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

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

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

 **APPEAL NO. 56/2018**

**Date of Registration : 30.08.2018**

**Date of Hearing : 13.12.2018**

**Date of Order : 27 .12.2018**

**Before:**

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

**In the Matter of :**

 Bimal Kumar Gupta,

 H.No.3385, New Janta Nagar,

Gill Road,

Ludhiana.

 ...Petitioner

 Versus

Additional Superintending Engineer,

Estate (Special) Division ,

PSPCL, Ludhiana.

 ...Respondent

**Present For:**

Petitioner : 1. Bimal Kumar Gupta,

 Petitioner

 2. Sh.R.S.Dhiman,

 Petitioner’s Representative (PR).

Respondent : 1. Er.Daljeet Singh,

 Addl.Superintending Engineer.

 DS Estate Division (Special) Ludhiana

 2. Sh.Krishan Singh,

 Revenue Accountant

 Before me for consideration is an Appeal preferred by the Petitioner against the order dated 27.07.2018 of the Consumer Grievances Redressal Forum (Forum) in Case No.CG-205 of 2018 deciding that :

*“ Account of the Petitioner from 06/2015 to 12/2015 be overhauled by divided the total consumption recorded during the period 06/2015 to 12/2015 equally in each month”.*

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

 The relevant facts of the case are that:-

1. The Petitioner was having a Medium Supply category connection,

bearing Account no.3002957273 with sanctioned load of 29.690 kW and contract demand (CD) of 32.990 kVA. The Metering is being done by providing LT-CT Operated static Energy Meter.

1. The Petitioner was served a bill dated 18.01.2016, for the

consumption of 15,754 kVAh units, amounting to Rs.1,17,790/- for the period from 30.11.2015 to 31.12.2015.

1. The working of the Energy Meter was challenged by the Petitioner

on 29.01.2016. Accordingly, the same was checked by the Addl. S.E/Enforcement-2, PSPCL, Ludhiana vide ECR No.5/937 dated 02.02.2018 and accuracy of the Energy Meter was found within limits. The Enforcement also directed to get the Energy Meter replaced and then checked from the M.E. Laboratory and DDL be got done in the M.E. laboratory.

1. The Energy Meter was replaced vide Device Replacement

Application No.100001601375 dated 04.02.2016, effected on 14.03.2016 and sent to the M.E. Laboratory, vide challan no.2012 dated 15.06.2016, for testing whereafter it was reported that accuracy of the Energy Meter was within permissible limits and DDL of the Energy Meter was taken. On dumping, the DDL data was found corrupted and print out of the

DDL could not be taken.

1. Based on the findings of the M.E. Laboratory, the Petitioner was

directed/asked to pay the disputed bill.

1. The Petitioner did not agree with the billed amount and filed a

Petition in the Zonal Dispute Settlement Committee (ZDSC), Ludhiana, which, after hearing, passed the following order:

“*The Committee studied the whole case and keeping in view the consumption pattern of the consumer, decided that account of the consumer from 08/2015 to 01/2016 be overhauled by splitting the total consumption during this period and raise the demand accordingly. The case is decided.”*

1. Not satisfied with the decision of the Zonal Dispute Settlement

Committee (ZDSC), Ludhiana, the Petitioner filed a Petition in the Forum, who, after hearing, passed the order dated 27.07.2018. (Reference Page-2, Para-1).

1. Aggrieved with the decision of the Forum, the Petitioner preferred

an Appeal in this Court and prayed to set aside the undue charges raised against the Petitioner in the interest of justice.

**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 Representative of the Petitioners and the Respondents 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 Medium Supply category connection,

bearing Account no.3002957273, with sanctioned load of 29.690 kW and contract demand (CD) of 32.990 kVA.

1. The Petitioner received a bill of Rs.1,17,790/- in the month of

01/2016 for consumption of 15,754 kVAh units.

1. The working of the Energy Meter was challenged by the Petitioner

on 29.01.2016, whereafter the Energy Meter of the Petitioner was checked on 02.02.2016 by the Addl.S.E/Enforcement-2, PSPCL, Ludhiana, who issued directions to get the Energy Meter replaced and checked from the M.E. Laboratory.

1. Accordingly, the Energy Meter was replaced on 14.03.2016 and sent

to the M.E. Laboratory for testing on 15.06.2016. During testing, the accuracy of the Energy Meter was found within permissible limits and DDL was taken. But on dumping, the DDL data was found corrupted, so, print out of the DDL could not be taken.

1. Based on the results of accuracy of the Energy Meter, the Petitioner

was asked to pay the disputed bill.

1. Dissatisfied with the whole exercise, the Petitioner filed a Petition in

the Zonal Dispute Settlement Committee (ZDSC), Ludhiana, who, after hearing, passed the order dated 23.05.2017 which was not acceptable to the Petitioner who felt constrained to file a Petition in the Forum. After hearing, the Forum passed the order dated 27.07.2018 without considering the merits of the case and on the basis of assumptions and speculation that the Meter Reader had been recording wrong reading.

1. The present case was a clear case of **jumping of the Energy Meter**

as the consumption shown by the disputed Energy Meter from 30.11.2015 to 31.12.2015 was all time high. Such a high consumption was not recorded before and after the disputed billing period of 30.11.2015 to 31.12.2015.

1. The nature of Petitioner’s work involved threading of iron bars

where the consumption of electricity was quite low as compared to the installed load.

1. In view of the submissions made above, the undue charges raised

against the Petitioner may be set aside in the interest of justice.

**( b ) Submissions of the Respondent:**

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

**(i)** The Petitioner was having a Medium Supply Category connection

with sanctioned load of 29.690 kW and contract demand (CD) as 32.990 kVA.

1. The energy bill for the period from 30.11.2015 to 31.12.2015 was

issued to the Petitioner on 18.01.2016 for consumption of 15,754 kVAh units, amounting to Rs.1,17,790/-.

1. The Petitioner challenged the working of Energy Meter on

29.01.2016 alleging it was running fast.

1. The connection was checked by the Addl.S.E/Enforcement-2, on the

intimation/ request of AEE (Tech), Estate Division (Special), PSPCL, Ludhiana vide ECR No.05/937 dated 02.02.2016. After

checking, the Enforcement directed to replace the Energy Meter and get the same checked from M.E. Laboratory where DDL was taken.

1. During the aforesaid checking dated 02.02.2016, the Meter readings

recorded as per ECR were 1,08,294.3 kWh, 1,28,416.6 kVAh and demand as 30.694 kVA.

1. The Energy Meter of the Petitioner was replaced vide Device

Replacement Application No.100001601375 dated 04.02.2016, effected on 14.03.2016. The readings recorded were 1,12,160 kWh, 1,33,216 kVAh and 61.68 kVA( as recorded on Device Replacement Application).The Energy Meter was sent to M.E. Laboratory, Ludhiana vide Challan No.2012 dated 15.06.2016 and the report recorded on the Challan and reported as under:

“*The accuracy of the Energy Meter was found within permissible limits. DDL was taken. Sr.Xen, ME Laboratory, Ludhiana vide memo no.751 dated 06.06.2018 intimated the Addl.SE/DS Estate Division (Special), Ludhiana that the DDL of the Energy Meter, make L&T was corrupted on dumping*”.

1. Aggrieved, the Petitioner filed a Petition in the Zonal Dispute

Settlement Committee (ZDSC), Ludhiana, which, after hearing, decided on 23.05.2017 as under:

“*The Committee studied the whole case and keeping in view the consumption pattern of the consumer, decided that*

*account of the consumer from 08/2015 to 01/2016 be overhauled by splitting the total consumption during this period and raise the demand accordingly. The case is decided.”*

1. In compliance to the decision of ZDSC, Ludhiana, revised

calculations were worked out as per which, the amount of Rs.97,380/- (Rs.86,137+ interest Rs.11,243) was found recoverable. Accordingly, a notice was issued to the Petitioner to deposit the same vide memo no.3219 dated 07.08.2017.

1. Not satisfied with the decision of the ZDSC, the Petitioner filed a

Petition in the Forum, who, after hearing, passed the order to overhaul the account of the Petitioner from 06/2015 to 12/2015 by dividing the total consumption recorded during the period 06/2015 to 12/2015 equally in each month. Thus, the Forum had given relief of two months (06/2015 and 07/2015) to the Petitioner by modifying the order of the ZDSC.

1. In view of the submissions made above, the Appeal may be

dismissed.

**5. ANALYSIS:**

 The issue requiring adjudication is the legitimacy of the amount of Rs.1,17,790/- in the bill dated 18.01.2016 for the period from 30.11.2015 to 31.12.2015 for consumption of 15,754 kVAh units.

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

1. The present dispute arose after the Petitioner was served a bill dated

18.01.2016 for energy consumption of 15,754 kVAh units amounting to Rs.1,17,790/- for the period from 30.11.2015 to 31.12.2015. During the course of hearing, Petitioner’s Representative argued that the order dated 27.07.2018 of the Forum was passed on the assumption that the Meter Reader had been recording wrong readings of the Energy Meter. Petitioner’s Representative (PR) added that the present case was a clear case of **jumping of the Energy Meter** as the consumption shown by the disputed Energy Meter from 30.11.2015 to 31.12.2015 was all time high. Such a high consumption was not recorded before and after the disputed billing period ibid.

1. A perusal of the consumption data on recordshowed that Zero

consumption had been recorded during the month of 06/2015, 10/2015 and 11/2015 immediately before the Energy Meter was stated to have gone defective as observed from bill dated

18.01.2016 wherein abnormal energy consumption of 15,754 kVAh units was shown. Besides, the consumption before and after the replacement of the Energy Meter on 14.03.2016 was almost similar implying that the consumption recorded by both the Energy Meters was more or less identical. I observe that the Forum had decided the case by issuing directions for overhauling the account from 06/2015 (when consumption recorded was Zero) to 12/2015 by taking total consumption recorded during the period from 06/2015 to 12/2015, equally in each month which is not just and fair. Actually, the billing is being done in kVAh consumption but, in M.E. Laboratory, Accuracy/Dial test in Reactive Mode (kVARh) had not been checked/done, in the absence of which, it can not be ascertained as to whether Reactive Part of Energy Meter was O.K or not. The DDL Report dated 21.12.2018 taken at 12:27 hours in M.E. Laboratory, Ludhiana sent by the Respondent vide e-mail dated 24.12.2018 at 13:30 hours has been studied. From the billing report, it is seen that Cumulative Energies on 21.12.2018 at 12:27 hours were as under:

 kWh = 1,12,213

 kVAh = 1,33,269.70

The Energy Meter was removed from site on 14.3.2016 when. the readings were as under:

kWh = 1,12,160

 kVAh = 1,33,216

I find that the readings taken in the M.E. laboratory on 15.06.2016 were higher than taken at site on 14.03.2016.

 I observe that there is a difference in readings of the disputed Energy Meter at the time of taking DDL on 15.06.2016 and 21.12.2018 because at the time of testing of the said Energy Meter in the M.E. laboratory, Accuracy/Dial Test was taken at different loads and Power Factor, which contributed in increase in reading due to running of Energy Meter. The consumption of 53 kVAh units took place during testing in the M.E. laboratory on 15.06.2016 and 21.12.2018.

1. After deliberations, the Addl. S.E, Estate Division (Special),PSPCL,

Ludhiana was directed orally followed by a reference vide memo no.1787/OEP/A-56/2018 dated 13.12.2018, to ascertain whether the Energy Meter of the Petitioner, removed from its premises on 14.03.2016, was available in the DS Office and if so, Accuracy/ Dial test in Reactive Mode at various loads and Power Factor be got done, latest by 20.12.2018, in the presence of the Petitioner or its representative. The Respondent was further directed to send the report of the M.E. Laboratory after checking, by e-mail. As the requisite response was not received by the said date, the Addl.SE, Estate Division (Special), PSPCL, Ludhiana was requested telephonically to send the aforesaid report immediately, but the testing of the Energy Meter could be done only on 21.12.2018 and report of the M.E. laboratory was sent to this Court on 24.12.2018 after telephonic requests. Brief of the results of the meter in Reactive Mode:

*Load* *100% 75% 50% 25% 10%*

*Results +0.10 +0.08 -0.08 -0.10 -0.16*

 I find that on receipt of the disputed bill dated 18.01.2016 for the period from 30.11.2015 to 31.12.2015, the Petitioner challenged the working of the Energy Meter on 02.02.2016. In response, the connection was checked by the Addl. S.E/Enforcement-2, Ludhiana who found that the accuracy of the Energy Meter was within limits and directed for its replacement and testing in M.E .Laboratory. Accordingly, the said Energy Meter was replaced on 14.03.2016 and tested on 15.06.2016 in the M.E. Laboratory which also reported that accuracy of the disputed Energy Meter was within limits. I also find that DDL was taken in M.E. Laboratory but on dumping, it got corrupted.

 From the above analysis, it is concluded that the contention of the Petitioner’s Representative regarding jumping of Energy Meter is not sustainable. Rather, the consumption of 15,754 kVAh units shown in bill dated 18.01.2016 was the result/outcome of wrong readings entered in Meter Reading record by the Meter Reader as also observed by the Forum. However, the order dated 27.07.2018 of the Forum to divide the total consumption recorded during 6/2015 to 12/2015 equally in each month is not legitimate and does not refer to any rule/regulation, on the basis of which the same has been passed.

 **5. Decision:**

 **As a sequel of above discussions, the order dated 27.07.2018 of the Forum in Case No.CG-205 of 2018 is set-aside. It is held that the amount charged to the Petitioner in the bill dated 18.01.2016 , on account of consumption of 15,745 kVAh units for the period from 30.11.2015 to 31.12.2015, is correct and recoverable. Accordingly, the Respondent is directed to recover the amount after adjustment, if any, without interest/surcharge as the Respondent failed to check the variation in energy consumption as per Instruction No.107.2 of ESIM.**

**6**. The Appeal is disposed of 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)

December 27, 2018 Lok Pal (Ombudsman)

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