

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Madan Pal Saini
S/o Late Shri D. R. Saini
House No. 53, Phase First,
Engineers Enclave, GMS Road,
Dehradun

Vs

1. The Executive Engineer,
Electricity Distribution Division (South),
Uttarakhand Power Corporation Ltd.
18, EC Road, Dehradun, Uttarakhand
2. Smt. Babita Vasisth
House No. 48, Phase 1
Engineers Enclave, GMS Road,
Dehradun, Uttarakhand

Representation No. 02/2021

Order

Dated: 15.02.2020

Aggrieved with the order dated 28.12.2020 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no. 35/2020 before the said Forum against Uttarakhand Power Corporation Ltd. through its Executive Engineer, Electricity Distribution Division (South), Dehradun, Shri Madan Pal Saini S/o Shri D. R. Saini House no. 53, Phase 1, Engineers Enclave, GMS Road, Dehradun has preferred this appeal/petition with the prayer that his bills from October 2018 to 18.09.2020 be got corrected, compensation for a sum of Rs. 20,000.00 be granted and necessary action against the concerned lineman allegedly involved in theft of electricity should be taken.

2. The petitioner has submitted that he has a domestic connection no. SD15351130522 for 2KW load at his residence. On receipt of inflated bills a complaint was lodged with Forum apart from complaint to SDO concerned. The Forum decided his complaint vide his order dated 28.12.2020 wherein they have ordered for adjustment of 1132 units in the bills. The petitioner has stated that Shri Pramod urf Pappu

Lineman had given supply to some other consumer from the outgoing cable of his connection with the intention of theft resulting into excessive billing to him He has been receiving excess bill from October 2018 which continued till 18.09.2020 when the wrongly connected connection from the outgoing cable of his connection was set right by the department. He has stated that as he has suffered a loss of Rs. 20,000.00 on account of this irregularity committed by the lineman of the department he is not satisfied with Forum's order for allowing adjustment of only 1132 units as the Forum has passed orders by overlooking the facts of the case and his submissions made before the said Froum and he has therefore requested that a compensation of Rs. 20,000.00 be granted to him apart from action against the erring Lineman for committing this irregularity with the intention of theft of electricity.

3. The Forum after perusal of the submissions made by the complainant and the opposite party has mentioned in their order observed that as per the report of the Lineman Shri Pramod and JE Mustkim Ali have observed that connection to the incoming of another consumer Smt. Babita Vasisth was found connected to the outgoing cable of the complainant Shri Madan Pal Saini. The complaint was resolved by setting right the connection. They have further observed that due to the wrong connection as aforesaid excess consumption was billed in the bill of Shri Madan Pal Saini in the month of June 2020, while these units were being billed to Smt. Babita Vasisth also which were duly being paid by her so they concluded that 1132 units were billed in excess to the complainant for the period 12.04.2020 to 16.09.2020 while these units had also been billed to Smt. Babita Vasisth and as such the Forum have ordered that adjustment of 1132 units charged in excess of the actual consumption made by the complainant during the aforesaid period 12.04.2020 to 16.09.2020 be allowed and corrected bill be issued accordingly.
4. Respondent no. 1, Executive Engineer, EDD, South, Dehradun had submitted a written statement vide his letter no. 6276 dated 14.01.2021 wherein he has submitted that the complaint/allegation of Shri Madan Pal Saini that he has received bill for excess consumption from the month of October 2018 is baseless and false, as connection to Smt. Babita Vasisth was given only on 05.02.2019. On checking on 16.09.2020 it was found that connection of Smt. Babita Vasisth was given from the outgoing cable of the meter of Shri Madan Pal Saini, hence, the connection from the

outgoing cable of the petitioner was removed and connection of Smt. Babita Vasisth was connected from the distribution box so petitioner's complaint was resolved. On the basis of the monthly consumption details of the connections of Shri Madan Pal Saini and Smt. Babita Vasisth which is enclosed with the written statement as annexure 1. It is clearly seen that connection of Smt. Babita Vasisth was connected to the outgoing cable of the meter of the petitioner from May 2020 to August 2020 and as per the consumption details as aforesaid adjustment of only 1054 units was to be given to the petitioner. To substantiate his submissions he had submitted copies of consumer billing history of both the parties.

5. Respondent no. 2 Smt. Babita Vasisth has also submitted her written statement dated 15.01.2021 with an affidavit. She has stated that she is residing in third floor of flat no. C-3 in Badri Apartment which she had purchased on 11.01.2019 from Shri Ajay Kumar S/o Shri Madhav Rao and Kumari Khusboo D/o Shri Ajay Kumar, copy of the registry has also been adduced. Electricity connection to her flat was released on 05.02.2019, copy of the first bill and payment received is also enclosed. She has clarified that she doesn't have any role in the present case where the petitioner has alleged receiving excess bill from October 2018 while her connection was released in the month of February 2019 and the flat was purchased in January 2019 as per registry. She has submitted that she had taken a authorized connection as a responsible citizen and is paying electricity bills timely. She has requested that a solution in the matter be find out to maintain the cordial atmosphere.
6. The petitioner has submitted his rejoinder with an affidavit dated 25.01.2021. He has alleged that submission of the Executive Engineer are false and are based on ex parte checking while the facts of the case are that on 18.09.2020 on his complaint Lineman Shri Pramod Kumar came at the site and started removing the cable which was connected to the outgoing cable of his meter, through which some connection was illegally given to some other consumer. On asking that whom this illegal connection was given the said Lineman replied that it belong to somebody in the flats. Then he was asked to come down from the pole and asked to find out as to whom this connection was given before it is removed or Police or the higher authorities will be called upon to visit the site but having ignored the request and with the intention to remove the evidences the cable was removed from him outgoing cable and connected

to the distribution board. 7 connections have been given to the flats from the distribution board and hence removed the evidences to whom this illegal connection was given. This episode was brought to the notice of SDO the same day i.e. 18.09.2020 at 06:40 pm at his mobile number 9412075904 through whatsapp and a written complaint was also given on 19.09.2020 as the SDO did not take any action and a complaint was lodged with Forum on 21.09.2020. No official from UPCL came at site for any checking. From above it is clear that out of 7 residents in the flats someone was using electricity through this illegally given connection. The Lineman fabricated a story that the connection from his outgoing cable was given to Smt. Babita Vasisth while no enquiry was conducted about the consumption and bills of all the 7 residents of the flats. He has further stated that as the evidences of illegal connection given from his outgoing cable was removed by the said Lineman on 18.09.2020 so it is wrong to say that connection was given to Smt. Babita Vasisth. It is wrong submission of the Executive Engineer that the connection of Smt. Babita Vasisth was connected from the outgoing cable of the petitioner only from May 2020 to August 2020 and adjustment of only 1054 units was to be given while the Forum in their order have directed to allow adjustment for 1132 units both these are contradictory. He had further submitted that the respondent had compared the consumptions of Smt. Babita Vasisth and the petitioner but consumption pattern for the last 15 years, which have duly been submitted with the petition have not been perused which shows increase in the consumption from October 2018. On the basis of his consumptions over the last 15 years he has alleged that electricity theft was being done from October 2018 through the illegal connection given from the outgoing cable of his meter. Further no examination or scrutiny of the consumptions of the connections given in house no. 48 opposite to his residence from October 2018 was also not carried out so he has requested that keeping in view the facts, evidences and submissions by him, proper order be given. Punitive action against the concerned Lineman involved in this illegal act be taken, scrutiny of all the 7 number consumers be conducted to find out as to who is involved in the theft based on the consumption details over the last 15 years and keeping in view the excess consumption from October 2018 the compensation be granted.

7. Hearing in the case was held on 08.02.2021 when all the parties appeared and made oral arguments in their respective case. As there was no clarity as to when and to

whom and by whom the connection from the outgoing cable of the meter of the petitioner was given, the respondents were asked to submit a detailed report by 12.02.2021.

8. The respondent Executive Engineer, accordingly submitted a report vide his letter no. 7172 dated 12.02.2021, he has reiterated that complaint of Shri Madan Pal Saini that bill from October 2018 was for excessive consumption is baseless and false. He has further stated that connection to Shri Madan Pal Saini was given from the distribution box (as per billing history date of connection was 19.07.2006). Subsequently other connections were given from the same distribution box in the month of October 2018, May 2019, June 2019 and September 2019, consumer billing history of all such connections have also been adduced with the aforesaid letter. Monthly consumption details of the connection of the petitioner Shri Madan Pal Saini and that of connection no. SD75351181334 of Shri Ajay Kumar Singhal released in the month of October 2018 has also been submitted by the respondent. On the basis of such consumption details the respondent has established that periodically consumption in the meter of Shri Ajay Kumar Singhal was higher than that of Shri Madan Pal Saini so it seems justified to consider that cable of Shri Singhal was not connected to that of the petitioner.
9. During the course of hearing the respondent's representative SDO, Niranjanpur has stated that in some cases it was noticed that employees of the Maha Nagar Palika while attending the faults in the street lights sometimes changes the service cables and it might be possible that in the instant case the irregularity might have been committed by such staff. To substantiate his argument a copy of letter no. 2083 dated 22.09.2020 written to Assistant City Commissioner, Nagar Nigam, Dehradun, has been submitted by the respondent. A copy of letter dated 17.11.2020 written to the Lineman Shri Surendra Kumar wherein the warning has been issued to him has also been submitted.
10. All records available on file have been perused. Arguments from all the three parties have been heard. The petitioner has alleged that he has been receiving excess consumption bills from October 2018 till 18.09.2020 when illegally connected connection to Smt. Babita Vasisth from the outgoing cable of his meter was removed and connected to the distribution box, however it was not clearly established whether the connection from the outgoing cable of the petitioner was actually given to Smt.

Babita Vasisth or to some other consumer/person. A perusal of consumption details given by the petitioner himself from 07.06.2006 (the date of release of connection being 19.07.2006 as per billing history) to 14.10.2020 does not show any abnormal hike in the consumptions from October 2018 to 14.08.2020 as also thereafter as per billing history as alleged/claimed by him. In fact his consumption per bill during the said period has varied from 322 units per bill of 2 months to 449 units per bill of 2 months except for the bills from 13.02.2020 to 16.06.2020 being 1044 units for 4 months and from 16.06.2020 to 14.08.2020 for 891 units for 2 months so his claim for excessive billing from October 2018 to 18.09.2020 does not prove to be correct except for the 2 bills as mentioned above.

As per the consumption details based on consumer billing histories of the petitioner and Smt. Babita Vasisth, connection of Smt. Babita Vasisth is established to have been connected to the outgoing cable of the petitioner from May 2020 to August 2020 during which period the consumption recorded in the meter of the petitioner had been more than that recorded in the meter of Smt. Babita Vasisth and during this period only 1054 units have been billed in excess than what should have been billed to the petitioner and thus adjustment for only 1054 units is liable to be given to the petitioner.

11. Although it has not been clarified as to when the connection to Smt. Babita Vasisth or somebody else was connected from the outgoing cable of the petitioner, but it cannot be from October 2018 firstly because connection to Smt. Babita Vasisth was released only on 05.02.2019 and secondly consumption details provided by the petitioner himself does not support his own claim of excessive billing from October 2018 to 18.09.2020 as per the consumption details given by the petitioner himself right from June 2006 to August 2020 as mentioned above. But the submissions made by the respondent no. 1 based on billing histories of the petitioner and Smt. Babita Vasisth suggests that excess billing to him to the extent of 1054 units must have been done from May 2020 to August 2020. The Forum in their order however worked out the excess consumption of 1132 units which have also been billed to Smt. Babita Vasisth and have also duly been paid by her, as such the excess units billed to the petitioner worked out as 1054 by the respondent or as 1132 mentioned in the Forum's order has to be adjusted. Since there is a minor difference between the excess units mentioned

in Forum order and mentioned in respondent's submission, the excess units of 1132 worked out by Forum be adjusted. It is therefore directed that bills from May 2020 to August 2020 be revised by allowing adjustment of 1132 units. The petition is partly allowed. Forum order is upheld. Smt. Babita Vasisth, respondent no. 2 does not appear to be responsible to the irregularity committed in connecting her authorized legal connection to the outgoing cable of the meter of the petitioner, but the department is responsible for such illegal act. However the UPCL has suffered no revenue loss due to this irregularity as 1132 units have been billed to both the consumers, i.e., the petitioner and Smt. Babita Vasisth, and adjustment of these units to the petitioner shall only correct his account without causing any loss to UPCL.

12. Such type of mistake as committed in the instant case, especially some time after release of connection to respondent no. 2 and probably sometime in the month of May 2020 cannot be considered as an inadvertent mistake but certainly it is an intentional mistake committed either by the concerned Lineman whose name is mentioned in the concerned document or by someone else and as also indicates lack of supervision by the JE concerned. It is therefore desirable and directed that enquiry in the matter be conducted by a competent officer not below the rank of Executive Engineer and the culprit be identified and necessary administrative action as per departmental rules be taken against such staff, apart from a warning to the JE concerned for his lack of supervision.

Dated: 15.02.2021

(Subhash Kumar)
Ombudsman