only but it includes the left over consumption for the previous months that could not be billed due to wrong reporting of the meter readings. The Forum have also observed this irregularity but escaped to pass orders on merits keeping in view the wrong reporting of consumption during previous months. The fact of the case regarding consumption is established that the total consumption recorded by the meter from June 2016 the date of its installation at 0 (zero) initial reading till October 2019 at 65415 reading in KWh in 40 months and hence it would be logical and justified if bills from 06/2016 to October 2019 are revised by uniformly distributing the total recorded consumption of 65415 KWh in these 40 months from 06/2016 to 10/2019 i.e. on an average of 1635 unit per month (65415 / 40). The respondent are therefore directed to issue a consolidated bill from 06/2016 to 10/2019 on an average monthly consumption of 1635 units on

appropriate tariff without imposition of LPS (all the bills issued from 06/2016 to 10/2019 are held as provisional bills for having been issued on arbitrary and wrong reported readings, for which the respondents are not authorized except issue of provisional bills in case of NA/NR for a limited three billing cycles in monthly billing cases, which is not the situation in the instant case) after allowing adjustment for all the payments made by the petitioner against the bills from 06/2016 to 10/2019. Such a bill as per this order be issued within 15 days from the date of this order. Forum order is set aside petition is allowed. Billing from 11/2019 and onwards need not be revised. Stay shall stand vacated immediately after the due date of disconnection as may be mentioned on the revised consolidated bill to be issued in compliance to this order.

Dated: 23.04.2021

(Subhash Kumar)  
Ombudsman