**COURT OF THE LOK PAL (OMBUDSMAN), ELECTRICITY, PUNJAB,**

 **PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,**

 **S.A.S. NAGAR (MOHALI).**

 **APPEAL NO. 33/2018**

**Date of Registration : 20.06.2018**

**Date of Hearing : 04.10.2018 and 11.10.2018**

**Date of Order : 17.10.2018**

**Before:**

 **Er. Virinder Singh, Lok Pal (Ombudsman) Electricity**

**In the Matter of :**

Harminder Singh,

c/o Iqbal Singh

# 347/31,

Guru Arjan Dev Nagar,

 Ludhiana

 ...Petitioner

 Versus

Senior Executive Engineer,

CMC Division(Special),

PSPCL, Ludhiana

 ..Respondent

**Present For: 1.** Sh.Harminder Singh,

 Petitioner.

 2. Sh.Deepak Jindal, Advocate,

 Petitioner’s Counsel (PC).

 3. Sh.Gurpreet Singh,

 Petitioner’s Reprepsentative (PR).

Respondent : Er. Sukhbir Singh,

 Senior Executive Engineer.

 Before me for consideration is an Appeal preferred by the Petitioner against the order dated 23.05.2018 of the Consumer Grievances Redressal Forum (Forum) in Case No.CG-78 of 2018 deciding that:

“ *Energy bills generated from 31.03.2017 to 03.05.2017 against the consumption of 22,130 kWh units and from 03.05.2017 to 10.01.2018 against the consumption of 18,794 kWh units are on actual consumption justified and recoverable*”.

**2**. **Facts of the Case:**

 The relevant facts of the case are that:

1. The Petitioner was having a Domestic Supply Category connection

with sanctioned **load of 4 kW** and metering was done by providing **Three Phase Four Wire**, Whole Current,10-60A, Energy Meter.

1. The connection was checked by the Addl.SE, Enforcement-3, Ludhiana

vide ECR No.13/3356 dated 03.05.2017**,** ***on the basis of complaint*** and connected load was found to be 10.530 kW. DDL was not taken. The Checking Officer directed the Respondent to replace the said Energy Meter and send it to ME Laboratory for further checking.

1. The Energy Meter was replaced vide Device Replacement Application

No.100005241797 dated 10.01.2018 at the Final Reading of kWh = 053952 and kVAh = 060761.

1. An Energy bill dated 08.01.2018 was issued for Rs.1,65,195/-

(Current energy charges Rs.1,93,870/- less Arrear of current financial year i.e. Rs.28,675/-) was issued against consumption of 22,130 kWh units for the period from 31.03.2017 to 03.05.2017(37 days).

1. Thereafter, the Petitioner was served an energy bill dated

10.01.2018 for Rs.3,25, 602/- (Current Energy charges Rs.1,60,407/- plus Arrear of current financial year Rs.1,65,195/-) against consumption of 18,794 kWh units for the period from 03.05.2017 to 10.01.2018 (252 days).

(vi) The Petitioner did not agree with the bill dated 10.01.2018 for Rs.3,25,602/- and filed a Petition dated 08.03.2018 in the Forum, who, after hearing, passed the order dated 23.05.2018. (Reference Page-2, Para-1).

1. Not satisfied with the decision of the Forum, the Petitioner preferred an

 Appeal in this Court and prayed to stay the operation of order dated 23.05.2018 and also stay the payment of electricity bill dated 10.01.2018 during the pendency of the present Appeal and order not to charge on the disputed amount of the electricity bill ibid.

**3**. **Submissions made by the Petitioner and the Respondent:**

 Before undertaking analysis of the case, it is necessary to go through written submissions made by the Petitioner and reply of the Respondent as well as oral submissions made by the Representatives of the Petitioner and the Respondent alongwith material brought on record by both the sides.

1. **Submissions of the Petitioner**:

The Petitioner made the following submissions for consideration of this Court:

1. The Petitioner was having a Domestic Supply Category connection

with sanctioned load of 4 kW.

1. The Petitioner was served with an exorbitant energy bill dated

10.01.2018 for Rs.3,25, 602/- (Current Energy charges Rs.1,60,407/- plus Arrear of current financial year Rs.1,65,195/-) against consumption of 18,794 kWh units for the period from 03.05.2017 to 10.01.2018 (252 days).

1. Prior to issuance of the said bill, energy bill dated 08.01.2018 of

Rs.1,65,195/- (Current energy charges Rs.1,93,870/- less Arrear of current financial year i.e. Rs.28,675/- ) against consumption of 22,130 kWh units for the period from 31.03.2017 to 03.05.2017 (37 days) was issued.

1. The Petitioner did not agree with the aforesaid exorbitant energy bill of

Rs.3,25,602/- and filed a Petition dated 08.03.2018 in the Forum, who, after hearing, passed the order dated 23.05.2018 upholding the bills raised by the Respondent.

1. The Petitioner was having a small residential house and was not

running any commercial shop or factory or industry where the connection was installed. Besides, the house had not been let out to any tenant etc. The Petitioner was living with its small family. By no stretch of imagination, there could be such a huge amount of energy consumption. The two sons of the Petitioner were residing in Jammu. Even if, all the electric gadgets in the house of the Petitioner were operated for 24 hours, continuously every day, even then, such a huge energy of this magnitude could not be consumed.

1. The Forum had not even compared the disputed consumption of the

Petitioner’s house with that of the corresponding period of previous year. The consumption for the month of May 2017 was only 401 units whereas the bill served for this year for May 2018 was for 28135 units which was highly unbelievable, illogical and illegal. The disputed energy consumption was apparently wrong, arbitrary and based only on presumptions especially in view of the latest energy bill served upon the Petitioner for a period of 65 days from 27.03.2018 to 30.05.2018 which was only for 3223 units.

1. In view of the submissions made above, the Appeal may be accepted.
2. **Submissions of the Respondent**:

 The Respondent, in its defence, submitted the following for consideration of this Court:

1. A Domestic Supply category connection, bearing Account

No.3002294934with sanctioned load of 4 kW, was running in the name of Sh. Iqbal Singh.

1. After filing the Petition in the Forum on 08.03.2018 for review of the

amount charged vide bill dated 10.01.2018, the Petitioner applied for connection and extension of load to 11 kW bearing Account No:3004893845. The Petitioner wilfully concealed this fact that it had extended its load to 11 kW. As such, Sh. Harminder Singh was not authorised to file the case in this Court, because when the cause of action had arisen, the connection was in the name of Sh. Iqbal Singh from whom he had purchased this built house and the Petitioner, Sh.Harminder Singh did not fall under the definition of consumer under Regulation-2(O) of the Supply Code-2014.

1. The connection of the Petitioner was checked by the Addl.SE,

Enforcement -2, PSPCL, Ludhiana vide ECR No.13/3356 dated 03.05.2017 and the Petitioner was found violating Schedule of Tariff issued by Hon’ble PSERC, as the connected load of the Petitioner was found at site as 10.530 kW against the sanctioned load of 4 kW. The reading of the Energy Meter, installed was taken and found to be on a higher side then that entered by the then Meter Reader. The Energy Meter of the Petitioner was replaced vide Device Replacement Application No.100005241797 dated 10.01.2018 and thereafter checked in ME Laboratory vide ME challan no.1041 dated 11.01.2018 and its accuracy was within limit with final reading as 053952 kWh and kVAh=060761. DDL indicated that the Petitioner used approximately 13 kW load against sanctioned load of 4 kW.

1. The Energy Bills for the period from 31.03.2017 to 03.05.2017 had

been rightly issued to the Petitioner on dated 08.01.2018 for a sum of Rs.1,65,200/- for 22,130 units as per reading of 35130 on checking of the connection vide ECR 13/3356 dated 03.05.2017 and for 18,794 units on 10.1.2018 for the period from 03.05.2017 to 10.01.2018 as per the reading of 053924 while checking vide Load Checking Register (LCR) no.100/1247 dated 10.01.2018 for a sum of Rs.3,28,300/- which included the amount of unpaid bill issued on 08.01.2018 as arrear and based on actual consumption of the Petitioner for the period from 31.03.2017 to 10.01.2018 for the period of 285 days.

1. The Meter Reader concerned, who had been generating the bill on

bogus reading, admitted its lapse by giving the justification that the Energy Meter was at 10 feet height and it was not able to take actual reading.

1. Strict action had already been taken against the delinquent Meter

Reader by terminating of its services.

1. The disputed Energy Meter had been replaced and installed on

10.01.2018 at appropriate position and the Petitioner was being billed on actual reading/consumption.

1. As per DDL report, the consumption recorded for the period from

24.09.2017to 01.01.2018 (100 days), was 3,409 units (53948-50539). Thus, the Petitioner’s average consumption of this lean period was 34 units per day while the consumption of the Petitioner for the period from 03.05.2017 (date of checking) to 11.01.2018 (date of replacement of Energy Meter) was 18974 units for 252 days and worked out to around 74.58 units daily which was correct for such kind of load and period which included summer season.

1. As per checking dated 03.05.2017 by Enforcement and as per LCR

No.100/1247 dated 10.01.2018, **it was a clear case of accumulated concealed reading.**

1. The order dated 23.05.2018 of the Forum was just and fair and may be

upheld.

**4. Analysis**

 The issue requiring adjudication is the legitimacy of the energy bills of the connection raised/generated from 31.03.2017 to 03.05.2017 against the consumption of 22,130 kWh units and from 03.05.2017 to 10.01.2018 against the consumption of 18,794 kWh units as per applicable rules/regulations.

*The points emerged are deliberated and analysed as under:*

1. The present dispute arose after the connection installed at the premises

of the Petitioner was checked by the Addl.SE, Enforcement-3, Ludhiana, vide ECR No.13/3356 dated 03.05.2017**,** ***on the basis of complaint*** and connected load was found to be 10.530 kW. DDL was not taken. The Respondent was directed to bring the Energy Meter in ME Laboratory for checking. Accordingly, the Energy Meter was replaced on dated 10.01.2018 at the Final Reading of kWh = 053952 and kVAh = 060761. The Energy Meter was got checked from ME Laboratory on dated 11.01.2018wherein the accuracy of Energy Meter was checked and found within limits and Final Readings were 053,952 kWh and 060,761 kVAh. The DDL was also taken. DDL Report was studied and it was found that cumulative energies at 06:50:30 hrs on 01.01.2018 were 53952.44 kWh and 60761.30 kVAh. The cumulative values of kWh at 24.00 hrs also show that Reading on 01.01.2018 was 53948.14 kWh, which matched almost with the Final Reading. The DDL report also showed that the Petitioner used 13 kW load before 13.05.2016. *I have perused the decision of the Forum mentioning that Meter Reader admitted that it was generating the bills on bogus readings with the justification that Energy Meter was at a height above 10 feet and that he was not able to take actual reading. The Petitioner also confirmed during the course of hearing in this Court that the disputed Energy Meter was installed above 10 feet height.*

1. Petitioner’s Counsel contended that the Petitioner was having a small residential house and not running any commercial shop or factory or industry where the connection was installed. Besides, the house had not been let out to any tenant etc. The Petitioner was living with its small family. Petitioner’s Counsel added that by no stretch of imagination, there could there be such a huge amount of energy consumption. The two sons of the Petitioner were residing in Jammu. Even if, all the electric gadgets in the house of the Petitioner were operated for 24 hours, continuously every day, even then, energy of this magnitude could not be consumed. Petitioner’s Counsel argued that the Forum had not even compared the disputed consumption of the Petitioner’s house with that of the corresponding period of previous year. The consumption for the month of May, 2017 was only 401 units whereas the bill served for this year for May, 2018 was for 28,135 units which was highly unbelievable, illogical and illegal. The disputed energy consumption was apparently wrong, arbitrary and based only on presumptions especially in view of the latest energy bill served upon the Petitioner for a period of 65 days from 27.03.2018 to 30.05.2018 which was only for 3,223 units.

The Respondent, in its defence, stated that As per DDL report, the consumption recorded for the period from 24.09.2017 to 01.01.2018 (100 days) was 3409 units (53948-50539). Thus, the Petitioner’s average consumption of this lean period was 34 units per day while the consumption of the Petitioner for the period from 03.05.2017 (date of checking) to 11.01.2018 ( date of replacement of Energy Meter) was 18,794 units for 252 days and worked out to around 74.58 units daily which was correct for such kind of load and period which included summer season. As per checking dated 03.05.2017 by Enforcement and also as per Load Checking Register (LCR) dated 10.01.2018, **it was a clear case of accumulated concealed reading**.

 During the course of hearing, Petitioner’s Counsel also pleaded that consumption recorded, after replacement of the disputed Energy Meter on 10.01.2018, energy consumption from 01/2018 to 09/2018 viz-a-viz that of during disputed period of 04/2017 to 01/2018 showed that its averments regarding excessive consumption during disputed period were correct. With a view to check the authenticity of the contention of the Petitioner’s Counsel, the Respondent was directed to send the consumption data for the last 5 years by e-mail. In response, the Respondent sent the details of energy consumption for the period from 01/2013 to 10/2018. A perusal of these details revealed that as per reading recorded by the new Energy Meter (after replacement of the disputed Energy Meter on 11.01.2018), on 27.03.2018, 30.05.2018, 30.07.2018 and 03.10.2018, the energy consumption was 1026, 3223, 4676 and 4491 kWh respectively which was much more than the energy consumption shown during the period from 01/2013 to 03/2017 as is evidenced from a comparative study of the energy consumption during pre-disputed and post disputed period given below:

|  |  |
| --- | --- |
| **Pre disputed period** | **Post disputed period** |
| Date of Meter Reading | Consumption(kWh) | Date of Meter Reading | Consumption(kWh) |
| 02.04.2014 | 593 | 27.03.2018 | 1026 |
| 07.06.2014 | 38 | 30.05.2018 | 3223 |
| 16.08.2014 | 298 | 30.07.2018 | 4676 |
| 12.10.2014 | 327 | 03.10.2018 | 4491 |
| 21.12.2014 | 213 |  |  |
| 10.04.2015 | 242 |  |  |
| 02.07.2015 | 830 |  |  |
| 31.10.2015 | 6370 |  |  |
| 20.212.2015 | 602 |  |  |
| 24.03.2016 | 734 |  |  |
| 25.05.2016 | 965 |  |  |
| 04.08.2016 | 1087 |  |  |
| 29.09.2016 | 1213 |  |  |
| 05.12.2016 | 887 |  |  |

 *I observe that the above details coupled with the Checking Report of the Enforcement and the ME Laboratory confirms the impression that energy consumption shown in the records by the then Meter Reader, during the disputed period from i.e. from 31.03.2017 to 10.01.2018, was not bonafide/genuine. I also observe that the Petitioner’s Counsel has not been able to bring any evidence on record for meriting consideration on merit for setting aside the disputed energy bills dated 08.01.2018 and 10.01.2018 raised against the Petitioner.*

 From the above analysis, it is concluded that energy bills generated from 31.03.2017 to 03.05.2017 against the consumption of 22,130 kWh units and from 03.05.2017 to 10.01.2018 against the consumption of 18,794 kWh units are on actual consumption basis and the amount so charged is recoverable from the Petitioner.

**5. Decision**

 **As a sequel of above discussions, the order dated 23.05.2018 of the Forum in Case No.CG- 78 of 2018 is upheld.**

**6**. The Appeal is disposed off accordingly.

**7**. In case, the Petitioner or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016.

 (VIRINDER SINGH)

October 17, 2018 LokPal (Ombudsman)

S.A.S. Nagar (Mohali) Electricity, Punjab.