

**PUNJAB STATE POWER CORPORATION. LTD.
CONSUMERS GRIEVANCES REDRESSAL FORUM
P-I, White House, Rajpura Colony Road, Patiala.**

Case No. CG- 25 of 2013

Instituted on : 11.03.2013

Closed on : 02.05.2013

Sh. Inderjit Kapoor,

D-329, Ranjit Avenue,

Near Shivalik Public School,

Amritsar.

Appellant

Name of Op. Division: East Comml. Amritsar.

A/C No: GS-23/0749

Through

Sh. Inderjit Kapoor, Petitioner

V/S

Punjab State Power Corporation Ltd.

Respondent

Through

Er. Manohar Singh, Sr.Xen/Op. East Comml. Division, Amritsar.

BRIEF HISTORY

Petition No. CG-25 of 2013 was filed against order dt. 12.10.2012 of CDSC Suburban Circle, Amritsar deciding that the refund on the basis of

CG-25 of 2013

ME lab report for the period of six months prior to 21.07.2011 and for the period of 21.07.2011 & 02.09.2011 be given to the consumer and his account be overhauled accordingly.

The consumer having three phase DS category connection bearing Account No. GS-23/0749 with Sanctioned load of 10.90 KW operating under AEE/Comml. South Sub division Amritsar.

The consumer Sh. Inderjit Kapoor had challenged his meter by depositing Rs. 450/- as meter challenge fee on 21.7.2011. Meter was changed vide MCO No. A24/M/11/4883 dt. 21.07.2011 effected on dt 02.09.2011. The challenged meter with Sr. No. 2757718 was checked in the ME lab on dt 19.01.2012. As per ME lab report the accuracy results of the meter were outside the limits of ERS meter. During dial test ERS meter recorded 1.92 Kwh against 4 Kwh recorded by the challenged meter. So the meter was operating fast due to internal fault. On the basis of ME checking report consumer demanded that a refund of Rs. 1,87,189/- for the period from 2004 to 2011 be given for the excess payment of energy bills and an appeal in the CDSC Amritsar was filed by the consumer. The CDSC heard the case and decided on 12.10.2012 that a refund on the basis of ME lab report for the period of six months prior to 21.07.2011 and for the period of 21.07.2011 & 02.09.2011 be given to the consumer and his account be overhauled accordingly.

Being not satisfied with the decision of CDSC the consumer filed an appeal before the Forum and the forum heard the case in its proceedings held on 05.03.2013, 14.03.2013, 20.03.2013, 02.04.2013, 11.04.2013, 25.04.2013, 29.04.2013 and finally on 02.05.2013 when the case was closed for passing speaking orders.

Proceedings:

On dated 05.03.2013, No one appeared from both sides.

A fax message has been received on dt. 4-3-2013 from Sr.Xen/Comml. East Divn. Amritsar intimating that reply is not ready and requested for giving some another date.

On dated 14.03.2013, No one appeared from both sides.

Representative of PSPCL has not submitted reply on 05.03.2013 and 14.03.2013. The Forum has taken serious note of this and representative of PSPCL is directed to submit reply personally on next date of hearing.

On dated 20.03.2013, No one appeared from petitioner side.

Representative of PSPCL submitted authority letter in his favour duly signed by ASE/ East Comml. Divn. Amritsar and the same has been taken on record.

Representative of PSPCL submitted four copies of the reply and the same has been taken on record.

Representative of PSPCL is directed to handover a copy of the proceeding along with reply to the petitioner with dated signatures.

On dated 02.04.2013, No one appeared from petitioner side.

Representative of PSPCL submitted authority letter in his favour duly signed by Sr.Xen/ East Comml. Divn. Amritsar and the same has been taken on record.

Representative of PSPCL is directed to hand over the copy of the proceeding to the petitioner with dated signature.

On dated 11.04.2013, Representative of PSPCL submitted authority letter in his favour duly signed by Sr.Xen/East Comml. Divn. Amritsar, and the same has been taken on record.

Representative of PSPCL stated that the reply may be treated as their written arguments.

PR has sent written arguments by post and the same has been taken on record. One copy thereof has been handed over to the representative of PSPCL.

Representative of PSPCL is directed to hand over the copy of the proceeding to the PR under dated signature.

On dated 25.04.2013, PR submitted an application dt.17.04.2013 by post stating that he may be excused to present himself and the same has been taken on record.

Representative of PSPCL is directed to be present on dt. 29.04.2013 for oral discussions.

Secy/Forum is directed to send the copy of the proceeding to both the parties.

On dated 29.04.2013, Representative of PSPCL submitted Authority letter in his favour duly signed by Sr. Xen/East Commercial Divn., Amritsar which has been taken on record.

The absence of the Sr.Xen/Comml. East Divn.,Amritsar has been taken seriously by the Forum. Chief Engineer/Border Zone, Amritsar must ensure the presence of Sr.Xen/Comml. East Divn. Amritsar, as his representative on the next date of hearing as Sr.Xen/Comml. East Divn. Amritsar is not taking the directions of the Forum seriously.

Secretary/Forum is directed to send the copy of the proceeding to the Chief Engineer/Border Zone, Amritsar.

On dated 02.05.2013, Petitioner submitted that being a Sr. Citizen he cannot attend the Forum personally and sent oral discussion by post and requested that his petition and written arguments be also considered as a part of oral discussions.

Representative of PSPCL contended that the applications submitted by the consumer on dated 02.09.2009 and 12.07.2010 are not available in our record but photo copies supplied now confirmed that these applications were received in the sub division and further marked to the concerned JE (Sh. Pardeep Kumar ,JE) by then SDO (Er. Sukhdev Singh Sandhu) but no action appears to have been taken on these

applications. As per the record of the sub division no checking report is available of this connection for the last 3 years. Consumption record of the consumer for the year 2004 upto till date i.e. March, 2013 is submitted for consideration. Further the refund has been allowed as per decision of CDSC for the period March, 2011 to Nov.2011.

Representative of PSPCL is directed to hand over the copy of the proceeding to the petitioner under dated signature.

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 consumer having three phase DS category connection bearing Account No. GS-23/0749 with Sanctioned load of 10.90 KW operating under AEE/Comml. South Sub division Amritsar.

Forum observed that consumer has challenged the meter on 21.07.2011.

The meter was changed vide MCO dt. 21.07.2011 effected on 02.09.2011.

The challenged meter was checked in the ME lab. on 19.01.2012 . The ME lab reported in its findings that the meter was operating fast due to internal fault i.e. consumption as per ERS was 1.92 kwh and consumption as per meter was 4.00 kwh. On the basis of this ME report consumer

demanded a refund of Rs. 1,87,189/- from the period 2004 to 2011. CDSC decided to refund the excess amount charged for the period of six months prior to 21.7.2011 & from 21.7.11 to 2.9.11 on the basis of ME report as the meter was operating/running fast.

Forum further observed that the consumer requested the Sr.Xen/PSEB, Amritsar on dated 02.09.2009 and dated 12.07.2010 that his meter was running very fast and there was some serious technical fault in the meter. Though the concerned officer has marked the consumer's request to Er. Pardeep Kumar, JE on dated 03.09.2009 and 13.07.2010, but no action has been taken by the concerned JE.

Further the meter of the consumer was replaced in the year 2011 and checked in Jan.2012. ME lab checked the meter and reported that the accuracy result of the meter were outside the limit of ERS meter. During dial test challenged meter recorded 4.00 kwh against 1.92 kwh recorded by the ERS.

Further the consumption of the consumer recorded after the change of meter has been decreased and it varies from 487 units to 1425 units during the year 2012. Forum is of the view that the denial of refund due to running fast of the meter to the consumer from the period 6.7.2009 (the date of challenge) to 21.1.2011 (i.e. prior to six months from 21.7.11) is not justified .

Forum further observed that Sh. Pardeep Kumar, JE failed to take timely action on the representations of the consumer dated 2.9.09 and dated 12.7.2010, causing unnecessarily harassment to the consumer. An appropriate action against the concerned JE be taken under intimation to the Forum.

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 on the basis of meter running fast as per ME Lab report for the period 6.7.2009 to the date of change of meter.**
- **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 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.**

(Harpal Singh)

CAO/Member

(K.S. Grewal)

Member/Independent

(Er. Ashok Goyal)

EIC/Chairman