



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Haryana Electricity Regulatory Commission
Bays No. 33 - 36, Sector - 4, Panchkula-134109
Telephone No. 0172-2572299; Website: - herc.nic.in
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(Regd. Post)

Appeal No. : 6/2024
Registered on : 19.02.2024
Date of Order : 15.04.2024

In the matter of:

Appeal against the order dated 29.12.2023 passed by CGRF UHBVNL, Panchkula in complaint no. UH/CGRF- 268/2023.

Smt. Biro Devi, House No. 798 A, Indira Colony, Panchkula

Appellant

Versus

1. The Executive Engineer Operation Division, UHBVN, Panchkula

2. The SDO (Operation), MDC Sub Division, UHBVN, Panchkula

Respondent

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Shri V K Malik representative of appellant

Present on behalf of Respondents:

Shri R.K. Rohilla, SDO (Operation), MDC Sub Division UHBVN, Panchkula

ORDER

A. Smt. Biro Devi has filed an appeal against the order dated 29.12.2023 passed by CGRF, UHBVNL, Panchkula in complaint No. UH/CGRF- 268/2023. The appellant has requested the following relief: -

HEADING:

Regarding issue of domestic inflated energy bill against account No. 2537550000 amounting to Rs. 1,96,487/- which accumulated to the tune of Rs. 3,76,220/- along with Current bills and surcharge.

(i) Name of the Consumer: Smt. Biro Devi

(ii) Sanctioned load: 0.200 kw

(iii) Date of connection: 29-09-2007

(iv) Address: # 718A Indira colony near Budhanpur, Panchkula

CAPTION:

(i) SDO operation MDC Sub Division UHBVN Panchkula

(ii) The Execution Engineer Op. Division UHBVN Panchkula

(iii) CGRF UHBVN Nigam Flat No.519 to 522 Power Colony Industrial Area Phase-II, Panchkula-134113 (Haryana) E-mail cgrf@uhbvn.org.in Phone No. 0172-2990341, 2990343

I am not satisfied with the decision passed on by the Forum and on the incomplete information supplied on the facts and figures of the case. SDO concerned issued an energy bill of Rs. 1,96,487/- during the period 26-01-2019

to 10-10-2020 (623 Days) of the above said account which is apparently and wrong.

SUMMARY OF THE CASE

The energy bill amount of Rs. 1,96,487/- got accumulated to the tune of Rs. 3,76,220/- along with levy of surcharge plus issue of current bill stand Issued w.e.f. 10.10.2020 to 20.11.2023. Instead of deciding the case under rules and regulations and merit of the case SDO in-charge was allowing me to deposit part payments at each and every occasion and assure me that we will decide the case under proper rules and regulations but a period of three years has elapsed nothing has been done. I also approached to the concerned Executive Engineer and directed to SDO Operation MDC Sub-Division Panchkula for doing favourable decision but every time I sent back empty handed and at last he directed to the CGRF Panchkula for favourable decision as the amount exceeds to the tune of R. 3,76,220/- for which the copy of decision of forum is being enclosed.

FACTS & FIGURES

(i) The meter reading was recorded in four figures during the period 29-01-2018 to 26-01-2019 and latterly it jumps to five digit figure as evident from the data concerned i.e. shown as-

1)	26-01-2019 to 10-10-2020	Rs. 31939
2)	10-10-2020 to 26-11-2020	Rs. 34510
3)	26-11-2020 to 22-02-2021	Rs. 36832
4)	22-02-2021 to 25-02-2021	Rs. 37538
5)	24-04-2021 to 01-05-2021	Rs. 38195

The department as replace the old single phase conventional type Energy Meter with a new SMART meter on dated 24-04-2021 vide MCO No. 352/175 1 dated 24-04-2021. As per instructions the old removed meter was required to get it tested in my presence from Dhulkot Laboratory to ascertain its accuracy and how it gone defective/showing four figure to five figure. The department has not called me by issuing a notice for the checking of accuracy which is a great lapse on the part of the concerned officer/official. Moreover, the very old meter was not returned to me as the same was stands supplied by me. The pedestal Box is having 19-20 single phase meters and from which one cannot ascertain, to whom connection the meter relates and all the service wire are intermingled which prone to accident and the pedestal in question is not earthed.

Secondly the SDO concerned has ordered to install a check meter vide SJO No. 2/35 dated 22.09.2023 to check the accuracy of the new replaced tested Smart meter which comes to ok/ satisfactory. The consumption data with MDI on various dates are available and can be considered for the correction of disputed bill. If nothing has to be done, then it is not understood why the check meter was installed and it seems to be futile exercise.

GROUND FOR APPEAL-

- (i) The department is liable to charge the average consumption for six months as per electricity Rights 2020 notified by Central Government.
- (ii) There are also instructions as Para 6.9.1 (1) and supply code stands issued by HERC in 2014 the formula given for correct assessment of consumption in special circumstances is given 50 units per kw. The sanctioned load duly checked the staff of SDO concerned on the Performa LL-I as 0.925kw. The consumption comes to 50 units per month.
- (iii) At the most the department has the right to charge the bill on the checked load against LL-I Performa as 0.925 kw (say 1 kw) which comes as under:
(Load X days X Hours X Load factor) $0.925 \times 30 \times 8 \times 0.08 = 107$ Units per months.

Average for six months- $107 \times 6 = 642$ Units.

And not as 25704 units which can be reviewed up to the replacement of old conventional meter i.e. 24-04-2021.

At last I am supposed to get Bi-monthly bills regularly for payment. In case due to the negligence of department if a bill for a period of 623 is rendered to me for payment how a woman working as a sweeper on a monthly meagre salary of Rs. 10,000/- is expected to pay such large amount.

Had the bill rendered in time regularly of correct reading regularly I could have easily paid in time.

As per provision of act the department is not supposed to render a bill for a period of six month under the circumstances I am not liable to pay the inflated / wrong bill more than six months of accurate or on average consumption.

Keeping in view all the facts a revised correct bill be rendered to me without surcharge for payment in various instalments.

Kindly also go through all my supporting documents/papers i.e. BPL category/ family ID having lower income/Balmiki community attached herewith for your kind reference please.

- B.** The appeal was registered on 19.02.2024 as an appeal No. 6/2024 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 05.03.2024.
- C.** The respondent SDO vide email dated 01.03.2024 has submitted reply, which is reproduced as under:

It is submitted that after going to the consumption pattern after installation of smart meter seems that it is a case of blockage of consumption by meter reader by manipulating the meter reads before 29.01.2018. Detail of SVR verified and account overhauled is as under:

Period	Days	Consumption	Average consumption of per day
29.01.18 to 26.01.19	362	112	$112/362 = 3$
26.01.19 to 10.10.19	623	31939	$31939/623 = 51.26$

In view of above, it seems that SVR verified are doubtful & it is a case of blockage of consumption by the meter reader. The necessary official record has been sought from SDO OP City S/Divn., Panchkula. M/s Competent MRBD agency to verify the ground reality vide this office memo no. 3825 dated 01.03.2024. It is requested sometime may kindly be granted to verify the facts as per official record.

- D.** Hearing was held on 05.03.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, representative of appellant briefed the appeal. Respondent CA requested for short adjournment for 15 days to file reply. The respondent SDO was directed to file the point wise reply within 10 days with an advance copy to the appellant. The matter was adjourned for hearing on 19.03.2024.
- E.** Hearing was held on 19.03.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, representative of appellant submitted that the dates mentioned in the box of the reply submitted by the respondent SDO are wrong. The respondent SDO, after perusal of his reply, submitted that there are some clerical mistakes in the reply and requested to submit corrected copy and not to take on record previous copy of reply. Allowing the respondent, he was directed to supply the same, with a copy to the appellant. The matter was adjourned for hearing on 15.04.2024.

- F.** The respondent SDO vide email dated 19.03.2024 has submitted rejoinder reply, which is reproduced as under:

The revised reply in Appeal no. 6/2024 dated 19.02.2024 filed by Smt. Biro Devi regarding the dissatisfaction with the decision of the Honorable CGRF. Following a thorough examination of the consumer's concerns and meticulous scrutiny of official records, kindly find herewith a detailed clarification addressing each raised point.

1. Consumption during the Pandemic Period:

Upon careful review of the consumer's consumption records during the pandemic period, it has been observed that the apparent discrepancy in consumption was primarily due to the temporary blockage of consumption during the pandemic "CORONA" period. The records indicate that the issue was rectified promptly after verification of actual meter reads, with corrected bills being issued accordingly. Corrected consumption pattern of consumer with comparison with old meter to new smart meter as under: -

From	To	Days	Units	Per days units
29.01.2018	26.01.2019	362	112	0.30
26.01.2019	10.10.2020	623	25704	41.25
10.10.2020	26.11.2020	47	2571	54.70
26.11.2020	22.02.2021	88	2322	26.38
22.02.2021	25.03.2021	31	706	22.77
24.04.2021	01.05.2021	37	806	21.78
		1188	32221	27.12
Meter replaced vide MCO no. 352/17551 dated 24.04.2021 (Smart Meter)				
24.04.2021	26.11.2023	946	15352	16.22

2. Meter Replacement:

The consumer's concern regarding the replacement of old meters with smart meters in April 2021. It is essential to highlight that this replacement was carried out following Nigam policy as a routine process. The consumer's old meter was replaced vide MCO no. 352/17551 dated 24.04.2021, a copy of which is enclosed as Annexure "D". Furthermore, it is important to clarify that the consumer's request for laboratory testing of the old meter in their presence. It is not mandatory when the meter is removed in working status O.K. However, the consumer has the right to challenge the meter's accuracy, which was never contested in this case concerning the old meter.

3. Check Meter Installation:

In response to the consumer's request, a check meter was installed vide SJO no, 35/02 dated 22.09.2023. Subsequent verification affirmed

the working accuracy of the existing meter, as evidenced by the consumer's signed acknowledgment, provided in Annexure "E". It is pertinent to note that provisions for overhauling the consumer's account based on recorded MDI are applicable only when the old meter's defectiveness is established, which was not the case here.

4. Compliance with Guidelines:

The contention regarding the application of instruction para no. 6.9.1 (1) and supply code is invalid in this context, as the old meter was removed with a working status O.K. Thus, the consideration of average consumption, as per the guidelines, does not apply.

5. Decision of CGRF Panchkula:

It is imperative to reaffirm that the decision of CGRF Panchkula was reached meticulously after a thorough examination of the entire official record. Enclosed are copies of bills issued to the consumer from 29.01.2018 to 20.11.2023 further substantiating the correctness of the decision. In conclusion, it is submitted that the provided clarification adequately addresses the concerns raised by Smt. Biro Devi.

G. The appellant vide email dated 01.04.2024 has submitted its submissions on the reply submitted by the respondent vide email dated 19.03.2024, which is reproduced as under:

The rejoinder shared by the SDO Operation Sub Division MDC UHBVN, Panchkula received through email after the aforesaid discussion on 19.03.2024. the version of the learned SDO conferenced that the discrepancy of huge consumption against A/c No. 2537550000 for the period 26.01.2019 to 10.10.2020 (623 days approx. 21 months) arose primarily due to the blockage of consumption during the PANDEMIC "CARONA" period as the reading were not taken Bi-monthly at site during this time. Which shows the sheer lapse on the part of the UHBVN as the reading were not taken at site even for at least one year prior to CARONA. There was no constraint / lock down due to CARONA until April 2020. This issue was not sorted out at their level from the last Five Years (January 2019 till permanent disconnection dated 20.11.2023 for which the poor consumer remained sufferer and was not serious to correct the wrong / incorrect energy bill that how the consumption of 25704 units on a small domestic connection with a sanctioned load of 0.200 kW is possible.

Moreover, the readings were recorded as Four Figures since 03.01.2015 till the period 26.01.2019 as evident from the record supplied by UHBVN and

suddenly jumps to Five Figures as 31939 units i.e. from 6235 to 31939 units and shown up to the period i.e. 24.04.2021 to 01.05.2021 as 38199 and thus the department has declared at his own that the old single phase 2 wire energy meter conventional type was running OK. SDO pointed out the same meter was not got tested from the laboratory to ascertain its accuracy / any defect etc. as the consumer has not challenged the same. In support of this, some remarks were given on dated 12.10.2023 on the accumulated energy bill amounting to Rs. 3,76,220/- which was reproduced as under:

P.P. 14,500/- “Old Meter Issued” – need to check, pending at L&T & discussed with XEN.

No report available as well as findings of L&T till date. The matter remained pending.

At this belated stage the plea taken by the SDO concerned is not acceptable at all. Further the calculations of per day consumption made as 27.12 units and 16.22 units as per table supplied by this office by comparing this consumption data of approx. 40 months and 32 months and its shows he kept the rules and regulations set aside and rights of consumer. The logic taken by the SDO concerned does not seems to be on merits of the disputed case.

To solve this issue the consumer, have no objection if the per day consumption can be taken on the accuracy of the Smart Meter which has since been got checked by the office concerned by installing check meter vide SJO No. 2/35 dated 22.09.2023.

Comparison with the consumption of smart meter / check meter installed on 25.09.2023

Check Meter Readings Taken					Smart Meter Reading Taken			
On various Dates								
Sr. No.	Date	KWN	KVAH	MDI	Date	KWN	KVAH	MDI
1.	25.09.2023	915	994	1.461	25.09.2023	14902	15922	1.317
2.	29.09.2023	958	1041	1.461	29.09.2023	14945	15969	1.317
3.	04.10.2023	1017	1111	0.836	04.10.2023	15004	16038	0.836
4.	06.10.2023	1141	1141	0.836	06.10.2023	15029	16069	0.836
5.	09.10.2023	1185	1185	0.858	09.10.2023	15066	16113	0.858

Consumption of 1079-915

Consumption of 15066-14902

Check meter for 15 days = 164 units

Smart Meter for 15 days = 164 units

(i) Both the energy meters are declared running OK.

(ii) Total consumption 30 days = $164 \times 2 = 328$ units

(iii) Per day consumption = $328 \div 30 = 10.93$ units say 11 units.

- (iv) Total consumption will be of the disputed period of 623 days (i.e. 26.01.2019 to 10.10.2023) = 623 x 11 = 6853 units
- (v) Total consumption charged against the old meter (under dispute) of 623 days = 25704 units
- (vi) Total energy bill raised against the disputed period = 1,96,487.00

Tentative calculations

- (i) Per unit rate shall come to = $1,96,487 \div 25704 = \text{Rs. } 7.6443$ per unit
- (ii) By applying tariff, the amount so chargeable during the period (26.01.2019 to 10.10.2023) = $6853 \times 7.6443 = \text{Rs. } 52386.00$
- (iii) In addition to the refund may also be allowed of surcharge amount w.e.f. from the disputed period as the energy bill got accumulated due to the fault of the department.
(As shown against the bill amount of Rs. 3,76,220/- i.e. in arrear plus current surcharge)

(-) 1,64,045
(-) 5,527
- (iv) Excess charged against the wrong bill
 $(1,96,487 - 52,386 =$

(-) 1,44,101

- (v) Total refund be allowed 3,13,673
Net payable amount 68,074.00

It is also prayed that all the other points i.e. BPL category, low income group declared on behalf of the complainant be considered sympathetically and benefit of doubt must be given to the consumer, so that she may keep faith towards the functioning of the department as well as Govt. of Haryana. There are also precedents that the State Govt. of all the energy bills, those who are of poor category and unable to pay for some specific periods.

It is once again requested to the Hon'ble Chair that this particular case be decided as per instructions on Para 6.9.1 (1) and supply code stands issued by HERC in 2014. The formula for correct assessment of consumption in special cases is given 50 units per kW be allowed as the sanctioned load stands checked against LL-1 which declared as 0.925 kW say 1 kW.

As regards CGRF decision it is submitted that the consumer is an illiterate woman and does not produce her case with proper documentation to reach the right points and no knowledge of the departmental process. She may be excused and suffered a lot.

- H.** Hearing was held today, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the respondent SDO submitted that the revised reply has been submitted with a copy to the appellant. The representative of the appellant submitted that the check meter has been installed and is OK having consumption 11 units per day. The account should be overhauled taking into account the consumption recorded by the check meter. Per contra, the respondent SDO submitted that the check meter is installed for a short period to check the accuracy of the existing meter and the accuracy of the meter was found within permissible limit, so the account cannot be overhauled on the basis of consumption recorded by check meter as requested by the appellant. The representative of the appellant further contended that the dispute is of the bill from 26.01.2019 to 10.10.2020 (623 days) and should be overhauled on the basis of consumption recorded by the check meter. The respondent SDO further submitted that as per Nigam's instructions, the account cannot be overhauled on the basis of consumption recorded by the check meter during it remained installed in series of main meter as very purpose of check meter is to check accuracy of the main meter, which was found OK, nor as per clause 6.9.1 of the HERC Supply Code Regulation as the meter was not defective.
- I.** The Corporate Forum decided the matter vide its order dated 29.12.2023 and operative part of the order is reproduced as under:

“After examining the reply of the respondent SDO, the record available on the file, the Forum has observed that account of consumer has been checked by SDO/Respondent and it has been reported that the bills raised to the complainant are OK and as already been done on dated 20.11.2023 on default of non-payment of the outstanding dues by the consumer. The data supplied by the SDO / Respondent was gone through by the Forum and found feasible one. Hence the reply of SDO/Respondent was found in order.

Therefore, the case is disposed of without cost to either of the parties.”

- J.** After going through written as well as oral averments made by both parties and record placed on the file, it is observed that the appellant contended that the bill of the appellant for sanction load of 0.200 kW, is very high and not commensurate with load. The respondent SDO stated that as meter reading record, the appellant was using higher load as evident from the MDI recorded in the meter as 2.70kW in Nov, 2021; 2.23kW in May, 2022; 2.01kW in Jul, 2022; 2.13kW in Mar, 2023; 2.30kW in May, 2023; 2.25kW in Jul, 2023 etc.

The representative of the appellant contended that there are instructions as Para 6.9.1 (1) of the Supply Code Regulations, 2014 and the formula given for correct assessment of consumption in special circumstances is given 50 units per kw. The appellant should be billed according to above formula. The respondent SDO submitted that billing in case of defective/sticky/dead stop/burnt meter is to be done as per clause 6.9.1 (1) of the Supply Code Regulations, 2014 but the meter is never found defective, the clause is not applicable in this case. The contention of the appellant is not admissible as ibid clause is applicable in case of defective/sticky/dead stop/burnt meter.

The representative of the appellant further argued that to resolve the issue of the consumer, the appellant has no objection if the per day consumption to overhaul the account of the appellant is taken 11 units per day as calculated considering the consumption of smart meter/check meter for 15 days during which period the accuracy of the Smart Meter was got checked by the office concerned by installing check meter vide SJO No. 2/35 dated 22.09.2023. The respondent SDO submitted that check meter was installed to check the accuracy of meter and how the account of the appellant can be overhauled on the basis of 15 days consumption, when actual consumption is available. The bills for the period 26.01.2019 to 10.10.2020 (623 days) and 10.10.2020 to 22.02.2021 (135 days) issued after getting the reading verified. Moreover, the average consumption up to 24.04.2021 was 27.12 units per day (old meter) and is 16.22 units per day (Smart meter) after 24.04.2021. The contention of the appellant is not found feasible.

In view of the aforesaid facts and discussions, it is noticed that the electricity bill has been raised on actual consumption recorded in the meter installed in premises of the appellant and hence, the bill raised by the respondent is payable by the appellant and the appeal is disposed of accordingly.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 15th April, 2024.

Sd/-

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: 15.04.2024

CC-

Memo. No. 218-24 /HERC/EO/Appeal No. 6/2024

Dated: 16.04.2024

1. Smt. Biro Devi, House No. 798 A, Indira Colony, Panchkula.
2. The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula

3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula.
4. The Chief Engineer (Operation), Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula.
5. The Superintending Engineer (Operation), Panchkula, SCO 89, Sector-5, Panchkula.
6. The Executive Engineer (Operation), UHBVN, Panchkula, Flat No-517 & 518, Power colony, Industrial Area Phase-2, Panchkula.
7. The SDO (Operation), MDC Sub Division, UHBVN, Panchkula, DSS 115, Sector 6, MDC, Panchkula.

Appeal No. 6/2024/EO