

**PUNJAB STATE POWER CORPORATION LTD
CONSUMERS GRIEVANCES REDRESSAL FORUM
P-1, WHITE HOUSE, RAJPURA COLONY ROAD, PATIALA
PHONE: 0175-2214909 ; FAX : 0175-2215908**

Appeal No: CG-69 of 2013

Instituted On: 24.05.2013

Closed On: 09.07.2013

**M/s Gagan Phawa
C/o Sh. Prince Mehta,
601-R, Model Town,
Ludhiana.**

.....Appellant

Name of Op/Division: Model Town Spl.

A/c No.: W-32/MT53/0084

Through

Sh. Prince Mehta, PR

V/s

PUNJAB STATE POWER CORPORATION LTDRespondent

Through

Er. Sanjiv Prabhakar, ASE/OP. Model Town (Spl) Divn. Ludhiana

BRIEF HISTORY

Petition No. CG-69 of 2013 was filed against order dated 28.02.2013 of the CDSC, City West Circle, Ludhiana deciding that the account of the consumer may be overhauled from 12/2010 to 03/2012 @2101 units per bi-monthly and revised amount be recovered accordingly.

The consumer is having Domestic Supply connection bearing Account No. MT-53/0084, with sanctioned load as 13.07 KW, operating under Model Town (Spl) Divn. Ludhiana.

The meter reader, while recording readings for 02/2012, reported the status of the meter as defective ('D' code). The Internal Audit Party observed fall in consumption from 12/2010 as compared to consumption of previous periods. The account of the consumer was overhauled vide HM No. 68 dated 26.06.2012, from 12/2010 to 05/2012, on the basis of average of consumption recorded from 01/2010 to 05/2012 @3213 units per bi- monthly. The energy meter of the consumer was replaced vide MCO No. W 32/120455/4262 dated 04.07.2012 effected on 26.07.2012. The meter was tested in ME lab on 14.08.12 vide store challan No. 120810/51912. It was reported that pulse of the meter is blinking but reading is not moving forward (dead stop). The consumer was asked to deposit Rs.1,41,782/- as average charges, vide supplementary bill issued on 06.09.2012. The consumer did not agree to the demand so raised and got referred his case for review by CDSC, City West Circle, Ludhiana. Sh. Prince Mehta (Present owner) contended before CDSC that they have purchased the property (601 R Model Town Ludhiana) on 15.03.2011 from the previous owner Sh. Gagan Pahwa, whereas the account has been overhauled on the basis of consumption of the year 2010. CDSC heard the case on 28.02.2013 and decided that account for the period 12/2010 to 03/2012 be overhauled @2101 units per bi-monthly. On the basis of decision of CDSC, the consumer was asked to deposit Rs. 85,256/- vide AEE/Comml. Memo No. 407 dt. 03.05.2013.

Being not satisfied with the decision of CDSC, the consumer made an appeal in the Forum. The Forum heard the case in the proceedings held on 11.06.2013, 13.06.2013, 20.06.2013 and finally

on 09.07.2013. Then the case was closed for passing speaking orders.

Proceedings:-

PR contended that:

- I) **The appellant purchased property Bearing No. 601-R, Model Town, Ludhiana on 1-03-2011 from earlier owner Mr. Gagan Pahwa vide sale deed bearing wasika No. 19422 dt. 15-03-2011. Through the said sale deed Gagan Pahwa also sold the said electricity connection to the appellant. Even deed that prior to 15-03-2011, he will be responsible for all dues and bills. In the said property an electricity connection bearing No. W-32/MT53/0084 was existing in the name of Sh. Gagan Pahwa its earlier owner. Prior to this the appellant was living in 533-R, Model Town Ludhiana, which he has sold in Jan. 2011. There is no complaint or dispute of any type against the appellant and he has been regularly paying the bills to the department regularly.**
- II) **The appellant in his family have wife and one daughter. On the other hand Gagan Pahwa was residing in the property with his joint family consisting of 8 to 10 members. Before the date of purchase 15-03-2011 of this house remained locked for about one year as the joint family of Mr. Gagan Pahwa shifted to 264-R, Model Town, Ludhiana**
- III) **Since the date of purchase of the property the appellant is residing in the property in question along with his family members and is regularly paying the bills to the electricity department within time.**

- IV) In the month of June, 2012 the appellant doubted/observed some defect in the meter and informed the department in this regard. As such on the complaint of the appellant the MCO was done on 04-07-2012 and the meter was changed on 27-07-2012. No such information was given to the appellant regarding the checking of the meter. Nor the meter was checked in the presence of the appellant in ME. Lab.
- V) That thereafter the appellant was shocked to receive one demand notice demanding a sum of Rs. 1,41,782/- from the appellant. The applicant submitted objection in this regard to CLDSC; O/O Dy.CE/Op. City West Circle, PSPCL Sarabha Nagar , Ludhiana. After watching the circumstance the said office decreased the said demand and directed the appellant to pay an amount of Rs. 85,256/-.
- VI) As the said demand was also illegal, so the appellant filed an appeal before your good self for setting aside the said demand. In the said appeal Punjab State Power Corporation Ltd., Model Town (Spl.) Ludhiana sent a reply in which they hasty manner in which they alleged that the alleged demand was raised on the basis of average base from 01.10. to 10.10. In fact the appellant purchased the house on 15-03-2011. The department has to see the consumption from the date of purchase of house up to June. 2012. and then charge the amount.
- VII) That the demand raised by the CDSD is also totally illegal and is liable to be revised. No such temper and no such theft was ever made by the appellant. Due to the acts of the Punjab State Power Corporation Ltd., the appellant is suffering, mental tension pain and agony.

It is therefore, prayed that in view, of the above submission please re look and reassess this matter and justice be provided to the appellant.

- i) As per record, no such intimation was received by PSPCL. It is between purchaser & seller regarding payment of dues/bills. No change of name has been applied.
- ii) No such intimation was given to PSPCL regarding lock of premises & this office has no knowledge about No. of family members are residing. No document has been provided for shifting in house No. 264-R. Model Town.
- ii) As per record,
- iii) Meter was replaced vide MCO No. 120455/4262 on dead stop as accepted by the appellant. It was tested in ME Lab. on 14-08-2012 with the written consent of applicant. As such no presence in ME Lab. is required.
- iv) Audit party overhauled the account vide H.M. No. 68 dtd. 26-06-12 on the basis of average @ 3213 unit by taking base of consumption 1/10 to 10/10 & charged Rs. 1,41,782/-. On the decision of CLDSC account was recharged as Rs. 85256/- against Rs. 141782/-.
- vi) Demand is correct and legal and as per Rules and Regulations of PSPCL.
- vii) Demand was raised as per decision of CLDSC.

Both the parties have nothing more to say and submit and the case was closed for passing speaking orders.

Observations of the Forum:-

After the perusal of petition, reply, written arguments, proceedings, oral discussions and record made available to the Forum, Forum observed as under:-

DS connection bearing Account No. MT-53/0084 is in the name of Sh. Gagan Pahwa. The appellant, Sh. Prince Mehta, purchased the property, along with electricity connection, on 15.03.2011. Since then supply from the connection is being used by his family. The meter of the consumer was reported defective in 02/2012 by meter reader. The account of the consumer was overhauled from 12/2010 to 05/2012 @ 3213 units per bi-monthly. The basis of average has been taken from the consumption recorded during the period 01/2010 to 10/2010, when the house was occupied by the previous owner. CDSC revised the average from 3213 units to 2101 units, which is based on the average of consumption recorded for 217 days after the replacement of meter on 26.07.2012.

PR contended that the appellant purchased the property from the previous owner Sh. Gagan Pahwa on 15.03.11. Since the date of purchase of property, the appellant is residing in the property in question along with his family members. PR further contended that alleged demand was raised on the basis of average of consumption from 01/2010 to 10/2010, whereas the appellant purchased the property on 15.3.11. So the consumption thereafter should be considered before charging the average.

Representative of PSPCL contended that information regarding change of ownership of property was not given to PSPCL. The meter was replaced as the same was dead stop. The audit party overhauled the account @3213 units and Rs. 141782/- were

charged to the consumer. The amount was revised to Rs. 85256/- as per decision of CDSC.

Forum observed that the petitioner (present owner) has admitted the use of electricity from the connection from the date of purchase of property on 15.03.2011. The defective meter of the consumer was replaced on 26.07.2012 and new meter at initial reading of 1.48 was installed. As per LCR No.002/602 dated 27.02.2013, the meter reading was reported as 7598 and connected load of the consumer includes 5 no. ACs. The consumption with new meter works out to be 7597 units for the period 26.07.2012 to 27.02.2013, which means bi-monthly consumption of 2101 units. Forum also observed that the reading of 3521 units has been recorded in April, 2013 (as per consumption data) against 7598 units on 27.02.2013 as per LCR No.002/602, which prove the bogus readings recorded by the meter reader.

The meter was reported defective in 02/2012 by the meter reader. So, the overhauling of account for the preceding six months i.e. from 08/2011 to the date of replacement of meter on 27.06.2012, @2101 units is justified.

Decision:-

Keeping in view the petition, reply, written arguments, oral discussions, and after hearing both the parties, verifying the record produced by them and observations of Forum, Forum decides:

- That the account of the consumer be overhauled from 08/2011 to 27.06.2012 @ 2101 units, (on the basis of average of consumption recorded from 26.07.2012 to 27.02.2013).

- That the case of bogus readings by the meter reader, after the installation of new meter on 26.07.2012, be investigated for taking disciplinary action against the delinquent.
- That the balance amount recoverable/refundable, if any, be recovered/refunded from/to the consumer along-with interest/surcharge as per instructions of PSPCL.
- As required under Section 19(1) & 19(1A) of Punjab State Electricity Regulatory Commission (Forum & Ombudsman) Regulation-2005, the implementation of this decision may be intimated to this office within 30 days from the date of receipt of this letter.



(Rajinder Singh)
CAO/Member

(K.S. Grewal)
Member/Independent

(Er. Ashok Goyal)
EIC/Chairman