

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Saroj Osmond
W/o Shri Daniel Anthony,
Tuntowala, Mehuwala Maafi,
Dehradun, Uttarakhand.

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Mohanpur, Premnagar,
Dehradun, Uttarakhand

Representation No. 08/2021

Order

Dated: 24.03.2021

Being aggrieved with the Consumer Grievance Redressal Forum, Garhwal zone's (hereinafter referred to as the Forum) order dated 29.01.2021 in her complaint no. 68/2020 dated 21.12.2020 before the said Forum against UPCL through its Executive Engineer, Electricity Distribution Division, Mohanpur, Premnagar, Dehradun (hereinafter referred to as the respondent), Smt. Saroj Osmond W/o Shri Daniel Anthony resident of Ward no. 89, Tuntowala, Mehuwala Maafi, a consumer of UPCL for 2 KW domestic connection no. MP11419222736 has preferred this appeal against the inflated bill with the prayer that her bills be revised on the basis of average metered consumption.

2. She has submitted that as per MRI report submitted before the Forum excess consumption was found in the month of May 2020 to August 2020 (4 months) but she is not satisfied with the respondent's assessment for the excess units recorded during the aforesaid months as her consumption has never been so high. A relief of 612 units allowed on the basis of respondent's report is not agreeable to her from the records it is clear that consumption in the months of May to August is too high. The opposite party's submission is that a complaint regarding excessive consumption was never made by her before them is wrong. On her complaint the officer at Mohanpur office

informed that this is the consumption from January to May. Previous bills were issued without reading due to lockdown. On her second complaint made in the month of July, the officer advised her for making a request for check meter on toll free number 1912. Meanwhile, payment of Rs. 5056.00 made on 27.07.2020 has also not been accounted for. No confirmation about this had been made by the respondent but on examination the said amount was observed to have been deposited in UPI account of UPCL on 1st December but the said amount has still not been returned to her and no further payment could therefore be made due to the dispute on the previous payment of Rs. 5,056.00. No attention was paid by the respondent on her complaint right from 06th July to January and meanwhile LPS continued to be imposed on the bills. On her complaint regarding fault on her cable, no action has been taken by the respondent. Copies of all the complaints made by her have been adduced with the petition. In view of her averments, she has requested that a just decision on the excessive consumption bill for these 4 months be taken and bill for the said period be got revised on the basis of average consumption recorded by the meter in the past. Since bill was incorrect LPS imposed may also be done away with and such other relief as admissible may also be granted.

3. After perusal of the records submitted before them and hearing both parties, the Forum have observed that as per report submitted by the opposite party, the meter was working correctly and bills have duly been issued on metered consumption. MRI of the meter could not be done. No report has been made by the complainant regarding fault in service cable. On the directions of Forum the opposite party submitted MRI report wherein it was found that the following tampers were found in the MRI report from 19.06.2020 to 19.08.2020

Sr. No.	Event Name	Unit में बढोतरी (टेम्पर का कारण)
1	Earth Load	537 units
2	Neutral Disturbane	45.3 Unit
	Total	612.3 units

4. The Forum also observed that a complaint regarding fault in the service cable was lodged with the respondent wherein the complainant reported that a fault has occurred on her service cable on 21.06.2020 and which was rectified on 28.08.2020 on lodging a complaint on toll free number 1912. The Forum noted that in view of MRI report

submitted by opposite party, complainant's complaint regarding fault in cable has been confirmed and during the period the fault persisted an additional 612 units were recorded by the meter due to earth load and neutral disturbance and they were of the view that adjustment of 612 units may be allowed in the bills for the period under dispute. The Forum accordingly ordered and disposed off the complaint.

5. The respondent, Executive Engineer has submitted a written statement vide letter 6004 dated 06.03.2021 wherein point wise submissions have been made as follows:

- i) A complaint regarding fault in service line of connection no. MP11419222736 was lodged by the petitioner which was rectified on 01.07.2020.
- ii) The consumer has made a complaint on 16.08.2020 for installation of a check meter and deposited Rs. 95.00 towards meter testing fee on 25.08.2020. The check meter was accordingly installed at her premises on 16.09.2020 and finalized on 24.09.2020. No variation in the consumptions recorded by the existing and check meter was found (As directed during hearing the respondent submitted attested copy of the above referred sealing certificates which confirms that 49 units were recorded by the existing meter as well as the check meter from 16.09.2020 to 24.09.2020). The respondent has stated that as there was no difference in the energy recorded by the two meters, no adjustments was admissible.
- iii) A complaint regarding excessive bill and meter was lodged by the petitioner on 10.09.2020 at the call center and subsequently complaint was also made to the SDO Mohanpur.
- iv) For redressal of her grievance regarding inflated bill she lodged a complaint before CGRF on 22.12.2020 where it was registered as complaint no. 68/2020.
- v) The Forum hearing both parties and perusal of the records and based on the analysis of MRI report of the existing meter no. 91859298 ordered to allow adjustment of 612 units in the next bill without levy of any LPS on such a revised bill.

- vi) In compliance to Forum order dated 29.01.2021 in complaint no. 68/2020 adjustment of a sum of Rs. 2,968.00 on account of 612 unit was allowed on 22.02.2021.
 - vii) Regarding non refund of Rs. 5,056.00 deposited by her on 27.07.2020 which could not be transferred to UPCL account due to some communication problem viz Bank (HDFC) system which was reported by HDFC bank on 06.03.2021 that the said amount could not be transferred to UPCL account as such credit of the said amount was given in the accounts of the petitioner on 08.01.2021. The respondent has substantiated his submissions with documentary evidences enclosed with the written statement.
6. The petitioner has submitted a rejoinder on 15.03.2021. She has shown her gratitude to respondent Executive Engineer for allowing adjustment of Rs. 2,967.00 for 612 units in compliance to Forum order dated 19.01.2021 in her complaint no. 68/2020 but she has submitted that inflated consumption has been billed in the bills from May 2020 to August 2020. She has reiterated her requests for correction of the bill on the basis of average consumption recorded in the past. She has substantiated her reiteration with documentary evidence, the details of billed units as per MRI from 01.02.2020 to 01.01.2021 wherein consumption in the month of 05/2020, 06/2020, 07/2020 and 08/2020 appears as 575.6 units, 521.7 units, 1143.5 units and 814.4 units respectively, while consumption in the other months has varied from 68.5 units to 183.3 units only. She has also stated that refund of Rs. 5056.00 deposited by her on 27.07.2020 was made to her only in the month of January 2021. LPS however was imposed up to January 2021 on this deposited amount which in fact could not be accounted for in UPCL accounts due to some communication problems in the Banking system. She has requested that relief by deleting such LPS may also be granted.
7. Hearing in the case was held on 19.03.2021. The petitioner was represented by her husband Shri Daniel. The respondent Executive Engineer appeared himself. Both parties argued their case. The hearing was concluded with mutual consent. All records and documents available on file have been perused. It is borne out that a 2 KW connection no. MP11419222736 under domestic category was released to the petitioner on 28.08.2017 with installation of meter no. 71829298. The same meter still

exists at the premises as confirmed from the billing history as well as sealing certificates dated 16.09.2020 and 24.09.2020. Billing history from the month of 10/2017 to 02/2021 has been adduced by the respondents which shows that the first bill after release of connection on 28.08.2017 was issued on 04.10.2017 for metered units 133 from initial reading 1 to reading 134. All the bills except NR bill for the month of 10/2019 and 04/2020 have been issued for metered units. Consumption in the bill for the month of 06/2020 and 08/2020 has been abnormally high being 1327 units and 1767 units respectively (total metered units in these 2 bills has been 3094 in 4 months of these 2 bills). The metered units in all the other bills has varied from 133 units in the bill for 10/2017 to 568 units in the bill for the month of 10/2020, it is therefore, clear that consumption in the bills for 06/2020 and 08/2020 has been abnormally high. As regards the reasons for this high consumption in these 2 bills, the respondents based on MRI tamper reports, have attributed 612 units towards earth load and neutral disturbance during the period a fault persisted in the service cable and thus relying upon the MRI tamper report the Forum ordered adjustment of 612 units in the bills which has duly been allowed by the respondents on 22.02.2021 when adjustment of Rs. 2,967.00 towards the cost of these 612 units has been allowed, which is duly reflected in the billing history as well as in the consumer ledger, but after allowing adjustment of these 612 units the consumption in the 2 disputed bills for 06/2020 and 08/2020 still remains 2482 units (3094 – 612) as this consumption is still very high as compared to the consumption for the remaining bills right from 10/2017 to 02/2021, it suggests that leakage of energy in earth load and neutral disturbance as per MRI tamper report being 612 units only is not the only component attributable to excessively high consumption billed in the month of 06/2020 and 08/2020 and there must be some other factor also attributable for inflated billing for these 2 months. An examination of the billing history shows that consumption pattern has not been consistent or uniform throughout the period. Although some variations in consumption could always be there but such variation should not be unreasonable as has been noted in the instant case in examination of the billing history. It is therefore suggested that the excessive high consumption billed in these 2 months is partly attributable to accumulation of the consumption recorded in the meter in the period prior to 06/2020 due to misreporting of the readings obtaining in the meter. Although veracity of the meter has been established by check meter study in which no variation

of the consumption recorded by existing and check meter was found. Such being the case it is felt that grievance of the petitioner had only been redressed partly

8. The connection was released on 28.08.2017 at 1 initial reading and reading in the meter on 20.02.2021 as per billing history was 8547. During the entire period from 28.08.2017 to 20.02.2021 (42 months) the total consumption recorded by the meter which has continuously been in circuit and whose correctness is ascertained by check meter study has been 8546 units (8547-1) which gives an average consumption of 203 units per month i.e. 406 units per bill. Further after deducting 612 units adjustment of which had already been allowed in compliance to Forum's order, the balance consumption during these 42 months remains 7934 units (8546-612) which gives 189 units per month i.e. 378 units per bill. After subtracting 3094 units billed in the bills for 06/2020 and 08/2020 (4 months) the units consumed in remaining 38 months comes out as 5452 units (8546 – 3094) which gives 143 units per month i.e. 286 units per bill. While average consumption in the bills of 06/2020 and 08/2020 being 3094 units in 4 months comes out 773.5 units per month i.e. 1547 units per bill. The above analysis confirms that high consumption in the bills for 06/2020 and 08/2020 is not attributable to 612 units of the energy lost in leakage only but also the accumulated units due to incorrect reporting of metered consumption in the period prior to 06/2020. It would therefore be logical and justified if billing for the entire period from 10/2017 to 02/2021 for the consumption 7934 units (8546 units as recorded – 612 units leakage energy already adjusted) for 42 months is revised on average 189 units per month i.e. 378 unit per bill on appropriate tariff without levy of LPS and after adjustment of payments made, in addition to the relief of 612 units amounting to Rs. 2,967.00 already allowed in the month of February 2021 in compliance to Forum's order. The respondents are directed to issue a revised bill as aforesaid before the next billing cycle and advise the correction to the billing system in the next cycle. Forum order stands modified as per this order. Petition is allowed.

Dated: 24.03.2021

(Subhash Kumar)
Ombudsman