

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.

No. CGRF/Complaint No. 1232/1/22/07

Dated:-

Complaint No.: - 1232/1/22/07
Date of Admission: - 23.02.2022
Quorum: - Er. Tushar Gupta, Chairman.
Er. Vikas Gupta, Member I,
Sh. K.S. Dhaulta, Member II.

M/s La Ri Sa (Samora) Pvt. Ltd.
Kacchi Ghati, Shimla-171005 (HP).

Complainant

V/s.

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. XEN City Electrical Division,
HPSEBL, Shimla-171001
3. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Boileauganj, Shimla, Distt. Shimla (HP).

Respondents

Final hearing:-

18.05.2022

Present for:-

Complainant 1 Sh. Rajesh Kashyap, Advocate

Respondent 1. Sh. Anil Kumar God, Advocate

Date of Decision: -

03.06.2022

ORDER

- (1) Complaint has been filed under regulation 16, 17 and 18 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013. Brief facts of the case are that a communication dated 18.01.2022 from the Respondent HPSEBL was received by the complainant, intimating therein sundry charges for payment of Rs. 9,35,061 due to less billing levied to the Complainant by the Respondent based on Flying Squad Report. The Flying Squad had on 09.11.2022 conducted the surprise inspection of the Complainant which was communicated to Sr. Executive Engineer, City Electricity Division No. 1, HPSEBL, Shimla on 22.11.2021. This surprise inspection pointed out the fact that meter of consumer complainant herein was slow by 33.3% on account of one phase of PT missing due to faulty connection. The Sr. Executive Engineer was asked by the Flying Squad to attend to this and amount be charged against the Consumer for short assessment. Subsequently bill dated 10.02.2022 was raised to the consumer depicting therein the recoverable amount. The Complainant though not directly, has impugned the bill dated 10th February, 2022 (Annexure-C3) and communication dated 18.01.2022 (Annexure- C1).

COMPLAINANT

- (2) The Complainant being a consumer by the name M/s La-Ri-Sa (Samora) Pvt. Ltd., Kachhi Ghati, Shimla-5 has filed the complaint in the Consumer's Grievances Redressal Forum (CGRF) complaining that the Respondent HPSEBL has issued bill dated 10 February, 2022 (Annexure-C-3) therein including Sundry charges and arrears owing to tamper of meter and this having been done without Notice to Complainant which is illegal, arbitrary and against the Regulations. That as per the Regulations, it is not the Complainant's duty to check the functioning of the meter and it is solely the duty and responsibility of Respondent. The Respondent has issued Bill on 10th February, 2022 i.e. after twenty two (22) months showing therein sundry charges and that the tampering was not noticed during all these months. That the Respondent HPSEBL has no proof of tampering of meter and therefore bill dated 10.02.2020 be set aside by Forum with the instruction to not include the arrears in the Bill. That the Flying Squad Unit letter dated 22.11.2021 (Annexure- C2) was received by the Sr. Executive Engineer, Electrical Division No. 1, HPSEBL, Shimla which says that one phase of meter was missing and it is the case of Complainant who is not bound to pay for the negligence of the Respondent.

RESPONDENT

- (3) The Respondent HPSEBL in their reply have submitted that R phase of PT was missing since 1st March, 2020, 8:25:03 hours due to which the meter was slow by 33.3% and it is within Respondent Board's powers to raise additional demand on detection. The Respondent has placed on record (Annexure R-6) depicting therein the details of under-billing so as to arrive at Rs. 9,35,961/-. The Respondent has informed that the Technical Staff of the Complainant were associated at the time of Flying Squad visit and this fact can be seen from report of the Flying Squad Unit (Annexure R-7) wherein signature of personnel of complainant are appended. The Respondent have also annexed letter from Meter and Testing (M&T) unit of HPSEBL dated 06.01.2022 (Annexure R-4) addressed to the Assistant Engineer, City Electrical Sub-Division Boileauganj, Shimla, observing therein with regard to defective wiring from PT to energy meter resulting in voltage missing of one phase energy meter. The Respondent has also placed on record the Meter Reading Instrument (MRI) data (Annexure R-2) depicting there-in missing potential (i.e. voltage) during various periods.

FORUM

- (4) This Forum has in detail heard the parties who have argued the matter.
- (5) The moot issue as made out from the complaint is whether the complainant consumer of the HPSEBL is or is not liable to make payments raised vide impugned Demand Notice towards a metering error or defect and for the failure of the Respondent to correct it and bring it into his notice well in time.
- (6) From record, it is seen that the Flying Squad unit on inspection had checked two premises/ consumers including that of the Complainant and nothing can be seen from record which may show that the Complainant may have been singled out with any wrong intentions or motive on the part of the Respondent. The missing phase has also been corroborated in the findings of M&T office of HPSEBL. Further, the Flying Squad Unit Report refers to the word 'Tamper' as missing of 'R' phase but no-where does it say that the consumer Complainant may have dis-honestly tampered with the meter and only attributes the reason therein to defect in electrical wiring from P.T. (Potential Transformer) to energy meter. The word 'Tamper' is therefore used not in the literary sense but as a technical jargon and therefore not with any adverse implication or meaning. The fact that one phase is missing implies 33.3% less meter recording vis-à-vis actual consumption and these are two different aspects and these two aspects may not at all times be in consonance and there may be

disparity between the two at any time, owing to several reasons such as defective meter, PT and/or CT, human error intentional or unintentional etc. Moreover, non-recording of actual consumption cannot allow free ride to any consumer and consumer is liable to make good any such loss to the Respondent and make payments towards the unrecorded part of meter reading based on reasonable estimates for the sole reason that electricity/energy to that extent has actually been consumed by the consumer. No one is entitled to adversely use the deficiencies in a system to their advantage, such as to cause loss in any way to the system. Not allowing such loss to be recovered likely results in malpractices and connivances which are detrimental to the system.

- (7) During the argument stage the complainant emphatically stressed on the fact that he is not liable to be punished for the mistakes of respondents as it was their duty to keep a check on the metering/ metering system. The instant complaint has been filed under the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 and the Forum is restricted in its jurisdiction to only consider the complaint in respect of billing/ metering issues as herein and decided accordingly.
- (8) The Forum does not find merit in the complaint and arguments given by the Complainant. The issue is accordingly decided against the complainant and in favour of the Respondent HPSEBL. The complainant is liable to pay the amounts as raised by the Respondent HPSEBL vide bill dated 10.2.2022(Annexure-C-3) of complaint on reasonable estimate of 33.3% less recording of consumption by meter and as assessed by Respondent on account of defective metering. The Complainant is directed to pay the outstanding energy bill (Annexure C-3) and Respondents are directed to not levy late payment surcharge if any, for the period complaint was being adjudicated before this Forum, on account of Demand Notice Annexure "C". In view of foregoing, the matter is decided on merits against the complainant. The complaint is disposed as dismissed.

Each party to bear their own costs.

After the order has been issued to the parties, the original case be consigned to record room for safe custody.

Place:-Shimla

Dated:-03.06.2022

Sd/-
(K.S.Dhaulta)
(Member)

Sd/-
(Vikas Gupta)
(Member)

Sd/-
(Tushar Gupta)
(Chairman)

Notice

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.
No.CGRF/Complaint No. 1232/1/22/07

Registered

Dated:-

M/s La Ri Sa (Samora) Pvt. Ltd.
Kacchi Ghati, Shimla-171005 (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1232/1/22/07

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. XEN City Electrical Division,
HPSEBL, Shimla-171001
3. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Boileauganj, Shimla, Distt. Shimla (HP).

Respondents

The Certified copy of final order dated 03.06.2022 passed by the Hon'ble Forum in the aforesaid complaint is enclosed find herewith for further necessary action at your end please. The compliance be reported/ intimated within one month after the receipt of order in the office.

DA:-As above.

Secretary,
Consumers Grievances Redressal Forum,
HPSEBL, Kasumpti Shimla-171009.