

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CWP-33776-2019 (O &M)
Date of decision: 09.02.2024

JAGDISH KUMARPetitioner

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM AND OTHERS
.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Pardeep Sehrawat, Advocate for
Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Sunil Kumar Dhanda, Advocate
for the respondents-UHBVN.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present writ petition is to the checking report dated 21.05.2018 as well as the electricity bill No. 00011 issued for the period 30.05.2018 to 30.06.2018 alongwith the notice dated 02.08.2019 whereby electricity supply to the premises of the petitioner was ordered to be disconnected.
2. Learned counsel has argued that the petitioner is a small businessman running an Ice factory and had applied for the electricity connection from the respondent-Department. The same was released vide Account No. AAOZ-0052-X. It is contended that the electricity bill of the

said connection varied from Rs. 30,000/- to Rs. 40,000/- which was being regularly paid by the petitioner without any default. However, the respondent distribution licensee raised a demand of Rs. 1,61,835/- for the period from 30.05.2018 to 30.06.2018. On receipt of the said bill, the petitioner approached the respondent-Licensee and requested for correction of the bill objecting that the same was not as per actual consumption. The petitioner, however, deposited an amount of Rs. 30,627/- with the respondent and had been visiting the respondents repeatedly for rectification, however, no steps were taken for rectifying the bill. Another bill was thereafter issued by the respondents for the subsequent period wherein the arrears were shown pending therein. A Consumer complaint No. 170 of 2018 was hence filed by the petitioner on 01.10.2018 before the District Consumer Disputes Redressal Forum, Panchkula.

3. A reply was filed by the respondent-Licensee contending that as per the Rules of the Nigam there are two types of reading i.e. KWH and KVAH. The meter Reader is required to report both the meter readings, however, the meter Reader noted only the KWH reading and bills were raised on the basis of the said reading only. The premises of the petitioner were checked on 21.05.2018 by the Vigilance team and a report No. LL-1 No. 17/3771 was prepared and as per the same, there were 9898 units of KWH and 9954 units for KVAH. No theft was reported and only an irregularity was noticed to the effect and recommended that the bill be issued in KVAH tariff under intimation to the Vigilance.

4. The respondent also contended that as per the notice dated 24.05.2018, the Consumer was directed to deposit a sum of Rs. 1,32,557/-.

The above said complaint was thereafter withdrawn by the petitioner from

the Consumer Grievance Redressal Forum, Panchkula with liberty to file a fresh complaint.

5. The petitioner thereafter submitted a representation dated 31.07.2019 but arrears were not cleared. A notice was however served on the petitioner dated 02.08.2019 for disconnecting the supply. Hence, the present writ petition was filed.

6. Reply has been filed by the respondent-Licensee, on notice, wherein it is averred that the dispute in question is a billing dispute and the petitioner had an efficacious remedy of approaching the Consumer Grievance Redressal Forum constituted under Section 42 (5) of the Electricity Act, 2003 and thereafter to the Electricity Ombudsman. The present writ petition would thus not be maintainable. It is averred on merits that the bill was issued to the petitioner on the basis of the actual load and meter reading recorded in the KWH, in violation of the Sale Circular No. U-27/2017 as per which the consumption had to be determined on the basis of the reading reflected in the KVAH format. Since the said fact came to the notice only during the checking of the premises by the Vigilance party on 21.05.2018, hence, the revised demand was sent to the petitioner on the basis of actual units recorded in KVAH after adjusting the dues already received.

7. Even though the aforesaid written statement had been filed in April, 2021, however, no replication/rejoinder to the said written statement had been filed. Hence, the contention of the respondent-Licencee in its written statement remains uncontroverted and undisputed.

8. Learned counsel appearing on behalf of the petitioner is not in a position to controvert that the dispute in question would only be a billing dispute and would be amenable to an adjudication by the Consumer

Grievances Redressal Forum, which is a statutory remedy prescribed under the Electricity Act, 2003.

9. The present writ petition is accordingly disposed of as not pressed at this stage with liberty to the petitioner to take recourse to his alternative remedies under the Electricity Act, 2003, if so advised.

10. All the pending miscellaneous application(s), if any, are also disposed of.

FEBRUARY 9, 2024
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No