

(2019) 09 UK CK 0127

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1141 Of 2014

M/s Havells India Limited Ltd

APPELLANT

Vs

Uttarakhand Power Corporation Ltd. And Others

RESPONDENT

Date of Decision : 19-09-2019

Acts Referred:

Citation : (2019) 09 UK CK 0127

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : R.K. Raizada, Jitendra Chaudhary, Devendra Singh, Dharmendra Barthwal

Final Decision : Partly Allowed

Judgement

Sudhanshu Dhulia, J

1. This matter was heard at length on 18.09.2019, as it was argued by Mr. Devendra Singh, Advocate holding brief of Mr. Jitendra Chaudhary, Advocate for the petitioner and Mr. Dharmendra Barthwal, Advocate for the respondents. At the end when the order was dictated, a request was made before this Court by Mr. Jitendra Chaudhary, learned counsel for the petitioner that the matter be adjourned for tomorrow, as Senior Counsel Mr. R.K. Raizada would appear in the matter. Purely in the interest of justice, the matter was adjourned for today.

2. Heard Mr. R.K. Raizada, learned Senior Counsel assisted by Mr. Jitendra Chaudhary and Mr. Devendra Singh, Advocates for the petitioner and Mr. Dharmendra Barthwal, Advocate for the respondents.

3. The petitioner before this Court is a High Tension Electricity Consumer. A meter was installed at the industrial premises of the petitioner, and a 500 KVA connection was installed in the premises of the petitioner at Roshnabad, SIDCUL, Haridwar on 31.05.2007. The Power Corporation through its officer on a routine meter reading i.e. MRI (Meter Reading Instrument) noticed certain disparity in energy distribution between two phases and therefore was of the presumption

that CT connection was reversed. In order to ascertain and to go to the truth of the matter, the Corporation installed a check meter on Low Tension side on 11.02.2010. Due to non-availability of HT cubicle, no check meter was installed on High Tension cubicle. On 29.09.2010, the consumer lodged a complaint in the display of his meter reading. The complaint made by the consumer/petitioner before this Court reads as under:

"The Executive Engineer

U.P.C.L.

SIDCUL Haridwar

Sub. - About H.T. Meter Complaint.

Sir,

We need to inform that the problem has accrued in our H.T. Meter. It is not displaying the proper reading, Running Load in the same.

So, please check the meter & rectify the problem."

4. Since, the respondent had already installed the check meter on the low tension side, thereafter installed a second meter on high tension side on 9.11.2010. After installation of check meter, both on low tension side as well as high tension side, these two meters were finalized on 16.11.2010 and in a new meter was also installed in the premises of the petitioner on 16.11.2010 after removing the old meter. After checking the new meter readings, it was revealed that the old meter was recording less reading as to the consumption of electricity due to reversal in CT connection, not due to the fault in the earlier meter. The revised bill was given to the consumer who raised the matter with the Consumer Grievance Redressal Forum.

5. When the matter was taken to the Grievance Redressal Forum, the majority of the two members were of the conclusion that there was actually no defect in the old meter, but due to the defective installation of the meter i.e. reversal in CT connection, the meter itself was recording less consumption than what was actually being consumed. The petitioner's contention that the meter itself was defective and was showing wrong reading was found to be incorrect. As per the minority opinion, the new bill should be charged only for the period when the new meter was installed i.e. for a period of six months, whereas as per the majority opinion, the correct bill was liable to be paid from 31.07.2010 to 16.11.2010. Whereas the HT check meter showed that the meter was actually recording 80.54% less than what was actually being consumed, the LT check meter showed that what was being consumed was only 52.99 % slow. Giving a benefit to the consumer, the majority opinion also came to the conclusion that what has to be compensated by the consumer is less than the amount which is 52.99% and not 80.54%, as was given by the HT check meter. Aggrieved, the consumer filed an appeal before the Ombudsman.

6. The petitioner has cited a judgment of a Coordinate Bench of this Court in WPMS No. 1820 of 2010, Uttarakhand Power Corporation Ltd. v. Doiwala Sugar Company Ltd., decided on 10.04.2015, where under the similar circumstances only six months' reading was to be recorded.

7. All the same, the case cited by the petitioner was evidently a case of slow meter, whereas this case is of reversal of C.T.

8. The Ombudsman also confirmed the majority opinion and has disagreed with the minority opinion, but at the same time has added further transformation losses of 2.59% of the bill, which comes to 55.58%.

9. This in my opinion is not correct, as the appeal was of the consumer and not of the Corporation, which was satisfied by the order of the Consumer Grievance Redressal Forum.

10. Therefore, the writ petition is partly allowed. The amount which has to be given by the petitioner shall be at the rate of 52.99% and not at the rate of 55.58%.

11. This Court has been informed that 50% amount has already been deposited. Let the remaining amount be deposited along with the applicable interest, within a period of one month from today, otherwise it shall be recovered as per the provisions provided under the law.