

**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 56 of 2013

Instituted On: 09.05.2013

Closed On: 27.06.2013

**Sh. Narinder Kumar,
2769, Sunder Nagar, Behind Ritambhra
Public School, Ludhiana.**

.....Appellant

Name of Op/Division: Sunder Nagar

A/c No.: **CW-01/370**

Through

Sh. Sukhminder Singh, PR

V/s

PUNJAB STATE POWER CORPORATION LTD

.....Respondent

Through

Er. G.S. Randhawa, Sr.Xen/OP. Divn. Sunder Nagar, Ludhiana.

BRIEF HISTORY

The petitioner has filed an appeal No. CG-56 of 2013 against order dated 02.02.2013 of ZDSC, Central Zone, Ludhiana, deciding that average already charged from 04/2012 to 08/2012 may be revised taking the actual consumption recorded during the base period i.e. 04/2011 to 08/2011 and bill raised in the month of 09/2012 on the basis of average due to 'C' code be revised with the average of actual consumption recorded in new meter instead of average with the corresponding month of previous year.

The petitioner is having MS category connection bearing Account No. CW 01/370 with sanctioned load of 73.86 KW, operating under Sunder Nagar/Op. Division, Ludhiana.

The connection of the consumer was checked by ASE/Enf-I, PSPCL, Ludhiana vide ECR No. 9/401 dated 03.08.2012. It was reported that the meter of the consumer was burnt.

The meter was replaced vide MCO No. 124302/4486 dated 09.08.2012 effected on 27.08.2012 and tested in ME/Lab on 13.09.2012. As per ME lab report, the meter reading could not be recorded on AC supply as well as on DC mode. The meter was reported as burnt vide Store Challan No. 120829/52750 dated 13.09.2012. On the basis of ME Lab report, the account of the consumer was overhauled for the period 04/2012 to 09/2012 as per the actual recorded consumption of the same months of previous year. AEE/ Sunder Nagar issued supplementary bill to the consumer for Rs. 512937/-. The consumer did not agree to the amount so raised and got referred his case for review by ZDSC Central Zone.

The ZDSC heard the case on 02.02.2013 and decided the case partially in favour of consumer. On the basis of decision of ZDSC the disputed amount was revised to Rs. 270394/- and consumer was asked to deposit the balance amount vide memo No. 777 dated 28.03.2013 of AEE/Commercial Sunder Nagar.

Being not satisfied with the decision of ZDSC, the consumer made an appeal in the Forum. The Forum heard the case on 23.05.2013, 30.05.2013 and finally on 27.06.2013. The case was closed for passing speaking orders.

Proceedings:-

Representative of PSPCL informed on mobile that the reply submitted on 23.05.2013 be treated as their written arguments.

On 27.06.2013, PR contended that their petition and written arguments be considered as a part of oral discussion.

Representative of PSPCL stated that their reply be considered as a part of oral discussion.

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:-

The ASE/Enforcement-I, Ludhiana checked the connection of the consumer on 03.08.2012 vide ECR No. 09/401 and reported the energy meter as burnt. The energy meter was also reported as burnt in ME lab vide its report dated 13.09.2012. The account of the consumer was overhauled for preceding six months i.e. from 04/2012 to 09/2012. The consumption of 6689 units, 6935 units and 4316 units was recorded in 04/2012, 05/2012 & 06/2012 respectively, whereas the account for this period has also been overhauled by treating the energy meter as defective/burnt.

PR contended that the meter was recording correct reading upto 06/2012 and official of PSPCL has recorded reading on dated 10.06.2012 as 1599143 KWH without any adverse remarks. The combined consumption of 05/2011 and 06/2011 was 23681 units. However while overhauling the account on the corresponding basis, the consumption for 5/2012 has been taken as 21007 units and for

6/2012 as 23681 units. Thus 21007 units were taken in excess against 5/2012 and 6/2012 while calculating the average charges. As per regulation no. 21.4(g)(ii) of Electricity Supply Code 2007, the accounts of the consumer can be overhauled for the period a burnt meter remained at site and for the period of direct supply. Even, if the whole period during which the burnt meter remained installed is considered then maximum period for which average should be charged is from 10.06.2012 to 27.08.2012.

PR further contended that Tubular and knitting machines were installed in the factory, however the use of Tubular was less as compared to previous year due to recession in the business. 2 no's tubular were sold on dated 02.04.2012 and 04.04.2012. After the sale of the tubular machines, there is clear fall in consumption from April, 2012 onwards as only knitting machines were in use from then onwards.

Representative of PSPCL contended that the meter of the consumer was reported burnt in ME lab and account of the consumer was overhauled for six months as per instructions of the department. The calculation mistake for 21007 units has been rectified after the decision of ZDSC. There was considerable fall in the consumption from April, 2012 onwards as compared to same period of previous year, as such the account was overhauled from 04/2012 to 09/2012. The consumption upto 06/2012 cannot be considered as correct when compared with consumption of previous years. Representative of PSPCL also contended that the consumer never informed his office about the change in nature of load/machinery.

Forum observed that in the month of June, 2012 (reading date 10.06.2012) meter reading was recorded as 1599143 and resultant consumption was 4316 units. Thereafter in the month of July, 2012 & August, 2012 same reading i.e. 1599143 was recorded and energy bills

on MMC were issued. The meter was reported burnt by ASE/Enf.I, Ludhiana vide ECR dated. 03.08.2012 and prior to this the energy meter was not declared defective/burnt by any authority. **The consumption recorded in 04/2012 & 05/2012 is matching with the average of consumption recorded after the replacement of meter on 27.08.2012. Thus Forum is of the view that meter of the consumer became defective/burnt sometime in June, 2012.** It is correct that regulation 21.4(g) (ii) of Electricity Supply Code & Related Matters Regulation prescribes for overhauling of account for the period a burnt meter remained at site and for the period of direct supply.

Forum also observed that the consumer never informed the department about the reduction of load/change of nature of load after the sale of tubular machines in April, 2012 and documentary proof submitted in this regard is not authentic. The consumption of the consumer during the previous periods up to March, 2012 has been recorded in the range of 15000-22000 units per month. However during April, 2012 & May, 2012 the consumption is 6689 units & 6935 units respectively. The consumption recorded after the replacement of meter on 27.08.2012 is in the range of 6000-7500 units per month. The decrease in consumption during 4/2012 & 5/2012 may be attributed to less production or any other reason but may not necessarily be the sale of tubular machine or defect in the meter. Thus the Forum came to the conclusion that overhauling of account for the period June, 2012 to the date of replacement of meter i.e. 27.08.2012, on the basis of consumption recorded from 02/2012 to 05/2012, is justified in such a situation.

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 06/2012 to 27.8.2012 on the basis of average of consumption recorded from 02/2012 to 05/2012.
- 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**