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

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

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

 **APPEAL NO. 30/2019**

**Date of Registration : 14.06.2019**

**Date of Hearing : 20.08.2019**

**Date of Order : 06.09.2019**

**Before:**

 **Er. Virinder Singh, Lokpal (Ombudsman), Electricity**

**In the Matter of :**

Bhavna Poddar,

c/o A.P. Traders,

Backside Shaan Dyeing, Seera Road,

Rahon Road, Ludhiana.

 ...Petitioner

 Versus

Additional Superintending Engineer,

DS Sunder Nagar Division (Special),

 PSPCL, Ludhiana

 ...Respondent

**Present For:**

Petitioner : Sh.Anurag Poddar,

 Petitioner’s Representative (PR).

Respondent : Er. B.S.Sidhu,

 Additional Superintending Engineer,

 DS Sunder Nagar Division (Special),

 PSPCL, Ludhiana.

 Before me for consideration is an Appeal preferred by the Petitioner against the order dated 16.05.2019 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No.CGL-105 of 2019 deciding that:

(i) “*The account of the Petitioner be overhauled, as per the reading available in DDL report from 01.09.2017 till replacement of Meter and prior to this, from the date of installation of new MS Category Meter till 31.08.2017, by equally dividing the total consumption of this period on monthly basis, as per the relevant tariff applicable from time to time.*

1. *Chief Engineer/DS, Central Zone, PSPCL, Ludhiana is*

*directed to fix responsibility and initiate action against the delinquent officer(s)/official(s) of PSPCL , for causing un-wanted harassment to the Petitioner and recurring revenue loss to the Corporation, by inordinate delay in issuing correct bill and not updating data in the system for more than one and a half year.”*

**2. Facts of the Case**:

 The relevant facts of the case are that:

1. Originally, the Petitioner applied for a Small Power (SP) Category

Connection with load of 19.560 kW and the same was released in the year 2016. Subsequently, the Petitioner requested on 07.06.2016 for conversion of Small Power (SP) category into Medium Supply (MS) category with extension in load to 59.540 kW and contract demand (CD) of 60 kVA which was sanctioned and released on 24.11.2016 for which, the metering was done by providing LT CT operated Static Energy Meter.

1. The Petitioner was issued energy bills correctly up to 02.11.2016

whereafter, the energy bills were issued on “S” code (Meter not at Site) up-to 02/2018.

1. The readings of the Energy Meter were not allegedly taken by the

Respondent after extension in load i.e. after change of the category of the connection from Small Power (SP) to Medium Supply (MS).

1. In 05/2018, the energy bill was issued on the basis of the Energy

Meter reading as kWh=1,59,021 and kVAh=1,59,611 amounting to Rs 5,50,890/-. This bill was for the period from 02.11.2016 to 21.05.2018 (565 days).

1. The Petitioner did not agree with the aforesaid bill and challenged

the working of the Energy Meter. The Energy Meter was checked at site in the presence of Petitioner Representative by the Addl.S.E, Enforcement-1, Ludhiana vide ECR No. 30/484 dated 13.08.2018.The accuracy of the Energy Meter was checked and found within permissible limits. Since the meter was challenged by the Petitioner, the Enforcement issued directions to replace the Energy Meter during checking at site and get the same checked from the ME Laboratory. DDL was also taken at the site in the presence of Petitioner’s Representative.

1. The Energy Meter was replaced vide Device Replacement

Application No.100006377356 dated 17.08.2018, affected on 17.08.2018 itselfand got checked from the ME Laboratory on dated 23.08.2018 with the consent of the Petitioner. The accuracy of the Energy Meter was found within permissible limits by the ME Laboratory.

1. The Petitioner did not agree with the said bill and filed a Petition

dated 03.04.2019 in the Forum, who, after hearing, passed the order dated 16.5.2019 (Reference Page-2, Para-1).

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

an Appeal in this Court and prayed to quash the amount raised in all the earlier bills issued from 02.11.2016 till 17.08.2018 and charge, for this period, by taking average monthly consumption, based on actual consumption recorded by the new Energy Meter after installation from 17.08.2018 till date.

**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 along with 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 (MS) Category

Connection with sanctioned load of 59.540 kW and contract demand (CD) of 60kVA. Previously, the connection was released under Small Power Category in 2016.

1. The Petitioner applied for extension in load from 19.560 kW to

59.540 kW and conversion of category from Small Power (SP) to Medium Supply (MS) category on 07.06.2016 and extension/conversion was affected on 24.11.2016.

1. The extension in load and change of category from Small Power to

Medium Supply effected on 24.11.2016 was reflected first time in the bill for April 2017 issued for a period of 159 days. It was conveyed to the Petitioner that due to change of the Energy Meter, a fresh consolidated energy bill was issued for Rs 1,34,681/- for 159 days, out of which, Rs 92,190/- were deducted/adjusted as paid earlier. The Petitioner promptly paid the balance amount of Rs 42,490/-.

1. Thereafter, energy bills for the months of May 2017 and June 2017

amounting to Rs 12,600/- and Rs 14,250/- respectively were received and paid by the Petitioner.

1. In July 2017 again, energy bill for Rs 2,01,972/- for 243 days was

raised wherein the Petitioner was charged Rs 40,630/- after giving a credit for previous payments.

1. On enquiry, it was conveyed that due to some error, previous

readings were hypothetical and it was fresh energy bill with actual reading, by rectifying all the earlier faulty readings.

1. Thereafter, energy bills for the months of August, September and

October 2017 were received and paid by the Petitioner without any hesitation.

1. In the month of January 2018, a consolidated energy bill amounting

to Rs 3,61,547/- was raised for 438 days and a credit for previous payments of Rs 3,38,271/- was given to the Petitioner and balance amount of Rs 23,280/- was paid by the Petitioner.

1. The Petitioner again enquired from the Respondent and it was

conveyed that due to reading errors, earlier bills were hypothetical and now everything stood corrected with actual readings and it was final consolidation.

1. In the month of February 2018, the Petitioner received the energy

bill amounting to Rs 13,940/- for 31 days which was paid by the Petitioner in time. Thus, the Petitioner had received consolidated bills three times conveying that reading of the Energy Meter shown in the bill were erroneous and also that the Respondent-PSPCL had rectified the previous omissions and the energy bill issued in 02/2018 was the final and correct bill.

1. Thereafter, the Petitioner did not receive any energy bill from the

Respondent till 23.05.2018 when it received another consolidated bill amounting to Rs 9,29,782/- for 565 days mentioning therein previous payments of Rs 3,78,896/-, demanding a whopping Rs 5,50,886/-.

1. The Petitioner immediately contacted the office of the Respondent,

but was told about its helplessness for the system lapse. The Petitioner was also advised to challenge the Energy Meter. The Petitioner agreed and deposited Rs 18,500/- on this account.

1. After the Petitioner challenged the working of the Energy Meter, a

report of the ME Laboratory, which was in favour of the Respondent-PSPCL stating that the said Energy Meter was OK.

1. Aggrieved with the same, the Petitioner filed a Petition before the

Dispute Settlement Committee and continued to avail the consumption of electricity and deposited a sum of Rs 1,70,000/- on 26.10.2018, Rs 50,000/- on 11.12.2018, Rs 25,000/- on 19.01.2019 and Rs 20,000/- on 28.02.2019.

1. The average amount of the consumption was approximately Rs 800/-

 per day and the Petitioner was ready to pay accordingly till date.

1. Not satisfied with the findings of the Forum, the Petitioner filed an

appeal in this court and requested to quash the decision of the Forum. The bills from 02.11.2016 to 08/2018 shall be prepared on actual (average consumption recorded by new Energy Meter).

1. **Submissions of the Respondent:**

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

1. Originally, a Small Power Category Connection was sanctioned to the Petitioner in the year 2016. Subsequently, the Petitioner applied for extension in load on dated 07.06.2016 from 19.560 kW to 59.540 kW and conversion of category from Small Power to Medium Supply Category which was released on 24.11.2016.
2. The Petitioner was billed on the basis of actual reading till 02.11.2016. Reading of the Energy Meter was not taken under Medium Supply (MS) category and the energy bills were issued to the Petitioner on ‘S’ Code basis i.e. “Meter Not At Site”.
3. In the month of May 2018, the Petitioner was billed on actual consumption basis amounting to Rs 5,50,890/- ( i.e. for 1,59,021 kWh/1,59,611 kVAh units) wherein all ‘S’ Code energy bills were adjusted. The said bill was not excessive but was issued on actual reading.
4. The Petitioner filed a Petition in the Forum, who, vide its order

dated 16.5.2019, decided that the account of the Petitioner be overhauled, as per the reading available in DDL report from 01.09.2017 till replacement of Meter on 17.08.2018 and prior to this, from the date of installation of new MS Category connection till 31.08.2017, by equally dividing the total consumption of this period on monthly basis, as per the relevant tariff applicable from time to time*.*

1. The accuracy of the Energy Meter was found within limit by ME as reported in Challan No.2451 dated 23.08.2018.
2. The account of the Petitioner was overhauled on the basis of the decision of the Forum and Notice, bearing No.1955 dated 11.06.019, was issued to the Petitioner.
3. In view of the submissions made, the Appeal may be dismissed.

**4.** **Analysis:**

The issue requiring adjudication is the legitimacy of the amount charged to the Petitioner after overhauling its account due to updation of data of energy consumption in the SAP system of PSPCL from 02.11.2016 to 17.08.2018 (the date of replacement of the Energy Meter).

 *The points emerging in the case are deliberated and analysed as under:-*

1. The present dispute arose after the Petitioner, initially having a

Small Power (SP) Category connection with sanctioned load of 19.560 kW, was sanctioned extension in load to 59.540 kW with contract demand (CD) of 60 kVA along with change of category from Small Power to Medium Supply Category ( on its request) affected on 24.11.2016. Petitioner’s Representative (PR) stated that the said change was reflected for the first time in the bill for April 2017 issued for a period of 159 days amounting to Rs 1,34,681/- and it was conveyed to the Petitioner that due to change of Category of connection and Energy Meter, this consolidated bill was issued wherein Rs 92,190/- were deducted/adjusted as paid earlier. The Petitioner paid the net balance amount of the said bill for Rs 42,490/-. Petitioner’s Representative (PR) added that bills subsequently received were detailed as under:

|  |  |  |
| --- | --- | --- |
|  **Month** | **Amount (INR)** | **Remarks** |
| May 2017 | 12,600/- | Paid by the Petitioner. |
| June 2017 | 14,250/- | Paid by the Petitioner. |
| July 2017 | 2,01,972/- | The bill was issued for 243 days after giving a credit of Rs 40,630/- for previous payments. |
| August 2017  toOctober 2017 | - | Paid by the Petitioner. |
| January 2018 | 3,61,547/- | Consolidated Energy Bill for 438 days was issued after giving credit of Rs 3,38,271/-for previous payments. Net balance amount of Rs 23,280/- paid by the Petitioner. |
| February 2018 | 13,940/- | Bill was for 31 days and paid in time. |
| May 2018 | 9,29,782/- | Bill was for 565 days containing the adjustment of Rs 3,78,896/- paid previously with Net amount payable as Rs 5,50,886/- |

Petitioner’s Representative (PR) also contended that average amount of consumption of the Petitioner’s connection was of Rs 800/- per day and it may be charged accordingly till date.

1. At the end of the deliberations during hearing dated 20.08.2019, the

Addl.S.E, DS Sunder Nagar Division (Special), PSPCL, Ludhiana was directed, orally and also vide this office Memo No.828/OEP/A-30 dated 20.08.2019 (under intimation to the Petitioner), to get SECURE Energy Meter (presently installed at the premises of the Petitioner) be completely checked along with its accuracy from the Addl. S.E./Enforcement, PSPCL, Ludhiana in the presence of the Petitioner and send a copy of the Checking Report along with complete DDL and copy of the ECR to this Court latest by 30th August 2019.

1. In compliance to the above directions, the Addl.S.E., DS Sunder

Nagar Division (Special), Ludhiana sent e-mail dated 02.09.2019 followed by DDL dated 21.08.2019 (of the Petitioner’s connection) received on 03.09.2019. Mid Night Snap Shot from DDL was studied. A perusal of Mid night Snap Shot of kWh and kVAh reading revealed that daily readings from 13.06.2019 to 21.08.2019 were found recorded and consumption from 13.06.2019 to 30.06.2019 was 259 kVAh units, from 01.07.2019 to 31.07.2019 was 1129 kVAh units and from 01.08.2019 to 21.08.2019 was 644 kVAh units.

 I find from the above data that there is huge difference in consumption per day which ranges from 2 kVAh units to 68 kVAh units. This shows that the consumption of the Petitioner’s connection varies from day to day depending upon the work in its Factory. It is felt that the DDL of Secure make Meter taken on 21.08.2019 at 15:39 hours does not represent the consumption pattern of the period of dispute as these days, due to crisis in textile industry, the production in the Petitioner’s unit may be at the lowest ebb. Besides, as per LDHF formula, the per month consumption for single shift comes out to 7,144 units, which matches almost with the consumption recorded during the disputed period when L & T make Energy Meter was installed, summarising that the Energy consumption has been commensurate to the production of the unit. Also, the consumption data reveals that during 2016, (maximum) consumption was 11,757 kVAh units and in 2017, it was 18,726 kVAh units while in 2018, upto the replacement of the Energy Meter on 17.08.2018, was 5,195 kVAh units, After replacement of the Energy Meter on 17.08.2018 maximum consumption recorded was 6,831 kVAh units during 10/2018. Since the Energy Meter challenged by the Petitioner of L&T Make was found O.K during checking by ME Lab on 23.08.2018, the decision of the Forum does not warrant interference by this Court.

**6. Conclusion**

 From the above analysis, it is concluded that the plea of the Petitioner about charging for excess/abnormal consumption from 02.11.2016 to 17.08.2018 is not sustainable as evidenced from study of checking report dated 23.08.2018 of ME Lab and DDL dated 21.08.2019. As such, the amount charged to the Petitioner for the period from 24.11.2016 (date of installation of MS Category connection) till 17.08.2018 (the date of replacement of the Energy Meter), as decided by the Forum, vide order dated 16.05.2019 is correct and recoverable, without interest.

**7.** **Decision:**

**As a sequel of above discussions, the order dated 16.05.2019 of the CGRF, Ludhiana in Case No. CGL- 105 of 2019 is upheld as per conclusion arrived at in para 6 above.**

**8.** The Appeal is disposed of accordingly.

**9**. 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)

September 06, 2019 Lok Pal (Ombudsman)

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