

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ram Nath Prajapati
S/o Shri Shyam Lal Prajapati
Jagatpura, Rudrapur
Distt. Udham Singh Nagar, Uttarakhand.

Vs

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

Representation No. 06/2021

Order

Dated: 31.03.2021

Being aggrieved with non compliance of the Consumer Grievance Redressal Forum, Udham Singh Nagar zone's (hereinafter referred to as the Forum) order dated 04.02.2020 in his complaint no. 192/2019-20, Shri Ramnath Prajapati S/o Shyamlal Prajapati R/o Jagatpura, Rudrapur a consumer of UPCL (the petitioner) under domestic category for 1 KW load with connection no. 891B127141195 had lodged a complaint against UPCL through its Executive Engineer, Electricity Distribution Division (First), Rudrapur, Distt. Udham Singh Nagar (hereinafter referred to as the respondent), with the said Forum which was registered as complaint no. 02/2020-21 and decided by the Forum against his complaint vide order dated 08.01.2021, for enforcing Forum's order dated 04.02.2020, has preferred this petition for correction of his disputed bill.

2. The petitioner has submitted that his meter was replaced in the year 2016 for some technical defects. Bills based on MU were being issued to him bimonthly which were duly being paid and after depositing the bills for 4 years a bill was sent to him for Rs. 37,000.00 in the month of December 2019, the bill was given to him on 03.01.2021 (Sunday), no time for depositing the bill was given and connection was immediately disconnected. He has alleged that in the year 2020 Forum ordered to issue a revised

bill for Rs. 8,955.00 in place of the already issued bill for Rs. 37,396.00. He had been pursuing with the department for compliance of the Forum's order but the Forum decided on 08.01.2021 that the petitioner is liable to pay a sum of Rs. 38,734.00. The petitioner has requested that keeping in view the facts, amount of the bill be got reduced. Further he has demanded compensation Rs. 15,000.00 to compensate the expenditure that he has incurred in pursuing his case with the department and Forum. He has also requested for granting stay against disconnection till his case is decided. (The interim stay was accordingly granted on 05.03.2021, which was extended on 15.03.2021 till next hearing)

3. The Forum decided the complaint no. 02/2020-21 vide their order dated 08.01.2021. The Forum have mentioned, with reference to their earlier order dated 04.02.2020 in complaint no. 192/2019-20, that in the said order the Forum had directed to issue a revised bill for the period 06.11.2019 to 10.01.2020 for a sum of Rs. 8,955.00 and in view of this order the liability of payment by the complainant was ascertained as Rs. 8,955.00. This was based as payable dues after revision was shown as Rs. 8,955.00 in the bill amount column of the billing history, while in fact this was the amount of the bill dated 06.11.2019 issued before bill revision and liability of payment after revision was not indicated in the billing history. The Forum have further observed that bills on NR and RDF were issued from 20.09.2015 to 06.11.2019 while the meter was replaced on 01.02.2017. Consumption of 9000 units was shown as per meter reading on 06.11.2019 in the old meter hence, NR and RDF bills issued before the said date were to be revised and in fact the amount of the revised bills was Rs. 37,396.00 and not Rs. 8955.00 as mentioned in order dated 04.02.2020 and the bill was accordingly issued and was correct. This included a sum of Rs. 9,736.37 towards LPS and after deletion of this amount of LPS the total outstanding dues after bill revisions came out as Rs. 38,734.00 as on 06.01.2021. The forum have therefore held this amount of outstanding dues as correct. The Forum have further observed that bills have been revised on the tariff which was in force on 06.11.2019, while the revision of the bills from 20.09.2015 to 06.11.2019 should have been done on appropriate tariffs on average basis. In view of their observations the Forum directed that bills from 20.09.2015 to 06.11.2019 for metered units 11892 be further revised on average basis on appropriate tariff.

4. The respondent Executive Engineer has submitted a written statement vide his letter no. 1152 dated 08.03.2021 which has further been modified vide his affidavit dated 20.03.2021 submitted during hearing on 22.03.2021. He has submitted that in their order dated 04.02.2020 in complaint no. 195/2019-20 the Forum had directed the liability to pay after revision on 11.11.2019 was decided as Rs. 8,955.00 and further bill from 06.11.2019 to 10.01.2020 was ordered to be revised but the department submitted before the Forum against the liability of 8,955.00 as decided by the Forum and they were apprised that after revision the bill amount has been worked out as Rs. 37,396.00 and not Rs. 8,955.00 as ordered by the Forum. The Forum in their order dated 08.01.2021 in complaint no. 02/2020-21 themselves agreed that the bill amount after correction ordered as Rs. 8,955.00 in their earlier order dated 04.02.2020 in complaint no. 192/2019-20 was in fact not the amount of the revised bill but it was the amount of the bill dated 06.11.2019. He has further submitted that bill for the period 09/2015 to 11/2019 was revised as per Forum's order dated 04.02.2020 and accordingly revised bill for Rs. 37,396.00 was issued which was correct as per Forum's clarification on their order dated 04.02.2020. Further a sum of Rs. 9,736.87 towards LPS has already been deleted on 06.01.2021 in compliance to Forum's order dated 04.02.2020 and the same is duly reflected in consumers ledger which is enclosed with his submissions. He has further requested that as aforesaid Forum's order dated 04.02.2020 and 08.01.2021 had duly been complied with and the total outstanding dues against the consumer after aforesaid revision and adjustment and Rs. 20,000.00 paid by the petitioner on 19.01.2021 are Rs. 22,353.00 ending 03/2021 as reflected in the billing history as well as in consumer ledger and which is the correct amount of outstanding dues against the petitioner and hence the respondent Executive Engineer has requested that the stay granted on 05.03.2021 be vacated and the petitioner be directed to deposit the aforesaid outstanding dues and if the total outstanding dues are paid by him the benefit of waiver of surcharge under the surcharge waiver scheme under Government orders may be given to him.
5. The petitioner has not submitted any rejoinder and therefore date for hearing was fixed on 22.03.2021. The petitioner has however submitted an authorization dated 17.03.2021 authorizing his son Shri Mahesh Prajapati to contest his case.

6. Hearing was accordingly held on 22.03.2021. The petitioner was represented by his son Shri Mahesh Prajapati and the respondent was represented by AE (R). Both parties argued their case. The arguments were concluded.
7. All documents available on file have been perused and arguments from both parties were heard. It has been noted that Forum order dated 04.02.2020 in complaint no. 192/2019-20 has duly been complied with by the respondents and has duly been approved by the Forum in their order dated 08.01.2021 wherein necessary clarification regarding amount of the corrected bill as ordered in the order dated 04.02.2020 as Rs. 8,955.00 but which are actually 37,396.00 and after waiver of surcharge amounting to Rs. 9,736.37 and further billing and payment of Rs. 20,000.00 paid on 19.01.2021 having been duly accounted for, the total outstanding dues against the petitioner ending 03/2021 have rightly been worked out as Rs. 22,353.00 as reflected in the billing history as well as in consumer's ledger and as such these outstanding dues are payable by the petitioner.
8. In view of the facts of the case there is no reason or ground to interfere with Forum's order dated 04.02.2020 and 08.01.2021 which had duly been complied with by the respondents to the satisfaction of the Forum as mentioned in their order dated 08.01.2021. The Forum order stands duly complied with and the same is upheld. Petition is dismissed. Interim stay granted on 05.03.2021 and extended till next hearing as per day sheet order dated 15.03.2021 stands vacated. The respondents are at liberty to realize the aforesaid outstanding dues by adopting such means as are available to them under the Act and regulations, if the petitioner does not pay the dues. Further benefit of LPS waiver scheme launched under the Government order may also be given to him if he pays the total outstanding dues (principal amount) within the stipulated period

Dated: 31.03.2021

(Subhash Kumar)
Ombudsman