



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-415/10

To

The Managing Director,
UHBVN, Panchkula.


Memo No. Ch- 42/UH/CGRF-415

Dated: 19/5/2011

Subject: - Order in respect of complaint of Sh. Balraj, Head Master of H.D. Public School regarding metering 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, Rohatk.
3. SE/ 'OP' Circle UHBVN, Jhajjar.
4. SE/Commercial UHBVN, Panchkula.
5. XEN/IT, UHBVN, Panchkula. (for posting on UHBVN site)
6. XEN/OP Division, UHBVN, Beri with a copy of order.
7. SDO/OP, S/Division, UHBVN, Matanhail.
8. Sh. Balraj, Head Master S/o Sh. Uday Singh, R/o Village Birohar, Tehsil & Distt. Jhajjar.

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



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Complaint No.	UH/CGRF - 415 of 2010
Date of Institution	12.10.2010
Date of Hearing	27.04.2011
Date of Order	19.05.2011

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. Balraj, Head Master, H.D. Public School, Birohar, Jhajjar illegal imposing of penalty of theft.

.....Complainant/Petitioner

Vs

- (1) XEN, Op Division, UHBVN, Beri.
- (2) SDO, OP Sub-Division, UHBVN, Matanhail.

.....Respondents

Appearance:-

For Complainant:

Sh. Balraj, Head Master and Sh. Suresh Kumar Nehra their Counsel.

For the Respondent:

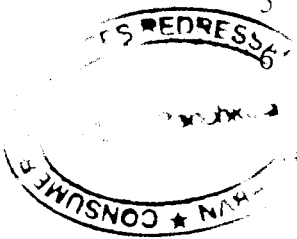
Sh. A.K. Hooda, XEn Op Division, UHBVN, Beri and Sh. Vishal Goyat SDO, OP Sub-Division, UHBVN, Matanhail

ORDER

The complainant Sh. Balraj, Head Master, H.D. Public School, Birohar, Jhajjar has got an electric connection bearing meter / A/c No. GO 91 / 1056 under SDO, OP Sub-Division, UHBVN, Matanhail the Forum have the jurisdiction to try this suit.

It has been pleaded by the complainant that on 29.9.08 they submitted a report of burning of their electric meter to the SDO, Matanhail. The SDO asked for a report from the Lineman, Birohar who though submitted his report dated 1.10.08 but no action was taken by the Respondents for changing the meter. On 22.01.10 they requested for extension of load and three phase supply. All the relevant papers and Rs. 37475/- as security were deposited as per BA-16 No- 057802/38 dated 2.1.10. No action was taken by the Respondent SDO inspite of approaching the sub-division office and SDO. He even did not make any response till the date of filing this complaint with the Forum on 12.10.10. On 7.10.10, SDO Matanhail visited the school and made out a false case of theft against them and proposed to impose a penalty. The amount of penalty has not been informed to them. The complainant has prayed before the Forum for justice. They have attached copies of all the some documents alongwith the complaint submitted to the Forum. They have requested for granting stay for the proposed recovery of the penalty. Copies of the following documents have been attached by the complainant with the complaint-

- 1 Letter informing the SDO, UHBVN, Matanhail about defect in the meter. On the reverse of it there is report dated 1.10.08 of the ALM confirming that meter was burnt.
 - 2 Copy of BA-16 dated 2.1.10 showing deposit of Rs. 37475/- as security for extension of load.
 - 3 A&A form requesting extension of load to 19.792 KW.
 - 4 Copies of electricity bills.
 - 5 Various affidavits and other relevant forms for increase of load.
- Requisite affidavit alongwith application.



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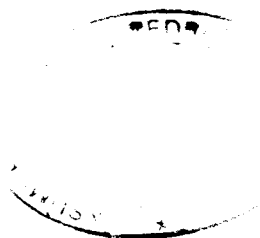
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- 7 A copy of the letter written to SHO, police Station, Sisroli, Jhajjar delivered in the police station on 22.10.10 stating that two officials one of whom was reported to be Mr. Anil JE visited their premises and removed their electric meter No- RTKC- 7351 – 08, S.No. - 723887 saying that their meter was burnt which has to be deposited with the Nigam office. Later they came to know that this meter was not deposited with the Nigam office. School staff asked for receipt for removal of meter which they refused. They have requested the SHO to trace their meter and returned the same to the office.
- 8 The complainant verbally contested that since the meter was burnt, for continuity of supply, the connection was by-passed from the meter by the ALM who visited the site and submitted his report on 1.10.08.

The application of the complainant was received in this office of the Forum on 12.10.10. The Forum considered the facts and found the petition feasible of acceptance and the same was admitted. Accordingly, notice of motion dated 12.10.10 was issued to both the parties asking complainant to submit affidavit and asking respondent to submit version by 28.10.10. However, after examining the case, it was observed by the Forum that detailed investigation is required in the matter. Accordingly under order conveyed vide memo No- Ch- 08/CGRF-415/UH dated 11.11.10, the SE, Op Circle, Jhajjar was asked to investigate the matter and submit report within 15 days and also fix responsibility of delinquent officers/officials. Further notice of motion dated 11.11.10 was issued to the respondent to submit the version.

The respondent submitted the unsigned version received on 15.11.10 stating that -

- 1 The consumer had not submitted any application regarding burnt meter to the relevant JE (F).
- 2 He has only submitted application for extension of load and deposited Rs. 37475/- alongwith A&A form.
- 3 He has only deposited ACD, PC, Meter cost and service connection charges. But the actual amount of deposit estimate has not been paid by the



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consumer. If the consumer deposits amount of estimate Rs. 163925/- as per memo No- 170 dated 3.11.10 his load shall be extended.

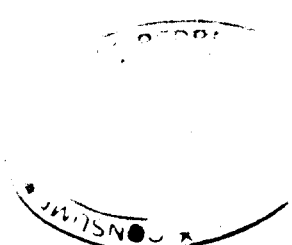
- 4 SDO, Matanhail alongwith his staff checked the site on 8.10.10 at 12.50 pm as routine checking and the consumer was found using direct three phase supply taken from main LT line through 3 core PVC 10 mm-2 and the load at that time was 12.230 KW.
- 5 At the time of checking photos were taken and a sum of Rs. 316276/- plus Rs. 130000/- were charged on the basis of observation of LL-1 and has been deposited by the consumer on 21.10.10.
- 6 Therefore the complaint is wrong and false and liable to be rejected in the interest of justice.

During verbal submissions the complainant requested the Forum to direct the respondent to install the new meter and admit their application for extension of load. For this directions were issued. The respondent SDO confirmed having taken this action as per the version received on 4.2.11 stating that load had been extended from 5 KW to 19.772 KW vide SJO No- 48/310 dated 13.12.10 and consumer has provided a three phase meter. However the complainant contested vide his application dated 23.12 10 that the respondent had got deposited Rs. 1.35 lac and got this work done through private contractor and further got deposited Rs. 2460/- as 1.5% as service charges which is illegal and should be refunded.

Since the version was unsigned, again notice of motion dated 3.12.10 was issued to the respondent to submit the version and the respondent was directed to submit proper version. The complainant requested the Forum verbally that the cost of Rs. 5000/- may be imposed on the respondent for delay in submission of version.

The Summon were issued for hearing proceedings on 23.12.10, 20.01.11, 24.02.11, 30.03.11 and finally for hearing on 27.04.11. The respondent SDO submitted additional statement in the shape of version stating that-

- 1 The meter of the consumer was burnt. The consumer has not submitted any application regarding burnt meter.
- 2 SDO, Matanhail alongwith field staff checked the site on 8.10.10 at 12.50 pm as routine checking and it was found that the consumer was making



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theft of supply taken from main LT line through PVC 10 mm-2 and the connected load was found to be 12.230 KW.

- 3 At the time of checking photos were taken and a sum of Rs. 316276/- plus Rs. 30000/- have been charged on the basis of observation of LL-1 and has been deposited by the consumer vide BA-16 N0- 15/58530 & 16/58530 dated 21.10.10.
- 4 During checking it was also found that an unauthorised pole was at site. Consumer had not submitted any application or cost of this pole.

The respondent has attached a copy of the LL-I No- 134/44 dated 8.10.10, time 12.50 pm. The LL-I does not make any mention of the unauthorised pole.

The report from the SE was awaited and reminders were issued to him vide memo dated 21.2.10 and the respondent who attended the proceedings from time to time were also asked to pursue with the SE. Since the report was not forthcoming, under its order the Forum called for the following record of the Sub-Division vide memo dated 28.3.11 -

- 1 Original consumer file,
- 2 Complete record of checking,
- 3 Record of billing at least of 5 years,
- 4 Efforts made by SDO to change the meter / MCO etc. during 9/2008 to 12/2010,
- 5 Whereabouts of the meter and meter numbers changed since release of connection.
- 6 Investigation report of the SE.

During hearing proceedings following facts came up before the Forum-

- A. The procedure adopted during recording of theft, the respondent SDO submitted the photographs were first taken on mobile and then loaded for which CD had been prepared. The CD was called but when the CD was run during the proceedings of the Forum in the presence of both the parties and surprisingly it was found Blank. This was viewed seriously by the Forum. Subsequently, the respondent SDO submitted few photographs. These photographs do not establish



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in any way that theft was being committed by the complainant. It was also admitted by the respondent that no videography was done nor any independent witness was taken.

- B. It was admitted by the respondent that no efforts were made by the SDO or the sub-division for a period over two years to replace the meter. It is totally a false statement and can be only with a malafide intention to state that consumer never made a report of the burning of the meter. The checking report dated 1.10.08 belies the statement of the respondent SDO. Forum observes that in a case even if the consumer does not report about any defect in the meter, the person taking reading and those issuing bills can always take notice from the consumption data and billing done that there is some 'odd' situation of the meter. But the respondent SDOs or his staff did not care. So there is deficiency in service on the part of the respondent. As per the Standards of Performance notified by the HERC vide notification dated 16th July 2004, the defective/ burnt meter was required to be replaced within 7 days of the receipt of the complaint which was not done.
- C. The load of the consumer was not extended in time inspite of accepting all the charges and relevant documents in 1/2010. The documents and other charges were accepted which is done only when nothing is due against the applicant. No notice was sent to the consumer in response to the application for extension of load. The consumer would have deposited the necessary charges only after there was a demand. So from 1/2010 to 12 /2010, for one year no action was taken on request for extension of load. As per the Standards of Performance notified by the HERC vide notification dated 16th July 2004, the additional load should have been extended within one month of receipt of application complete in all respect alongwith prescribed charges. So the load should have been extended by 2/10 complaint which was not done.
- D. Review of the consumption data for the period 2/2006 to 3/2011 reveals that the consumer has been billed illogically not based on any instructions. The billing has been done for 25, 32, 80 and even 0 (9/2007 to 5/2008) units. The meter was reported burnt 29.09.08. Prior to that, in 5/2008 and 7/008 the consumer was



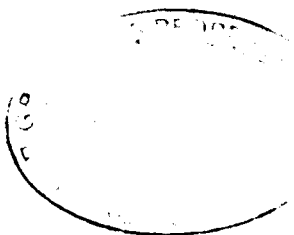
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billed 80 units. Even after that consumer has been billed 80 units upto 1/209 and 500 units and 1000 units thereafter. The code put is also varying from time to time. PL (Premises Locked), S (meter not at site), N (reading not taken other than Premises Locked) and MD (Meter Defective). Interestingly these kept on changing and there is no continuity. No efforts appear to have been made by the Sub-Division to get the premises opened and the billing continued with PL code for a very long period even prior to burning of the meter. It is evident that the respondent failed to ensure proper billing from 2/2006 to 3/2011. It is likely that they have caused financial loss by under billing. So no care was taken by the sub-division to ensure that proper billing is done. The respondent failed to explain this deficiency in service. It is observed that the SDO, the official responsible for taking reading and the staff in the Commercial section are responsible for this lapse.

- E. The respondent has alleged that as per the LL-I direct supply was being taken by the consumer from the main line. The meter was reported burnt in 9/2008 and the representative of the respondent sub-division had been visiting the site and billing being regularly done and not in a single case the alleged direct supply was pointed out by the respondent. How the respondent would have ensured continuity of supply with regular billing when the meter was burnt? It was not replaced in time for the reasons best known to the respondent and for this it is possible that the direct supply was connected by the respondent.
- F. To review the reading taken by the meter reader / person responsible for taking reading, the original record was called which has not been produced before the Forum.
- G. The respondent has submitted a copy of the MCO No- 006920/47 dated 2.6.08 stated to be for change of meter as 'meter dead stop'. The Forum observes it to be a manipulated MCO in an attempt to prove by the respondent that the meter was changed. It is however observed from the contents of the MCO that –
 - 1. If the MCO was issued why it was not produced before the Forum in the first instance.



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2. The report of the ALM is that meter was burnt then how the MCO for 'meter dead stop' was prepared.
3. The signature of the consumer does not match with the signature on other record.
4. Even the billing pattern and the record of consumption shows that meter was never changed as billing record / copy of consumer ledger produced before the Forum does not find any mention of effecting the MCO in 10/2008.
5. The code recorded S, N, MD after 10/08 proves that meter under MCO No-006920/47 dated 2.6.08 was never installed.
6. The MCO dated 2.6.08 states the meter number of the new meter to be 723887 and that of old meter No- 121901. Whereas the report of the Sh. Bhim Singh ALM dated 1.10.08 and the report of the consumer to the Police about misplacing of the meter mention the number of the old meter was 723887. So there is contradiction in the facts in the favour of the consumer.
7. So the MCO produced is bogus and has been prepared to mislead the Forum which is a serious lapse on the part of respondent.

On the final date of hearing on 27.4.11, Sh. A.K. Hooda, XEn Op Division Beri attended the proceedings with the SDO, Matanhail and submitted an investigation report. His report was found to be incomplete. However, the XEn in his report has admitted that the actual load at the time of checking comes to 7.660 KW and not 12.230 KW as worked out by the checking party on 8.10.10. Accordingly, the XEn has revised the assessment reducing it to Rs. 215453/- instead of Rs. 446276/- worked out originally. On demand the copy of the report of the XEn was handed over to the counsel of the complainant and one copy placed in the CGRF file.

The counsel of the complainant made an additional application dated 27.4.11 referring to SC No- U-7/2003 of the UHBVN contesting that as per this circular theft case cannot be made against a consumer where the meter is burnt and the consumer is continued to be billed on the basis of defective / dead stop meter. The checking party made a theft case against them ignoring this circular and lowered down their reputation. The counsel therefore pleaded that Rs. 446276/- may be refunded to them. It was also pleaded that amount of Rs. 1.35 lac and Rs. 2460/- got deposited



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from them for reconnecting their supply be also refunded to them. The additional application was given to the respondent XEn and the SDO for their response. They admitted that these instructions stand and they did not intend to contest this. A copy of this was given to them.

Forum considered the facts and observed that there has been serious deficiencies in service provided by the respondent to the complainant/ consumer—

1. Complete procedure for recording theft was not adopted.
2. The respondent failed to change the meter of the consumer from 9/2008 to 12/10. So there was delay of more than two years in changing the meter. So there is deficiency in service on the part of the respondent in deviation to the Standards of Performance notified by the HERC.
3. The load of the consumer was not extended in time inspite of accepting the all the charges and relevant documents in 1/2010. From 1/2010 to 12 /2010, for one year no action was taken by the respondent on request for extension of load.
4. Had the meter been changed in 10/08 the supply of the consumer would have been connected through the meter and would have been properly billed.
5. The respondent sub-division and its staff seriously erred in observing the improper billing for a considerably long time.
6. The code adopted for reading and billing purpose speak of contradictory situations.
7. There has been delay on the part of respondents to submit facts before the Forum and resultantly the Forum had to call for original record.
8. The respondent submitted manipulated MCO to mislead the Forum.
9. The case of theft has been made in defiance to SC No U-7/2003 dated 10.2.2003.
10. Even the penalty worked out was much higher than actual than what it would have been had it been an 'actual' case of theft.

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The Forum therefore decided that –


- a) The theft case made out against the complainant is in defiance to the Sales Circular No. SC No U-7/2003 dated 10.2.2003 of the Nigam and therefore does not hold legal sanctity. Therefore the amount of penalty Rs. 446276/- is not leviable.
- b) The billing of the consumer be rectified wrt the consumption / load for the period billing not done properly. However, the recovery from consumer shall be restricted to six months as per the instructions and for the rest of the period the delinquent staff may be held responsible for less recovery and also to make loss of Nigam good.
- c) The consumer has been harassed and the consumer must be compensated. For this a compensation of Rs. 25000/- is allowed to the complainant. Rs. 10000/- be recovered from the checking party for making a theft case in defiance of instructions and for wrong calculation of load. For balance Rs. 15000/- and for incorrect billing the responsibility of Commercial section be fixed.
- d) Cost of litigation Rs. 5000/- is also allowed in favour of complainant to be borne by delinquent officers/officials.
- e) The UHBVN may recover back incentive if any given to the officials for detecting this theft case.
- f) The complainant may first make an application to the respondent in case of cost of Rs. 1.35 lac and Rs. 2460/- got deposited by respondent.

File be consigned to the office record.

The order is issued and signed by the Consumer Grievances Redressal Forum on 19.05.2011.


(Raj Roop Jakhar)
Member-III


(D.C. Aggarwal)
Member-II


(R.K. Jain)
Member-I

