

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ranvir
S/o Shri Chatru
Village Dahiyaki, 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. 07/2021

Order

Dated: 31.03.2021

Being aggrieved with the Consumer Grievance Redressal Forum, Haridwar zone's (hereinafter referred to as the Forum) order dated 20.08.2020 in his complaint no. 35/2020 before the said Forum against UPCL through its Executive Engineer, Electricity Distribution Division (Rural), Roorkee (hereinafter referred to as the respondent), Shri Ranvir S/o Chatru R/o Village Dahiyaki, Distt. Haridwar, a consumer of UPCL under domestic category for 1 KW load with connection no. RDN-314087043 has preferred this petition for correction of his final bill after permanent disconnection amounting to Rs. 79,540.00

2. The petitioner has averred that Forum's order dated 20.08.2020 in his complaint no. 35/2020 is against the facts of the case and the law and is far away from the facts. He has stated that as in the aforesaid order name of the complainant has been written as Shri Gajendra Singh S/o Umed Singh and his name has not been mentioned in Forum's aforesaid order so the said order is baseless and is not based on the facts. (This is a clerical mistake, appears to have been committed advertently and may be rectified by the Forum. However this does not have any material effect on this case.) All bills against his 1 KW domestic connection no. RDN-314087043 had duly been paid till the year 2017 and further payments of Rs. 521.00, 480.00 and 480.00 and

also Rs. 491.00 have been made on 31.01.2018, 16.03.2018, 25.05.2018 and 17.07.2018 respectively. After 17.07.2018 his connection was alive only for 5 months and a bill for these 5 months have been issued for Rs. 79,540.00. The said bill is fictitious and not based on the factual position. He has also alleged that when he approached the department on 10.12.2020 a sum of Rs. 6,000,00 was asked from him as a bribe for correction of the bill (As this allegation has been made without any evidence and neither Ombudsman is the competent authority to hear such a case so this allegation shall not be considered in this order). He has further stated that the departmental staff came to his residence on 15.01.2019 and removed and took away the meter while there was no defect in the meter. Neither they gave him a sealing report of the removed meter. The sealing report based on false facts was however submitted before the Forum. The petitioner has suffered financial loss as well as mental torture by this illegal action of the department. A bill for Rs. 79,540.00 has unauthorizedly been issued to him. This action of the department is an abuse of his human rights. He has submitted that he is ready to pay the legitimate bill for 5 months after 17.07.2018 till disconnection, so the disputed bill amounting to Rs. 79, 540.00 be set aside and a correct bill may be ordered to be issued and further action against the erring departmental officials be also taken.

3. After perusal of the records submitted before them and hearing from both parties the Forum observed that bill amounting to Rs. 79,540.00 has been issued for the balance units left to be billed in the old meter which was not paid by the complainant and therefore connection was permanently disconnected and a final bill amounting to Rs. 79,540.00 have been issued, which is payable by the complainant, as such they concluded that his complaint is not liable to be allowed and they accordingly dismissed the complaint vide their order dated 20.08.2020.
4. The respondent, Executive Engineer has submitted his written statement dated 09.03.2020. He has submitted that Forum passed order dated 20.08.2020 in complaint no. 35/2020 after hearing both parties. As per billing history the last payment for Rs. 491.00 was made by the petitioner on 17.07.2018. Regarding bill of Rs. 79,540.00, the respondent has submitted that as per report of the SDO reading in the meter on 15.11.2018 was appearing as 16610 as reported by the meter reader. This meter remained at the premises for 74 months. A check meter on the request of the

petitioner was installed on 20.11.2018 and was finalized on 16.12.2018, consumption of 138 units in 26 days was recorded and there was no difference of consumption recorded during the said period by the check meter as well as consumer's existing meter. The connection was permanently disconnected for nonpayment of arrears amounting to Rs. 79,540.00 and meter was removed and a final bill for the said amount was sent to the consumer which was based on actual consumption recorded in the meter. The allegations levelled by the petitioner have been denied by the respondent saying that such allegations are baseless and far from the facts. He has substantiated his submissions with documentary evidences such as billing history, sealing certificates dated 20.11.2018 and 16.12.2018 for installation and finalization of check meter, a copy of SDO's PD report and a copy of PD OM no. 1521 dated 09.05.2019.

5. The petitioner has submitted his rejoinder dated 15.03.2021, which is simply a repetition or reiteration of what he has mentioned in his petition and no legal point or any other fact has been submitted in his rejoinder.
6. Hearing in the case was held on prescheduled date 23.03.2021. Petitioner himself appears with his counsel. The respondent Executive Engineer appeared himself. Both parties argued their respective case. The Executive Engineer categorically admitted that the bill for the month of 11/2018 issued on 15.11.2018 for a metered consumption of 12711 units from reading 3899 to 16610 amounting to Rs. 79,408.00 as shown in the billing history is in fact a bill for the accumulated units due to misreporting of the metered consumption in the past and therefore it needs to be revised. Further dues ending 01/2019 shown as Rs. 79,540.00 in the billing history as also in PD OM is also wrong and has to be reworked out. He therefore proposed to submit a revised bill for the entire period latest by 26.03.2020. He was therefore allowed to submit the detailed calculation sheet for revision of the bill as proposed by him, latest by 26.03.2021. The respondent Executive Engineer, has accordingly submitted a revised calculation sheet for the above connection right from 23.09.2012 till 15.11.2018 by uniformly distributing the total consumption of 16610 units recorded by the old meter and for 208 units consumed from 16.12.2018 to 17.01.2019, recorded by the new meter as per this calculation sheet the respondent has worked out the amount of proposed revised bill as Rs. 42,633.00 against raised bill of 79,540.00 and thus proposed an adjustment

of Rs. 36,906.00. Respondent's aforesaid proposal for revision of the bill appears to be logical and justified according to which the bill amount payable by the petitioner shall be Rs. 42,633.00 instead of already issued final bill of Rs. 79,540.00, thus he will get a relief of Rs. 36,906.00. In this calculation sheet no LPS has been added which is justified as a correct and consolidated bill shall be issued on the basis of these calculations. The respondent Executive Engineer is therefore directed to issue a revised bill for Rs. 42,633.00 as per his calculations submitted before me. He is also directed to issue an amended PD OM accordingly within a period of 15 days from the date of this order. The Forum order is set aside. Petition is allowed.

Dated: 31.03.2021

(Subhash Kumar)
Ombudsman