



**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-655/12

To

The Managing Director,  
UHBVN. Panchkula.

Memo No. Ch- 33 /UH/CGRF-655

Dated: 15.1.2013

Subject: - Order in respect of complaint of Smt. Krishna Gandhi regarding excess billing.

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, Karnal.
4. SE/Commercial UHBVN, Panchkula.
5. XEN/IT, UHBVN, Panchkula. (for posting on UHBVN site)
6. XEN/OP City Division, UHBVN, Karnal with a copy of order.
7. SDO/OP, Sub-Urban S/Division, UHBVN, Karnal.
8. Smt. Krishna Gandhi w/o Late Sh. Om Parkash, R/o H. No. 1, Sham Nagar, Karnal.

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



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Complaint No.	UH/CGRF – 655 of 2012
Date of Institution	31.10.2012
Date of Hearing	09.01.2013
Date of Order	09.01.2013

Before the Consumer Grievances Redressal Forum, UHBVNL.

Present:-

1. Sh. S.K. Aggarwal, Member-I.
2. Sh. D.C. Aggarwal, Member-II.

In the matter of complaint of Smt. Krishna Gandhi w/o Late Sh. Om Parkash  
R/o HNo- 106, Sham Nagar, Karnal regarding excess billing.

.....Complainant

Vs

- (1) XEN, City Division, UHBVN, Karnal.
- (2) SDO, Sub-Urban Sub-Division, UHBVN, Karnal.

.....Respondents

Appearance:-

For Complainant:

Smt. Krishna Gardhi

For the Respondent:

Sh. Dharam Vir Suhag, SDO, Sub-Urban Sub-Division, UHBVN, Karnal.



ORDER

The complainant Smt. Krishna Gandhi w/o Late Sh. Om Parkash R/o HNo-106, Sham Nagar, Karnal has got an electric connection bearing A/c No. SN-01/1130-M in the name of her deceased husband under Sub-Urban Sub-Division, UHBVN, Karnal and the Forum has the jurisdiction to hear this complaint.

It has been pleaded by the complainant that she has an Atta Chakki and she meets her livelihood from this Chakki only.

On 3.12.2009, the Nigam officials checked her connection and declared her electric meter slow by 95% and a new meter was installed. On 26.12.2009 she received a notice from the Nigam imposing charges of Rs. 228272/- due to slowness of meter. When she contacted the office, she was asked to deposit the amount and contest in the Court. After some days she received another notice in which the amount was increased to Rs. 1604495/-. This letter neither had number or date.

She has stated that the Chakki is in a very small area of 10 x 12 ft. which comes to 14 sq yds and even five persons cannot stand in the area around the Chakki. Before installing new meter the consumption used to be between 350 – 400 units as per which the bill used to be Rs. 3000/- appx and this is what has been during over last three years and she has been getting bills as per this.

During checking on 3.12.2009 neither the seals of the meter were found intact nor was there any attempt to tamper the meter or the system. She has deposited Rs. one lac with the Nigam after borrowing the same from the market.

On 5.9.12 the Court (DCDRF- Karnal decided the case in her favour and as per the decision Rs. one lac was to be refunded to me. But the Nigam filed an appeal before the State Commission and then the case is with the National Commission. The matter has been reserved by the National Commission in view of a directive in another case SLP 35906 / 2011.

Now, on 20.10.12 the Nigam officials have removed the meter from the site due to which the Chakki has come to halt and she is not in a position to meet her household expenses.



The application of the petitioner was received in this office of the Forum on 31.10.12. The Forum considered the facts and found the petition feasible of acceptance and the same was admitted. Accordingly, notice of motion dated 5.11.12 was issued to both the parties asking complainant to submit affidavit and asking respondent to submit version.

The respondent submitted the version in time. On the request of the complainant that the reply is not being submitted and that she is not able to meet her household expenses as there is no electricity to run the Chakki, the passed Interim Order dated 6.11.12 directing that the respondents that the connection of the complainant be restored and supply be ensured within two days from the date of this decision and the outstanding payment may not be insisted till the final decision of the case by this Forum.

The respondent SDO submitted version dated 15.11.12 stating that the meter of the complainant was checked by AEE/Vigilance alongwith other staff on 3.12.09 during 3.50 pm to 4.40 pm and it was found that meter was running **slow by 80%**, out of four metallic body cover seals two were found missing, one found broken and one found intact as shown in the fig in LL-1. it was a case of suspected theft. The meter was removed and packed duly signed by both the consumer and the checking party. Videography done for evidence. Notice given to consumer vide No- Spl-II dt 3.12.09. The complainant was also found using load of 11.310 against Sanctioned Load of 13.1 KW. The checking was done in the presence of the complainant herself. The meter was sent to the M&T Lab on 11.12.09 and the complainant was informed to attend the M&T Lab at Karnal on 11.12.09 to spot checking of the meter. As per the checking report 2 No firm metallic seals were missing, other two seals were with laces badly rusted and broken, apparently no indication of tampering of meter body / cover is observed. The meter was installed on electronic test bench and it was found working slow by 95%. On the basis of report of M&T Lab notice for unauthorised use of electricity under sec 126 was issued vide memo o- 4551 / CA dt 21.12.09 for depositing Rs. 228272/-. This notice was inadvertently given and a revised notice was given for Rs. 1604495/- vide memo No- 56681 dt 29.12.09.



The DCDRF decided the case in the favour of the complainant but Nigam filed appeal with the State Commission vide appeal dated 14.12.12 dt 13.7.12 and the appeal has been accepted. The SCDRC in its order dated 13.7.12 observed that the consumer did not fall under the definition of 'Consumer' as defined U/S 2(1)(d) of the Consumer Protection Act and set aside the order of the DCDRF. The complainant filed an appeal before the NCDRC contesting her case on incorrect base terming the case a case of theft.

Summons were issued to both the parties for hearing on 22.11.12, 5.12.12 and 14.12.12. Both the parties presented and argued their case. The Forum called for the consumption level of other similar consumers. From the information supplied in other four cases, the Forum observed that consumption of the complainant before and after change of defective meter has been matching and consistent.

The following facts have come up before the Forum-

1. The consumer was using the load of 11.31 KW against sanctioned load of 13.1 KW, so there was no unauthorised use of load as might have been covered U/S 126 of EA 2003. Therefore the notice U/s 126 is not valid.
2. No notice U/s - 135 for any alleged theft has been issued declaring it to be a case of theft.
3. The complainant filed a complaint with the DCDRF Karnal which was decided in her favour. This was challenged in the SCDRC, Panchkula which went against the complainant who file appeal with the NCDRC, New Delhi vide Appeal No- 3659 of 2011. The NCDRC the matter stand deferred in view of the Supreme Court of India in SLP (Civil) N0- 35906 of 2011. It has been noticed by this Forum that in the NCDRC, the appeal has been file by the complainant as her is a theft case whereas there are no evidence on record to prove it to be a case of theft.
4. The report of the M&T Lab, Karnal has made following observation-



- a. 2 No firm metallic seals found missing, other two found badly rusted and broken down, apparently no indication of tampering of meter body / cover is observed.
  - b. Meter found working slow by 95%.
  - c. Meter body opened by removing broken seals, electronic plates and other parts inspected thoroughly and no such additional circuit / abnormal soldering marks on the plate is observed.
  - d. The slowness may be due to some component failure of its own.
5. The complainant assured that she would withdraw the case from the National Commission.

Forum considered the facts evidences and record produced before it and observed that this is not a case of unauthorised use, Connected Load being within Sanctioned Load. This is also not a case of theft because there is no finding of the Lab indicating this. The Lab has given report that slowness may be due to component defect. So this is a case where the meter became defective. The vigilance declared it slow by 80% on 3.12.09 and the M&T lab declared it slow by 95% on 11.12.09. This shows that the slowness increased from 80% to 95 % in 8 days itself. This also leads to conclusion that the meter became slow in short time. It can therefore be logically interpreted that there is no justification for charging for slowness for one year. The energy bills of the complainant for the past show that the consumption had been between 350 and 450.

The Forum therefore decides that the meter of the consumer may be treated as defective and not slow and the a/c of the consumer may be overhauled on the basis of consumption of next six months. The excess amount deposited should be refunded alongwith interest @ 9% pa from the date she deposited any amount till the amount is actually refunded. The refund be made by cheque/draft and not by any adjustment in future bills. The complainant should simultaneously withdraw the case from the NCDRC.



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

The order is signed by the Consumer Grievances Redressal Forum on 09.01.2013.

The compliance of the order be informed to the Forum with fifteen days from the date of receipt of the Order.

  
(D.C. Aggarwal)  
Member-II

  
(S.K. Aggarwal)  
Member-I

