

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Rajesh Singh Rana  
M/s Om Shiv Industries  
Charubeta, Khatima,  
Distt. Udham Singh Nagar, Uttarakhand.

Vs

The Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
Khatima, Udham Singh Nagar, Uttarakhand

Representation No. 14/2021

### Order

Dated: 16.08.2021

Shri Rajesh Singh Rana has preferred this petition on behalf of his Industrial unit M/s Om Shiv Industries, Charubeta, Khatima, Distt. Udham Singh Nagar on being aggrieved with order dated 05.03.2021 of the Consumer Grievance Redressal Forum, Udham Singh Nagar zone (hereinafter referred to as Forum) in his complaint no. 104/2020-21 before the Forum against Uttarakhand Power Corporation Ltd. through its Executive Engineer, Electricity Distribution Division, Khatima, Udham Singh Nagar (hereinafter referred to as respondent).

2. The petitioner has averred that he has a 75 KW connection no. KHOK000022082 for his aforesaid unit. It is stated that bills for the above connection were being issued on IDF since April 2019. April 19 to September 2019 was the off season in which no work was carried out so no electricity was consumed during off season period. Bill amounting to Rs. 4,75,941.00 was issued from April 2019 to September 2019 on IDF. However some corrections in the bills for the above period were done by the respondent Executive Engineer but the bills have not been corrected fully as required and for which he has been visiting respondent's office for last one year.
3. He has further stated that due to a line fault occurred due to some natural disturbances demand was shown in excess. According to him this is not possible as transformer of

capacity 75 KVA is installed at his premises. The burnt meter was replaced on 29.02.2020. This meter was showing some consumption at the time of its installation but bill have been issued including this consumption also and in spite of intimation to the department the bill has yet not been corrected.

4. A complaint was lodged before Forum, a notice was received from the said Forum on 26.02.2021 vide which he had been asked to appear before the Forum on 25.02.2021, as such he could not appear before the Forum. Member Judicial Shri Sambhu Sharan Gupta discussed the matter on phone, when he was requested to fix some other date but order was ex-parte passed on 05.03.2021 which was received by him on 13.03.2021. As such he is not satisfied with Forum's order and has preferred this appeal before Ombudsman in the hope of justice. He has requested that as he has suffered financial loss and mental harassment due to carelessness of the department so he has requested to pass judicious order in his case.
5. The Forum after perusal of records and hearing the opposite party has observed that the dispute pertains to the 2 points. (i) a disputed bill amounting to Rs. 4,75,941.00 for the period 04/2019 to 09/2019 and (ii) the demand exceeded 75 KW in the month of February 2020. The Forum has observed that the period 04/2019 to 09/2019 is off season period. The bill amounting to Rs. 4,75,941.00 was subsequently revised on the basis of consumption during the corresponding period in last 3 years and an adjustment of Rs. 2,40,002 was accordingly allowed. The Forum held that the bill has rightly been corrected. As regards excess demand charged in the month of February 2020 amounting to Rs. 1,13,581.00, the Forum found the same as correct. The Forum therefore concluded that the bills have correctly been revised by the opposite party and as such the complaint was dismissed.
6. The respondent, Executive Engineer, has submitted his written statement vide his letter no. 555 dated 09.06.2021. He has stated that bill amounting to Rs. 4,75,941.00 issued for the off season from 04/2019 to 09/2019 was revised in the month of 06/2020 on the basis of last 3 years average consumption and whereby an adjustment of Rs. 2,40,002.00 was allowed.

As regards his grievance regarding excess demand, a copy of the MRI has been adduced by the respondent to show that the demand had exceeded and a sum of Rs.

1,13,581.00 was charged. In consideration of his request the matter was further scrutinized and based on MRI report an adjustment of Rs. 52,271.00 towards demand charges was also allowed he has substantiated his submissions on the basis of consumer ledger. MRI report, calculation sheet for allowing adjustment in the bill for the period 04/2019 to 09/2019 and demand charges for the month of February 2020.

7. The petitioner has submitted a rejoinder dated 06.07.2021. He has submitted that he did not agree to respondent's submission made in the written statement regarding point no. (i) he has stated that his bill from April to September in last 3 years never exceeded Rs. 90,000.00, while the department has adjusted a sum of Rs. 2,40,000.00 in the bills for the off season from April 2019 to September 2019. Regarding point no. (ii) he has stated that the department has accepted their mistake as they have shown their inability to adduce MRI due to covid-19 and have adjusted (Rs. 1,13,581.00 + Rs. 52,271.00 ) a total of Rs. 1,65,852.00. He has further submitted that if the department had not committed any mistake then why adjustment has been allowed. He has suffered financial loss and mental harassment due to the action of the respondent. He has further submitted that Ombudsman's judgment shall be acceptable to him and the loss sustained by him be ordered to be compensated.
8. Hearing in the case was held on pre-decided date on 02.08.2021. Both parties appeared for arguments. Petitioner himself and Executive Engineer concerned appeared on behalf of the respondent. The petitioner could not adduce any documentary evidence and also could not plead his case as to what relief he deserves. The respondent Executive Engineer submitted that bills from 04/2019 to 02/2020 which includes off season period from 04/2019 to 09/2019 were issued for a sum of Rs. 4,75,941.00 on IDF basis. The bill for off season was further revised on the basis of average consumption in the corresponding period in last 3 years and an adjustment of Rs. 2,40,002.00 was allowed. An adjustment of Rs. 52,271.00 was allowed in the demand charges for the month of 02/2020 on the basis of MRI and as such a total of Rs. 1,83,941.00 was payable by the petitioner against 4,75,941.00. As he had paid the total amount and after adjustment he has paid Rs. 24,117.00 till 05.05.2021 in excess of what was due to him, so outstanding dues are in negative (-24,117.00) as on 05.05.2021.

9. The documents available on file have been perused. Arguments from both parties were heard, it is found that in fact the existing meter which is held as IDF from 04/2019 till 02/2020 and bills were issued on IDF was in fact not IDF but was working correctly as established from check meter study conducted from 15.07.2019 to 17.10.2019 as per sealing certificates no. 25/649 vide which check meter was installed and sealing certificate no. 17/651 vide which the check meter was finalized, which clearly shows that the existing meter was working correctly with reference to the check meter and as such the existing meter was left at site. The existing meter was subsequently replaced being IDF vide sealing certificate no. 17/739 dated 29.02.2020, this suggests that the existing meter might have become defective sometime after 17.10.2019 and was replaced by the aforesaid sealing certificate dated 29.02.2020 by a new meter. It is therefore confirmed that the existing meter which was held IDF by the respondent from 04/2019 to 02/2020 and billing done as IDF was a mistake committed by the respondent. Since the existing meter was working correctly as established by check meter study, the billing done from 04/2019 to 02/2020 as IDF and subsequent revisions were also wrong, such bills are therefore held null and void. The respondents are directed to issue fresh bills as ordered hereunder:

- (i) Bill from 04/2019 to 09/2019, the off season be issued as per actual meter readings of energy and demand as obtained in the existing meter on the appropriate tariff subject to tariff provisions applicable to off season of the seasonal industries, which is reproduced below:

*“4. Seasonal Industries*

*Where a consumer having load in excess of 18 kW (25 BHP) and ToD meter and avails supply of energy for declared Seasonal industries during certain seasons or limited period in the year, and his plant is regularly closed down during certain months of the financial year, he may be levied for the months during which the plant is shut down (which period shall be referred to as offseason period) as follows:*

- (i) The tariff for ‘Season’ period shall be same as “Rate of Charge” as given in this schedule.*
- (ii) Where actual demand in ‘Off Season’ Period is not more than 30% of contracted load, the energy charges for “Off-Season” period shall be same as energy charges for “Season” period given in Rate of Schedule*

above. However, the contracted demand in the “Off Season” period shall be reduced to 30%.

- (iii) During ‘Off-season’ period, the maximum allowable demand will be 30% of the contracted demand and the consumers whose actual demand exceeds 30% of the contracted demand in any month of the ‘Off Season’ will be denied the above benefit of reduced contracted demand during that season. In addition, a surcharge at the rate of 10% of the demand charge shall be payable for the entire ‘Off Season’ period.

*Terms and Conditions for Seasonal Industries*

- (i) The period of operation should not be more than 9 months in a financial year.
- (ii) Where period of operation is more than 4 months in a financial year, such industry should operate for at least consecutive 4 months.
- (iii) The seasonal period once notified cannot be reduced during the year. The off-season tariff is not applicable to composite units having seasonal and other categories of loads.
- (iv) Industries in addition to sugar, ice, rice mill, frozen foods and tea shall be notified by Licensee only after prior approval of the Commission.”
- (ii) Billing from 10/2019 to 02/2020
- a) Billing from 01.10.2019 to 17.10.2019 be done on meter readings obtained in the existing meter as the installed meter was working correctly till 17.10.2019 as per sealing certificate.
- b) Billing from 18.10.2019 to 29.02.2020 be done as IDF in accordance with Supply Code sub regulation 3.2 (1) of the then supply code regulations, 2007 which has now been replaced by UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020 effective from 28.11.2020 in which sub regulation 5.1.7 (applies in case of billing of IDF) provisions in both the regulations are however the same and read with tariff provisions regarding such billing in the appropriate tariff.

The revised bills as ordered above be issued within 15 days from the date of this order, after adjustment of the payments made by the petitioner against the bills issued

for the period April 2019 to February 2020 and without levy of any LPS (DPS).  
Forum order is set aside. The petition is partly allowed.

Dated: 16.08.2021

(Subhash Kumar)  
Ombudsman