

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

**Quorum**

Shri Desh Deepak Verma, Chairman

Smt. Meenakshi Singh, Member

Shri I. B. Pandey, Member

**In the matter of:**

**Sub:** Petition under section 142 of the Electricity Act 2003 for non compliance of the CGRF's order in accordance with section 14 of UPERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2007.

Indus Tower Ltd. , B3/3-4 & D-3/34-37, Gomti Nagar, Lucknow.

Petitioner

Versus

1. Uttar Pradesh Power Corporation Ltd., 14, Ashok Marg, Shakti Bhawan, Lucknow (UP)
2. Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd., 4 Gokhale Marg, Lucknow
3. Managing Director, Paschimanchal Vidyut Vitran Nigam Ltd., Victoria Park, Meerut.
4. Managing Director, Dakshinanchal Vidyut Vitran Nigam Ltd., Urja Bhawan 220, K.V. Up-Sansthan Bypass Road Agra – 282007
5. Managing Director, Kanpur Electricity Supply Co. Ltd., 14/71, Civil Lines, KESA House, Kanpur.

Respondents

Present in the Hearing:

1. Sanchit Makhija, Indus Tower Ltd.
2. Hari Chand, Indus Tower Ltd.
3. Rupak Gautam, Indus Tower Ltd.
4. Indraneel, Indus Tower Ltd.
5. Kamalesh Chandra, Executive Engineer, UPPCL
6. Ravindra Kumar, Superintending Engineer, MVVNL
7. K. P. Khan, Executive Engineer, MVVNL

## ORDER

(Hearing on 8.7.2014)

Whereas the petitioner Indus Tower Ltd. , B3/3-4 & D-3/34-37, Gomti Nagar, Lucknow, has filed petition no. 922 / 2013, in the matter for non compliance of UPERC Supply Code Regulation by the Distribution Utilities in Uttar Pradesh.

The petitioner submitted that the present petition has been filed for non compliance of the UPERC Electricity Supply Code Regulation 2005, clause 6.1 (g) by the Distribution Utilities in Uttar Pradesh.

Clause 6.1 (g) :

“The Licensee shall dispatch the bills giving at least 15 days time to the consumer for making payments prior to the due date of payment. [*Where the bills are served to the consumer through hand held system, the consumer shall deposit the same within 7 days*]. The Bill shall contain details of the energy consumption, various charges, due date of payment, disconnection date, arrears, Security deposit details, rebates, extracts pertaining to consumer rights, Mode of payment and collection facilities, Telephone Nos. and address of Customer service, and call centers, where consumers can make bill related complaints, Telephone Nos. and address of Consumer Grievance redressal forums etc. In case of cheques and bank drafts, the receiving authority in whose favour the amount should be drawn should be clearly mentioned.”

He further submitted that time of only two to seven days is given to deposit the amount, so they are always paying late payment surcharge.

Shri A. S. Rakhra, Advocate on behalf of the respondent discoms submitted that the case pertains to individual consumer, so it is not maintainable in UPERC as per the Hon'ble Supreme Court and Hon'ble APTEL directions.

The Chairman UPPCL asked the petitioner whether he has approached UPPCL on this issue. The petitioner reply in affirmation and further submitted that no action has been taken.

The Chairman remarked that the UPPCL should have considered the matter as its may involve some changes in the procedures / processes.

The Commission finds that the petition pertains to individual consumer, so it is not maintainable before it in view of Hon'ble Supreme Court in the case of MERC Vs Reliance and Lloyds Steel Industries Ltd. (2007) 8 SCC 381.

The Consumer is directed to approach UPPCL and UPPCL is directed to decide the matter expeditiously. The consumer can also approach CGRF if need be.

(I. B. Pandey)  
Member

(Meenakshi Singh)  
Member

(Desh Deepak Verma)  
Chairman

Dated: 19.8.2014