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

**ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 69/2018**

**Date of Registration : 04.12.2018**

**Date of Hearing : 31.01.2019**

**Date of Order : 08.02.2019**

**Before:**

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

**In the Matter of :**

 Rajesh Singhania,

S/o late Sh. Chander Bhan,

H.No. 1157,

Gandhi Colony, Near KSM Road,

Rajpura.

 ...Petitioner

 Versus

 Addl. Superintending Engineer,

DS Division,

PSPCL, Rajpura.

 ...Respondent

**Present For:**

Petitioner : Rajesh Sanghania,

 Petitioner.

Respondent : Er. Gurvinder Singh,

AEE/Commercial,

DS Division,

PSPCL, Rajpura.

Before me for consideration is an Appeal preferred by the Petitioner against the order dated 30.10.2018 in Case No. CG-355 of 2018 of the Consumers Grievances Redressal Forum (Forum) deciding as under:

*“Petitioner be billed for the month of 10/2017 on the basis of consumption assessed as per LDHF formula and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year as per Regulation 21.5.2 (d) of the Supply Code-2014.”*

**2. Facts of the Case:**

 The relevant facts of the case are that:

1. The Petitioner was having a Domestic Supply (DS) Category connection, in the name of his late father, Sh.Chander Bhan, with sanctioned load of 1.5 kW.
2. The Petitioner challenged the working of Energy Meter on 03.10.2017 which was replaced vide Device Replacement Application No. 100004713719 dated 03.10.2017, effected on 24.10.2017 at the reading of 4,828 kWh. The disputed Energy Meter was got checked on 25.10.2017 from the ME Lab where the accuracy of the Energy Meter was found within limits.
3. The Petitioner received a bill dated 21.10.2017 for the consumption of 1,565 kWh units, amounting to Rs. 11,455/-. Another bill of dated 18.12.2017 for the consumption of 1,191 kWh units, amounting to Rs. 22,000/- was issued which included the arrear of bill dated 21.10.2017.
4. The Petitioner did not pay the bill of 10/2017 and filed a Petition in the Divisional Dispute Settlement Committee (DDSC) which, decided on 04.07.2018 that:

*“ wjhBk 10$2017 dk fpZb fgSb/ ;kb d/ ;/w ghfonv dh ygs b? e/ ;'X fdsk ikt/ .”*

1. Aggrieved with the decision of the DDSC, the Petitioner filed a Petition dated 13.09.2018 in the Forum, who, after hearing, passed the order dated 30.10.2018 (Reference Page-2 Para-1).
2. Not satisfied with the decision of the Forum, the Petitioner preferred an Appeal in this Court and prayed that “ *w/o/ rohp s/ ofjw ehsk ikt/ ih, w/o/ whNo dk BikfJi G/fink fpZb wkc eoB dh feqgkbsk ehsh ikt/ ih .”*

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

 Before undertaking analysis of the case, it is necessary to go through the 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 along with material brought on record by both the sides.

**(a) Submissions of the Petitioner**:

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

1. The Petitioner was the resident of House No. 1157, Gandhi Colony, Rajpura Town and having an electricity connection in the name of its late father, Shri Chander Bhan and paying the electricity bills regularly.
2. The bills for the electricity consumption was coming on higher side for the last three years and paying the same on time. However, the working of the Energy Meter was challenged on 03.10.2017 on receiving the bill of 10/2017.
3. To avoid any harassment, the Petitioner finally made the payment in 10/2017 and filed a Petition in the Dispute Settlement Committee, Rajpura which allowed refund of Rs. 3,325/- which was not acceptable to the Petitioner.
4. When the Petitioner and its brother were living in the same premises, bills issued were in the normal range. However, when they started living separately in the same premises for the past about three years, the bill of the Petitioner (having no family) started coming on the higher side, which could be verified after the checking of the record of the past 5-6 years.
5. The energy bills of the brother of the Petitioner living in the same premises with its family, having a separate Energy Meter, were in the range of Rs. 4,000/- while the bills of the Petitioner were to the tune of Rs. 6,800/- approximately despite the fact that the Petitioner was not married and had no family. Besides, there was no submersible motor or a washing machine in the premises of the Petitioner.
6. The Petitioner filed a Petition in the CGRF, Patiala, who, after hearing, decided the case on 30.10.2018.
7. The Petitioner was neither given Energy Meter challenge report nor any parallel Meter was installed to check the reading.
8. The officials of the office of the Respondent told the Petitioner that there was a possibility of fault in the wiring which had already been got checked by the Petitioner and found O.K.
9. In view of the submissions made above, the amount charged to the Petitioner may be set-aside.
10. **Submissions of the Respondent:**

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

1. The Petitioner was having a Domestic Supply Category connection, bearing Account No. 300059411, with sanctioned load of 1.5 kW in the name of its late father, Sh.Chander Bhan. The load of the Petitioner was checked vide LCR No.99/118 dated 27.09.2018 and found 2.980 kW load with two Split Air conditioners found installed.
2. The Petitioner regularly paid the electricity bills upto 25.08.2017 and thereafter on 21.10.2017, it was served with a bill of Rs.11,870/- for 1,565 units, whereafter, the Petitioner challenged the working of the Energy Meter, which, in turn, was checked and replaced on 23.10.2017 and a new Energy Meter with 0 reading was installed at the premises of the Petitioner.
3. Subsequently, a bill dated 18.12.2017 was issued to the Petitioner with a consumption of 1,191 kWh units amounting to Rs.22,000/- including arrear of bill for 10/2017.
4. Aggrieved with the bill amount, the Petitioner filed a Petition in the DDSC, Rajpura, which, after hearing, decided on 04.07.2018 that the bill of 10/2017 may be overhauled on the basis of LYSM (last year same month) consumption. Accordingly, compliance was done and a refund of Rs..3,323/- was given to the Petitioner.
5. Not satisfied with the decision of the DDSC, Rajpura, the Petitioner preferred a Petition on 13.09.2018 in the CGRF, who, after hearing, passed the order dated 30.10.2018 holding that the bill for the month of 10/2017 be adjusted as per LDHF formula on the basis of consumption recorded in the corresponding period of the succeeding year. Based on the said decision, a refund of Rs.8,265/- was made to the Petitioner.
6. The Petitioner had challenged the Energy Meter in the year 2016 and again in the year 2017 and on both occasions, the accuracy of the Energy Meter was found within limits in the ME laboratory vide challan No.183/04.01.2017and challan No.35-B/ 25.10.2017 respectively. The Energy Meter, bearing Sr. No. 650059, recorded 5,325 kwh units of energy consumption from 11.07.2015 to 20.10.2016 (464 days) and was removed on 20.10.2016 and Energy Meter bearing Sr. No. 8917002 (the disputed one) was installed which recorded 4,828 kWh units energy consumption from 20.10.2016 to 21.10.2017 (336 days).
7. A perusal of the consumption pattern, showed that whenever, the Petitioner challenged the Energy Meter, the consumption increased from the previous average which was due to the fact that the Petitioner was using more electricity at that time or there was accumulation of the reading of earlier period.
8. Keeping in view the above facts, the decision of the Forum be set aside and the billed amounts actually charged to the Petitioner as per actual reading may be upheld, so that it deposited full amount charged on the basis of reading of the Energy Meter whose accuracy was found within limits in the M.E.Laboratory.
9. **Analysis:**

The issue requiring adjudication is the legitimacy of the bill dated 21.10.2017 amounting to Rs. 11,455/- issued to the Petitioner for the consumption of 1,565 kWh units.

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

1. In the present dispute, the Petitioner’s grievance is that it

received an inflated bill dated 21.10.2017 for the consumption of 1,565 kWh units recorded by the Energy Meter installed in a small house on a plot of 135 Sq. Yards in the name of its late father, Shri Chander Bhan, despite the fact that it had no family (being unmarried) and the sanctioned load of the electricity connection installed was very small i.e. 1.5 kW. The Petitioner submitted that when the Petitioner and its brother were living in the same premises, bills issued were in the normal range. However, when they started living separately in the same premises for the past about three years, the bill of the Petitioner (having no family) started coming on the higher side, which could be verified after the checking of the record of the past 5-6 years. Neither Energy Meter challenge report was given to the Petitioner nor any parallel Energy Meter was installed to check the reading of the disputed Energy Meter. The officials of the Respondent told the Petitioner that there was a possibility of fault in the wiring which had already been got checked by the Petitioner and found O.K.

I find from perusal of material available on record that the Petitioner and its brother, Shri Suresh Kumar were having the same electricity connection previously but had separate Energy Meters during the year 2015. I also find that the Petitioner challenged the working of the Energy Meter installed at the premises of the Petitioner were checked as per details given below:

**Date of Checking**  **Results**

04.01.2017 Accuracy within limits

25.10.2017 Accuracy within limits

 (ii) During the course of hearing, the Petitioner reiterated the submissions made in the Petition and prayed for setting aside

the excess amount charged to it in the bills raised. With a view to reassess the accuracy or otherwise of the Energy Meter currently installed at the premises, the Respondent was directed orally and also vide e-mail dated 31.01.2019 to get the accuracy of the same checked from the Enforcement.

1. In response to the above directions, the Respondent informed, vide e-mail dated 05.02.2019, after checking the connection installed at the premises of the Petitioner that the accuracy of the Energy Meter was checked by the Enforcement in the presence of the Petitioner and it was found within limits.

(iv) The Forum, vide its order dated 30.10.2018, decided that the Petitioner be billed for the month of 10/2017 on the basis of consumption assessed as per LDHF formula and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year as per Regulation 21.5.2 (d) of Supply Code 2014.

I have perused the said Regulation 21.5.2 (d) of the Supply Code-2014, which reads as under:

***“(d) Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per LDHF formula and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.”***

1. The Energy Meter which was challenged in the Year 2016,

was removed on 20.10.2016 and consumed 5,325 kWh units from 11.07.2015 to 20.10.2016 in 464 days. Similarly, the Energy Meter which was removed in the Year 2017, consumed 4,828 kWh units from 20.10.2016 to 21.10.2017 in 366 days. The current Energy Meter had consumed 4,312 kWh units from 21.12.2017 to 20.10.2018 in 364 days.

 From the above, it is evident that average per day consumption recorded by the above Energy Meters was 11.48 units/ day, 13.19 units / day and 11.85 units/ day respectively. Both the connections (Petitioner’s and his brother’s) were checked vide Load Checking Register (LCR) No. 99/118 dated 27.09.2018 (disputed one) and noticed two number Split Air Conditioners installed of 1.5 kW rating at the premises of the Petitioner. Another connection bearing Account No. 3000594594 in the name of Shri Suresh Kumar was also checked vide LCR No. 100/118 dated 27.09.2018 and noticed that one No. Window A.C. of 1.5 ton was installed.

 I find that vide order dated 04.07.2018 of the DDSC, Rajpura, refund of Rs.3,323/- was made to the Petitioner for 441 units, after account of the Petitioner for the billing during 10/2017 was overhauled on the basis of billing during 10/2016. Subsequently, as per order dated 30.10.2018 of the Forum, relief of Rs.8,265/- was allowed to the Petitioner on the basis of provisions of Regulation 21.5.2(d) of the Supply Code-2014.

 From the above analysis, it is concluded that the Petitioner has not placed any valid evidence on record of this Court to prove its contention that the Energy Meter was inaccurate or the consumption considered after overhauling its account as per Order dated 04.07.2018 of DDSC, Rajpura and Order dated 30.10.2018 of the CGRF and resultant billed amount was still on higher side as also evidenced from the consumption data placed on the record. The Petitioner has already been given a relief of Rs.11,588/- by the DDSC and the Forum. As such, the claim for further relief by the Petitioner is not sustainable.

1. **Decision:**

**As a sequel of above discussions, the order dated 30.10.2018 of the Forum in Case No. CG-355 of 2018, is upheld.**

1. The Appeal is disposed of accordingly.
2. In case, the Petitioner or the Respondent (Distribution Licensee) 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 the Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations – 2016.

 (VIRINDER SINGH)

February 08, 2018 Lok Pal (Ombudsman)

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