

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Chandan Singh Rangarh
Village Banchaura (Dharkot),
Chinyalisaur, Uttarkashi, Uttarakhand.

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Uttarkashi, Uttarakhand

Representation No. 05/2021

Order

Dated: 16.03.2021

Shri Chandan Singh Rangarh (the petitioner) resident of village Banchaura (Dharkot), Chinyalisaur, Uttarkashi, a consumer of Uttarakhand Power Corporation Ltd (hereinafter referred to as UPCL) under domestic category for contracted load of 1 KW, with connection no. UK14217435091, has preferred this representation dated 29.01.2021 against UPCL through its Executive Engineer, Electricity Distribution Division, Uttarkashi (hereinafter referred to as the respondent) on being aggrieved with the Consumer Grievance Redressal Forum, Uttarakashi zone (hereinafter referred to as the Forum) dated 28.12.2020 in his complaint no 17/2020 before the said Forum.

2. The Petitioner at the outset, has submitted that a complaint was filed by him on 10.11.2020 before the Forum which was disposed off by it vide order dated 28.12.2020 and the present appeal is being preferred against the said order of the Forum. He has made the following averments in his appeal:-
 - i. Meter of his connection no. UK14127435091 had become defective in the year 2010 and the concerned department was requested for replacement of the defective meter. After replacement of the meter in the year 2016 bills were sent to him with interest. He was feeling himself unable to pay these bills. He had already requested the department for correction of the wrong bills and allow him to pay the corrected bill in installments.

- ii. The Forum processed his complaint asking opposite party for submission of a report, which was submitted by the department to the forum vide their letter dated 03.12.2020 wherein it was informed to the Forum that the meter reader reported the reading in the meter on 26.11.2020 as 4965 which was found to be correct. It was further reported that a sum of Rs. 1,000.00 each were paid on 30.10.2011 and 29.02.2021 (as per billing details given in billing history the correct date is 29.02.2012) against actual outstanding dues of Rs. 7,491.00 and Rs. 10,131.00 respectively, where after no payments were made. After replacement of the meter till date the average consumption per bill has been 170 units complete details are provided in the billing history.
- iii. As instructed by the Forum point wise reply on the report of the opposite party was submitted by him to the Forum, wherein he has objected the excessive amount of the bill no. A251007 in view of natural calamity occurred in Banchaura Bazar in the year 2010 due to heavy rains. He also reported that he had made payment of 4 no. bills and not of only 2 bills as reported by the department. In the hearing dated 26.12.2020 after hearing both the parties and perusal of billing history the Forum observed that bills were being issued correctly and therefore no correction is admissible. However, facility of payment of the bills in installments can be granted with which he (complainant) was not satisfied as this is an inflated bill so he was unable to make payment of the bill. The heavy dues amounting to Rs. 83,423.00 is, in fact, inflated amount which is not able to pay so also requested for correction of the bills may be done in the interest of justice. The department did not take any action for correction of the inflated bill in spite of repeated requests. So he has requested that the bill be got corrected judiciously and facility of installment be also granted.
3. The Forum after hearing both parties and perusal of the billing history observed that the bills have been correctly issued and as such no correction is called for. But they were of the opinion that facility of payment in installment can be granted and accordingly disposed of the complaint.
4. The respondent Executive Engineer EDD Uttarkashi has submitted his written statement vide letter no. 319 dated 09.02.2021 with an affidavit under oath. He has

submitted that in petitioner's complaint before the Forum, it was reported before the Forum that meter reading on 26.11.2020 in the meter installed at petitioner's connection no. UK14127435091 was 4945 based on which, bill amounting to Rs. 81,117.00 was issued. All the bills have been issued on metered units as is evident from the details (the billing history) enclosed with the written statement. Further the respondent has informed that the petitioner had deposited Rs. 1,000.00 each in October 2011 and on 29.02.2012 against the actual bills amounting to Rs. 7,491.00 and 10,131.00 respectively, where after no payments have been made by the petitioner till date, while he has been consuming the electricity and bills are being issued timely. It is also submitted by him that after replacement of meter on 26.03.2016 till date the average consumption has been 170 units per month. It has also been reported by him that a sum of Rs. 82,776.00 is outstanding against the petitioner till January, 2021. He has submitted a copy of the billing history and ledger to substantiate his submission.

5. In his affidavit the respondent has submitted that connection no. UK14127435091 for 1 KW under domestic category exists in the name of Shri Chandan Singh Rangarh S/o Shri Hukam Singh village Banchaura where a new meter no. 258133 was installed. In his complaint dated 10.11.2020 before the Forum the petitioner had requested for correction of his bill in which the Forum observed that the bills issued were correct and therefore, no correction is called for, however, they directed that facility of installment may be granted.
6. The petitioner has submitted his rejoinder dated 01.03.2021 wherein he has reiterated that meter installed at his connection has become defective in the year 2010. He had made a written complaint to the Executive Engineer, which was received in his office on 24.12.2010. After about 2 years a line staff submitted a report to the department on 28.12.2011 regarding the meter being defective even after the meter had become defective in the year 2010, the meter reader had been submitting readings. The department had been requested a no. of times for correction of bills and replacement of the meter but no satisfactory action was taken by the department. He has argued that while the meter have been declared defective on 28.12.2011 by the lineman then why the meter reader had been reporting meter readings and if the meter was not defective why it was replaced on 26.03.2016. They continued to issue the bills on

purported MU with LPS while the meter was not working. No bill was given to him for about 02 years after replacement of meter in 2016 and since the department did not correct the bills, payments were not made. When no action was taken by the department on his applications a letter was sent to Hon'ble Chief Minister with copy to District Magistrate, the District Magistrate ordered the department to resolve the problems within seven days. A copy of the said letter dated 27.01.2016 bearing DM remarks to Executive Engineer directing for disposal within 7 days has also been adduced with the rejoinder which is available on file. Thereafter an application was also given to MLA Yamunotri Shri Kedar Singh Rawat who also forwarded the same to the Executive Engineer. The said letter dated 06.07.2020 bearing Hon'ble MLA remarks dated 06.07.2020 has also been submitted with rejoinder and is available on file. Finally he has also submitted an application dated 27.01.2018 to the Hon'ble Chief Minister, Uttarakhand in spite of such persuasion, his grievance was not resolved by the department and thus, he has approached the Ombudsman with the instant petition for redressal of his grievance.

7. Hearing in the case was fixed on 10.03.2021 both parties were represented by their respective representatives i.e. Shri Rajendra Singh S/o the petitioner and Shri Surya Prakash Pokhriyal SDO represented the respondent. They argued their case. Arguments of both parties were heard, documents available on file have been perused. It has been borne out that 1 KW domestic connection no. UK14127435091 was released to the petitioner on 21.10.2008 with installation of meter no 37410. Billing history from January 2009 to January 2021 has been adduced by the respondents, which shows that first bill was issued on 15.01.2009 as NR for a sum of Rs. 430.00 where after MU bills were issued except a few NR/NA bills till 03/2016. Meter readings are in the ascending order and the reading on 26.03.2016 was 13647. Strangely thereafter no bill was issued till 11/2018, when a bill for 33081 units amounting to Rs. 60,183.00 appears to have been issued, when a meter change with its reading 3243 on 26.11.2018 has been shown and thereafter bills for MU based on readings in the new meter no. 258133 installed on 26.03.2016 have been issued. And there is no dispute about these bills. An unsigned sealing certificate no. 019/300 dated 26.03.2016 has been adduced by the petitioner wherein the old meter no. 37410 has been replaced on no display by a new meter no. 258133 at zero initial reading. A copy of the said sealing certificate has also been adduced by the respondent during hearing

wherein a remark “UC37410#gr#k#w | r#r# { > r# / g # j w n # 5 . 1 > # w h r # g n d” this contains signature of some staff but this remark does not appear on copy of the sealing certificate adduced by the petitioner. The SDO who appeared on behalf of the respondents explained that the meter removed on 26.03.2016 was checked in test lab wherein the said remark was written on original copy of the sealing certificate and that’s why this remark does not appear in another copy of the sealing certificate submitted by the petitioner. A scrutiny of these sealing certificates suggests that the respondents have violated sub regulation 3.1.1(5) and 3.1.3(3) of the then Supply Code Regulations, 2007 which were in force at that time, firstly not getting the sealing certificate jointly signed and not giving a copy of the sealing certificate thereof to the petitioner and secondly not providing him a opportunity to witness the testing of the removed meter in lab and further they are guilty of issuing the bills from 2010 till 26.03.2016 on the fabricated meter units, while the existing meter had become defective and most importantly not advising the meter change of 26.03.2016 till 11/2018 and not issuing any bill for this long period from 3/2016 to 11/2018.

8. In view of the above irregularities and violations committed by them the billing from the month of 11/2010 (bill date 17.11.2010) till 11/2018 (bill date 26.11.2018) is disapproved being based on fabricated meter units. Since the existing meter no. 37410 had become defective from 11/2010 as claimed by the petitioner and was replaced on 26.03.2016 as a defective meter (burnt meter) as per remarks on the sealing certificate by some staff, so bills from the month of 11/2010 to 3/2016 be revised on the basis of average recoded meter units in the two previous billing cycles from 05/2010 to 09/2010 which were 537 units in these two billing cycles as bill for 09/2010 was on NR so average consumption per bill prior to the meter became defective was 268 units per bill and therefore, bills from 11/2010 to 3/2016 be revised on 268 units per bill on appropriate tariff without levy of LPS and a revised bill after adjustment of the payments made by the petitioner, be issued. Further, as the new meter no. 258133 was installed at zero initial reading on 26.03.2016 and its reading in the month of 11/2018 was 3243 as per billing history, the revised bills from 03/2016 to 11/2018 be issued by uniformly distributing the total consumption of 3243 units recorded by the new meter during this period on appropriate tariff without levy of LPS and after adjustment of payments made. So a consolidated bill for the entire period from 11/2010 to 11/2018 be issued as directed above. As a revised bill for such a long period shall now be

issued under this order, the facility of installments, if requested for by the petitioner may also be allowed. Billing after 11/2018 and onwards need not be disturbed as all these bills are on metered units recorded by the new meter and these readings appears to be correct as the reading on 26.11.2020 has been reported as 4945 in the written statement and the same appears in the billing history also. The petition is allowed. The Forum order is set aside. The revised bill as directed herein above may be issued before the next billing cycle and may also be advised to the billing system expeditiously.

Dated: 16.03.2021

(Subhash Kumar)
Ombudsman