



CONSUMER GRIEVANCES REDRESSAL FORUM
Uttar Haryana Bijli Vitran Nigam
Shakti Bhawan, IInd Floor, Room No.317, Sector-6, Panchkula
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Complaint No. CGRF-437/11

To

The Managing Director,
UHBVN, Panchkula.

Memo No. Ch- 98 /UH/CGRF-437

Dated: 2.12.2011

Subject: - Order in respect of complaint of Sh. K.K. Rishi regarding billing problem.

Enclosed please find herewith the order issued by Consumer Grievances Redressal Forum in respect of above complaint for its compliance.

DA/As above

Secretary,
CGRF, UHBVN,
Panchkula

CC

1. Secretary/HERC, Sec-4, Panchkula.
2. CE/OP, UHBVN, Panchkula.
3. SE/ 'OP' Circle UHBVN, Kurukshetra.
4. Chief Accounts Officer, Pay & A/cs. UHBVN, Panchkula.
5. Chief Auditor, UHBVN, Panchkula.
6. ✓ XEN/IT, UHBVN, Panchkula. (for posting on UHBVN site)
7. XEN/OP Division, UHBVN, Kurukshetra with a copy of order.
8. SDO/OP, S/Division, UHBVN, Pipli.
9. Sh. K.K. Rishi S/o Sh. Gopal Dass, R/o H. No. 94, Sector-7, Urban Estate, Kurukshetra.

For information & further necessary action with respect to order of Forum (copy enclosed).



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Uttar Haryana Bijli Vitran Nigam

Room No.317, IInd Floor, Shakti Bhawan, Sector-6, Panchkula

E-mail: uhbv_n_forum2006@yahoo.com

Complaint No.	UH/CGRF - 437 of 2011
Date of Institution	29.11.2010
Date of Hearing	27.09.2011
Date of Order	17.10.2011

Before the Consumer Grievances Redressal Forum, UHBVNL.

Present:-

1. Sh. R.K. Jain, Member-I.
2. Sh. D.C. Aggarwal, Member-II.
3. Sh. Raj Roop Jakhar, Member-III.

In the matter of complaint of Sh. K.K. Rishi, HNo- 94, Sector-7, Kurukshetra regarding billing problem.

.....Complainant/Petitioner

Vs

- (1) XEN, Op. Division, UHBVN, Kurukshetra.
- (2) SDO, Op Sub-Division, UHBVN, Pipli.

.....Respondents

Appearance:-

For Complainant:

None.

For the Respondent:

Sh. G.L. Bansal, Chief Auditor, UHBVN, Panchkula.

Sh. Kulwant Singh, SDO, Op Sub-Division, UHBVN, Pipli



ORDER

The complainant Sh. K.K. Rishi, HNo- 94, Sector-7, Kurukshetra has got an electric connection bearing A/c No. KP- 52 / 1428 L- under Op Sub-Division, UHBVN, Pipli and the Forum have the jurisdiction to try this suit.

The complainant vide his complaint dated 19.11.10 and under an affidavit dated 22.11.10 has pleaded that the electricity meter of his electric connection has not been working properly and the reading for March/April 2010 has been shown extremely high from old 2629 units to new 27110 units. Consequently, the bill that came last month showed an amount running into lakhs. It is clear from the bill of March / April 2010 that the meter had suddenly jumped. The working of the meter is therefore defective. The complainant has pleaded before the Forum that necessary correction may be made in the bill so that he may be able to deposit the payment on the basis of average consumption taken from previous months. He has further requested that his meter may be got changed.

The application of the petitioner was received in the office of the Forum on 19.10.10. The Forum asked the complainant to submit if he had taken up the matter with the concerned operation offices of the Nigam. In response he supplied a copy of his representation dated 13.10.10 made to SDO, Op Sub-Division, UHBVN, Pipli. The Forum considered the facts and found the petition feasible of acceptance and the same was admitted. Accordingly, notice of motion dated 13.12.10 was issued to both the parties. The recovery of the disputed amount of Rs. 133471/- as per bill dated 20.10.10 was stayed till the final decision of the case. The respondent was asked to submit version supported by affidavit. Further notice of motion dated 7.01.11 was issued.

The respondent submitted the version under affidavit dated 14.01.11. stating that due to some computer fault, the reading in month of 4/2010, 6/2010 and 8/2010 could not be taken up by the computer and the bills were issued on MMC basis and in the month of 10/2010 the original reading was taken up by the computer and thereafter, immediately the bills for 4/10, 6/10 and 8/10 earlier charged on MMC basis were adjusted and the consumer was charged on actual meter reading basis.

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The matter was taken up for hearing and Summons were issued to both the parties for hearing on 9.2.11, 8.3.11 when neither SDO nor XEn attended but deputed junior functionaries who were not aware of the case and could not explain to the Forum. On the next date of hearing on 22.3.11, 6.4.11 none of the parties attended. The respondent SDO attended the proceedings for the first time on 20.4.11. After hearing the respondent SDO, the Forum observed that SDO was not able to explain the case so the summons were issued to the XEn Op Division, Kurukshetra to appear personally before the Forum on next date of hearing on 18.5.11 but the XEn did not appear. Even the respondent SDO did not attend and deputed Mr. Surinder Kumar, Meter Reader of his office who simply marked his attendance but did not appear in person before the Forum. So a fine of Rs. 2000/- each was imposed on the respondent XEn and SDO and Rs. 500/- on Mr. Surinder Kumar, Meter Reader. XEn and SDO were again directed to appear before the Forum on 2.6.11.

Since the meter had behaved abnormal and was being contested as defective by the complainant having jumped, the Forum asked the respondent SDO as to what action was taken to analyse the huge reading. If the meter was ever got tested after the huge reading was reported but it was found that meter was never got tested. In his written statement vide memo No- 437 dated 2.6.11 the respondent SDO reported that he had visited the premises of the consumer to get his consent so that meter could be got tested in the Lab but the consumer did not give his consent.

Observing the action of the complainant was obstructing the respondent in taking required steps to resolve the issue, the Forum under its order dated 2.6.11 vacated the Stay Order previously granted on 13.12.10.

During review of the copy of the ledger, it was observed by the Forum that during earlier periods also the billing had been done on average basis and not on actual consumption basis and the a/c of the consumer had not been overhauled after change of meter. So it was important to review the billing of that period also and might be the earlier period also for which record was not put up to the Forum. Since the respondent XEN and SDO had adopted a callous attitude and were not coming up before the Forum with all the facts, the Forum, during proceedings held on 16.6.11 decided to seek assistance from Chief Auditor, UHBVN. Accordingly Chief Auditor,

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UHBVN was directed vide memo No- Ch-55/CGRF-437/UH dated 20.6.11 to investigate the whole case in totality, right from the date of release of the connection and submit the report by 4.7.11.

The respondent XEn and SDO were also directed to get the meter tested on priority and the next date of hearing was fixed for 6.7.11. The SDO submitted the checking report of the M&P Lab., UHBVN, Kaithal stating that Display device and Pulse Indication found dead'. This report was not found to be sufficient to assess the defect occurred in the meter in March/April 2010 when heavy meter reading was recorded. The Chief Auditor did not submit his report. He was reminded vide memo dated 13.7.11 and 15.7.11 and was asked to submit report by 22.7.11.

But instead of submitting a report the Chief Auditor replied vide his memo No- CA/RA/IAR-97/Ch-47 dated 18.7.11 that problem of consumer had arisen due to poor working of the staff of the Op. Sub-Division, Pipli. The staff is working under the control of SDO/XEn. So, if any investigation was required the matter may be taken up with the concerned authority. The audit had nothing to do in the case.

During hearing proceedings held on 9.8.11, the respondent SDO made a written statement before the Forum that the Revenue Accountant, Internal Audit had specially audited the account of the consumer and the consumption data. The Forum noted with concern the double standard played by the Chief Auditor, Panchkula refusing to check the case under his memo dated 18.7.11 whereas the RA who works under the control of Chief Auditor had conducted special checking of the case as confirmed by the SDO, Pipli vide his letter dated 9.8.11. It was therefore decided to direct the Chief Auditor to appear before the Forum in person on 18.8.11 alongwith his report and accordingly a memo No- Ch-76/CGRF-437/UH dt 10.8.11 was issued.

Chief Auditor, however, acted in an evasive and casual manner. He did not submit his own report but submitted and forwarded the report of the SDO vide his memo No- CA/RA/IAR-97/Ch-19 dated 16.8.11 stating that it was a case of accumulation of reading. This calculation was not even clearly got Preaudited by the RA of o/o Chief Auditor what to talk of looking into the case at his own level. Chief Auditor during personal appearance could not justify this case as a case of accumulation of reading and agreed to look into the matter again and sought time

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which was allowed. But instead of examining the case at his own level, vide his memo No- CA/RA/IAR-97/Ch-47 dated 18.8.11, he directed the SDO to reconsider this case. He, vide his memo No- CA/RA/IAR-97/Ch-23 dated 1.9.11 changed his earlier version of treating this as case of accumulation of reading and informed the Forum that the a/c of the complainant had been reviewed and overhauled by the SDO on maximum consumption basis and Rs. 94689/- had been adjusted in the a/c of the consumer vide SC&AR No 92/81/130C dt 24.8.11. He again did not submit his own report. He was again directed to submit his own report and memo No- Ch-84/CGRF-437/UH dated 2.9.11 was issued to him and was directed to appear before the Forum on 6.9.11.

However, vide his memo No- CA/RA/IAR-97/Ch-27 dated 6.9.11 he confirmed that he agreed with the pre-audit done by RA/IAP. But Forum observed that RA had nowhere specifically pre-audited the final figure of adjustment to be done. Summons was issued for personal appearance of Chief Auditor on 14.9.11 and 27.9.11. Chief Auditor submitted another report vide his memo No- CA/RA/IAR-97/Ch-32 dated 21.9.11 delivered in office of Forum on 26.9.11 stating that –

1. Account of the consumer could not be checked from the date of connection as was desired by the Forum because some of record relating to the said consumer was old and not available in the Sub-Division.
2. From the consumption data it is found that it seems to be a case of accumulation of reading and SDO was also of the same view.
3. The SDO could not justify the accumulation of units according to sanctioned load and the basis of previous consumption.
4. SDO has reconsidered the overhauling of the a/c on the basis of running 16 hours of connected load as per the formula in Sales Circular No- 54/2007 because no reasonable base was available to overhaul the account and Rs. 94689/- has been adjusted and further submitting that consumer will not claim any other amount in the Court.
5. The amount adjusted by SDO has been pre-audited by the Revenue Accountant provisionally as no previous reasonable base was available to

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overhaul the a/c. The a/c of the consumer can be finally overhauled after receipt of consumption of new meter as per Sales Circular No- 6/2007.

6. The meter of the consumer remained defective / burnt wef 11/07 to 7/2009 and this period also needs to be overhauled but the same has not been done because the said period has already been assigned to the private audit firm. The a/c has not been overhauled to avoid duplication.

Chief Auditor appeared before the Forum on 27.9.11 and confirmed and concurred the report of adjustment of Rs. 94689/-. He was apprised that his report was still incomplete because the earlier period from 11/07 to 7/09, and any other period when the meter remained defective / burnt should also have been examined and overhauled simultaneously to ensure that any recoverable amount related to that period was adjusted against any refund proposed to be made for overhauling of current disputed period. So he failed to examine the case carefully and with responsibility and also failed to submit a complete report and this may lead to financial loss to the Nigam. He was directed to ensure that final overhauling is done as per the SC No- 6/2007 referred to in his report under memo No- CA/RA/IAR - 97?/ Ch-32 dated 21.9.11

The Forum considered the facts on the matter in the complaint and under consideration before it and decides that due relief may be granted to the consumer and the billing done during the period 4/2010 and later, upto the change of meter under MCO No- 81/43 dated 23.6.11 may be done on the basis of 'maximum consumption on sanctioned load as per the instructions of the Nigam. Since this would be a provisional overhauling of the a/c, the final overhauling be done as per the instructions under SC No- 6/2007.

The repeated delays and non-response on the part of XEn Op Division, Kurukshetra and Chief Auditor, Panchkula led to delay in coming up of facts of the case before the Forum and eventually the delay in decision. The Forum therefore decides that a personal fine of Rs. 2000/- is imposed on the respondent XEn, Op Division, UHBVN, Kurukshetra for repeated disobeying the directions of the Forum for appearance and submission of evidences. This shall be in addition to the fine

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imposed earlier. Chief Auditor, UHBVN, Panchkula also disobeyed the directions of the Forum and repeatedly failed to submit a report for long time and has even finally failed to give a complete report, so a personal fine of Rs. 2000/- is imposed on him. Both the officers shall deposit the fine with the Nigam within 15 days from the date of issue of this order, otherwise the DDO of the Nigam shall have power to recover the amount from their salary.

The petition is hereby disposed of without any cost on either side. File be consigned to the office record.

The order is signed and issued by the Consumer Grievances Redressal Forum on 17.10.2011.


(Raj Roop Jakhar)
Member-III


(D.C. Aggarwal)
Member-II


(R.K. Jain)
Member-I

