



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. : 17/2023
Registered on: 06.03.2023
Date of order: 19.05.2023

In the matter of: -

Appeal against the order dated 16.12.2022 passed by CGRF, UHBVN, Kurukshetra in case No.167/2022.

Sh. Sunil Kumar Punia S/o Sh. K.R. Punia S/o Sh. Puran Chand, Village Sahalwas, Distt. Jhajjar

Appellant/Complainant

Versus

DHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Sunil Kumar Punia

Present on behalf of Respondents:

Executive Engineer 'Op' Division, Beri
SDO 'Op', Sub Division Matanhail

ORDER

A. Sh. Sunil Kumar Punia S/o Sh. K.R. Punia S/o Sh. Puran Chand, Village Sahalwas, Distt. Jhajjar has filed an appeal against the order dated 16.12.2022 passed by CGRF, UHBVN, Kurukshetra in case No.167/2022. The appellant has submitted as under:

It is intimated that the subject cited order issued by the Chairman, CGRF, UHBVN Kurukshetra, is not satisfied to me i.e. Sh. Sunil Kumar Punia son of Sh. K.R. Punia son of Sh. Puran Chand, village Salhawas, w.r.t. Domestic Meter A/c No. H31-HJ09-2350M, falling under OP Sub/ Division Matanhail, OP Division Beri, & OP Circle, Jhajjar.

It is therefore, humbly requested to kindly review the above said order and my appeal against the subject cited order be accepted/considered judiciously.

Besides this, the first disputed bill of Rupees. 1,17,061/-, dated 20-02-2022 and further once again arbitrarily raised consolidated bill of Rs.2,52,461/- Issued on 27-11-2022, by SDO OP Sub Division Matanhail, may also be looked into. The fact is that

the meter was Dead Stop/Defective from 05-02-2022 to 25-03-2022 (MCO) (50 days) and further New Meter recorded only 281 units from 25-03-2022 to 27-11-2022 (8 months). SDO OP may also be directed not to disconnect the supply, accordingly.

A fresh order be issued on the basis of facts submitted earlier, to the CGRF Kurukshetra, and as per the documents to be submitted during the process of hearing, by the Ombudsman, HERC, Panchkula.

I still stand on my version that, the said meter has gone defective/ Dead stop on or before 05/02/2022, whereas SDO operation Matanhail, has presumed the meter status as OK, Consequently SDO has raised the bill of jumped 15944 Units, arbitrarily. further also the bill has been raised to 2,52,461/- in the bill month of Nov 2022. which should also be looked into.it is therefore requested to please consider my facts put on record and a justifiable order may please be issued.

B. The appeal was registered on 06.03.2023 as an appeal No. 17/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 21.03.2023.

C. The respondent Executive Engineer vide email dated 15.03.2023 has submitted reply which is as under: -

In this connection it is submitted that on dated 21.03.2022 the consumer has given the representation regarding the rectification of bill as reported by SDO 'OP'S/Divn UHBVN Matan hail vide his office memo no 1259 dated 10.03.2023 that on checking the consumer premises found three phase meter installed and same was replaced with single phase meter vide MCO No 61/2014 and pack for checking in M&T lab for load survey and retrieval of complete data. The meter was checked in M&T lab but data could not be retrieved. However, the final reading communicated was 34854.5 kwh. The meter was sent to firm on dated 19.04.2022 but there also data could not be retrieved both copy of M&T lab and firm checking is enclosed. The consumption data from 08-2016 to 02/2022 copy enclosed.

On 25.05.2022 the consumer has filed complaint in CGRF Kurukshetra regarding rectification of bill. The copy of CGRF decision dated 16.12.2022 is also enclosed.

This is kind information and further necessary action please.

D. Hearing was held on 21.03.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant argued that meter data is not retrieved by the respondents. The respondent XEN requested for short adjournment in the case as he wants to avail one more chance to get retrieved the meter data by M&T Lab. / Firm. Accordingly, the matter was adjourned to 24.04.2023.

E. Hearing was held on 24.04.2023, as scheduled. Both the parties were present during the hearing through video conferencing. The respondent XEN vide Memo. No. Ch-16/HERC dated 19.04.2023 submitted that the meter was sent in M&T Lab and its accuracy was found within permissible limit but data could not be retrieved. The meter was also sent to firm (M/S Avon). The firm wanted to retrieve data by breaking the meter body but he did not allow for that.

Sh. S. K. Punia vide his email dated 21.04.2023 commented on the submission of the respondent that the order was specifically for retrieval of data but working of the meter is shown. Further, the firm was willing to open the meter body to retrieve the data but the respondent XEN did not give permission.

During hearing Mr. Sunil contended that data should be retrieved in the firm by opening the meter body.

After hearing both parties, the respondent XEN was directed to send the meter to firm for retrieval of data and to seek opinion of the firm for any misbehaviour/jumping of meter on the basis of data stored in the meter after taking undertaking of the appellant for breaking of the meter body by the firm for this purpose. The respondent XEN shall submit the report in this regard within 15 days of this order.

The matter was adjourned to 6.05.2023.

F. The respondent Executive Engineer vide email dated 11.05.2023 has submitted reply which is as under: -

In this connection it is submitted that W/Electricity Ombudsman of HERC Panchkula had issued an interim order regarding above subject cited case and directed to get re-checked the meter in firm Afterwards Meter sent to M/S Avon PVT LTD Derabassi in presence of appellant Sh. Sunil Punia for data retrieval on dated 05.05.2023 and meter manufacturing firm submitted their observations vide his memo no 171 dated 05.05.2023 as under: -

Observation:

1. Meter output neutral terminal found burnt at the time of receiving the meter.
2. Body seals are found to be intact.

Analysis:

1. Meter has been opened by breaking the seal and body of the meter.
2. After opening the meter it is observed that eporm (Memory chip) of the meter is corrupted, so retrieval of data is not possible.

In addition to this it is further submitted that said meter had also been sent to M&T lab Rohtak on dated 21.03.2023 and SDO M&T lab reported that during the dial test performed on meter, accuracy of meter, checked found within permissible limit as reading of the meter found incrementing with the application of load and supply to said meter as commensurate with the check meter. This is for your kind information and further necessary action please.

G. The appellant vide email dated 15.05.2023 submitted rejoinder in response to XEN Op Division Beri.

1. I have received the copy of reply of XEN OP Division Beri dated 09.05.2023 with two enclosures (Copy of Firm & Lab Report) through the PA to Ombudsman, HERC Panchkula, on dated 11.05.2023 through E-Mail.
2. Xen has sent a copy of report of the firm dated 08.05.2023 of which the contents are very clear that the data could not be retrieved by the firm (M/S AVON Meters Pvt. Ltd. Dera Bassi), even by opening the meter body (w.r.t my consent through undertaking, given on dated 27.04.2023, as desired). The report clearly indicates that “Eprom (memory chip) of the meter is corrupted, so retrieval of data not possible”. In the reply of Xen OP has given his opinion also mentioning that (Accuracy of meter was with in permissible limit as checked in M&T Lab on 21-03-2023, although it was not ordered by the Ombudsman vide his Interim order dated 21.03.2023, rather only to retrieve the data. In that checking report of Lab not even a single word regarding retrieval of data was mentioned.
3. From the above opinion/comments given through reply by Xen Beri. It seems that Xen has not understood the depth of case and what prima facie evidence has to be established, rather tried to square up the issues in favor of the Nigam, haphazardly and arbitrarily, knowing that “Issue arose only, when the bill of Feb2022 was abruptly raised of 15944 Units, where as the premises has since been not in use / In locked condition, whereas opened only for cleaning/ maintenance purposes etc., by the caretaker deputed by the owner. Here, in my representation that Ist instance that meter working Ok as reflected in the bill of Feb 2022, was refuted, with the plea that the meter has gone defective /jumped abruptly 15944 Units i.e. it is misbehaving/erratic working. I further submit that, it is learned that there had been a number of such cases found since past many years, of erratic behavior/jumping of meter units etc., where the accuracy of such electronics meters(For dial test of just 01 unit on simple heating load, without proper NABL approved electronic test bench), becomes no relevance to

prove the overhaul healthiness of meter, and to this effect M/S Avon meter has been blacklisted being failed to provide complete feature of the meters as per technical specification provided by the Nigam. Such meter cases have been resolved by the controlling officers of the Nigam. They may also please be looked into for reference.

4. In such circumstances and the issue being at critical juncture, consumer has been left with these options, to get the clarifications from the Nigam on the following grounds.
 - a. The prima facie evidence of the data retrieved of the meter of previous six months, as per Technical Specification no. S-123/DD-177/Vol-IV/Version-II, issued in November 2007, by the Chief General Manager /P&D, DHBVN), which in this case could not be retrieved at site, in lab or even at firm after opening the meter body, as ordered by the EO, HERC, Panchkula.
 - b. Prima facie evidence to recollect the reading of meters, maintained in the office of SE Commercial UHBVN, Back Office vide work order issued i.e. work order no.58/Xen/Projects/MRBD /NIT-33/2020 dated 12.01.2021, for meter reading, spot billing and bill distribution for consumers of UHBVN (Meter Reading Picture showing meter particulars are uploaded through Billing Management system App to Back Office. The information /picture of the said meter also could not be traced, herein the Back Office also.
 - c. Prima facie evidence to establish the factual reason to indicate “Meter Status” of meter in bills since 08/2016 has shown intermittently of 34 bimonthly bills as under:- DEF, OK, OK, OK, OK, OK, OK, OK, DEF, LOC, DEF, DEF, DEF, DEF, DEF, DEF, DEF, DEF, DEF, DEF, DEF (for 2 years together), OK, OK, N, OK, OK, N, OK, OK, N, OK, OK, OK. AS above, the intermittent change of meter status in the bills issued since 08/2016 to 02/2022 is also reflecting the erratic /misbehaving of meter.
 - d. Relying upon blindly on the followings reports decision against the consumers shall be unjustifiable.
 - (i) How SDO OP checked accuracy of meter as ok on dated 17.03.2022. What method/instrument was used at first instance, in response to my complaint dated 17.03.2022.
 - (ii) Which electronic test bench (Approved by the NBAL) was used for dial test, for 01 unit only, the test result report of which is not

forthcoming. If it is not done on electronic test bench, then, was the meter defective?

- e. The above said prima facie evidences are not forthcoming, in the interest of the consumer. And to safeguard the consumer interest, & the matter is of great concern, the facts elaborated since start of my complaint and through this the rejoinder, should not be overlooked to give a final decision against the appellant.
- f. Relief: It is therefore requested to kindly issue the order of the consolidated bill on the basis of average/minimum bill already paid by me. The basis of the bills issued/consumption, after change of meter/MCO on 17.03.2022 to 08.05.2023 (14 Months meter units consumed only 339.1 units only) be taken into consideration for overhauling the final meter account judiciously. Submitted for kind consideration.

H. Hearing was held on 16.05.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant, reiterating his written submissions, submitted that meter status has been shown defective intermittently in the bills issued since 08/2016 to 02/2022 which reflects erratic behavior of the meter and it must be considered as defective. XEN 'Op', Beri was directed to get retrieve the meter data but he got checked the accuracy of the meter in M&T Lab which is not NABL accredited Lab. Further, the meter data could not be reiterated by manufacturing firm stating that memory chip was found corrupted. Referring to work order dated 12.02.2021 issued by SE/commercial UHBVN for meter reading, spot billing and billing distribution, the appellant pointed out that meter reading picture showing meter particulars is to be uploaded through billing management system App to back office. The information /picture of the said meter could not be traced, herein the back office also. The appellant requested to consider the consumption of new meter for overhauling the period of old meter.

Per contra, the respondent XEN submitted that the meter was got checked M&T Lab, Rohtak which is NABL accredited Lab and working of the meter was found within permissible limit by performing the dial test and it has been concluded by the Hon'ble Forum in its order that the reading has not been taken by the meter reader due to which the bills have not been issued as per reading of the meter and it is the case of accumulation of reading. The account of the appellant has been overhauled as per actual consumption which recorded in the meter.

I. The operative part of the CGRF order dated 14.12.2022 is reproduced here as under:

“After examining the reply of the Respondent SDO and Xen. Received through S.E. (OP) Circle, UHBVN, Jhajjar the record available on the file and hearing both the parties, the Forum has observed that consumer meter was packed by LL-1 No. 0814625 on dated 05.03.2022 and sent to M&T Lab, Rohtak for retrieval of data. As per M&P Report, 34854 KWH reading was visible but past data could not be recovered. The same was sent to AVON Meter Pvt. Ltd. Derabassi Firm for data retrieval but the data could not be retrieved. As per SDO’s reply meter was of three phase and was replaced with single phase meter on 25.03.2022. The bill code was changed from Defective to O.K. in the month of 12/2019. After punching the reading i.e. 8135 and after that bills were made on minimum basis for months together indicating that the reading has not been taken by the Meter Reading Agency. The average consumption of consumer from 12/2019 to 02/2022 is $(34854-18130)/14 = 1175$ units and average consumption from 12/2017 to 10/2019 is $(18130-7710)/12 = 867$ units which is greater than 800 units and no slab benefit becomes payable to the consumer.

From all the above, it shows that reading has not been taken correctly by the Meter Reader due to which the bills have not been issued correctly as per reading of the meter. The Forum feels that this is a case of accumulation of reading and directs SDO/Respondent to recover the amount from the consumer in installments as per Clause 6.10.4 and 6.10.5 of Sales Circular No. 02/2020 on consumer's request without surcharge.

SDO/Respondent is directed to take action against the Meter Reading Agency as per terms and conditions of the Work Order who has not taken the reading correctly and not provided the pics of reading.

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

J. After hearing both the parties and going through the record placed on the file, it is noted that the appellant contented that Meter Status” of meter has shown 34 bimonthly bills as DEF, OK, OK, OK, OK, OK, OK, OK, DEF, LOC, DEF, DEF, DEF, DEF, DEF, DEF, DEF, DEF, DEF, DEF (for 2 years together), OK, OK, N, OK, OK, N, OK, OK, N, OK, OK, OK. The intermittent change of meter status in the bills issued since 08/2016 to 02/2022 is also reflecting the erratic /misbehaving of the meter. Per contra the respondent argued that the meter accuracy got checked from M&T lab and it was found within permissible limit and the reading is accumulated in the meter due to not recording correct reading in the columnju by the meter reader.

K. On perusal of consumption data from 05/02.2013 to 20.02.2022 in respect of the consumer submitted by the respondent SDO reveals that consumer was frequently billed on average, defective, minimum etc.. When the meter accuracy is OK and

accumulation of reading, it is difficult to find out as to what was exact consumption in a particular month and there is possibility that consumer deprived of slab benefit.

L. Keeping in view of above facts and discussions, it is my considered opinion that the consumer account be overhauled from 05.02.2013 to 20.02.2022 by taking initial reading 2474 on 05.02.2013 and final reading 34854 on 20.02.2022 and spreading the total consumption over the said period so that slab benefit could be availed by the consumer. The order of the CGRF, UHBVN dated 14.12.2022 is amended to above extent 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 19th May, 2023.

**Sd/-
(Virendra Singh)**

Electricity Ombudsman, Haryana

Dated: - 19th May, 2023

CC-

Memo. No. HERC/EO/Appeal No.17/2023/ 837-843 Dated: 24.05.2023

1. Sh. Sunil Kumar Punia S/o Sh. K.R. Punia, House No. 1573, Sector-9, Urban Estate, Karnal-132001.
2. The Managing Director, UHBVN, Vidhut Sadan, C-16, Sector – 6, Panchkula – 134109.
3. The Chief Engineer “Op’, UHBVN, SCO 89, Sector-5, Panchkula.
4. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula – 134109.
5. The Superintending Engineer ‘Op’ Circle, 33 KV Power House Jhajjar UHBVN, Jhajjar.
6. The Executive Engineer ‘Op’ Division, UHBVN, Beri. In front of BDPO Office Kalanour Road, Beri
7. The SDO ‘Op’, Sub Division Matanhail, 132 KV Power House, Beri, Matanhail.