

(2019) 11 UK CK 0016

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1570 Of 2016

Executive Engineer, Electricity Distribution Division,
Uttarakhand Power Corporation Ltd., Almora

APPELLANT

Vs

Tara Jeena And Another

RESPONDENT

Date of Decision : 02-11-2019

Acts Referred:

Citation : (2019) 11 UK CK 0016

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Dharmendra Barthwal, Nandini Roy, B.S. Adhikari

Final Decision : Allowed

Judgement

Sudhanshu Dhulia, J

1. This writ petition has been filed before this Court by Uttarakhand Power Corporation Ltd. against an order of the Electricity Consumer Grievance Redressal Forum, Kumaon Region, Haldwani, District Nainital, by which the complaint/petition of the consumer has been allowed, which was for excessive meter readings.

2. The matter relates to domestic consumption of electricity in Almora, where the consumer i.e. present respondent no. 1 Smt. Tara Jeena has an accommodation, which is a house admittedly rented to six different tenants. There is a common meter and also six sub-meters. In the complaint made by private respondent no. 1 before the Electricity Consumer Grievance Redressal Forum (from hereinafter referred to as the "Grievance Redressal Forum" Forum"), it was stated that the meter was defective from 13.12.2013 to 13.07.2015 and for this period he was getting "IDF"(Identified as Defective) bill which was being deposited. Meanwhile, a complaint was made to the concerned District Magistrate regarding pilferage of electricity and the matter reached the Power Corporation. Subsequently a surprise check was made by the Power Corporation and the meter of respondent

no. 1 was found "bypassed", which is "tempering". Thereafter a bill of Rs. 1,44,709.78 (Rupees One Lakh Forty Four Thousand Seven Hundred Nine and Seventy Eight Paise only) was given to the consumer/respondent no. 1, which was challenged by her before the Grievance Redressal Forum.

3. The Grievance Redressal Forum came to the conclusion that even if the reading of 42459 unit is supposed to be correct, the units on which the bill is to be paid is 34709 and if this is supposed to be correct unit then between the period when it has been charged, it comes to 1900 unit per month which according to the CGRC was improbable, for a domestic consumption. Consequently, the CGRC allowed the complaint vide order dated 30.03.2016.

4. Aggrieved by the order dated 30.03.2016 passed by the Grievance Redressal Forum, the Power Corporation filed a review petition stating that electricity was given to the tenants through sub-meters and combined reading of all the sub-meters comes to 2155 unit per month. Evidence to this effect was also produced by the Power Corporation, however, the Grievance Redressal Forum failed to take cognizance and dismissed the review application. Aggrieved, the Power Corporation has filed the present writ petition.

5. Even if the correct reading is considered to be 42459 units per month, the fact remains that since March, 2011 to September, 2015, the consumer has only paid Rs. 23,000/- odd to the Department which is a meagre amount, considering that it is for a period of four years. Moreover the reading of the six different sub-meters tell an entirely different storey. This ought to have been considered by the Grievance Redressal Forum.

6. Consequently, the writ petition is allowed. Orders dated 30.03.2016 and 30.04.2016 are hereby set aside. The Grievance Redressal Forum is directed to reconsider the matter in the light of what has been stated above and also in light of the averments made by the Power Corporation in subsequent review application filed before it.