

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

Appeal No: CG-46 of 2013  
Instituted On: 17.04.2013  
Closed On: 23.05.2013

**M/s Technomac India Ltd. ....Appellant**  
**121, Phase-7, Industrial Area, Mohali**  
**Mohali.**

A/c No.: MS-57/0074

Through

Sh. R.S.Dhiman, PR

V/s

**PUNJAB STATE POWER CORPORATION LTD .... Respondent**

**Name of Op/Division: Op. Spl. Mohali.**

Through

**Er. A.K.Sharma, ASE/OP.(Spl.) Divn. Mohali.**

**Brief History:**

The petitioner has filed appeal No. CG-46 of 2013 against order dt. 06.12.2012 of ZDSC Patiala deciding that the account of the consumer be overhauled on the basis of LDHF formula for the period 03.09.2011 to 06.12.2011, when the meter remained abnormal.

The petitioner is having MS category connection in the name of M/S Technomac India, Ltd. Mohali with sanctioned load 96.89 KW operating under AEE/Comml. Unit-II, Mohali.

In the month of 10/2011 i.e. from 05.09.2011 to 04.10.2011 the consumption recorded was 63236 kwh and the consumer was billed for CG-46 of 2013

Rs. 3,68,040/- for the said month. The average energy consumption of the consumer was about 5000 kwh from the period 04/2011 to 08/2011. The consumer challenged the meter by depositing Rs.50,000/- out of this bill. The meter was changed vide MCO No. 11/3615 dated 28.10.2011 effected on 03.12.2011. The final reading recorded on the MCO was 1260683 kwh and 1631815 kvah. The meter was checked in the ME lab. Ropar and reported vide no.35 dt. 16.12.2011 that the meter was dead stop. The energy bill for the month of 11/2011 was issued for Rs. 3,72,070/- after adjusting Rs. 50,000/- already deposited by the consumer. The consumer deposited only Rs.25290/- and the energy bill along with surcharge has become due Rs. 3,58,937/- upto the month of 03/2012.

The consumer made an appeal in the ZDSC South, Patiala after depositing 20% of the disputed amount of Rs. 3,58,937/-. The ZDSC heard the case and decided on 06.12.2012 that the account of the consumer be overhauled on the basis of LDHF formula for the period from 03.09.2011 to 06.12.2011 when the working of the meter was abnormal. Consumer not satisfied with the decision of the ZDSC and made an appeal in the Forum. Forum heard the case on 30.04.2013, 09.05.2013 and finally on 23.05.2013 when the case was closed for passing speaking orders.

**Proceedings:**

On dated 18.04.2013, PR submitted four copies of the written arguments and the same has been taken on record. One copy thereof has been handed over to the respondent.

Representative of PSPCL stated that the reply submitted by them on dt.02.04.2013 be treated as their written arguments.

On dated 30.04.2013, Representative of PSPCL submitted authority letter vide memo No. 3504 dt. 29.04.2013 in his favour duly signed by ASE/Op. Division, Mohali 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. One copy thereof has been handed over to the PR.

On dated 09.05.2013, Representative of PSPCL submitted authority vide letter No.3713 dt. 08.05.2013 in his favour duly signed by ASE/ Op. Divn. (Spl.) Mohali and the same has been taken on record.

Representative of PSPCL stated that their reply submitted on 30.04.2013 be considered as their written arguments.

PR stated that their petition be considered as their written arguments.

Representative of PSPCL is directed to supply consumption data of the consumer for the period 01.01.2008 to 02.02.2010 on the next date of hearing.

On dated 23.05.2013, In the proceeding dated 09.05.2013, representative of PSPCL was directed to supply consumption data of the consumer for the period 01.01.2008 to 02.02.2010 on the next date of hearing and the same has been supplied and taken on record.

PR contended that the petitioner's meter registered 63236 units from 03.09.2011 to 03.10.2011 against its normal consumption of 4000/5000 units per month. This being abnormal, petitioner challenged the meter. On this the disputed meter was checked by Sr XEN Enforcement on 28.11.2011 and the same was changed on 06.12.2011 as the checking officer found the meter defective showing "Display" appearing on the screen. There after the meter was checked in ME lab Ropar on 16.12.2011. The ME lab also reported the meter defective as the same was found dead and its pulse was missing. Efforts were made in the lab to down load the meter data as per directions of ZDSC

but according to the report of SDO ME lab Ropar, DDL could not be taken as the meter was “not responding.”

The facts mentioned above leave no doubt about the disputed meter being defective. As such the decision of ZDSC to charge the petitioner on the basis of LDHF formula is totally wrong and misplaced. As per supply Code 2007, this formula is to be used in case of theft of electricity and unauthorized use of electricity. But the petitioner’s case does not fall in either of these categories. As such the decision of ZDSC needs to be set aside and the petitioner’s account is liable to be overhauled on average basis from 03.09.2011 to 06.12.2011 in accordance with Reg 21.4(g) (i) of supply code 2007.

Representative of PSPCL contended that the reference to the earlier reply submitted on dated 30.04.2013 and the decision of the ZDSC, it is submitted that the decision given by the said committee i.e. the consumption for the period 03.09.2011 to 06.12.2011 for the period for which meter consumption was abnormal and consumer is charged LDHF formula is correct because average consumption in case of industry cannot be taken into account as the consumption varies depending upon the production/no. of job orders placed to the industrial consumer. It is ,therefore, submitted that the decision given by the ZDSC is correct and the amount charged is recoverable.

PR further contended that ES Code clearly specifies the cases to be covered under LDHF formula. Cases of section 126 and Section 135 of EA-2003 are to be dealt according to LDHF formula as per the supply code whereas in case of defective meters Reg. 21.4(g) is applicable which takes care of variation in energy due to production etc in the industry. It is pertinent to add that in the presence case the consumption has fallen considerably after the change of meter. it is , therefore, requested that this fall should also be taken into account as provided in the above said regulation.

Representative of PSPCL further contended that the proof of the less consumption as claimed by the petitioner is not given, therefore,

conclusion cannot be drawn regarding the less consumption of the industry as claimed by the petitioner.

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:-

Forum observed that the energy consumption recorded in the month of 10/2011 (05.09.2011 to 04.10.2011) was 63236 kwh and consumer was billed for Rs.3,68,040/- and he challenged the meter, the meter was checked in ME lab. and found dead. An appeal was made by the consumer in the ZDSC Patiala. The ZDSC decided that the account of the consumer for the disputed period 03.09.2011 to 06.12.2011 be overhauled on the basis of LDHF formula.

Forum further observed that as per consumption chart the monthly energy consumption of the consumer varies from 2057 kwh to 7935 kwh from Jan.2007 to Feb.2010 for the previous period. Further the consumption of the consumer after the change of meter varies from 3000 to 5000 units during the period 01/2012 to 04/2012. Forum is of the view that consumption of 63236 units in a period of one month not seems to be possible as the consumer's monthly consumption never exceeds 7935 units before and after change of energy meter. Further the meter was found dead stop. So the recording of correct consumption by challenged meter is doubtful. Further the charging to the consumer on the basis of LDHF formula is not correct in this case, as it is not a theft case and the previous consumption of the consumer is also available.

**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 for the disputed period (03.09.2011 to 06.12.2011) be overhauled on the basis of same period of the previous year.
- 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 order.

(Harpal Singh)

CAO/Member

( K.S. Grewal)

Member/Independent

( Er. Ashok Goyal )

EIC/Chairman