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2026:UHC:10578

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 3535 of 2026 (M/S)

Executive Engineer Electricity Distribution Division Central .....Petitioner

Versus

B M Gupta .....Respondent

Present:-
Mr. Tapan Singh, Advocate for the petitioner.

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to the judgment and order dated 30.05.2026, passed in Complaint No. 185 of 2025, B M Gupta v. Executive Engineer, Electricity Distribution Division Central, by Electricity Consumer Grievance Redressal Forum (Garhwal Zone), Dehradun ("the forum"). By it, a penalty of Rs. 6,10,074/- imposed by the petitioner was quashed, and the petitioner was directed to refund that amount with respondent or adjust it in the future bills.

2. Heard learned counsel for the petitioner and perused the record.

3. Facts necessary to appreciate the controversy, briefly stated, are as follows:-

The respondent representing Altima Apartments, Inder Road, Dalanwala, Dehradun ("the apartment") challenged the imposition of penalty of Rs. 6,07,745/- by the respondent on the ground that the meter installed was running slow. The petitioner objected to the claim of the respondent on the ground that in the apartment, a check meter was installed, and on 23.05.2025, it was

found that the meter installed earlier was running 68.06 per cent slow. The forum considered the provisions of Uttarakhand Electricity Regulatory Commission (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations 2020 ("the 2020 Regulations"), particularly, Regulations 5.1.3(5) and 5.1.3(11) of the 2020 Regulations and found that these regulations were violated while installing the check meter. The forum also took note of the order dated 07.08.2025, passed by this Court in WPMS No.2301 of 2025, Executive Engineer v. M/s Indus Tower Ltd, ("the first petition"), wherein in Para No.9 of the first petition, this Court has observed as follows:-

> "9. This Court concurs with the view taken by learned Forum. Respondent was neither supplied test report nor he was given any notice about the installation of check meter, which is mandatory, therefore, the order passed by learned Forum cannot be faulted. When the Statute requires the thing to be done in a particular manner then that thing must be done in the manner or not at all. The view taken by learned Forum also finds support by Clause 12of the Regulation 5.1.3."

Accordingly, the claim of the respondent was upheld and order was passed accordingly.

4. Learned counsel for the petitioner submits that the forum has wrongly relied on the Regulations 5.1.3(5) and 5.1.3(11) of the 2020 Regulations because it is argued that these Regulations would come into play when complaint is made by the consumer. It is argued that first and foremost the application of Regulation 5.1.3(4) is to be seen. Only thereafter, the subsequent Regulation to it may have its application. It is argued that in the instant matter, the petitioner-Department *suo moto* established the check meter suspecting that the meter installed earlier was running slow. In such situation, it is argued that there may not be any application of Regulations 5.1.3(5) and 5.1.3(11) of the 2020 Regulations.

5. Learned counsel for the petitioner also submits that, in fact, the check meter installation slip was signed by the representative of the respondent. He would refer to Annexure No.1 to the writ petition.

6. Before any discussion is made, it would be apt to reproduce Regulations 5.1.3(4), 5.1.3(5) and 5.1.3(11) of the 2020 Regulations. They are as follows:-

> "**5.1.3 Testing of meters**
>
> (4) If the consumer disputes the accuracy of the meter, he may, upon giving notice/complaint to that effect and paying prescribed testing fee as per charge given in the prevailing Tariff Order, have the meter tested by the Licensee.
>
> If, after testing, the meter is found to be defective or recording incorrectly or damaged due to technical reasons, attributable to the Licensee then the fee deposited for meter testing will be refunded by adjustment in the electricity bills. In case, the meter is found to be correct then the Licensee will not refund such fee.
>
> (5) The Licensee shall, within 30 days of receiving the complaint, carry out testing of the meter as per the procedure specified in these regulations and shall furnish duly authenticated test results to the consumer. The consumer shall be informed of proposed date and time of testing at least 2 days in advance.
>
> Provided that where the Licensee is installing a test/check meter alongwith the meter under test for verification of energy consumption, in such cases the Licensee shall be required to provide a copy of the valid test report of such test/check meter to the consumer before initiating the testing.
>
> (11) Wherever the testing of meter is being done, signature of the consumer, or his authorized representative, if present, would be obtained on the Test Report and a copy thereof shall be supplied to the consumer."

7. A bare perusal of the above provisions makes it abundantly clear that, in fact, as and when a consumer disputes the

accuracy of a meter, he would report accordingly so that his meter could be tested by the licensee.

8. Regulation 5.1.3(5) of the 2020 Regulations further provides that once complaint under Regulation 5.1.3(4) of the 2020 Regulations is received, the testing of the meter shall be carried out as per procedure specified in the 2020 Regulations.

9. This is what is being disputed by learned counsel for the petitioner. He submits that this procedure is applicable only when a consumer gives a complaint.

10. The Court wanted to know from learned counsel for the petitioner as to what is the procedure for installing check meter if it is installed by the licensee on his own? He submits that this is a lacuna in the 2020 Regulations.

11. If a procedure is given for installing check meter on a complaint of a consumer, in the absence of any other provision contrary in the 2020 Regulations, the same procedure would apply even if the licensee intends to install the check meter.

12. Admittedly, as required by Regulation 5.1.3(5) of the 2020 Regulations, the respondent was not informed of the proposed date and time of testing two days in advance. This is non compliance of Regulation 5.1.3(5) of the 2020 Regulations.

13. Regulation 5.1.3(11) of the 2020 Regulations further requires that whenever the testing of meter is being done, signature of the consumer, or his authorized representative would be obtained on the Test Report.

14. The impugned order records that compliance of this Regulation has also not been done, and this is what was objected to before the forum by the respondent.

15. Learned counsel for the petitioner could not show any such document revealing signature of the respondent or any of his representative on the Test Report of the meter. This is definitely violation of the Regulation 5.1.3(11) of the 2020 Regulations.

16. In the first petition, this Court has already held that, **".....When the Statute requires the thing to be done in a particular manner then that thing must be done in that manner or not at all....."**

17. In the instant case, the process of installing check meter has been done in violation to the Regulations as discussed hereinabove. Therefore, having considered, this Court is of the view that the forum has rightly considered the 2020 Regulations. There is no illegality in the order impugned. Accordingly the writ petition deserves to be dismissed at the stage of admission itself.

18. The writ petition is dismissed *in limine*.

(Ravindra Maithani, J)
19.11.2026

Ravi Bisht