



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Haryana Electricity Regulatory Commission

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Appeal No. 39/2013
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Date of hearing: 08.11.2013 &
22.11.2013
Date of Order: 25.11.2013

In the matter of:-

Appeal on the orders of the CGRF, UHBVNL, Panchkula in Case No. 813/2013 dated 24.09.2013.

Sh. M.S. Chauhan , Consultant on behalf of M/s. Indus Towers Ltd., Rohtak Camp office at SCO No. 34, 1st Floor Mughal Canal, Karnal – 132001

Appellant /Complainant

Versus

UHBVNL

Respondents/Opposite Party

Before:

Er. A.K. Jain, Electricity Ombudsman

Present on behalf of appellant:

1. Sh. M.S. Chauhan, Consultant

Present on behalf of respondents:

1. Sh. Gain Chand CA working in the O/o SDO 'Op' City Sub Division, UHBVNL, Jagadhri

ORDER

M/s Indus Towers Ltd Chandigarh through their Sh. M.S. Chauhan, Consultant/EB, have filed an appeal against the orders of CGRF, UHBVNL Panchkula dated 24.09.2013 in case no. 813/13 regarding refund of excess billed amount on account of jumping of the meter in respect of account no. JC-23/0026 falling under the jurisdiction of Op City Sub-division, UHBVN, Jagadhri.

The appellant has made the following submissions in the appeal.

1. That the appellant company is providing services which include mobile communication tower and other allied equipments to various mobile telecom service providers and are taking care of the existing and upcoming power connections of the mobile operators.
2. That they have obtained a NDS connection bearing account no. JC-23/0026 in Amar Vihar Colony, Chhachhrauli Road, Jagadhari under SDO City Sub Division, UHBVN Jagadhari to operate the mobile tower.
3. That the sanctioned load of the connection is 15 KW and bills issued by the respondent department are being regularly paid by them.

4. That the meter reading recorded in 4/12 was 20391 and the reading jumped to 96223 in 6/12. The recorded consumption was 75832 units which is not feasible for 15KW load.
5. That bill for MMC was issued in 6/12 due to inconsistent reading.
6. That meter again jumped to 137364 in 8/12 i.e. 41141 units were consumed in 60 days which is not feasible for load of 15KW.
7. That they were billed for 137364-20391= 116973 units for 120 days. They protested for the inaccurate working of the meter vide their letter no. SPL-22/EB-14/BILLS/13 dated 18.04.2013. A copy of which is attached with the appeal.
8. That the respondent department did not respond to their representation and they were forced to pay ₹ 740071/- to avoid disconnection.
9. That the meter reading recorded in subsequent months as under:-

Month	Reading	Consumption
10/12	141714	4350
12/12	145828	4114
2/13	149737	3909
4/13	153245	3508

They were billed for the recorded consumption as above.

10. That the respondent Nigam checked the working of the meter on 31.05.2013 and found the meter reading as 155864 but on 04.06.2013 the meter has recorded back and reading noted as 105473 thereby meaning that meter is misbehaving and is not recording correctly.
11. That we prayed before the CGRF for suitable direction to respondent SDO to replace the defective meter at once and the average units recorded in the next 6 months by the new meter should be taken as base consumption and the defective period from 6/12 to date may be overhauled as per the provisions of Sales Circular No. U-29/2011 and U-27/2013 and excess bill paid may be refunded.
12. That CGRF held on 24.09.2013 that no action needs to be taken by the respondent as the amount has rightly be recovered and no benefit accrues to the complainant. The appellant has alleged that Forum has concluded that when the meter was jumping in forward direction it was working correctly but when it jumped the reading backward than the meter is defective.
13. That it remains to be explained that how a load of 15 KW can consume 116973 units in 122 days. This consumption is not even theoretically feasible for full connected load running round the clock for 122 days. The maximum and theoretical consumption can be 43922 units only. The meter was defective and certainly has jumped the reading.

The appellant has prayed that the orders of CGRF be set aside and respondent SDO be directed that average units recorded in next six months by new meter should be taken as base consumption and the defective period from 06/12 to date may be overhauled.

On 08.11.2013 respondent XEN Jagadhari informed that due to some urgency they will not able to attend the hearing. The reply to the appeal has been filed by respondent SDO Jagadhri along with checking report dated 31.05.2013, consumption record from 03/2011 to 04/2013, meter reading record and MCO dated 27.06.2013. In the reply the respondent SDO has submitted that the bills sent to applicant are as per actual consumption of the applicant as per meter reading and it is wrong to allege that the meter has ever jumped. The consumption shown for the month 8/2012 was 116973 units which is absolutely correct as per meter reading. The position has already been explained to the respondents and only after satisfaction with the answer of the respondent the appellant has deposited the bill amount of ₹ 7,40,071/- and the respondent have not put any force upon the applicant as alleged in the appeal. The working of the meter is OK up to 31.05.2013 when the meter reading recorded was 155864 units. After this the meter of the consumer became defective which was replaced in 06/2013. In the end of his reply the respondent SDO stated that the appellant is not entitled to get any relief and CGRF has rightly held on 24.09.2013 that amount has been rightly recovered from the appellant and requested that appeal may be dismissed with cost in the interest of justice. As the respondents were not available on 08.11.2013, the next date of hearing in the case is fixed for 22.11.2013 at 11:00 AM for final arguments and decision in the case.

On next date of hearing on 22.11.2013 nobody attended from appellant's side and respondents were represented by only Commercial Assistant of the sub division.

Analysis of the case

The appellants are contending that the reading of the meter in 06/12 has jumped to 96223 from 20391 in 04/12. Keeping in view the sanctioned load of only 15 KW load, this much consumption of 75832 in two months is not possible. After 08/12 the consumption has been normally recorded in the range of 2500 to 4400 units up till 31.05.2013. From the consumption record submitted by the respondents it is observed that the appellant has consumed 137442 units in 18 months from 03/11 to 8/12 giving an average of 7636 units per month. Going further up to 04/13 it is found that consumption is 153323 units for 26 months from 03/11 to 04/13 at an average of 5897 units per month. No doubt the consumption of 75832 units recorded in 06/12 seems to be abnormal for two months period, the abnormal consumption shown can be due to bogus reading, variation in billing cycles period, manipulation of readings by way of connivance at lower functionary level of the appellant company and respondent department and accumulation of reading with ulterior motives. Keeping in view the notorious malpractice of bogus readings by the meter reading agencies of the respondent department, it can very well be inferred that this is a case of accumulation of reading and nothing else keeping in view the nominal average record of 5897 units per month in more than two years time. Moreover the protest for abnormal consumption in 6/12 and 8/12 has been lodged by appellant in 04/13 after about 8 months that too when the bills were settled way back on 10.8.12. No advantage accrues to the appellants due to highly inefficient and irresponsible work of meter reading by the respondent department. It is left to the respondent department to inquire in to the case of bogus reading, fix responsibility and penalize the meter reader/ meter reading agency for blocking revenue of the department for months together besides causing unnecessary harassment to the appellant consumer.

Keeping in view the above discussion, material on record and pleadings/ arguments by both the parties the appellant are not entitled for any relief.

The appeal does not succeed.

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

Given under my hand on this day of 25th November, 2013.

Dated: 25th November, 2013

(A.K. Jain)
Electricity Ombudsman, Haryana

Endst. No. HERC/EO/Appeal No. 39/2013 /

Dated:

A copy of the above is forwarded to the following:

1. The Managing Director, UHBVNL, Vidyut Sadan, Sector-6, Panchkula.
2. The Legal Remembrancer, HVPNL, Shakti Bhawan, Sector-6, Panchkula.
3. The Executive Engineer, 'Op' Sub Urban Division, UHBVNL, Jagadhari.
4. The SDO 'Op' City Sub Division, UHBVNL, Jagadhri.
5. Sh. M.S. Chauhan, C/o M/s Indus Towers Ltd. SCO No. 34, 1st Floor Mughal Canal, Karnal – 132001.
6. The Chairman, CGRF, UHBVNL, Room No. 317, Sector-6, Shakti Bhawan, Panchkula along with original file for information please.