



CONSUMER GRIEVANCES REDRESSAL FORUM

Uttar Haryana Bijli Vitran Nigam

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

E-mail: uhbvn_forum2006@yahoo.com

Fax & Phone No. 0172-2583896

Complaint No. CGRF-485/11

To

The Managing Director,
UHBVN, Panchkula.

Memo No. Ch-33/UH/CGRF-485

Dated: 2.12.2011

Subject: - Order in respect of complaint of Sh. Satish Kumar Kanwar regarding false electricity theft case made by JE-I/SDO, Model Town, Panipat.

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, Rohtak.
3. SE/ 'OP' Circle UHBVN, Panipat.
4. SE/Commercial UHBVN, Panchkula.
5. XEN/IT, UHBVN, Panchkula. (for posting on UHBVN site)
6. XEN/OP City Division, UHBVN, Panipat with a copy of order.
7. SDO/OP, S/Division, Model Town, UHBVN, Panipat.
8. Sh. Satish Kumar Kanwar S/o Sh. Harbhagwan Singh, R/o C-293, Yamuna Enclave, G.T. Road, Panipat-132103.

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



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Complaint No.	UH/CGRF - 485 of 2011
Date of Institution	16.05.2011
Date of Hearing	19.10.2011
Date of Order	21.10.2011

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. Satish Kumar Kanwar, S/o Sh. Harbhagwan Singh, C-293, Yamuna Enclave, GT Road Panipat regarding excess billing.

.....Complainant/Petitioner

Vs

- (1) XEN, City Division, UHBVN, Panipat.
- (2) SDO, Op Sub-Division, Model Town, UHBVN, Panipat.

.....Respondents

Appearance:-

For Complainant:

Sh. Satish Kumar Kanwar

For the Respondent:

None



ORDER

The complainant Sh. Satish Kumar Kanwar, S/o Sh. Harbhagwan Singh, C-293, Yamuna Enclave, GT Road Panipat has got an electric connection bearing A/c No. TC- 11/ 1263 under Op Sub-Division, Model Town, UHBVN, Panipat and the Forum have the jurisdiction to try this suit.

It has been pleaded by the complainant that his meter was checked by JE-I of the respondent sub-division on 7.8.2002 when it was recorded on the inspection report as 'disc move and hole on the left side of the meter. A notice to deposit Rs. 31634/- was received by him. He deposited the amount pending settlement of the dispute. The LM recorded 'disc move' and the JE-I interpolated by adding the sentence 'hole on the left side of the meter – meter stopped after inserting disc in the meter' and was own invention of JE and that too after the original report with the remarks of LM was got signed from him. The addition of remarks by JE was without his knowledge and was afterthought with ulterior motives. He filed an appeal with XEn City Division, Panipat on 26.8.02 to get the meter tested from M&T Lab to establish any damage caused to the meter. Accordingly the respondent SDO directed vide his memo No-c-16 / Appeal dt 28.9.02 for sending the meter to M&T Lab Karnal followed by letter dated 23.10.02 from XEn City Division to SDO/M&T Karnal. He made an Appeal with Hon'ble Comision, Panipat when the respondent SDO made a wrong statement that the meter was got tested from M&T Lab Karnal and the case was decided against him. This happened because the Court did not ask for the M&T Lab report. He filed an Appeal with DCDRF, Panipat on 17.11.03 when respondent stated that meter was got tested from M&T Lab, Karnal and a case of theft was registered against him. But the facts that the meter was never sent to M&T lab Karnal for testing. This has been confirmed by the SDO of the sub-division while submitting information vide memo No- 1707 dt. 12.7.10 under the RTI Act. The complainant has submitted a photo copy of this memo to the Forum. The complainant pleaded before the Forum that the he may now be given justice as the respondents have misled the Court.



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The application of the petitioner was received in this office of the Forum on 16.5.11. The Forum considered the facts and found the petition feasible of acceptance and the same was admitted. Accordingly, notice of motion dated 18.5.11 was issued to both the parties asking complainant to submit affidavit and asking respondent to submit version. Further notice of motion dated 8.6.11 was issued.

The respondent has not submitted the version inspite of repeated directions and the matter was taken up for hearing. The respondent SDO did not submit version even after the repeated directions of the XEn City Division Panipat and repeated direction by the Forum during Hearing proceedings. The Summons were issued to both the parties for hearing on 22.6.11, 20.7.11, 25.8.11, 21.9.11 and 19.10.11. SDO attended the hearing proceedings only on 22.6.11 and 20.7.11 and he assured the Forum on both the occasions that he would submit the version on the next date of hearing. But he did not submit the version despite imposing penalty.

On 25.8.11 Sh. K.L. Minocha the JE-I, now retired AEE, who had checked the premises of the complainant deposed before the Forum in his written statement that he visited the site of the complainant and found a hole in the body of the meter and made an LL-I No- 355/8851 dt. 7.8.02. Mr. Satish Kumar the complainant signed on the LL-I and he submitted the same to the SDO for necessary action. The statement of Mr. Minocha is found to be wrong because as per evidence on record, the LL-I actually is bearing Sr. No. 356/ 8880.

Forum considered the facts and observed that –

1. The respondent did not submit necessary version till the date of date of Order.
2. That the meter was never sent to the M&T Lab as is confirmed from memo No – 1707 dated 21.7.10 of SDO MT Sub-Division, Panipat addressed to XEn, City Panipat with a copy to SE Op. Further the SDO has also confirmed that since the meter was not sent to M&T Lab Karnal, the receipt of handing over the meter to the M&T Lab Karnal is not available in his office.
3. The statement given by the then JE-I, Mr. K.L. Minocha does not substantiate the evidence on record being the Sr. No of LL-I different.

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4. The remarks on LL-1 - 'and when stick is inserted then disc stopped - (theft case)' are in a different hand, ink and font size which leads to acceptance of the plea of the complainant that it was an interpolation.
5. The respondent have failed to submit any evidence that meter was sent to M&P Lab and also the report of the M&T lab was not produced as evidence.
6. The respondent SDO failed to produce the meter in question as evidence of hole in it.

The Forum, after due deliberations and evidence on record observes that the respondent have failed to substantiate that there was a hole in the meter and it appears to be a case of manipulation.

The Forum, therefore decides that Rs. 31634/- imposed as penalty on the complainant is unjustified and is therefore waived of.

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 21.10.2011.


(Raj Roop Jakhar)
Member-III


(D.C. Aggarwal)
Member-II


(R.K. Jain)
Member-I

