

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Smt. Sudesh Goyal  
4, New Road, Dehradun,  
Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Center),  
Uttarakhand Power Corporation Ltd.  
18, EC Road, Dehradun,  
Uttarakhand

Representation no. 30/2020

**Order**

Dated: 21.01.2021

Being aggrieved with Consumer Grievance Redressal Forum, Garhwal Zone Dehradun (hereinafter referred as the Forum) order dated 03.11.2020 in her complaint no. 27/2020 dated 03/09/2020 before the said Forum against Uttarakhand Power Corporation Ltd. through its Executive Engineer, Electricity Distribution Division (Central Division), Dehradun (hereinafter referred as the respondent) Smt. Sudesh Goyal (petitioner) resident of 4, New Road, Dehradun has preferred this appeal for waiver of penal fixed charges imposed on her bill for the period 27.07.2020 to 27.08.2020.

2. The petitioner in her appeal has submitted that she has a shop at 4, New Road, Dehradun where a connection is existing in the name of her husband Late Shri Ashok Kumar S/o Shri Sadhu Ram who had expired on 29.01.2017 and she being widow of Late Shri Ashok Kumar has the legal right to file this appeal. In the bill dated 27.08.2020 for the period July 2020 to August 2020 a penalty for excess load has been imposed. She has submitted that no such appliance is installed in her shop which may draw excess load. A checking at her premises was conducted by SDO, UPCL on 16.09.2020 wherein the total connected load was found less than 1 KW, which is her contacted load and therefore it is

not possible for her to create a demand of 2 KW as shown in the disputed bill so the demand is wrong and hence, the penal charges for excess load imposed in the bill are also wrong and liable to be waived off. Further, she has stated that Forum's order is wrong and baseless and ex-parte and therefore is liable to be dismissed. A check meter was installed at her premises on 18.10.2020 and was finalized on 30.10.2020 according to which the existing meter was recording correctly as consumption recorded in both the meters during the period 18.10.2020 to 30.10.2020 was only 31 units and as such the old meter kept at site and the check meter was removed.

3. The Forum in their order dated 03.11.2020 after hearing both parties and perusal of records observed that the maximum demand of 2 KW was recorded in the meter in the month of August 2020 the penal demand charges on 1 KW excess load amounting to Rs. 170.00 has rightly been added in the bill by the respondent in accordance of provisions in UERC Tariff Order dated 08.04.2020 and as such the penal demand charges cannot be waived off. Having observed as such the Forum has dismissed the complaint.
4. The respondent, Executive Engineer has submitted his written statement vide his letter dated 14.12.2020 wherein he has submitted that a non-domestic connection no. CD6/7326/069054 is existing for 1 KW load in the name of Shri Ashok Kumar. Bills are being issued on metered consumption. Checking at the premises was conducted by SDO on 16.09.2020 as per enclosed checking report. Maximum demand of 2 KW was recorded in the meter in the month of August, 2020 and as such a penal fixed charges amounting to Rs. 170.00 only was added in the bill from 27.07.2020 to 27.08.2020. The maximum demand recorded in the meter was the actual demand created by the petitioner and it was not due to any technical fault as such the bill is correct as per rules.
5. The petitioner has submitted a rejoinder dated 08.01.2020 which is merely a reiteration of what she has already submitted in her petition and no new facts or points of law has been submitted in her rejoinder.
6. Arguments from both parties were heard on scheduled dated 18.01.2021 records available on file has been perused. Billing history shows a maximum demand of 2 KW in the

month of 08/2020 against 1 KW contracted load and hence an excess demand of 1 KW has been drawn by the petitioner in the month of August, 2020. A check meter was installed at the premises of the petitioner on 18.10.2020 and was finalized on 30.10.2020 the consumption recorded by both the meters was exactly the same, being 31 units as such veracity of the existing meter is established and hence the maximum demand 2 KW recorded in the meter in the month of August, 2020 was also correct and was the actual demand drawn by the consumer. The penal fixed charges Rs. 170.00 charged in the bill from 27.07.2020 to 27.08.2020 are therefore legitimate being consistent with relevant provisions in UERC Tariff Order dated 18.04.2020 and therefore has been rightly charged in the bill and are payable by the petitioner. The petition is therefore dismissed and Forum order is upheld.

Dated: 21.01.2021

(Subhash Kumar)  
Ombudsman