

IN THE FORUM OF ELECTRICITY OMBUDSMAN, JHARKHAND-

(2nd floor, Rajendra Jawan Bhawan- Sanik Market, Mahatma Gandhi Marg (Main Road), Ranchi – 834001)

Present- Prem Prakash Pandey
Electricity Ombudsman

Case No. EOJ/08/2019

Ranchi, dated,12th day of March, 2020

Nisha Jha W/o- Sri. Rakesh Ranjan, Resident of Patra Toli, Near K.V.School,
Namkum, District- Ranchi.

..... Appellant

Versus

Jharkhand Bijli Vitran Nigam Limited through its Law Officer- namely
Mithilesh Kumar, S/o- Sri. R. B. Singh, R/o- Kusai Colony, P.O. & P.S.- Doranda,
District-Ranchi .

.....Respondent

For the Appellant : Sri. Praveen Kumar, (Authorized Representative)

For the Respondent : Sri. Prabhat Singh (Additional Standing Counsel)

*(Arising out of Judgement and order dated -25/07/2019, passed in
complaint case no.06 of 2019, by the Learned V.U.S.N.F., Ranchi)*

J U D G E M E N T

1. The instant appeal is preferred by the appellant, named above, against the impugned judgment and order dated 25/07/2019, passed in complaint case no. 06 of 2019 by the Learned Vidyut Upbhokta Shikayat Niwaran Forum (VUSNF) Ranchi, whereby and where under, the learned VUSNF dismissed the complaint petition filed by the petitioner (appellant) and accordingly, rejected her prayer to issue fresh revised bill.

2. The factual matrix of the case in brief, as contained in complaint petition of the complainant; herein after called Appellant that she took electric connection from Respondent and meter of Capital Company was installed in her newly constructed house in the month of June 2015. Total consumption for 20 months from June 2015 to January 2017 was 2230 KWH for which a sum of Rs. 7400/- was paid by the appellant. Further, there was electrical consumption of 12987 KWH from 15-04-2017 to 19-01-2018 for 9 months for which a bill for Rs. 47,096/- was given. Further, total consumption of electricity was 1688 KWH from 30-03-2018 to 11-04-2019 for 13 months.

3. Suspicion cropped up on the consumption pattern, showing total consumption of 12,987 KWH for 9 months from 15-04-2017 to 19-01-2018, the appellant talked to meter reader, who told that meter is jumping unexpectedly. He advised to tell this matter to JE of the concerned department; accordingly, she approached to JE, who also agreed that there is problem in the meter, and advised for change of meter and stated the modalities of changing the meter. Thereupon, the appellant deposited required sum for testing the concerned meter and its exchange on 21-02-2018 and got the receipt. Thereafter she has deposited defective meter on 24-02-2018 for testing. Thereafter she used to request regularly to the Executive Engineer for revised electric bill at the earliest. Subsequently she wrote a request letter to Executive Engineer on 25-09-2018 for meter testing and revision of bill as early as possible since the DPS Charge is being levied every month but, Stance of EE was unresponsive. Meter testing was done on 25-02-2019 after the lapse of one year. Meter testing staff told her that meter jumping will not be clear, so he advised to talk to JE to take out complete MRI report. Whereupon, JE told that meter was kept for a period of one year for testing therefore complete MRI report will not be take out. He is able to take out MRI report only for 5 months..

4- The further case of the appellant that there are normal electric appliances fitted in her house, therefore the demand of Rs. 47,096 for 9 months from 15-04-2017 to 19-01-2018 is not justified. It is further stated that her husband is working in army and posted at Jhansi, who took one month leave for this purpose but no solution worked out. Lastly, she was compelled to get Redressal of her grievance from the learned VUSNF and accordingly she approached there.

5- On notice, Respondent Executive Engineer appeared in person before the learned VUSNF and filed his counter affidavit, supported with an affidavit, admitting therein that appellant is a consumer bearing consumer no. RP 5680 under DS-2 category, having sanctioned load of 1 KW but she is not a bonafide consumer and had been irregular in making payment of electric bills. It is alleged that the appellant after making payment of electric bill on August 2016, has paid for the subsequent month bills on March 2019 i.e. after lapse of around 2 years and eight months and for all this intervening period electric line of the appellant was running and her meter was functional.

6- The further case of the Respondent that the appellant in the month of December 2017 was billed for consumption of 12,987 units which was accumulation of past consumed units. It is also alleged that There are several cases detected, where in, it has been found that the meter reader in collusion with consumer performed his duty dishonestly. Similarly, there are several cases detected where it has been found that bill has been generated by private billing agency by not entering the actual units consumed by a consumer. There are also some cases like in construction of new house where heavy machines runs for cutting and shining of marbles, welding machines for welding of iron rods in windows and doors etc. In such cases electricity are consumed much more than average consumption of a consumer. But, the facts remains that the bill in

question has been levied on the basis of actual units shown in the meter and the meter of consumer has been found accurate in course of testing.

7- It is further alleged by the respondent that appellant on 03-02-2018 made an application for testing of meter and deposited Rs. 280/- vide money receipt no. 637755 for testing of meter. The appellant accordingly deposited her meter on 25-02-2018. It is further submitted that as per request made by the appellant, meter was tested. The Assistant Electrical Engineer, MRT, Sub-Division-II tested the correctness of meter and submitted its report on 25-02-2019 wherein meter accuracy of the petitioner has been found within permissible limits. It is also submitted that considering genuine grievance of the appellant, the respondent recommended to deduct an amount of Rs. 1314/- from total bill payable by the appellant. As matter of fact the appellant has been levied electric bill purely on the basis of units shown to have been recorded in meter. Since, accuracy of meter has been found within permissible limit, the appellant is liable to pay the electric bills. So in view of the aforesaid statement, the petition filed by the petitioner is devoid of any merits and liable to be dismissed.

8- After that, Appellant filed rejoinder against the counter affidavit of the respondent and posed several questions and prayed to know and details that what is 'Accumulation of Past Consumed Units'. It is further submitted that appellant has objection on the bill from Feb. 2017 to Dec. 2017 for which electrical consumption is 12987 units. It is further submitted that the appellant be provided monthly bill for the above disputed period and also on what is the basis for calculation of electricity bill for electrical consumption of the disputed period. It is further submitted by the appellant that on Feb. 2018 money receipt for Rs. 280/- was deposited for meter testing. After that, the appellant persistently solicited to EE, Sri. Abhay Kumar to revise the bill and stated that

DPS charge is being levied so take action as fast as possible but his stance was unresponsive. Again on 25-09-2018, a request letter to EE was sent for meter testing but nothing was done nor did the department give any written or oral information. Lastly meter testing was done on 25-02-2019 after the lapse of one year. During testing, one of the technical staff told her that it will bear no good result as Capital Meter suddenly jumps and told her to tell JE to take out complete 1 year MRI report but only 5 months report could be obtained. JE admitted before Executive Engineer that complete MRI report could not be obtained due to meter being kept idle for a long period.

9- Lastly it was prayed by the appellant before the learned VUSNF that the bill for the disputed period is doubtful and to provide transparent electricity bill. The appellant showed the consumption pattern that from June 2015 to Jan. 2017, the electric consumption for 20 months was 2230 KWH, From Feb. 2017 to Dec. 2017 it was 12987 KWH for 9 months, and from Feb. 2018 to May 2018, 361 KWH for 5 months, and from Aug. 2018 to Mar. 2019, 771 KWH for 8 months. On perusal of data of consumption pattern, it is obvious that monthly consumption is of 100 KWH. The bill of Rs.47, 096.00 as issued by the department from Feb.2017 to Dec. 2017 is quite arbitrary, whimsical and illegal and as such the same is not maintainable and liable to be set aside.

10- The learned VUSNF, after discussing the entire facts and circumstances of the case, found that the accuracy of the meter was within permissible limits during test and the bill has been levied on the basis of actual units shown in meter and accordingly dismissed the complaint petition rejecting the prayer of the appellant to issue fresh revised bill.

11- Assailing the impugned judgment and order, passed by the learned VUSNF Ranchi, the appellant through her Authorized representative, Sri.

Praveen Kumar contended that the appellant, Nisha Jha, wife of Rakesh Ranjan (working in army) constructed new house in Patratoli, Namkum, Ranchi and took electricity connection and installed meter in June 2015. Since 2015 bill was paid as per JBVNL billing. During this time, JBVNL's billings were quite irregular but she paid total of Rs. 7400 as electricity bill for this period. After September 2016 upto December 2017, none from JBVNL came for meter reading and billing. During this time, she used to visit electric office at Sindrol and Doranda for meter reading & billings. But staffs were always used to say, that after some time, reading & billings would be done. But no reading & billing were done of these periods (Sept. 2016 to Dec. 2017). Finally, at the end of December 2017, a bill was given total of Rs. 47095.70 for total consumption of 12987 KWH. She was completely shocked seeing this bill of these periods. Whereupon she asked meter reader, who told that most probably meter was jumping. It has further been contended that As per JBVNL billing details, from June 2015 to January 2017, total consumption is 2230 KWH for the period of 20 months. From Feb. 2017 to Dec. 2017 total consumption shown 12987 KWH, billing amount for this period of 11 months Rs. 47095.70. On observation of JBVNL billing history, she saw for the period of 20 months (from June 2015 to Jan. 17), and only 2230 unit was consumed and monthly wise reading of each month was there. Shockingly, from Feb. 17 to Dec. 17, total time of 11 months, consumption unit shown 12987 KWH, monthly wise reading of this period is not there. Average consumption= $12987/11= 1180.6$ unit. In a month, how consumption of 1180.6 unit possible in a sanctioned load of 1 KW domestic meter. Though she has no air conditioner and any highly consumption electric devices. Few lead bulbs, few fans, freeze, TV, inverter, mixer, 1 HP motor, and water heater. Only these devices are in her house. She was totally unknown of billing and other related process. Her husband always

lives outside. She used to live there along with her two children. The learned Representative further contended that Firstly- How she would be on time in paying bill, if JBVNL billing was irregular. It is responsibility of JBVNL to make her aware about her billing status from time to time. Secondly- For disputed period (Feb. 2017 to Dec. 2017), what was monthly consumption?, If before and after disputed period, monthly consumption is given, why it is not in disputed period? And thirdly- Complete MRI report must be come on record so that clear status of meter known to everyone. Lastly, Role of EE Doranda in doing needful for speedy Redressal, so she would be able to pay bill on time.

12- The learned representative of the appellant has further contended that the learned VUSNF did not consider the points raised by the appellant in the impugned judgement, neither directed JBVNL/EE to produce such clarifications. Instead, it repeated what department lawyer said in his statement. There was no transparency at any level. Due to delay, DPS increasing, even current bill grossly affected. EE Doranda was free at any level to cut her connection. As in meeting with EE, she was clearly told that she has to only pay, until problem is solved. Neither department served any notice for such big bill nor disconnection of electric line was done. Information of her billing status also hidden by the Respondent. During disputed period, if she knew bill, she must take appropriate right step to solve at right time. It has further been contended that the learned VUSNF has observed that during disputed period meter was not challenged. It is relevant to mention here that how can she challenged when she was completely unaware of billing status? When at the end of Dec. 17, she got bill, thereafter she had initiated proper action of challenging. It is quite clear that due to JBVNL she could not have got information on right time. Due to apathy and irresponsibility of EE in meter

testing, no MRI or any other transparent source of knowing meter status could be possible. AEE before EE Doranda, accepted due to delay in testing meter, all data deleted. The learned VUSNF took such delay and carelessness of EE lightly and hold that meter reading was accurate but did not explain that before & after disputed period why reading in such a normal way? It is further contended that during testing of meter, she enquired from technical staff at there, whereupon, he told her that MRI is only solution. As capital meter jumps all of a sudden. Lastly, it has been contended that learned VUSNF considers disputed time from June 2015 to Dec. 2017. It is misleading and learned VUSNF has confused to consider actual disputed period. Actual disputed period is Feb. 2017 to Dec. 2017. Under these circumstances, this case is fit to be remanded back to the learned VUSNF for correct decision on the relevant disputed period.

13- Refuting the contention advanced by the learned Authorized Representative for the appellant, the learned counsel Shri Prabhat Singh, appearing on behalf Respondent has totally supported the finding of the learned VUSNF with submissions that the Learned VUSNF have considered the case of the Appellant in accordance with prevalent law, rules, regulations and have passed a justifiable order. It is further submitted that the appellant while raising correctness of meter accuracy installed in his premises had prayed before the Learned Court below for direction upon the respondents to revise her electric bill for the period in between June 2015 to December 2017. It is further contended that the Appellant is a consumer of Respondents, having consumer no. RP 5680 under DS-2 category, having sanctioned load of 1 KW. It is further submitted that the Appellant is not a bonafide consumer and had been irregular in making payment of electric bills. Further contention of the respondent is that the Appellant after making payment of electric bill on August 2016 has paid for

the subsequent month bills in the month of March 2019 i.e. after lapse of around 2 years and eight months and for all this intervening period electric line of the Appellant was admittedly running and her meter was functional. Further submission of the Respondent is that the Appellant in the month of December 2017 was billed for consumption of 12, 987 units, which was accumulation of past consumed units. There are several cases detected, where it has been found that the meter reader in collusion with consumers performed his duty dishonestly. Similarly, there are several cases detected, where it has been found that bill has been generated by private billing agency by not entering the actual units consumed by a consumer. There are also some cases like in construction of new houses, where heavy machines runs for cutting and shining of marbles, welding machines for welding of iron rods in windows and doors etc. In such cases electricity are consumed much more than average consumption of a consumer. But, that the bill in question has been levied on the basis of actual units shown in the meter and the meter of consumer has been found accurate in course of testing.

14- The learned counsel for the respondent has further contended that appellant on 03-02-2018 made an application for testing of meter and deposited Rs. 280/- vide money receipt no. 637755 for testing of meter. The appellant accordingly, deposited her meter on 25-02-2018. It is further submitted that as per request made by the appellant, meter was tested. The Assistant Electrical Engineer, MRT, Sub- Division-II tested the correctness of meter and submitted its report on 25-02-2019, wherein, meter accuracy of the petitioner has been found within permissible limits but considering genuine grievance of the appellant, the respondent recommended to deduct an amount of Rs. 1314/- from total bill payable by the appellant. It is further submitted that the appellant has

been levied electric bill purely on the basis of units shown to have been recorded in meter. Since, accuracy of meter has been found within permissible limit, the appellant is liable to pay the electric bills.

15- It will admit of no doubt that appellant is the consumer of the respondent, having consumer No RP5680 under DS-2 category, having sanctioned load of 1 KW and her electric meter was installed in her newly constructed house in the month of June 2015. She had paid first electric bill of Rs.7400/ for total consumption of electric energy of 2230 KWH from June 2015 to Jan.2017. Thereafter she came to know that electric bill was raised of Rs. 47096/ (for nine months) from 15-04-2017 to 19-01-2018 for total consumption of 12987 KWH. Thereupon a doubt was raised in her mind and she asked to meter reader, who told her that her electric meter is jumping unexpectedly and further advised her to approach to Junior Engineer. Junior Engineer also accepted problem in the electric meter and suggested proper procedure for testing and changing meter. Whereupon she deposited required sum for testing and change of meter in the department of the respondent and also deposited the concerned meter on 24-02-2018 but the same was tested on 25-02-2019, after one year, with finding that meter accuracy is within permissible unit.

16- It is relevant to mention at very outset that the dispute regarding electric bill, between parties, started for the period of Feb.2017 to Dec. 2017,(Total 11 months) in which consumption of electric energy shown 12987 KWH and billing amount is Rs.47095/

17- Now the main issues for adjudication before the Forum is that:-

- (i) Whether the Respondent on receiving complaint from the appellant, has followed the procedure detailed in clause 9.5.4 to

9.5.7 and others provision related to mere of Electricity Supply Code, Regulation 2015?

- (ii) Whether the bill for the disputed period can be revised on the basis of consumption pattern before and after disputed period?

18- Admittedly, No issue has been framed by the learned VUSNF. Moreover, it is pertinent to mention at very outset that appellant has prayed to issue fresh revised bill since Feb 2017 to Dec.2017 on the basis of consumption pattern before and after disputed period. But learned VUSNF has observed in para 07 of the impugned judgement that “the petitioner has prayed to issue fresh revised bill, since June 2015 to December 2017”. The learned VUSNF has also observed in the middle portion of the para 07 of the impugned judgement that “The petitioner remained irregular in making payment of bill, for long period but the authorities has not disturbed their connection. Further, in disputed period, meter was never challenged and in subsequent year, in Feb.2018, when the same was challenged, its accuracy was tested in Feb.2019 and the accuracy of the meter was found within permissible limits.”. It is also relevant to mention that when she received the electric bill for the disputed period in the month of Jan.2018, she raised objection on meter and asked to meter reader who suggested her that her meter is jumping therefore she has to approach to Junior Engineer and accordingly she approached to the Junior Engineer, who advised her for testing of meter and its change. Thereafter she has done as per direction of the JE. So it can't be said that she did not challenge the bill in question. Thus, taking into consideration of the aforesaid facts of the case and submission advanced on behalf of the both sides including findings of the learned VUSNF, I do find that the learned VUSNF has not properly and meticulously considered the actual facts and circumstances of the case by framing aforesaid issue.

19- Having considered the entire facts & circumstances of the instant case, as stated above, and settled principle of law, I find and hold that the learned VUSNF did not meticulously consider the real facts on the records and issue involved in this case, in proper perspective and has gravely erred in coming to the finding of dismiss the case. Thus, taking into consideration of all the pros and cons of the matter, it appears that there is legal infirmity in the impugned judgment and order passed by the learned VUSNF. Therefore, I find and hold that it is fit case for remand back to the learned VUSNF for passing afresh order, after framing issue and giving an opportunity for hearing to the both sides. In the result, it therefore,

ORDERED

20- That there is merit in this appeal and it succeeds. The impugned judgment and order of the learned VUSNF is hereby set aside and case is remanded back to the learned VUSNF for fresh hearing and passed afresh judgement and order. Under the facts and circumstances of the case, the parties shall bear their own costs. Let a copy of this judgment and order be given to the concerned party and also to the learned VUSNF along with L.C.R .

Dated- 12- 03-2020.

Sd/-
(Prem Prakash Pandey)
Electricity Ombudsman

Dictated to the confidential Assistant, transcribed and typed by him, corrected and signed by me.

Dated- 12 -03--2020,

Sd/-
(Prem Prakash Pandey)
Electricity Ombudsman