

&amp; Anr.

Vs.

Sh. Raja Ram

STATE CONSUMER DISPUTES REDRESSAL COMMISSION, UTTARAKHAND, DEHRADUN

Date of Institution : 26.09.2022

Date of Final Hearing : 14.10.2025

Date of Pronouncement : 06.11.2025

**SC/5/A/13/2020**

1. Uttarakhand Power Corporation Ltd.  
Through its Executive Engineer,  
Electricity Distribution Division (Urban),  
Roorkee, Haridwar

2. Executive Engineer,  
Uttarakhand Power Corporation Ltd.  
EDD (Urban), Roorkee, Haridwar

(Through: Ms. Anupama Gautam and  
Smt. Shashi Yogeshwar, Advocates)

....Appellants

**VERSUS**

Sh. Raja Ram S/o Late Sh. Roda Singh

R/o Village Shantar Shah, P.S. Bahadradab, Roorkee, Distt. Haridwar

(Through: Sh. Sachin Chaudhary, Advocate)

.... Respondent

**Coram:**

**Ms. Kumkum Rani,**

**President**

**Mr. C.M. Singh,**

**Member**

**ORDER**

**(Per: Ms. Kumkum Rani, President):**

This appeal has been directed against judgment and order dated 16.08.2019 passed by the learned District Consumer Disputes Redressal Forum, Haridwar (hereinafter to be referred as the District Commission) in consumer complaint No. 470 of 2016 styled as Raja Ram Vs. Executive Engineer, Electricity Distribution Division (Rural), Roorkee, District

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Haridwar, wherein and whereby the District Commission has allowed the complaint cancelling the electricity bill of Rs. 84,595/- dated 04.09.2016. It was further directed to the opposite party to provide a new amended bill showing monthly details to the complainant within one month from the date of judgment and order. It was further ordered by the District Commission concerned to adjust the amount of Rs. 75,560/- paid by the complainant in the new bill and also awarded Rs. 5,000/- as litigation charges to the complainant.

2. The facts giving rise to the present appeal, in brief, are as such that a domestic electricity connection No. 681/0707/019006 meter No. 530172 of 1kw was allotted to Sh. Rodha Singh, father of the complainant. Father of the complainant has expired. On dated 20.03.2015, the Electricity Department issued an electricity bill of Rs. 75,560/- towards full settlement of outstanding electricity charges to the complainant, which was deposited by the complainant on dated 25.03.2015. Thereafter, the Electricity Department removed the said electricity meter and installed a new electronic meter No. 50574904, the sealing report of which was provided to the complainant on dated 13.07.2015. After depositing of Rs. 75,560/-, an electricity bill of Rs. 742/- was issued, which was paid on dated 13.05.2015 and thereafter subsequent bill of Rs. 227/- deposited on dated 25.07.2015, Rs. 339/- deposited on dated 04.12.2015, Rs. 220/- deposited on dated 22.01.2016. According to the complaint, an electricity bill dated 04.09.2016 for a sum of Rs. 84,595/- was wrongly issued to the complainant without giving bill details of arrear of outstanding electricity charges. The complainant was shocked to receive the bill and approached Electricity Department for rectification. However, the Electricity Department refused to rectify the bill and further threatened to disconnect the electricity connection. The complainant sent a legal notice to the opposite party - Electricity Department on dated 06.09.2016, but no action

was taken, therefore, the complainant was constrained to file the complaint before the District Commission.

3. The opposite party - Electricity Department in its written statement stated that an electricity connection No. 681/0707/019006 was allotted to the father of the complainant not in the name of complainant, hence he is not a consumer of the appellant department. The true facts of the case are as such that the above said electricity connection was issued to the father of the complainant, who had already expired and till date, the complainant has neither got mutated the electricity connection in his name, nor any action was taken to this respect, therefore, the complaint is liable to be dismissed. It is further stated that as per electricity meter reading, a bill was issued for a sum of Rs. 75,560/- for the period 2013 to 2015. It is further pleaded that the old electricity meter was not displaying the units, due to which IDF bills were issued during January 2014 to January 2016. The old meter was sent to the lab for testing. Upon examination, the meter reading was found to be 15624. Accordingly a bill was prepared in the month of March, 2016 after adding amount of Rs. 51,366/-. Due to non-payment, this amount subsequently accumulated to Rs. 82,666/-. It is further stated that after the deduction of Rs. 8,105/-, a bill of Rs. 74,548/- was issued to the complainant and on account of non-payment, the amount is being accumulated. In such circumstances, the complainant is not entitled to get any compensation and the complaint is liable to be dismissed.

4. The District Commission after hearing both the parties and after taking into consideration the evidence and material available on record, passed the impugned judgment and order on dated 16.08.2019 and allowed the complaint in above terms.

5. Having been aggrieved by the aforesaid judgment and order of the District Commission, the Uttarakhand Power Corporation Ltd. has

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preferred the present appeal as appellants alleging that the impugned judgment and order is perverse and against law and facts on record; the District Commission has failed to appreciate that the respondent – complainant is not a consumer and the electricity connection was taken by respondent's late father and he has not got his name mutated in the records of the appellant, therefore, he is not entitled to maintain the present complaint. It is further stated that the District Commission has failed to appreciate that the respondent was not paying electricity bills, hence the amount has accumulated by passage of time and by levy of surcharge and as per computer generated consumer history, the bill dated 23.12.2013 is for Rs. 64,799/-. It is further contented that the District Commission has failed to appreciate that from January, 2014 to March, 2016, the bills were sent without actual reading, as the reading could not read due to no display in the meter. The meter was changed and was sent to the laboratory for testing, where it was found that the respondent has consumed 15624 units which were not recorded and charged in the bills. The amount of uncharged units was added in the bill of Rs. 82,666/-, out of which the deduction of Rs. 8,105/- was made and amended bill of Rs. 74,548/- was given to the respondent, which he has not paid. It is further stated that the District Commission has failed to appreciate that the dispute in question is a billing dispute, hence the matter should be referred to Consumer Grievance Redressal Forum under Section 42(5) of Electricity Act, 2005. It is also contended on behalf of the appellant that the District Commission has wrongly cancelled the bill of Rs. 84,595/- and has wrongly directed for issuing a fresh new bill and has wrongly imposed Rs. 5,000/- penalty. Therefore, the impugned judgment and order is against the law and the District Commission has exceeded its jurisdiction which was vested in it by law. Hence, the appeal should be allowed and the impugned judgment and order is liable to be set aside.

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6. Learned counsel Ms. Anupama Gautam & Smt. Shashi Yogeshwar for the appellants and learned counsel Sh. Sachin Chaudhary for respondent have appeared.

7. We have heard learned counsel for both the parties and perused the material available on record.

8. It is an admitted fact that the electricity connection in dispute was allotted to the Sh. Roda Singh (deceased) - father of respondent and as per pleadings, father of the respondent has expired. It is established on record that the exact date of death of respondent's father is not mentioned. As per pleadings, the respondent got an electricity bill of Rs. 75,560/- as per full settlement of outstanding amount of electricity charges on dated 20.03.2015, which was deposited by the respondent before the Electricity Department. It is established on record that the respondent after the death of his father, never applied for mutation of the electricity connection allotted to his father towards his name. There is no evidence on record. It is also undisputed fact that after the above payment, the Electricity Department uninstalled the meter and new electricity meter No. 50574904 was installed in the respondent's property. It is also admitted that after such payment of Rs. 75,560/-, the respondent has also paid Rs. 742/- on dated 13.05.2015, Rs. 227/- paid on dated 25.07.2015, Rs. 339/- paid on dated 04.12.2015 and Rs. 220/- paid on dated 22.01.2016. It is also established on record that the Electricity Department has sent an electricity bill on dated 14.09.2016 of Rs. 74,548/-, i.e. after deduction of Rs. 8,105/- from Rs. 82,666/-, to the respondent for payment, which was not paid till today.

9. The Electricity Department has also submitted the consumer history from 23.01.2008 to 04.11.2019 wherein the details of the electricity

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consumption is shown, according to which the electricity bill was legally issued (paper Nos. 37 to 40)

10. Learned counsel for the respondent has stated that the respondent is also a consumer within the definition of consumer contained in Consumer Protection Act, 1986. We have perused the definition clause wherein 'consumer' is defined in Section 2(1)(d) which is reproduced as under:-

(d) "consumer" means any person who—

(i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or

(ii) hires or avails of any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who 'hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person **but does not include a person who avails of such services for any commercial purposes;**

*Explanation.*— For the purposes of this clause, "commercial purpose" does not include use by a person of goods bought and used by him and services availed by him exclusively for the purposes of earning his livelihood by means of self-employment;

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11. Thus, as per the above definition, the consumer includes any beneficiary of such service other than the person who hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person, but does not include a person who avails of such service for any commercial purpose. Thus, here it is pertinent to mention that after the death of respondent's father Sh. Rodha Singh, the respondent has paid electricity charges of Rs. 75,560/- on dated 25.03.2015 and as per definition, he is the consumer. Therefore, the contention submitted on behalf of the Electricity Department that the respondent is not the consumer, is not tenable.

12. From the perusal of the pleadings of the parties, it is established on record that the matter between the parties in regard to the correction of the billing amount. So in our opinion, if the respondent is consumer under the definition of Consumer Protection Act, then such matter should be referred to the Consumer Grievance Redressal Forum of Electricity Department for decision.

13. We have perused the record. It is pertinent to mention that the Electricity Act, 2003 is a Special Act and over rides the general law. The Section 181 read with Section 50 of the Electricity Act, 2003 have conferred power on the Regulatory Commission to frame regulations to carry out of the object and the Hon'ble Commission has framed Uttarakhand Regulatory Commission (The Electricity Supply Code) 2007 published in official gazette on 17.04.2007. By virtue of Section 42(5), the law has established in this act a Consumer Grievance Redressal Forum for resolving the dispute in the matter relating to electricity bills and in our view, the present dispute should have been referred for decision to the

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CGRF and the complaint as per above provision should not be filed in the District Commission; it should actually be filed before the CGRF for getting the bills rectified from the department. Hence, we are of the definite opinion that the complaint is not maintainable before the District Commission.

14. Thus, we are of the considered view that there was no deficiency on the part of the appellant and the District Commission has failed to appreciate the relevant provisions of law and has not perused the facts and law properly and appropriately. Accordingly, we hold that the appeal is liable to be allowed.

15. Appeal is allowed. Impugned judgment and order dated 16.08.2019 passed by the District Commission, Haridwar is hereby set aside. Consumer complaint shall stand as dismissed. No order as to costs of appeal. Respondent – complainant is at liberty to submit his dispute, if any, before the Consumer Grievance Redressal Forum under Section – 42(5). The respondent – complainant may also file fresh complaint / application for adjudication before the Consumer Grievance Redressal Forum within a period of three months from today. In case of filing the complaint before Consumer Grievance Redressal Forum, the same shall not be treated to be time barred.

16. Statutory amount, if any, deposited by the appellants be returned to the appellants.

17. A copy of this Order be provided to all the parties free of cost as mandated by the Consumer Protection Act, 1986 /2019. The Order be uploaded forthwith on the website of the Commission for the perusal of the

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parties. The copy of this order be sent to the concerned District Commission for record and necessary information.

18. File be consigned to record room along with a copy of this Order.

**(Ms. Kumkum Rani)**  
**President**

**(Mr. C.M. Singh)**  
**Member**

Pronounced on: 06.11.2025