

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Lazar Masih
S/o Shri Aashe Masih
House no. 501, Ward no. 36,
Adarsh Colony, Rudrapur,
Distt. Udham Singh Nagar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Second),
Uttarakhand Power Corporation Ltd.
Rudrapur, Distt. Udham Singh Nagar,
Uttarakhand

Representation No. 17/2021

Order

Dated: 20.09.2021

Being aggrieved with Consumer Grievance Redressal Forum, Udham Singh Nagar Zone (hereinafter referred to as Forum) order dated 08.04.2021 in his Misc. complaint no. 05/2020-21, Shri Lazar Masih S/o Shri Aashe Masih resident of 501, ward no. 36, Adarsh Colony Rudrapur has preferred this petition dated 07.06.2021 against Uttarakhand Power Corporation Ltd (hereinafter referred to as UPCL) through Executive Engineer, Electricity Distribution Division (Second), Rudrapur (hereinafter referred to as respondent), with the prayer that Forum's aforesaid order be set aside and impugned bill be got corrected. He has further submitted a supplementary petition dated 29.06.2021 wherein certain points have been clarified.

2. The petitioner has submitted that he is a consumer of the respondent under domestic category with connection no. 8928464052342. The respondent committed mistakes in providing service by sending inflated bills and has thus acted beyond their jurisdiction. Further he has alleged that the Forum did not perused the case file of complaint no. 188/2019 and further dismissed his Misc. complaint no. 05/2021 vide order dated 08.04.2021 simply relying upon the submissions of the opposite party before the Forum and did not consider the fact of the case as submitted by him and thus they have caused financial loss and mental harassment to him and have not

corrected the bills which have been issued against the law. The Forum vide its order dated 25.01.2020 in his original complaint no. 188/2019-20 have directed the opposite party that NA/NR/IDF bills issued from 08.03.2011 to 10.12.2019 be revised on average basis on appropriate tariff for different years without levy of any LPS till 10.12.2019 and after adjustment of the payments already made against these bills. A calculation sheet may also be provided to the complainant. Further, the Forum granted compensation Rs. 250.00 in terms of sub regulation 9 (1) of UERC (Standard of Performance) Regulations, 2007 and the same may be recovered from the erring staff, but the opposite party did not comply with Forum's aforesaid order dated 25.01.2020 as no revised bill and amount of compensation has been given to him. The Forum dismissed his Misc. complaint no. 05/2020-21 vide order dated 08.04.2021 against law and that amounts setting aside its own earlier order dated 25.01.2020 in his original complaint no. 188/2019-20. Forum's order dated 08.04.2021 was received by registered post on 01.06.2021. As such the instant appeal could not be filed before Hon'ble Ombudsman within stipulated time limit of 30 days. He has requested that the appeal be admitted after condonation of the delay for the reasons mentioned in the appeal and Forum order dated 25.01.2020 be got complied with by the respondents. In his supplementary appeal dated 29.06.2021 certain clarifications have been given by the petitioner and some documents have also been adduced, which is available on the case file.

3. The Forum decided the petitioner's original complaint no. 188/2019-20 vide their order dated 25.01.2020 wherein the Forum has directed that the NA/NR/IDF bills issued from 08.03.2011 to 10.12.2019 be revised by distributing the total consumption on prorata basis on appropriate tariffs enforced from time to time without levy of any LPS till 10.12.2019 and after adjustments of the payments made against the bills issued. The Forum further directed the opposite party to give a calculation sheet to the complainant. The Forum further granted compensation of Rs. 250.00 in terms of sub regulation 9 (1) of UERC (Standard of Performance) Regulations, 2007 which may be included in the report to be submitted to UERC and such amount be recovered from the erring staff.
4. The petitioner's Misc. complaint no. 05/2020-21 was decided against the petitioner by the Forum vide its order dated 08.04.2021 In their aforesaid order after hearing both

parties the Forum observed that the disputed bill amounting to Rs. 62,323.00 was revised for a sum of Rs. 37,304.00 in compliance of Forum's earlier order dated 25.01.2020. The Forum further observed that the revised bill was issued after adjustment of the payments already made as is evident from consumer ledger. The Forum therefore concluded that their earlier order dated 25.01.2020 has duly been complied with by the respondent and therefore dismissed the Misc. complaint under 05/2020-21 vide their order dated 08.04.2021.

5. The respondent Executive Engineer has submitted his written statement vide letter no. 1455 dated 22.07.2021. He has submitted that the Forum vide their order dated 25.01.2020 has directed revision of the bills issued from 08.03.2011 to 10.03.2019 on prorata basis on appropriate tariff without levy of LPS. The bills were accordingly revised wherein adjustment of Rs. 27,567.00 was allowed and the amount of the bill was reduced to Rs. 37,304.00 in the revised bill dated 12.03.2021. The respondent has submitted point wise reply as follows:

- i) Bills from 20.04.2013 to 30.08.2018 were issued on IDF which were revised on metered units as obtained on 23.10.2018 and where after metered units bills are being sent till 22.06.2021 so the allegation leveled by the petitioner that the bills have been issued beyond jurisdiction is denied. Further the bills were revised in compliance to Forum order wherein adjustment of Rs. 27,567.00 was allowed. Bills from 23.10.2018 till date were issued on metered unit recorded in the meter.
- ii) Bills from 23.10.2018 are being issued on metered consumption recorded in the meter. Bills were revised on the reading obtaining on 23.10.2018, according to which the petitioner had to pay Rs. 23,662.00 and dues as per bill dated 05.10.2019 were Rs. 53,587.00 after adjustment of Rs. 51,652.00 for the period 23.10.2018 to 09.08.2019. The bills are issued as per meter reading and not as per billing history so petitioner's allegation that the bills are not issued as per billing history is not correct. The sealing certificate indicates that meter is correctly working and initial reading at the time of installation was 6.7 so petitioner's submission is false and misleading. The petitioner filed a complaint before Forum and in compliance to Forum's order the amount of

outstanding dues was reduced from Rs. 64,871.00 to Rs. 37,304.00. The bill was corrected as per rules.

iii) Forum's order is against the petitioner, so his statement is far from the facts.

6. The respondent has further submitted that adjustment of the bills of NA/NR have already been done on 25.06.2011 and 24.08.2012. The bills were revised two times firstly on 23.10.2018 on petitioner's complaint based on the reading appearing in the meter and secondly on 12.03.2021 as per Forum's order, but the petitioner did not make any payment after 15.10.2018, while he has been continuously consuming electricity, which indicates that he is purposely not making payments of the bills. It is further stated that as per directions issued by Hon'ble UERC all existing mechanical meters are to be replaced by electronic meters but the petitioner is creating hindrance and not allowing replacement of the meter, which is against law and an act to cause revenue loss to the corporation. Bills at present are being issued as per meter reading appearing in the existing mechanical meter. In view of his above submissions he has requested that the petitioner be directed to make payment of all the outstanding dues.

A copy of the consumer billing history and ledger has been enclosed with the written statement according to which closing balance of outstanding dues as on 22.06.2021 is Rs. 40,560.00.

7. The petitioner has submitted a rejoinder dated 09.08.2021 which is nothing but a repetition or reiteration of his averments made in his petition and no new fact about the case has been submitted in this rejoinder.
8. Hearing in the case was fixed on 27.08.2021. While the respondent did not appear for arguments on the stipulated date, the petitioner himself appeared and argued his case on the basis of his submissions made in petition. He categorically argued that he is still not satisfied with the revised bill issued by the respondent and according to him there are no outstanding dues against him. He, therefore, requested that the respondents be directed to issue him a revised bill based on actual consumption recorded in the meter. As the respondents did not appear for arguments yet another date for arguments by the respondents was fixed for 10.09.2021. Shri Prakash Chand, Assistant Engineer, Revenue, on behalf of the respondents and argued their case. In his oral arguments he submitted that the bills of the petitioner have correctly been

revised in compliance to Forum order dated 25.01.2020 in complain no. 188/2019-20 as also on actual meter readings because the existing meter was in fact in working condition and NR/NR/IDF bills were issued due to misreporting. He further argued that after revision of the bills the outstanding dues ending 22.06.2021 are Rs. 40,560.00 which are duly reflected in consumer billing history as well as consumer ledger which was submitted with WS. He also submitted a copy of calculation sheet according to which adjustments of Rs. 27,568.00 was to be allowed as a result of bill revision. The arguments were concluded and 20.09.2021 was fixed for pronouncement of order in the case.

9. Records available on file have been perused. Arguments of both parties were heard, it is found that as per billing history, in gross violation of the relevant supply code regulations as well as tariff provisions, the respondents issued NR/NR/IDF bills for a prolonged period right from 08.03.2011 to 30.06.2019 as given below.

- (i) NR/NR bills from 08.03.2011 to 23.02.2013
- (ii) IDF bills from 24.04.2013 to 31.08.2018
- (iii) NR bills from 18.10.2018 to 30.06.2019

However, a metered unit bill was issued on 07.04.2019 in between the aforesaid period and metered unit bills were thereafter issued from 09.08.2019 to 10.12.2019. As in inspection on a later date the respondent found the meter in running condition and as such the NR/NR/IDF bills were issued due to misreporting. Since the meter was found working MU bills should have been issued during this entire period.

10. The Forum vide their order dated 25.01.2020 has rightly directed the respondents to revise the bill on average basis on appropriate tariff without levy of LPS and after adjustment of payments made against the issued bills. The respondents have accordingly issued revised bills which have been held correct by the Forum and have accordingly dismissed the miscellaneous complaint no. 5/20-21 vide its order dated 08.04.2021. A perusal of the records submitted by respondents suggests that revision of bill is correct and as such no further revision or correction in the bills is required. Such being the facts of the case the outstanding dues amounting to Rs. 40,560.00 as on 22.06.2021, claimed by the respondent is payable by the petitioner and therefore,

the respondents are at liberty to realize the outstanding dues from the petitioner by adopting such means as are available to them under regulations including recovery of dues as arrear of land revenue under Dues Recovery Act, 1958, if such a situation arises.

11. Replacement of existing mechanical meters by electronic meter is mandatory as per para 6.1.14 (Replacement of mechanical meters) of tariff order dated 26.04.2021. The respondent is therefore, directed to replace the petitioner's existing mechanical meter by electronic meter within 15 days from the date of this order by giving seven days prior notice to the petitioner and in case the petitioner create any hindrance in replacing the existing mechanical meter on the appointed date, his connection may be disconnected and may not be restored till all the outstanding dues along with disconnection/reconnection fee is paid by him and his mechanical meter is replaced by the electronic meter.
12. The NA/NR/IDF bills have been issued for a prolonged period from March, 2011 to June 2019, while as per respondent's own report the meter was found working, so all the meter readers who have been posted for taking meter reading are guilty of misreporting the status of existing meter. Further, the JE concerned and SDO who have been posted in the sub-division during the said period have not exercised any control over the meter readers and have never tried to check the status of meter during such a long period, thus, their failure to exercise control and deficiency to discharge their duty is an act of dereliction of duty. The competent authority of the respondent is, therefore, directed to identify all those meter readers, JE's and SDO's who remained posted in the sub-division during the aforesaid period and take necessary action against all of them as per departmental rules within a period of 03 months from the date of this order and compliance be reported to the undersigned immediately after expiry of three months from the date of this order.
13. Compensation amounting to Rs. 250.00 granted by the Forum vide order dated 25.1.020 in terms of UERC (Standard of Performance) Regulations 2007, does not appear to have been given to the petitioner by the respondent as no such evidence is available on record. The respondents are therefore, directed to check from their records and in case the aforesaid compensation has not yet been given to the

petitioner, the same may be given by way of adjustment in the outstanding dues and be recovered from the erring staff as ordered by the Forum.

14. In view of the above facts of the case, the Forum orders dated 25.01.2020 and 08.04.2021 are upheld. The petition is dismissed.

Dated: 20.09.2021

(Subhash Kumar)
Ombudsman