

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Vinay Shankar Dubey
S/o Shri Ram Krishna Dubey
Plot no. 103, Fazalpur mehraula,
Preet Vihar, 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. 03/2021

Order

Dated: 31.03.2021

Shri Vinay Shankar Dubey S/o Shri Ram Krishna Dubey R/o Plot no. 103, Fazalpur, Mehraula, Preet Vihar, Rudrapur (the petitioner) a consumer of UPCL under domestic category for 2 KW load with service connection no. 891K706197622, not being satisfied with the Consumer Grievance Redressal Forum, Udham Singh Nagar zone (hereinafter referred to as the Forum) dated 05.12.2020 in his Misc. complaint no. 03/2020-21 against UPCL through its Executive Engineer, Electricity Distribution Division (First), Rudrapur, Distt. Udham Singh Nagar (hereinafter referred to as the respondent), has preferred this petition for proper implementation of Forum's earlier order dated 29.07.2020 passed in his complaint no. 12/2020-21.

2. The petitioner in his instant petition before Ombudsman has averred that a complaint was lodged by him before the Forum which was registered as complaint no. 12/2020-21 wherein it was submitted that bill dated 23.05.2020 for the period 13.11.2018 to 14.05.2020 was wrong and the Forum was requested for correction of the said bill. The Forum in their order dated 29.07.2020 in the said complaint had directed the opposite party to revise the NA/NR bills for the period 13.11.2018 to 14.05.2020 on the basis of average consumption worked out on the principle of uniform distribution of the total energy metered during the said period on appropriate tariff after

adjustment of the payments made by him with the instructions that no LPS shall be imposed on such revised bill and a calculation sheet for the revised bill may also be given to the complainant if he so desires. A compensation of Rs. 250.00 was also granted by the Forum in terms of sub regulation 9 (1) of UERC (Standard of Performance) Regulations, 2007. The petitioner has submitted that neither his bill has been revised nor the compensation has been given till date despite repeated requests to the departmental authorities. He has further stated that bills for the months of May to August 2018 and from June to November 2020 have been issued for excessive consumption. He has therefore requested that orders for correction of the bills be issued and action against the erring staff may also be taken.

3. The Forum heard both parties and perused the records and examined the ledger and billing history submitted by the opposite party in compliance to Forum's order in complainant's original complaint and it was observed that the complainant's main objection is regarding the bill dated 16.01.2020 issued for a sum of Rs. 14,185.00 for metered consumption of 2637 units. The complainant has challenged the correctness of this bill because his consumption in just 2 months cannot be so high and on this basis he has argued that the revised bill is wrong. The representative of the opposite party clarified that NA/NR bills were being issued prior to 05.09.2019. Bill on 05.09.2019 was issued on metered units so the bill issued on 16.01.2020 was for a period of 4 months and 11 days and not for a period of 2 months and as such the bill is not for excessive units as it is for metered units. The Forum held that the dispute raised by the complainant on the correctness of the said bill stands resolved in view of opposite parties clarification. Further the opposite party at the time of hearing proposed that if the complainant was not satisfied with the revised bill he can get a calculation sheet of the revised bill from the office on any working day. In view of above the Forum was of the opinion that their orders passed in original complaint no. 12/2020-21 have been properly complied with and hence they have dismissed the complaint.
4. Since the instant appeal is regarding non compliance of Forum order dated 29.07.2020 in his complaint no. 12/2020-21, it would be in the fitness of things to reproduce here in this order the abstract of the said order "The OP are directed to revise NA/NR bills for the period 13.11.2018 to 14.05.2020 on the basis of uniform distribution of total

recorded energy during the said period and workout the average monthly consumption and revise bills on appropriate tariff after adjustment of payments made against the already issued bills without levy of any LPS and they also directed that if the petitioner, so desires a copy of the calculation sheet of such revised bill be also given to him. Further the Forum granted a sum of Rs. 250.00 as compensation in terms of sub regulation 9.1 of UERC (Standard of Performance) Regulations, 2007. Further they also directed that the OP is at liberty to recover the cost of granted compensation from the erring staff.

5. The respondent, Executive Engineer has submitted his written statement vide letter no. 1151 dated 08.03.2020. An affidavit dated 20.03.2021 has also been submitted at the time of hearing on 22.03.2021. The contents of both these documents are clubbed and are as follows:

- i) Revised bill for the period 11/2018 to 05/2020 has duly been issued in accordance with Forum's order dated 29.07.2020 in petitioner's original complaint no. 12/2020-21 before the Forum, copy of the revised bill has also been submitted.
- ii) Adjustment of the interest amounting to Rs. 1,676.00 (1633+43) has also been given in the bill in compliance to Forum's order dated 29.07.2020 in complaint no. 12/2020-21.
- iii) Compensation amounting to Rs. 250.00 as granted by the Forum in their order dated 29.07.2020 in complaint no. 12/2020-21 in terms of sub regulation 9.1 of SOP Regulations, 2007 has also been given by way of adjustment in the bill. Copy of billing history ledger and the revised bill to substantiate his submissions regarding issue of revised bill, adjustment of interest and compensation has also been adduced.

In view of his above submissions the respondent has requested that Forum's order referred to above have duly been complied with and after revision of the bill and allowing adjustments as aforesaid the total outstanding dues against the petitioner as on 12.03.2021 has been worked out as Rs. 33,672.00. As such he has requested that the petitioner be directed to deposit the aforesaid amount so that benefit of surcharge

waiver scheme being launched under government orders be also given to the petitioner

6. The petitioner have submitted his rejoinder dated 15.03.2021. He has stated that the rejoinder is being submitted not being satisfied with respondent's written statement submitted before Ombudsman in petition no. 03/2021. He is not satisfied with respondent's submission that bill for the period 11/2018 to 05/2020 was revised in accordance with Forum's order dated 29.07.2020 in complaint no. 12/2020-21. He is also not satisfied with respondent's submission that adjustment of the interest as well as compensation as ordered by Forum in complaint no. 12/2020-21 in order dated 29.07.2020 has been given.
7. Hearing in the case was held on 22.03.2021 as scheduled. Representatives of both the parties appeared and argued their case mainly on the basis of the documents already submitted by them.
8. After hearing arguments from both the parties and perusal of the records it is found that a 2 KW domestic connection no. 891A706197622 was released to the petitioner on 10.03.2017 with installation of meter no. 60959491. The said meter still exists. Billing history from May 2017 to March 2021 has been adduced by the respondent which shows that MU bills have been issued for the entire period except NR bills for the months of 01, 03 and 05/2020 and NA bill was issued for the month of 07/2020 again 1 no. NR bill was issued in the month of 11/2019. Bills from 13.11.2018 to 14.05.2020 have duly been revised on metered units 4340 (from reading 2220 to 6560) for a sum of Rs. 17,971.00 in place of already issued bills for a sum of Rs. 20,770.00, thus adjustment of Rs. 2,799.00 has been allowed to the petitioner as a result of revision of the bill. The amount of revised bill is duly reflected in the billing history. Details of bill revision have also been given under bill revision details of the billing history which also confirms the bill revision. The amount of revised bill Rs. 17,971.00 also reflected in the consumer ledger. CC-BR details of the billing history as well as entries in the ledger also confirms that adjustment of Rs.1,633 and Rs. 43.00 (total Rs. 1,676.00) towards interest have duly been allowed on 14.09.2020 and 10.03.2021 respectively and compensation Rs. 250.00 has also been allowed on 10.03.2021 as shown in the ledger.

9. Based on the aforesaid computer generated documentary evidences it is clearly established that respondent's submission regarding compliance of Forum's order dated 29.07.2020 with regard to revision of the bill from 11/2018 to 05/2020, adjustment of interest and compensation are correct and thus Forum order dated 29.07.2020 in complaint no. 12/2020-21 have duly been complied with properly by the respondent. Further, Forum have also upheld in their order dated 05.12.2020 that their order dated 29.07.2020 have properly been complied with by the respondent. As such the petitioner's allegations that Forum's aforesaid order dated 29.07.2020 has not been complied with does not prove to be correct, as such his instant petition fails. Forum order dated 05.12.2020 in complaint no. 03/2020-21 is upheld. The petition is dismissed. Further a copy of the bill from 08.11.2020 to 12.03.2021 for a metered consumption of 354 units from reading 9299 to 9653 for a sum of Rs. 33,965.00 has also been adduced by the respondent, which matches with the details of this bill in the billing history. The consumer ledger also shows balance outstanding dues on 12.03.2021 as Rs. 33,672.00.
10. Since Forum's order have been duly complied with properly as aforesaid and his grievances have duly been redressed, the petitioner is liable to pay the outstanding dues amounting to Rs. 33,672.00 as on 12.03.2021 as per ledger. The respondent's are at liberty to realize the above outstanding dues by adopting such means as are available to them under the Act and the Regulations. Further as proposed by the respondent, he may avail the benefit of waiver of LPS in terms of Government order no. 285 dated 19.02.2021 read with UPCL OM no. 534 dated 19.02.2021 if the total outstanding dues are paid by the petitioner within the stipulated date mentioned in the aforesaid orders.
11. The petitioner's complaint regarding alleged correctness of the bills from the month of June 2020 to November 2020 and that of from the month of May 2018 to August 2018 and his request for revision of these bills is irrelevant here in the instant petition as this issue was not covered in his complaints before the Forum, so this cannot be considered here in this order.

Dated: 31.03.2021

(Subhash Kumar)
Ombudsman