



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Haryana Electricity Regulatory Commission
Bays No. 33 - 36, Sector - 4, Panchkula-134109
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(Regd. Post)

Appeal No. : 25/2021
Received on : 01.07.2021
Registered on : 29.07.2021
Date of order : 30.09.2021

In the matter of: -

Appeal against the order dated 31.05.2021 passed by CGRF, UHBVN, Kurukshetra in case No.47/2021.

Sh. Atma Singh, H/No.357, Vidya Nagar, Nanhera, Ambala Cantt.

Appellant/Complainant

Versus

UHBVN

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Atma Singh

Present on behalf of Respondents:

Sh. Atitosh Kumar, SDO 'Op'. S/U, Sub Div. No.1, UHBVN, Ambala Cantt,

ORDER

1. Sh. Atma Singh, H/No.357, Vidya Nagar, Nanhera, Ambala Cantt. has filed an Appeal against the order dated 31.05.2021 passed by CGRF, UHBVN, Kurukshetra in case No.47/2021 which was received on 01.07.2021. The Appellant submitted as under:

"I prefer to appeal against the decision of CGRF on dated 31.05.2021. In this order the Forum only listened the Department Illogical views and tried to save staff who did a mistake by noting wrong reading in January,2019 (when the display of meter was faulty and proved in Deptt. Lab) which is being presumed, only right reading and on this basis, I am being punished without any my mistake."

- 1.1. All previous meter readings before January,2019 and after June,2019 till date (when the display of meter was right for the period of more than 5 years) are as a proof of actual readings to calculate average units, for the period, when display of meter was become faulty. It should not be based on only one wrong reading ignoring previous and new meter actual readings.
- 1.2. How it can be presumed every time, before fault in meter, the readings noted less by deptt. Staff except in Jan,2019 when meter display was faulty to calculate average actual reading for the period of defective display. Photo of meter readings also available to justify.
- 1.3. As explained in detail in my reply only one room, one labourer was living in that room not continuously, only two CFL, maximum time room remained vacant, so no consumption, no meter reading in these months as in June18 to Oct18, when nobody was residing in room.
- 1.4. Electric bills were not regularly sent by department as per Deptt. record. As such honest consumer is punished on the mistake of meter reader which is proved in the Lab, because display for reading not visible. In such situation correct reading could not be noted by meter reader as well as deptt. Lab, also unable to see correct reading to verify the meter reader's recorded readings.
- 1.5. In spite of correcting the mistake, the same mistake is supported and illogically tried to prove it right. No justification given to deny my logical claim with full details and how it is not reasonable to claim average units for the period of defective display of meter. Where as in Lab of Department, display is only faulty, nothing wrong with meter proved, but the decision of CGRF based on the only wrong assumption of reading which is not possible to be read in Lab of Deptt. How the meter reader was able to note actual / correct reading on faulty display.
- 1.6. How the meter reader was able to note this high number of reading? And why Next 6 months same reading has been presumed for the period of defective meter, very contrary to my logical and justified claim of average meter readings based on, before January,2019 and after change of meter till date (when the display of meter was right for the period of more than 5 years) should be presumed to prepare average bill when meter is found intact, only display faulty. In display left side, 4th figure of reading was totally missing in meter reading, might have been noted wrong by then meter reader.
- 1.7. No fresh finding of my meter was presented before CGRF as per order on CGRF on 25.03.21 when I was only informed to be present before CRGF. On other

days I was only informed at the time just before some minutes the hearings were taken place.

- 1.8. When the room was vacant in these months, nobody was living in room to use bijli and readings in previous bills for average of actual readings are very much supporting evidence for this logic for calculating the bill of meter defective period
- 1.9. Meter was outside home in street, why meter reader noted my reading wrong only on defective display of meter, not others neighbours before January,19, is a valid point to consider this very unjustified accumulation of readings
- 1.10. So, I again appeal to your honour to please refer my previous requests dt. March'19, May'19, June'19, Aug'20, 26.10.20, 8.11.20 and 28.12.20, 05.02.21, 20.02.21 and please arrange to prepare average electric bill on the basis of actual consumption, before the display of meter reading found defective and after meter replaced, as per facts given below.
- 1.11. The previous meter reading average is about 70 to 80 units per month in the last 4 yrs.as per old record.
- 1.12. The display of meter become defective due to any unknown reason in Jan, 2019 resulted prepared wrong bill,
- 1.13. The meter reader could not note correct reading, as the display of meter was not showing any reading as the left side of reading was not readable due to faulty display, at the time of lodging complaint to repair meter display and bill sent on the wrong reading on the basis of imagination due to fault in display.
- 1.14. As the reading 8262 instead of actual 5062 (app. As per previous rate of consumption record), because faulty display and Human error may also involve for this misreading. The previous bill reading was 4760 noted by your staff while display was ok. So, no question of accumulation of units arise.
- 1.15. I represented to your office in March,2019 to correct the bill as actual consumption and get repaired the defective meter display which was not readable.
- 1.16. The meter has been replaced and the actual consumption is available on new meter as well as old meter, which was sent in Lab to detect the fault. NO FAULT / TEMPERING IN METER has been DETECTED IN YOUR DEPTT. LAB and nothing wrong come out against me.
- 1.17. There is one room set (incomplete construction) in which electricity is being consumed one LED & Fan in summer only. One labourer was living alone in this room from last some years and all bills were paid on the basis of actual consumption as per meter reading sent by your department. I have conversant

to the actual app. Consumption as per use of power as per formula given on the back of bill.

- 1.18. The room was remained vacated from December,2018 to July,2019 and new person started living in this room in August,2019. There was no use of electricity during this period of 8 months in vacant room and display of meter got fault due to rain water or any other unknown reason. There is no use of anything of high consumption except maximum 2 CFL and one fan in room.
- 1.19. Average consumption before display of Meter defect (noted wrong reading) in last 4 years app. 70 to 80 units. Average consumption after defected Meter changed in last 22 months was also app. 70 to 75 units in your record actually as per actual meter readings
- 1.20. Wrong reading noted by meter reader cannot be justifiable. In view of available Record and this wrong reading cannot be included in calculating average consumption. It is totally unfair and unjustified to a bonafide honest consumer, who save electricity and pay all bill in time and follow all deptt. Slogans.

Available consumption record with me as under: -

Feb16=62	Jan19=3502**. Wrong reading noted. On complaint meter
Apr16=97	changed. And in Lab report found meter display fault, no
Jun16=07	tempering. After change of meter, consumption Avg. Same.
Aug16=58	Jun19=meter fault
Oct16=135	Aug19=no bill
Dec16=77	Oct19=no bill
Feb17=98	Dec19=91
Apr17=85	Feb20=95
Jun17=86	Apr 20= no bill
Aug17=110	Jun20= no bill
Oct 17=97	Aug20=no bill
Dec17=87	Oct 20=751
Feb18=83	Dec20=83
Apr18=271)	Feb21
Jun18=02) Avg.87,	Average consumption after new meter from Aug19 to Dec20
Room was vacant	=75units P M
Aug18=10)	

Comments to challenge the CGRF Order: -

- In decision, CGRF commented on 12.03.21 on the reply vide memo no 604 of SDO(OP) that SDO could not produce the proof of accumulation of the reading 3502. So, these fake reading of units not to be paid by me.
- CGRF admitted that no proof of accumulation of previous long time, whereas old bills record of actual consumption are available as an authentic proof of dept. record.,
- The correct reading not retrieved by Lab, no proof of accumulation of units except wrong reading noted by meter reader, when display of meter was not clear, also accepted by the Department Lab , it is mistake of staff of Dept. , Why all bills were not sent on due date as per bill cycle ?, if bills are sent on due dates before the fault detected in meter, the actual reading must have been available, but here is mistake of department but I am bring punished without fault. It is not a justice. It is insult to justice.
- On what basis, SDO is justify the accumulation of units ignoring the old record of bills sent on the basis of actual consumption., if reading not retrieved, old bill records available as a proof for actual consumption, no question of accumulation of reading should originate.
- Readings on previous bills not considered, (wrong reading has been supported without any justification), only to harass me and save the meter reader, who did a major mistake by noting wrong reading, to harass consumer and also to department.
- How the reading of old bills of last 4 years can be proved wrong, and justify the wrong noted reading, on defective display in Jan,2019, it is totally injustice.
- It is admitted by SDO, the meter with defective display, was replaced on request of consumer.
- Lab could not retrieve correct reading of meter, how it can be justified the wrong reading noted by meter reader was correct ignoring actual consumption units before and after change of meter.,
- Bill after defect in meter on 4/19,7/19,10/19 was not prepared on actual consumption, but avg. basis on wrong bill 01/19 by automatic system when no meter was working and process initiated to change meter on my request, this assumption is very illogical, unjustifiable. Actual consumption reading before defect and after new meter changed,

should be considered to presume reading of period when no meter was working.

- Please found who was at fault, if department has sent me bills on every due date, then no such accumulation doubt occurred, so I have no fault as proved in the Lab of department, then why again I have been being punished
- All evidences are in my favour, nothing in favour of SDO/ UHBVN, except wrong reading noted on defective display of meter by meter reader. But decision in favour of department without any justification, nothing mentioned against my claim, why not reasonable, in absent of correct reading detection by Lab. It is not my fault, if Department Lab is unable to retrieve correct reading and wrong reading cannot be stated as correct reading to punish the innocent & bonafide consumer. So please do justice in favour of me because all circumstances, situations, evidences are in my favour as prima facie, without any bias.
- Old bills as a proof of actual reading, (prove no accumulated of units).
- I have already paid bill of amount average as per my consumption. If the bill of Jan, 2019 was on fake reading, and next bill on 04/19,07/19,10/19 (not as per bill cycle) similar high average reading while no meter display working, should also be cancelled along with bill of Jan,2019 bill.

Request for documents based upon, the decision has been taken

- Please arrange to provide the copy of sales circular no.02/2020 to me and details of calculation of amount RS. 44728/- which is come out after overhauling and adjustment. Not given to me even requested personally to SDO many times.
- Provide the Details of, how old units app.120 calculated kept secret from me which is demanded many times.
- Provide Record of Adjustment of so-called accumulation units Overhauling average in Period, copy of supply code Revolution no 02/2020, copies of replies submitted by SDO/OP on hearing dates, copy of letter to call me to attend hearing dates, how the amount Rs. 44728/- calculated, and how it was adjusted provide detailed record to prepare proper reply and submit to your kind consideration, How Old meter consumption average units 120 calculated. Details of all relief given to consumer as stated by SDO.

- Till final decision on the basis of facts, UHBVN may be stopped to recover high amount bill based on fake record.

In view to above explained actual situation honestly, I request you your kind honour to ignore the wrong reading noted by staff in Jan/ 19, and send revised bill based on actual consumed avg. reading before / after defect in display of meter available consumption record with Deptt (App. 75-80 units per month).

2. The appeal was registered on 29.07.2021 as an Appeal No. 25/2021 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 17.08.2021.
3. Hearing was held on 17.08.2021, as scheduled. The Respondent SDO informed that he had assumed charge two days ago and requested for granting fifteen days' time to file the point wise reply of the appeal. Acceding his request, time was granted and the matter was adjourned to 31.08.2021.
4. The Respondent SDO 'OP' S/D No.2 Ambala Cantt vide email has submitted the pointwise reply on dated 26.08.2021, which is as under: -
 - 4.1 *In the subject cited complaint, it is submitted that the account record has been rechecked by the undersigned and the observation is as under:*
 - a.) *The accumulated reading for the period 15.08.2018 to 13.12.2018 i.e 3502 units had been already charged in the slab rate for 01 year from 11.2017 to 01.2019 as per the Sales Circular no.02.2020 .*
 - b) *The wrong bills made on high average Units for the period 13.12.2018 to 19.06.2019 had been adjusted considering old consumption and amount of Rs. 44728/- (along with surcharge) had been adjusted.*
 - 4.2 *Moreover, if we take the period for adjustment in slab rate from 09.2015 to 12.2018 then also no relief can be given to the consumer as adjustment had been already made.*
 - 4.3 *It is further submitted that the consumption pattern of the new meter installed in 08.2019 has been also checked and it is found that as per the old meter consumption the average units per month turns out to be approximately 120 units whereas in the new meter the consumption on monthly basis approximately 70 units.*
 - 4.4 *Hence, there is not much variation in the monthly consumption of the consumer. Keeping in view of the above facts it is submitted that all the relief of slab rate, adjustment of wrong high average bills and checking the record as per new consumption has been made in the best interest of justice.*

5. Hearing was held on 31.08.2021, as scheduled. The Respondent SDO was present but the Appellant did not join though the link which was provided on his email address. The reply submitted by the Respondent SDO was perused and not found proper. Accordingly, the Respondent SDO was directed to submit the point wise reply of the Appeal addressing all points of the appeal within seven days, with an advance copy to the Appellant. The matter was adjourned to 14.09.2021.
6. The Respondent SDO 'OP' S/D No.2 Ambala Cantt vide email dated 13.09.2021 has submitted point wise reply, which is as under: -
 - 6.1 *The consumer was billed on MMC basis from 11/17 to 9/18 due to punching of wrong reading by M/s NYG. The consumer Sh. Atma Singh has not filed any complaint of wrong billing in this period & has paid all the bills timely.*
 - 6.2 *In the month of 01/2019 the consumer was billed for 3502 units as per the reading of the meter. After the receipt of the bills the consumer has submitted a complaint for wrong billing. The site was verified by Nigam official & it was found that the meter reading is correct. A refund of Rs. 6587/- was given to consumer for slab benefits.*
 - 6.3 *The consumer energy meter become N.V. & he was billed on F Code from 04/2019 to 10/2019. After receipt of consumer complaint, the meter was packed vide LL-1 No.35/536 dated 24.08.2019 & checked in M&T Lab Dhulkote vide Endst. No. Ch-1864/M&T/CR-XII Dated 24/10/2019.*
 - 6.4 *After receipt of Lab report the O/o undersigned has given a refund of Rs.44,728 to the consumer an account of higher side billing on F Code.*
 - 6.5 *Moreover, no additional refund is possible in this case.*
7. Hearing was held on dated 14.09.2021, as scheduled. During the hearing the Appellant argued that the copy of reply of the Respondent SDO was not received, whereas the Respondent SDO submitted that the same had been sent through courier on 10.09.2021 and assured that the same would also be sent through email. The Respondent SDO was also directed to submit the copy of the ledger of consumer's account since 11/2017 within 10 days, with an advance copy to the Appellant. The matter was adjourned to 28.09.2021.
8. The Respondent SDO vide email dated 22.09.2021 has submitted copy of Ledger of account no. 8181010000 with effect from 4/2014.
9. Hearing could not be held on 28.09.2021, as the Respondent SDO vide email dated 28.09.2021 has requested to postpone the hearing as he was busy in attending the breakdown of 33 KV, Ambala Cantt since 07:20 AM., the matter was adjourned to 30.09.2021.
10. Final hearing was held on 30.09.2021, as scheduled in the presence of both the parties through video conferencing. The Appellant argued that the display of the meter has gone defective in Jan, 2019 and display of the meter was not showing reading as left side of the reading was not visible due to the fault in display of the meter. The reading 8262 instead of actual 5062 may have been recorded as human error. The Appellant insisted to supply the photo of the meter at the time of

verification of reading. He further argued that room remained vacated from Dec, 2018 to July, 2019 and, therefore, no use of electricity during the period of 8 months. Further there is load of 2 CFL and one fan only, therefore, there is no possibility of such high consumption of 3502 units during the period.

Per contra the Respondent SDO submitted that the reading of the Appellant was recorded by the meter reader in the month of Dec, 2018 and bill was rendered in the month of Jan, 2019. On the complaint of the Appellant, the reading was verified by the Nigam's official at site and same was found to be recorded correctly. At the first instance the bill of 3502 units was prepared for period of 15.08.2018 to 13.12.2018 but the same was revised spreading the units for one year to give consumer slab benefit of Rs. 6587/-. After receiving M&T report, the bill rendered from 04.02.2019 to 11/2019 on F code was also revised giving him a refund of Rs 44,728/-.

In view of foregoing fact, it is observed that after receipt of the complaint of Appellant, reading of the meter was verified by the Nigam's official and was found correct so the contention of the Appellant of recording wrong reading that is 8262 instead of 5062 cannot be accepted, therefore, the orders of the CGRF, Kurukshetra in the matter are upheld.

The appeal is disposed of accordingly, in above terms.

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

Given under my hand on this day of 30.09.2021.

(Virendra Singh)

Dated: 30th September 2021

Electricity Ombudsman, Haryana

Endst. No. HERC/EO/Appeal No.25/2021/

Dated: -

1. Sh. Atma Singh, H/No.357, Vidya Nagar, Nanhera, Ambala Cantt. (atmasinghp3umb@gmail.com)
2. The Managing Director, UHBVN, Shakti Bhawan, Sector – 6, Panchkula – 134109(Email- cmd@uhbvn.org.in)
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