**CORPORATE CONSUMERS GRIEVANCES REDRESSAL FORUM**

**PUNJAB STATE POWER COPROPRATION LIMITED**

**220 KV S/Stn. Opp. Verka Milk Plant, Ferozepur Road, Ludhiana**

**Tel: 0161-2971912, email: secy.cgrfldh@gmail.com**

**CASE NO.: CF-097/2023**

**Date of Registration : 04.08.2023**

**Date of Closing : 29.08.2023**

**Date of Final Order : 11.09.2023**

**In the Matter of:**

 **Smt. Rupa Goel w/o Sh. Bharat Bhushan,**

**H. No. 125, Shivalik Avenue-2,**

**Sector-125, Mohali.**

**A/c No.: 3005196057.**

**Through:**

Sh. Rupa Goel  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Division,

PSPCL, Mohali. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-97/2023 has been filed in this Forum against the decision dated 11.05.2023 of Divisional CGRF, DS Division, PSPCL, Mohali, in the matter related to A/c no. 3005196057, in the name of Smt. Rupa Goel. The Petitioner is having DS connection with the sanctioned Load of 8.00 KW under DS Special Division, PSPCL, Mohali. Petitioner was issued bill dated 10.12.2022 for the period from 20.11.2022 to 10.12.2022 for a consumption of 362 KWH on N-code average basis amounting to Rs. 3340/- which was deposited by him. Thereafter next bill dated 12.01.2023, was issued for the period from 20.11.2022 to 12.01.2023 on D-code average basis, for a consumption of 579 KWH amounting to Rs. 5400/-. Petitioner did not agree to these bills and gave request to ASE/DS Divn., Mohali on 16.01.2023 to correct these bills although he deposited the first bill. Meter of the petitioner being defective was replaced vide MCO no. 100020426339 dated 18.01.2023 effected on 03.04.2023. Meanwhile petitioner was issued bill dated 05.02.2023 on D-code average basis for the period from 12.01.2023 to 05.02.2023 amounting to Rs. 8940/- (including previous unpaid arrears amounting to Rs. 5294/-). Petitioner was then issued bill dated 03.04.2023 on D-code average basis amounting to Rs. 13000/- (including previous unpaid arrears amounting to Rs. 10961/-). Petitioner did not agree to these bills and filed his case in Divisional CGRF, Mohali where case was decided on 11.05.2023 as under: -

*“****ਇਸ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਖਰਾਬ ਹੋਣ ਕਾਰਨ ਉਸ ਨੂੰ ਝਗੜੇ ਵਾਲਾ ਬਿਲ ਜੋ ਮਹਿਕਮੇ ਦੇ ਸਪਲਾਈ ਕੋਡ 2014 ਦੀ ਧਾਰਾ 21.5.2(ਏ) ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਦੀ ਪਿਛਲੇ ਸਾਲ ਦੇ ਉਸ ਸਮੇਂ ਦੀ ਦਰਜ ਹੋਈ ਖਪਤ ਅਨੁਸਾਰ ਜਾਰੀ ਹੋਇਆ ਹੈ, ਸਹੀ ਹੈ ਅਤੇ ਵਸੂਲਣਯੋਗ ਹੈ।****”*

Petitioner did not agree to the above decision of Divisional CGRF, DS Division, PSPCL, Mohali and filed his case in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 08.08.2023, 16.08.2023, 22.08.2023 and finally on 29.08.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 08.08.2023***

*The petition has been placed before the Forum for admission. After considering the averments made in the petition, the petition is admitted. Notice be issued to ASE/Sr. Xen/Op. Mohali (Respondent) along with copy of petition.*

*Respondent shall submit five copies of the following record/documents before the Forum*

1. *Respondent shall confirm that there is no case pending before any Court/Forum or any other authority between PSPCL and Petitioner.*
2. *Respondent shall confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
3. *Respondent shall confirm that the complainant/applicant/petitioner is a competent/authorised person to file/defend the case on behalf of the consumer of the above a/c no.*
4. *Point-wise/Para-wise reply to the petition be submitted in form of hard copy & soft copy through email at* *secy.cgrfldh@gmail.com**.*
5. *Respondent shall also ensure the following action: -*
	1. *He will check/verify the energy bill dated 10.12.2022 amounting Rs. 3340/- for average consumption of 362 KWH with meter status N and further bills generated on D code upto 03.04.2023 and arrears of Rs. 13113/- reflected in bill dated 17.05.2023.*
	2. *He will submit copy of case file of Divisional Forum along with its decision.*
	3. *He will submit screenshots of the meter before 12/2022, consumption data depicting readings, dates of reading (in KWH & KVAH, MDI, PF etc.) also indicating the meter status, MF etc. For previous 5 years along with SAP reading record.*
	4. *He will submit copy of current site checking report verifying connected load and further submit copies of checking carried out by various authorities previously.*
	5. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab report and DDL report of meter in dispute.*
	6. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
	7. *Ensure that all the documents have been checked/verified & signed by ASE/Sr. XEN and he will be responsible for the authenticity of the documents/information submitted to the Forum.*

*The case be put up on 16.08.2023*

***Proceedings dated: 16.08.2023***

*Petitioner vide email dated 12.08.2023 requested that she be exempted from appearance due to some personal problems.*

*Respondent submitted four copies of reply to the petition along-with the record/documents and the same has been taken on record. Copy of reply sent through email to petitioner. Petitioner can submit his reply through email on or before next date of hearing.*

*Respondent is directed to submit copy of ME Lab report and current LCR on next date of hearing.*

*The case is adjourned to 22.08.2023 for filing rejoinder.*

***Proceedings dated: 22.08.2023***

*Petitioner vide email dated 22.08.2023 requested that at least two weeks be given to her for filing rejoinder and requested that she, being old, be exempted from appearing in person. Forum observed that already sufficient time has been granted to the petitioner for filing rejoinder, therefore no further time can be allowed. However, she is exempted from appearing on next hearing and if she wants to submit the rejoinder then she can email it on or before next date of hearing.*

*Respondent submitted copy of LCR as directed in previous hearing but did not submit ME Lab report and stated that meter is yet to be checked in ME Lab.*

*Forum observed that person appearing on behalf of ASE/DS City Divn., Mohali is unaware about facts of the case and therefore Forum felt displeasure on Respondent’s non-serious attitude towards the case.*

*ASE/DS City Divn., Mohali must personally appear on all the future hearings of the cases of his division or authorize only that officer who is fully aware about the case.*

*The case is adjourned to 29.08.2023 for oral discussion.*

***Proceedings dated: 29.08.2023***

*Petitioner was exempted from appearing in today’s hearing.*

*Petitioner vide email dated 28.08.2023 submitted rejoinder and the same is taken on record. Copy forwarded to Respondent vide email.*

*Respondent submitted ME Lab and DDL report of the meter through email and the same is taken on record.*

 *Petitioner/PR stated that the petition, rejoinder and other documents already submitted may also be considered as part of oral discussion.*

 *Respondent stated that the reply to the petition and other documents already submitted may be considered as oral discussion.*

*Both the parties have nothing more to say and submit.*

*The case is closed for passing speaking orders.*

1. **FACTS OF THE CASE AND OBSERVATIONS OF THE FORUM: -**
2. The Petitioner bearing A/c no. 3005196057, is having DS connection with sanctioned Load of 8.00 KW, in the name of Smt. Rupa Goel, under DS Divn., Mohali.
3. The Petitioner in his Petition prayed that: -

*With due respect I have to submit that my this appeal is against the order dated 15.05.2023 of The Dispute Resolution Committee, PSPCL Mohali (herein after mentioned as the DRC) on my request dated 23.01.2023 for correction of my electricity bills issued on average basis. Information on Prescribed Format is attached as per Annexure-1 (Page No. 2 and 3). Copy of the request dated 23.01.2023 to the DRC is as attached as per Annexure - 3 (Page No. 6 to 8). Further copy of the request dated 15.02.2023 to the DRC, which is still pending with the DRC, is as attached as per Annexure-14 (Page No. 20 to 22).*

*The brief facts of the case and grounds for appeal are given below for your kind consideration:*

* + - 1. *That I am consumer of electricity and my account No. is 3005196057 in the name of Rupa Goel W/o Bharat Bhushan Goel R/o House No. 125, Near Eco Tower, Shivalik Avenue II, Sector-125, Mohali.*
			2. *That the details of last 7 electricity bills issued by PSPCL is given below:*

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Bill date | 20.11.22 | 10.12.22 | 12.01.23 | 05.02.23 | 05.02.23 | 03.04.23 | 17.05.23 | 10.06.23 |
| Period | 13.09.22 to 20.11.22 | 20.11.22 to 10.12.22 | 10.12.22 to 12.01.23 | 12.01.23 to 05.02.23 | 20.11.22 to 05.02.23 | 21.03.23 to 03.04.23 | 03.04.23 to 17.05.23 | 17.05.23 to 10.06.23 |
| No. of days | 68 | 20 | 33 | 24 | 24 | 13 | 44 | 25 |
| Old reading | 6749 | 7382 | 7382 | 8312 | 7382 | 8848 | 8 | 252 |
| New reading | 7382 | 7744 | 0 | 0 | 8315 | 9066 | 252 | 792 |
| Units consumed | 633 | 362 | 579 | 390 | 933 | 218 | 244 | 540 |
| Basis of bill | Actual | Average | Average | Average | Average | Average | Actual | Actual |
| Bill amount | -30.00 | 3340.00 | 5400.00 | 3649.68 | 5650.00 | 2039.00 | 0.00 | 6170.00 |
| Total amount | 0.00 | 3340.00 | 5400.00 | 8940.00 | 5650.00 | 13000.0 | 13113.00 | 18680.00 |
| Due date | 05.12.22 | 21.12.22 | 23.01.23 | 15.02.23 | 15.02.23 | 20.04.23 | 17.05.23 | 21.06.23 |
| Amount (Rs.) paid on | Not applicable | 3340.00 on 21.12.22 | Not yet paid | Not yet paid | Not yet paid | Not yet paid | Not yet paid | 6175.00 on 21.06.23 |

* + - 1. *That a bill dated 12.05.2023 for the period from 03.04.20230 to 12.05.2023 showing consumption of 637 units (New reading 645-old reading 08) in 39 days was issued by PSPCL whereas another bill dated 17.05.2023 for the period from 03.04.2023 to 17.05.2023 showing consumption of 244 units (New reading 252-old reading 08) in 44 days was issued by PSPCL Copies of both the bills dated 12.05.2023 and 17.05.2023 are attached as per Annexure 8 and 9 (Page No. 13 and 14).*
			2. *That copy of zero bills dated 20.11.2022 for 68 days and 10.06.2023 for 44 days are attached as per Annexure-10 and 11 (Page No. 15 and 16).*
			3. *That from the table given above, it is clear that the electricity meter is not working since 20.11.2022 the new meter was installed on 03.04.2023. This means that all the bills pertaining to this period of 20.11.2023 to 03.04.2023 were issued on average basis.*
			4. *That it came to the knowledge of PSPCL on 10.12.2022 that the meter is not working. I requested PSPCL in writing to change the meter on 16.01.2023 and the defective meter was replaced by PSPCL on 03.04.2023.*
			5. *That I am living in our home along with my husband. He being an advocate in Punjab and Haryana High Court mostly spends his daytime in the court. All our 4 daughters are married and staying with their own families. Our youngest daughter Dr. Isha Goel, who is a Sr. Software Engineer in Pune, was earlier staying with us during Corona period as she was working from home. She shifted back to Pune in early September 2022 and since then I am staying with my husband in the house. There is no one else staying with us.*
			6. *That since we both are staying and have limited use of electricity, our usage of electricity has fallen down drastically and there are no chances of any increase in near future. This is the reason that we received a Zero/Negative bill dated 20.11.2022 for 68 days and again dated 17.05.2023 for 44 days on actual reading basis.*
			7. *That bill dated 10.06.2023 for the period from 17.05.2023 to 10.06.2023 was on higher side because of marriage of my daughter on 11.06.2023.*
			8. *That I along with my husband were travelling to Guwahati/Nagpur from Jan 27, 2023 and arrived back on 05.02.2023 late in the evening. Means that our house was locked for 10 days during this period of 24 days (from 12.01.2023 to 05.02.2023). The bill dated 05.02.2023 from 12.01.2023 to 05.02.2023 shows a consumption of 390 units for 24 days.*
			9. *That from the above it is also clear that the bills issued on 10.12.2022, 12.01 2023, 05.02.2023 and 03.04.2023 need to be corrected and to be prepared again on the lines of bill dated 20.11.2022 and 17.05.2023.*
			10. *The bills have been issued by PSPCL in a casual manner and revised from time to time. For this kindly also refer to the decision of the DRC. Total outstanding of Bill dated 05.02.2023 for Rs. 8940.00 was revised to Rs. 5650.00 (Annexure 6 and 13 at Page No. 11 and 19).*
			11. *That the total disputed amount has now increased to 16125.00, which is because of average bills issued from 10.12.2022 to 03.04.2023. I have already paid Rs. 3340.00 on 21.12.2022 and Rs. 6175.00 on 21.06.2023.*
			12. *That the DRC has completely ignored my requests as mentioned above. They have also ignored also my actual consumption during the period of 68 days as per bill dated 20.11.2022 and from the period from 03.04.2023 to 10.05.2023 which was much less than 10 units per day.*

*In view of the above, I request you to correct the bills dated 10.12.2022 and 12.01.2023, 05.02.2023 and 03.04.2023, as mentioned above and convert them to zero bills on the lines of bills dated 20.11.2022 and 17.05.2023 so that there are no arrears of payment of electricity charges by me. I shall be thankful.*

1. The Respondent submitted reply to the petition as under: -

*ਖਪਤਕਾਰ ਦਾ ਕੋਈ ਕੇਸ ਨਹੀਂ ਚੱਲ ਰਿਹਾ ਹੈ।*

*ਖਪਤਕਾਰ ਵੱਲੋਂ ਬਿਲਾਂ ਦੀ ਰਕਮ ਜਮਾਂ ਨਹੀ ਕਰਵਾਈ ਜਾ ਰਹੀ ਹੈ।*

*ਦਫਤਰੀ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਇਹ ਕੁਨੈਕਸ਼ਨ ਸ਼੍ਰੀਮਤੀ ਰੂਪਾ ਗੋਇਲ ਦੇ ਨਾਂ ਤੇ ਚਲਦਾ ਹੈ।*

*ਖਪਤਕਾਰ ਵੱਲੋਂ ਦਾਇਰ ਪਟੀਸ਼ਨ ਦਾ ਪੈਰਾਵਾਈਜ਼ ਜਵਾਬ ਨੱਥੀ ਹੈ। ਇਸ ਦੀ ਸਾਫ਼ਟ ਕਾਪੀ ਈਮੇਲ ਰਾਹੀਂ ਵੀ ਭੇਜ ਦਿੱਤੀ ਗਈ ਹੈ।*

*(ਏ) ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 13-09-2022 ਤੋਂ 12-10-2022 ਤੱਕ 20 ਦਿਨਾਂ ਦੇ ਸਮੇਂ ਦਾ ਐਨ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 362 ਯੂਨਿਟਾਂ ਦਾ 3,340/- ਰੁਪਏ ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ ਜੋ ਖਪਤਕਾਰ ਵੱਲੋਂ ਜਮਾਂ ਕਰਵਾ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਬਾਅਦ ਵਿਚ ਇਹ ਬਿਲ ਰੱਦ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ ਅਤੇ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਖਰਾਬ ਹੋਣ ਕਰਕੇ ਉਸ ਨੂੰ ਮਿਤੀ 13-09-2022 ਤੋਂ 12-01-2023 ਤੱਕ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 568 ਯੂਨਿਟਾਂ ਦਾ 5,300/- ਰੁਪਏ ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ ਜੋ ਖਪਤਕਾਰ ਵੱਲੋਂ ਜਮਾਂ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ ਸੀ। ਬਾਅਦ ਵਿਚ ਇਹ ਬਿਲ ਵੀ ਰੱਦ ਕਰਕੇ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 13-09-2022 ਤੋਂ 24-03-2022 ਤੱਕ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 291 ਯੂਨਿਟਾਂ ਦਾ 8,170/- ਰੁ: ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ ਜਿਸ ਵਿਚ ਏਰੀਅਰ ਦੀ ਰਕਮ 5,403/- ਰੁ: ਵੀ ਸ਼ਾਮਿਲ ਸੀ। ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 20-11-2022 ਤੋਂ 05-02-2023 ਤੱਕ 77 ਦਿਨਾਂ ਦਾ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 933 ਯੂਨਿਟਾਂ ਦਾ 5,650/- ਰੁਪਏ ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ। ਬਿਲ ਵਿਚ ਐਨ-ਕੋਡ ਦੀ 3,192/- ਰੁਪਏ ਦੀ ਅਡਜਸਟਮੈਂਟ ਵੀ ਕੀਤੀ ਗਈ ਸੀ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀ ਕਰਵਾਇਆ ਗਿਆ। ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 05-02-2023 ਤੋਂ 21-03-2023 ਤੱਕ 44 ਦਿਨਾਂ ਦੇ ਸਮੇਂ ਦਾ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 533 5(ਏ) ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀ ਕਰਵਾਇਆ ਗਿਆ ਸੀ। ਇਹ ਬਿਲ ਵੀ ਰੱਦ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਸ ਯੂਨਿਟਾਂ ਦਾ 10,860/- ਰੁ: ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਵਿਚ ਏਰੀਅਰ ਦੀ ਰਕਮ 5,608/- ਰੁਪਏ ਸ਼ਾਮਿਲ ਸੀ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ। ਖਪਤਕਾਰ ਦਾ ਖਰਾਬ ਮੀਟਰ ਮਿਤੀ 03-04-2023 ਨੂੰ ਬਦਲੀ ਕੀਤਾ ਗਿਆ। ਮੀਟਰ ਬਦਲਣ ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 21-03-2023 ਤੋਂ 03-04-2023 ਤੱਕ 13 ਦਿਨਾਂ ਦੇ ਸਮੇਂ ਦਾ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਰ 218 ਯੂਨਿਟਾਂ ਦਾ 13,000/- ਰੁ: ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਵਿਚ ਏਰੀਅਰ ਦੀ ਰਕਮ 10,962/- ਰੁ: ਵੀ ਸ਼ਾਮਿਲ ਸੀ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ। ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 03-04-2023 ਤੋਂ 17-05-2023 ਤੱਕ 44 ਦਿਨਾਂ ਦੇ ਸਮੇਂ ਦੀ ਖਪਤ 244 ਯੂਨਿਟਾਂ (ਮੁਢਲੀ ਪੜਤ 08 – ਨਵੀਂ ਪੜਤ 252) ਦਾ 13,110/- ਰੁ: ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਵਿਚ ਏਰੀਅਰ ਦੀ ਰਕਮ 13,113/- ਰੁਪਏ ਸ਼ਾਮਿਲ ਸੀ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ।*

*5(ਬੀ) ਮੰਡਲ ਪੱਧਰੀ ਫੋਰਮ ਦੀ ਕੇਸ ਫਾਈਲ ਸਮੇਤ ਫੈਸਲੇ ਦੀ ਕਾਪੀ ਨੱਥੀ ਹੈ।*

*5(ਸੀ) ਇਸ ਪੈਰੇ ਤਹਿਤ ਮੰਗੇ ਗਏ ਦਸਤਾਵੇਜ ਨੱਥੀ ਹਨ।*

*5(ਡੀ) ਖਪਤਕਾਰ ਦੇ ਕੁਨੈਕਸ਼ਨ ਦੀ ਤਾਜਾ ਚੈਕਿੰਗ ਅਜੇ ਕਰਵਾਈ ਜਾਣੀ ਹੈ। ਐਲ.ਸੀ.ਆਰ. ਨੰਬਰ 009/1242 ਮਿਤੀ 06-03-2023 ਤਹਿਤ ਕੀਤੀ ਗਈ ਚੈਕਿੰਗ ਦੀ ਰਿਪੋਰਟ ਨੱਥੀ ਹੈ।*

*5(ਈ) ਇਸ ਪੈਰੇ ਤਹਿਤ ਮੋਗ ਕੀਤੇ ਗਏ ਦਸਤਾਵੇਜ ਨੱਥੀ ਹਨ। ਝਗੜੇ ਵਾਲੇ ਮੀਟਰ ਦੇ ਡੀਡੀਐਲ ਦੇ ਸਬੰਧ ਵਿਚ ਸਹਾਇਕ ਇੰਜੀਨੀਅਰ, ਐਮ.ਈ.ਲੇਬ, ਰੋਪੜ ਦੇ ਦਫਤਰ ਦੇ ਪਿਠ ਅੰਕਣ ਨੰਬਰ 104 ਮਿਤੀ 11-04-2023 ਅਨੁਸਾਰ ਬਾਰ-2 ਕੋਸ਼ਿਸ਼ ਕਰਨ ਦੇ ਬਾਵਜੂਦ ਮੀਟਰ ਦਾ ਡੀਡੀਐਲ ਸੰਭਵ ਨਹੀਂ ਹੋ ਸਕਿਆ।*

*5(ਐਫ) ਇਹ ਖਪਤਕਾਰ ਨੂੰ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ ਦੇ ਜਾਰੀ ਹੋਏ ਬਿਲਾਂ ਦੀ ਰਕਮ ਦਾ ਕੇਸ ਹੈ।*

*ਪਟੀਸ਼ਨ ਦਾ ਜਵਾਬ*

*ਪੈਰਾ- 1 ਇਹ ਪੈਰਾ ਠੀਕ ਹੈ।*

*ਪੈਰਾ-2 ਇਹ ਪੈਰਾ ਠੀਕ ਹੈ।*

*ਪੈਰਾ-3 ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 13-05-2023 ਨੂੰ ਐਨ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 637 ਯੂਨਿਟਾਂ ਦਾ ਬਿਲ ਜਾਰੀ ਹੋਇਆ ਸੀ ਜੋ ਸੈਪ ਵਿਚ delete ਕਰਕੇ ਨਵਾਂ ਬਿਲ ਬਣਾ ਦਿੱਤਾ ਗਿਆ ਸੀ।*

*ਪੈਰਾ-4 ਇਸ ਪੈਰੇ ਵਿਚ ਖਪਤਕਾਰ ਵੱਲੋਂ ਮਿਤੀ 20-11-2022 ਅਤੇ 10-06-2023 ਦੇ ਬਿਲਾਂ ਦੀਆਂ ਕਾਪੀਆਂ ਨੱਥੀ ਕੀਤੀਆਂ ਗਈਆਂ ਹਨ।*

*ਪੈਰਾ-5 ਇਹ ਠੀਕ ਹੈ ਕਿ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਖਰਾਬ ਹੋਣ ਕਾਰਨ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 20-11-2022 ਤੋਂ 03-04-2023 ਤੱਕ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ ਦੇ ਅਧਾਰ ਤੇ ਬਿਲ ਜਾਰੀ ਕੀਤੇ ਗਏ।*

*ਪੈਰਾ-6 ਤੋਂ 14 : ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 20-11-2022 ਤੋਂ 03-04-2023 ਤੱਕ ਡੀ-ਕੋਡ ਦੇ ਔਸਤ ਖਪਤ ਦੇ ਬਿਲ ਅਖਪਤਕਾਰ ਦੀ ਪਿਛਲੇ ਸਾਲ ਦੇ ਉਸੇ ਮਹੀਨੇ ਆਈ ਖਪਤ ਦੇ ਅਧਾਰ ਤੇ ਐਲ.ਵਾਈ.ਐਸ.ਐਮ. ਫਾਰਮੂਲੇ ਨਾਲ ਸਪਲਾਈ ਕੋਡ 2014 ਦੀ ਧਾਰਾ 21.5.2 ਅਨੁਸਾਰ ਜਾਰੀ ਕੀਤੇ ਗਏ ਸਨ।*

1. The Petitioner submitted his rejoinder as under: -
2. *That the present written statement is not maintainable in the form and in the manner, it has been filed by the Respondent PSPCL. Hence the same be dismissed.*
3. *That the answering opposite party has willfully concealed material facts in the written statement, therefore the answering opposite party deserves no relief whatsoever from this Hon’ble Forum. Hence the same be dismissed*
4. *That the contents of the written statement are vague and unsubstantiated, hence the reply filed by the respondents deserves to be dismissed on this account. Hence the same be dismissed*
5. *That the answering opposite party has not come to the Forum with clean hands and has willfully concealed and suppressed material facts from this Hon’ble Forum, therefore it deserves no relief whatsoever from this Hon’ble Forum. Hence the same be dismissed.*
6. *That the contents of the written statement are wrong, false, mis projected, misleading, self-contradictory, concocted, vague and unsubstantiated and a bunch of lies. Hence the same be dismissed.*
7. *That the contents of the written statement are self-serving defenses, which hold no value in the eyes of law. Hence the same be dismissed.*
8. *That the respondents are in the habit of issuing bills, cancelling them, deleting them in a very casual manner, causing financial losses and great harassment to the consumers. No financial data should be deleted at all from the records and in case of need only corrections with comments should be made, as per accounting principles. For instance, bill dated 12.08.2023 for the period 10.06.2023 to 12.08.2023 was issued for Rs. 28,070.00 (including arrear of Rs. 12262.00. When we visited PSPCL on 25.08.2023 and informed that a Bi-directional Solar meter has been installed on 27.06.2023 then how can they issue this bill, the JE told that he is busy and being pre-occupied would enter the information in the system by coming Tuesday/Wednesday. When we approached the SDE, he was not in his office but some other official was present. The matter was brought to his notice and he advised us to ignore the bill and assured that it would be corrected soon. The bill was deleted from the record (as it is not visible on the PSPCL Website) and a new bill dated 28.06.2023 (issued in back date on 25.08.2023) for Rs. 16690.00 (current billing charges ZERO) and payable on 04.09.2023 for the period from 27.06.2023 to 28.06.2023 for 1 day was issued. Both the bills are attached with this Rejoinder for your ready reference.*
9. *That the respondents are in the habit of issuing bills some time under N-Code and some time under D-Code. It appears that they are not clear as to under what code the bill is to be issued to a specific consumer, causing financial losses and great harassment to the consumers.*
10. *That the total bill amount of bills raised by the respondent PSPCL for the period from 20.11.2022 to 03.04.2023 (the period under dispute) is not as per Section 21.5.2 of the PSERC (Electricity Supply Code and Related Matters) Regulations, 2014 (Incorporating up to 11th amendment) in force with effect from 1st January, 2015 and Temporary amendment in the procedure for overhauling of consumer \_accounts provided in the Regulation 21.5.2 of Supply code - 2014 due to impact of Covid-19 pandemic for the FY 2021'22 only dated 22.04.2021.*
11. *That the relevant Section(s) of the Code itself as well as the Amendment itself is Bad in Law as it takes care of the interest of the PSPCL only, completely ignoring the interest of the Consumer, as it does not speak about any opportunity to be given to the Consumer in case of his/her specific/special circumstances causing downward variation in the electricity consumption, Etc. It is in fact against the Law of Natural Justice.*
12. *That the Answering Defendant craves leave and liberty of this Hon'ble Forum to place on record additional facts/ raise objections and place on record additional documents if so warranted or if so, directed by this Hon'ble Forum and also file Additional Written Submissions, if situation so arises.*
13. *That the aforesaid preliminary submissions are without prejudice to and mutually co-extensive of each other and may suitably be read wherever the same are textually and contextually warranted elsewhere in the rejoinder.*

# *Para-wise Reply to Preliminary Submissions made by the Respondents vide their letter dated 14.08.2023: -*

1. *No comments. It is a matter of record.*
2. *The contents of this para are denied. The details of bills deposited by me since 13.09.2022 are given below:*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No.  |   | 2. | 3. | 4.  |
| Date of Bill | 20.11.22 | 10.12.22 | 17.05.23 | 10.06.23 |
| Period of Bill | 13.09.22 to 20.11.2022 | 20.11.22 to 10.12.22 | 03.04.23 to 17.05.23 | 17.05.23 to 10.06.23 |
| Days | 68 | 20 | 44 | 25 |
| Current Bill Amt. | 0.00 | 3340.00 | 0.00 | 6170.00 |
| Amount deposited | N. A.  | 3340.00 | N. A.  | 6175.00 |
| Deposit date | N. A.  | 21.12.22 | N. A.  | 21.06.23 |

1. *No comments. It is a matter of record.*
2. *No comments for want of knowledge and hence denied.*
3. *Point wise comments are as under:*
4. *The respondents have accepted that they have issued different electricity bills under N-Code and D-Code. Besides this they have issued bills and cancelled bills and reissued. Further:*
	1. *The respondents have submitted that they issued a bill for the period from 13.09.2022 to 12.10.2022 for 20 days under N-Code 362 units Rs. 3,340.00, whereas this bill was dated 10.12.2022 for the period from 20.11.2022 to 10.12.2022 (Annexure – 4 Page 9 of my appeal). The bill amount was deposited on 21.12.2022. The respondent PSPCL has submitted that this bill was later on cancelled by them. This submission made by the respondent is false and is denied.*
	2. *The respondents have submitted that they issued a bill for the period from 13.09.2022 to 12.01.2023 for 20 days under D-Code 568 for units Rs. 5,300.00 and the bill was not deposited by the Petitioner/Consumer. This bill dated 12.01.2023 was for the period from 10.12.2022 to 12.01.2023 for 33 days 568 units Rs. 5,400.00 (Annexure – 5 Page 10 of my appeal). The petitioner did not pay the bill and filed a complaint with Dispute Resolution Committee on 23.01.2023 (Annexure – 3 Page 6 to 8 of my appeal). The respondent PSPCL has submitted that this bill was later on cancelled by them. This submission made by the respondent is false and is denied.*
	3. *The respondents have submitted that they issued a bill for the period from 13.09.2022 to 24.03.2023 for 20 days under D-Code 291 units Rs. 8,170.00 including Rs. 5,401.00 being the arrear of bills and the bill was not deposited by the Petitioner/Consumer. This is denied as no such bill was received. The respondent PSPCL has submitted that this bill was later on cancelled by them. This submission made by the respondent is false and is denied.*
	4. *The respondents have submitted that they issued a bill for the period from 20.11.2022 05.02.2023 for 77 days under D-Code 933 units Rs. 5,650.00 and the bill was not deposited by the Petitioner/Consumer and they had made an adjustment of Rs. 3,192.00 in this bill. They further submitted that this bill was also not deposited. However, we received a bill dated 05.02.2022 for the period from 20.11.2022 05.02.2023 for 77 days under for 933 units Rs. 5,650.00. No comments on the adjustment of Rs. 3,192.00 for want of information. The bill was not deposited as the matter was pending before the DRC, Mohali.*
	5. *The respondents have submitted that they issued a bill for the period from 05.02.2023 to 21.03.2023 for 44 days under D-Code 533 units Rs. 10,860.00 including Rs. 5,608.00 being the arrear of bills and the bill was not deposited by the Petitioner/Consumer. This is denied as no such bill was received.*
	6. *The respondents have submitted that they issued a bill for the period from 05.02.2023 to 21.03.2023 for 44 days under D-Code 533 units Rs. 10,860.00 including Rs. 5,608.00 being the arrear of bills and the bill was not deposited by the Petitioner/Consumer and the bill was not deposited by the Petitioner/Consumer. This is denied as no such bill was received.*
	7. *The respondents have submitted that the defective meter was replaced on 03.04.2023. No comments this being a matter or record.*
	8. *The respondents have submitted that they issued a bill dated 03.04.2023 for the period from 21.03.2023 to 03.04.2023 for 13 days under D-Code 218 units Rs. 13,000.00 including Rs. 10.962.00 being the arrear of bills and the bill was not deposited by the Petitioner/Consumer. No comments this being a matter or record. The bill was not deposited as the matter was pending before the DRC, Mohali.*
	9. *The respondents have submitted that they issued a bill for the period from 03.04.2023 to 17.05.2023 for 44 days for 244 units Rs. 13,110.00 including Rs. 13,113.00 being the arrear of bills and the bill was not deposited by the Petitioner/Consumer. This was a ZERO bill for Rs. 13,113.00, the entire amount being arrear of previous bill dated 03.04.2023 plus fine of Rs. 113.00 for not depositing the bill. No comments this being a matter or record. The bill was not deposited as the DRC Mohali rejected our case vide its order dated 15.05.2023 and an appeal was to be filed before this Hon’ble Forum within 2 months from the date of receipt of the order. The appeal was filed on 12.07.2023, i.e., within 2 months from the date of receipt of the order of DRC, Mohali.*
	10. *Respondents have further submitted that this bill dated 12.01.2023 was for the period from 10.12.2022 to 12.01.2023 for 33 days 568 units Rs. 5,400.00 (Annexure – 5 Page 10 of my appeal). The petitioner did not pay the bill and filed a complaint with Dispute Resolution Committee on 23.01.2023 (Annexure – 3 Page 6 to 8 of my appeal). The respondent PSPCL has submitted that this bill was later on cancelled by them.*
5. *No comments for want of knowledge, hence denied.*
6. *No comments for want of knowledge, hence denied.*
7. *No comments for want of knowledge, hence denied.*
8. *No comments for want of knowledge, hence denied.*
9. *The respondents have accepted that they have issued the bills on Average basis under D-Code, for the period from 20.11.2022 to 03.04.2023.*

# *Para-wise Submissions on Merit to Reply of the Respondents:*

*At the outset each and every averment made in the reply filed by the defendant PSPCL are denied in entirety. Each and every averment made in the reply, unless specifically admitted, are denied. The Petitioner /Complainant is now herewith submitting a detailed Para-wise reply to the submissions made by the respondent.*

1. ***Para 1****: That the contents of para-No. 1 has been accepted by the respondent PSPCL.*
2. ***Para 2****: That the contents of para-No. 1 has been accepted by the respondent PSPCL.*
3. ***Para 3****: That the respondent PSPCL has accepted that they had issued a bill date 12.05.2023 for the period from 03.04.2023 to 12.05.2023 showing consumption of 637 units which was later on deleted by them and a new bill issued. Also, they have not denied that the new bill dated 17.05.2023 for the period from 03.04.2023 to 17.05.2023 showing consumption of 244 units in 44 days was issued by them. In fact, the revised bill was issued by them when I approached them and told them about the wrong bill issued by them. It is very clear from here and from the above given submissions that the respondents are in the habit of issuing bills, cancelling them, deleting them in a very casual manner, causing financial losses and great harassment to the consumers. Besides this no financial data should be deleted at all and in case only corrections should be made, as per accounting principles.*
4. ***Para 4****: No comments as the Respondents have not denied the contents of this para.*
5. ***Para 5****: No comments as the Respondents have accepted the contents of this para and did not deny any thing.*
6. ***Para 6 to Para 14:*** *The respondents have not denied the contents of Para 6 to Para 14. They have submitted that the bill for the period from 20.11.2022 to 03.04.2023 were issued under D-Code on Average basis and based on the consumption during the same period during last year under LYMS formula in terms of Section 21.5.2 of Code 2014. Here my submissions are:*
	1. *The Bill dated 13.01.2023 for the period was from 12.11.2022 to 13.01.2023 (62 days) 536 units (2173-1637).*
	2. *The Bill dated 14.03.2023 for the period was from 13.01.2023 to 14.03.2023 (60 days) 727 units (2900-2173).*
	3. *The total consumption during this period of 12.11.2022 to 14.03.2023 (122 days) was 1258 units only. The average consumption per day was 10.30 units.*
	4. *The bills under dispute are for the period from 20.11.2023 to 03.04.2023 (135 days). As already submitted (****under Para 10 Page 5 of my appeal)*** *our house was locked for a period of 10 days from 27.01.2023 to 05.02.2023 as the Petitioner was travelling along with her husband from Chandigarh (27.01.2023) to Guwahati to Nagpur and back on 05.02.2023. Since the entire travel was by Air so in case of need travel record can be produced.*
	5. *After reducing these 10 days from 135 days, the electricity was consumed for 125 (135-10) days only during the period from 20.11.2022 to 03.04.2023 and based on the consumption last year during the same period it should be 1288.93 (say 1289) units.*
	6. *From the above it is very clear that the total consumption based on last year pattern comes to 1289 units during a period of 125 days. From this it can be arrived at that during this period the 9.548 units per day and accordingly the bill should be zero based on the subsidized electricity policy of the Government of Punjab.*
	7. *This would have been the position of electricity consumption, based on last year’s consumption, under similar circumstances and consumption, but that was different during the period from 20.11.2022 to 03.04.2023 (135 – 10 = 125 days) when compared with the similar period from 12.11.2022 to 14.03.2023 (122 days) because during the period 20.11.2022 to 03.04.2023 (135 – 10 = 125 days) our youngest daughter was working from home as Sr. Software Engineer and staying with us whereas during the period from 12.11.2022 to 14.03.2023 (122 days), she was not staying with us as she went to Pune, thereby substantially reducing our electricity consumption as compared with the consumption last year.*
	8. *We received ZERO/Negative Electricity bills dated 20.11.2022 for the period from 13.09.2022 to 20.11.2022 (68 days) and bill dated 17.05.2023 for the period from 03.04.2023 to 17.05.2023 (44 days). These bills relate to the immediate 68 days before the start of dispute period and 44 days immediately after the end of the dispute period. This also shows that our electricity consumption has come down and it remained so continuously from 13.09.2022 to 17.05.2023.*
	9. *Deficiency of Service: The respondent PSPCL came to know on 10.12.2022 that our meter was not working and replaced the defective meter on 03.04.2023, i.e., after around 115 days. Had they changed the meter immediately or within a few days of the receipt of information, this matter would have not aggravated like this. The respondents were duty bound to replace the defective meter without delay. There is a clear deficiency of service.*
	10. ***JERC Regulations (Section 21.5.2 of Code 2014):*** *That the total bill amount of bills raised by the respondent PSPCL for the period from 20.11.2022 to 03.04.2023 (the period under dispute) is not as per Section 21.5.2 of* ***the PSERC (Electricity Supply Code and Related Matters) Regulations, 2014 (Incorporating up to 11th amendment) in force with effect from 1st January, 2015 and Temporary amendment in the procedure for overhauling of consumer \_accounts provided in the Regulation 21.5.2 of Supply code - 2014 due to impact of Covid-19 pandemic for the FY 2021'22 only dated 22.04.2021.***
	11. *That the relevant Section(s) of the Code itself as well as the Amendment itself is Bad in Law as it takes care of the interest of the PSPCL only, completely ignoring the interest of the Consumer, as it does not speak about any opportunity to be given to the Consumer in case of his/her specific/special circumstances causing downward variation in the electricity consumption, Etc. It is in fact against the Law of Natural Justice.*
	12. *That the contents of the complaint/petition are also reiterated / reasserted here. However, the same are not being reproduced here for the sake of brevity.*

*In view of the above, kindly allow the appeal and correct the bills dated 10.12.2022 and 12.01.2023, 05.02.2023 and 03.04.2023 all for the periods from 20.11.2022 to 03.04.2023, as mentioned above and convert them to zero bills on the lines of bills dated 20.11.2022 and 17.05.2023 so that there are no arrears of payment of electricity charges by me. I shall be thankful.*

1. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. The issue that requires adjudication in the present case is to decide the legitimacy of bills issued to the petitioner for the period from 20.11.2022 to 03.04.2023 (date of replacement of defective meter) on average basis held as correct and recoverable by Divisional CGRF, PSPCL, Mohali in its meeting dated 11.05.2023.
2. Forum observed that petitioner was issued bill dated 10.12.2022 for the period from 20.11.2022 to 10.12.2022 for a consumption of 362 KWH on N-code average basis amounting to Rs. 3340/- which was deposited by him. Thereafter next bill dated 12.01.2023, was issued for the period from 20.11.2022 to 12.01.2023 on D-code average basis, for a consumption of 579 KWH amounting to Rs. 5400/-. Petitioner did not agree to these bills and gave request to ASE/DS Divn., Mohali on 16.01.2023 to correct these bills although he deposited the first bill. Meter of the petitioner being defective was replaced vide MCO no. 100020426339 dated 18.01.2023 effected on 03.04.2023. Meanwhile petitioner was issued bill dated 05.02.2023 on D-code average basis for the period from 12.01.2023 to 05.02.2023 amounting to Rs. 8940/- (including previous unpaid arrears amounting to Rs. 5294/-). Petitioner was then issued bill dated 03.04.2023 on D-code average basis amounting to Rs. 13000/- (including previous unpaid arrears amounting to Rs. 10961/-). Petitioner did not agree to these bills and filed his case in Divisional CGRF, Mohali where case was decided on 11.05.2023 as under: -

*“****ਇਸ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਖਰਾਬ ਹੋਣ ਕਾਰਨ ਉਸ ਨੂੰ ਝਗੜੇ ਵਾਲਾ ਬਿਲ ਜੋ ਮਹਿਕਮੇ ਦੇ ਸਪਲਾਈ ਕੋਡ 2014 ਦੀ ਧਾਰਾ 21.5.2(ਏ) ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਦੀ ਪਿਛਲੇ ਸਾਲ ਦੇ ਉਸ ਸਮੇਂ ਦੀ ਦਰਜ ਹੋਈ ਖਪਤ ਅਨੁਸਾਰ ਜਾਰੀ ਹੋਇਆ ਹੈ, ਸਹੀ ਹੈ ਅਤੇ ਵਸੂਲਣਯੋਗ ਹੈ।****”*

Petitioner did not agree to the above decision of Divisional CGRF, DS Division, PSPCL, Mohali and filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption pattern of the petitioner submitted by the Respondent which is tabulated under: -

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 2019 | 2020 | 2021 | 2022 | 2023 |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan |  |  | 28 | O | 85 | O | 536 | O |  |  |
| Feb |  |  |  |  |  |  |  |  | 933 | D |
| Mar |  |  | 44 | N | 41 | O | 727 | O | 533 | D |
| Apr |  |  |  |  |  |  |  |  | 218 | D |
| May |  |  | 31 | N | 177 | O | 1090 | O | 244 | O |
| Jun |  |  |  |  |  |  |  |  | 540 | N |
| Jul | 1 | O | 1 | N | 1543684 | OO | 1394 | O |  |  |
| Aug |  |  |  |  |  |  |  |  | 1536 | N |
| Sep | 33 | O | 1 | O | 7722 | OO | 1365 | O |  |  |
| Nov | 47 | O | 64 | O | 858 | O | 633 | O |  |  |
| **TOTAL** | **81** |  | **93** |  | **4162** |  | **5745** |  | **1928** |  |

Forum observed that the consumption recorded during 2019 & 2020 is negligible, whereas considerable consumption has been recorded during 2021 to 2023.

Forum observed that Divisional CGRF, PSPCL, Mohali in its decision dated 11.05.2023 has mentioned as under: -

“*ਇਸ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 13-09-2022 ਤੋਂ 10-12-2022 ਤਕ ਸਮੇਂ ਦਾ ਐਨ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 362 ਯੂਨਿਟਾਂ ਦਾ 3,340/- ਰੁਪਏ ਦਾ ਬਿਲ ਜਾਰੀ ਹੋਇਆ ਸੀ ਜੋ ਖਪਤਕਾਰ ਵੱਲੋਂ ਮਿਤੀ 21.12.2022 ਨੂੰ ਜਮਾਂ ਕਰਵਾ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਉਪਰੰਤ ਇਹ ਬਿਲ ਸੈਪ ਵਿਚ ਰੱਦ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 13.09.2022 ਤੋਂ 12.01.2023 ਤੱਕ ਦੇ ਸਮੇਂ ਦਾ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 568 ਯੂਨਿਟਾਂ ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ ਜੋ ਬਾਅਦ ਵਿਚ ਰੱਦ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਫਿਰ ਮਿਤੀ 13.09.2022 ਤੋਂ 05.02.2023 ਤੱਕ ਦੇ ਸਮੇਂ ਦਾ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 291 ਯੂਨਿਟਾਂ ਦਾ 8,170/- ਰੁਪਏ ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ ਜਿਸ ਵਿਚ ਏਰੀਅਰ ਦੀ ਰਕਮ 5,401/- ਰੁਪਏ ਵੀ ਸ਼ਾਮਿਲ ਸੀ। ਬਾਅਦ ਵਿਚ ਇਹ ਬਿਲ ਵੀ ਰੱਦ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਖਪਤਕਾਰ ਦਾ ਖਰਾਬ ਮੀਟਰ ਬਦਲਣ ਲਈ ਜਾਬ ਆਰਡਰ ਨੰਬਰ 10002042633 ਮਿਤੀ 18.01.2023 ਜਾਰੀ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਸ ਤੋਂ ਬਾਅਦ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 20.11.2022 ਤੋਂ 05.02.2023 ਤੱਕ 77 ਦਿਨਾਂ ਦੇ ਸਮੇਂ ਦਾ ਬਿਲ ਡੀ-ਕੋਡ ਹੋਣ ਕਾਰਨ ਔਸਤ ਖਪਤ 933 ਯੂਨਿਟਾਂ ਦਾ 5,650/- ਰੁਪਏ ਦਾ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਵਿਚ 3,192/- ਰੁਪਏ ਦੀ ਅਡਜਸਟਮੈਂਟ ਕੀਤੀ ਗਈ।*”

Petitioner had submitted copies of the bills received by him with his petition, details of which are as under: -

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Bill date | 20.11.22 | 10.12.22 | 12.01.23 | 05.02.23 | 05.02.23 | 03.04.23 | 17.05.23 | 10.06.23 |
| Period | 13.09.22 to 20.11.22 | 20.11.22 to 10.12.22 | 10.12.22 to 12.01.23 | 12.01.23 to 05.02.23 | 20.11.22 to 05.02.23 | 21.03.23 to 03.04.23 | 03.04.23 to 17.05.23 | 17.05.23 to 10.06.23 |
| No. of days | 68 | 20 | 33 | 24 | 24 | 13 | 44 | 25 |
| Old reading | 6749 | 7382 | 7382 | 8312 | 7382 | 8848 | 8 | 252 |
| New reading | 7382 | 7744 | 0 | 0 | 8315 | 9066 | 252 | 792 |
| Units consumed | 633 | 362 | 579 | 390 | 933 | 218 | 244 | 540 |
| Basis of bill | Actual | Average | Average | Average | Average | Average | Actual | Actual |
| Bill amount | -30.00 | 3340.00 | 5400.00 | 3649.68 | 5650.00 | 2039.00 | 0.00 | 6170.00 |
| Total amount | 0.00 | 3340.00 | 5400.00 | 8940.00 | 5650.00 | 13000.0 | 13113.00 | 18680.00 |
| Due date | 05.12.22 | 21.12.22 | 23.01.23 | 15.02.23 | 15.02.23 | 20.04.23 | 17.05.23 | 21.06.23 |
| Amount (Rs.) paid on | Not applicable | 3340.00 on 21.12.22 | Not yet paid | Not yet paid | Not yet paid | Not yet paid | Not yet paid | 6175.00 on 21.06.23 |

Respondent in his reply dated 14.08.2023 had stated as under: -

“*ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 13-09-2022 ਤੋਂ 12-10-2022 ਤੱਕ 20 ਦਿਨਾਂ ਦੇ ਸਮੇਂ ਦਾ ਐਨ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 362 ਯੂਨਿਟਾਂ ਦਾ 3,340/- ਰੁਪਏ ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ ਜੋ ਖਪਤਕਾਰ ਵੱਲੋਂ ਜਮਾਂ ਕਰਵਾ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਬਾਅਦ ਵਿਚ ਇਹ ਬਿਲ ਰੱਦ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ ਅਤੇ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਖਰਾਬ ਹੋਣ ਕਰਕੇ ਉਸ ਨੂੰ ਮਿਤੀ 13-09-2022 ਤੋਂ 12-01-2023 ਤੱਕ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 568 ਯੂਨਿਟਾਂ ਦਾ 5,300/- ਰੁਪਏ ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ ਜੋ ਖਪਤਕਾਰ ਵੱਲੋਂ ਜਮਾਂ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ ਸੀ। ਬਾਅਦ ਵਿਚ ਇਹ ਬਿਲ ਵੀ ਰੱਦ ਕਰਕੇ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 13-09-2022 ਤੋਂ 24-03-2022 ਤੱਕ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 291 ਯੂਨਿਟਾਂ ਦਾ 8,170/- ਰੁ: ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ ਜਿਸ ਵਿਚ ਏਰੀਅਰ ਦੀ ਰਕਮ 5,401/- ਰੁ: ਵੀ ਸ਼ਾਮਿਲ ਸੀ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀ ਕਰਵਾਇਆ ਗਿਆ ਸੀ। ਇਹ ਬਿਲ ਵੀ ਰੱਦ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 20-11-2022 ਤੋਂ 05-02-2023 ਤੱਕ 77 ਦਿਨਾਂ ਦਾ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 933 ਯੂਨਿਟਾਂ ਦਾ 5,650/- ਰੁਪਏ ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ। ਬਿਲ ਵਿਚ ਐਨ-ਕੋਡ ਦੀ 3,192/- ਰੁਪਏ ਦੀ ਅਡਜਸਟਮੈਂਟ ਵੀ ਕੀਤੀ ਗਈ ਸੀ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀ ਕਰਵਾਇਆ ਗਿਆ। ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 05-02-2023 ਤੋਂ 21-03-2023 ਤੱਕ 44 ਦਿਨਾਂ ਦੇ ਸਮੇਂ ਦਾ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 533 ਯੂਨਿਟਾਂ ਦਾ 10,860/- ਰੁ: ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਵਿਚ ਏਰੀਅਰ ਦੀ ਰਕਮ 5,608/- ਰੁਪਏ ਸ਼ਾਮਿਲ ਸੀ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ। ਖਪਤਕਾਰ ਦਾ ਖਰਾਬ ਮੀਟਰ ਮਿਤੀ 03-04-2023 ਨੂੰ ਬਦਲੀ ਕੀਤਾ ਗਿਆ। ਮੀਟਰ ਬਦਲਣ ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 21-03-2023 ਤੋਂ 03-04-2023 ਤੱਕ 13 ਦਿਨਾਂ ਦੇ ਸਮੇਂ ਦਾ ਡੀ-ਕੋਡ ਨਾਲ ਔਸਤ ਖਪਤ 218 ਯੂਨਿਟਾਂ ਦਾ 13,000/- ਰੁ: ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਵਿਚ ਏਰੀਅਰ ਦੀ ਰਕਮ 10,962/- ਰੁ: ਵੀ ਸ਼ਾਮਿਲ ਸੀ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ। ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 03-04-2023 ਤੋਂ 17-05-2023 ਤੱਕ 44 ਦਿਨਾਂ ਦੇ ਸਮੇਂ ਦੀ ਖਪਤ 244 ਯੂਨਿਟਾਂ (ਮੁਢਲੀ ਪੜਤ 08 - ਨਵੀਂ ਪੜਤ 252) ਦਾ 13,110/- ਰੁ: ਦਾ ਬਿਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਵਿਚ ਏਰੀਅਰ ਦੀ ਰਕਮ 13,113/- ਰੁਪਏ ਸ਼ਾਮਿਲ ਸੀ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਹ ਬਿਲ ਵੀ ਜਮਾਂ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ।*”

From perusal of the above, Forum observed that the Reply submitted by the Respondent and decision of Divisional CGRF, Mohali are factually incorrect. Forum observed further that it has been mentioned in the above decision that a bill for the period from 13.09.2022 to 10.12.2022 had been issued to the petitioner with N-code for Rs. 3340/- which was deposited by the petitioner but it was cancelled in SAP system, whereas, actually bill dated 20.11.2022 for the period from 13.09.2022 to 20.11.2022 had been issued to the petitioner with O-code based on actual readings/consumption of 633 units. This shows that the decision dated 11.05.2023 of Divisional CGRF, Mohali is not factually incorrect even the period of the billing under dispute has not been mentioned in it.

Further, as O-code bills based on actual readings have been issued to the petitioner upto 20.11.2022, the dispute pertains to the period from 20.11.2022 to 03.04.2023. As described in the reply submitted by the Respondent as above, multiple bills have been issued with the billing periods overlapping with each other although some of these have been cancelled also. At the same time the description of bills also does not tally with the bills actually issued to the petitioner. Hence, all bills pertaining to the period 20.11.2022 to 03.04.2023 are liable to be cancelled.

Forum observed further that meter of the petitioner was replaced being defective and its display was not working as per checking report vide LCR no. 009/1242 dated 06.02.2023. Further as per ME challan no. 21 dated 29.08.2023 final readings of the meter as per display are 7518 KWH/7711 KVAH, whereas as per the Load Survey Report of DDL these are 33594 KWH/35840 KVAH as on 12.05.2023. Also, Meter Reading Time has been mentioned as 13:58:34 and its date as 25.11.2001, the year 2001 is not correct. This shows that software of the meter had corrupted and it had become defective. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters is as under:

*Regulation 21.5.2 of Supply Code 2014 dealing with Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters is as under: -*

*“The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop and in case of burnt/stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:*

*a) On the basis of energy consumption of corresponding period of previous year.*

*b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.*

*c) If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.*

*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 para-4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.*

*e) The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts”.*

Forum observed that Petitioner in his petition stated that his family was travelling to Guwahati/Nagpur from 27.01.2023 and came back on 05.02.23 and requested that average should not be charged of this period, but petitioner did not submit any documentary evidence regarding this travel. Petitioner in his petition/rejoinder has also mentioned that relevant section 21.5.2 of Supply Code-2014 and its amendment is Bad in law as it takes care of the interest of the PSPCL only, completely ignoring the interest of the consumer as it does not speak about any opportunity to be given to the consumer in case of his/her specific/special circumstances causing downward variation in the electricity consumption. In this regard, Regulation 21.5.3 of Supply Code-2014 is reproduced as under:

***21.5.3 Any evidence provided by the consumer about conditions of working and/or occupancy of the concerned premises during the said period(s) which might have a bearing on computation of electricity consumption shall, however be taken into consideration by the distribution licensee.***

Under above Regulation, every opportunity has been given to the consumer, to explain the reasons having bearing on computation of the electric consumption. But in present case, petitioner did not provide any evidence in this regard. However, the argument of the petitioner that his meter was replaced after about 115 days, is justified. Had the respondent replaced the meter in time, the problem/dispute could have been avoided. Respondent is directed to replace such meter in time bound manner as specified in the Rules/Regulations.

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. Forum is of the opinion that the decision dated 11.05.2023 of Divisional CGRF, Mohali is liable to be set-aside and bills issued to the petitioner for the period from 20.11.2022 to 03.04.2023 (date of replacement of defective meter) on average basis are liable to be quashed. Account of the petitioner is required to be overhauled for the period from 20.11.2022 to 03.04.2023 (date of replacement of defective meter) as per the Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014. The benefit of Govt. Subsidy, wherever due, is also required to be given as per the applicable instructions.

Keeping in view the above, Forum came to unanimous conclusion that the decision dated 11.05.2023 of Divisional CGRF, Mohali be set-aside and bills issued to the petitioner for the period from 20.11.2022 to 03.04.2023 (date of replacement of defective meter) on average basis be quashed. Account of the petitioner be overhauled for the period from 20.11.2022 to 03.04.2023 (date of replacement of defective meter) as per the Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014. The benefit of Govt. Subsidy, wherever due, also be given as per the applicable instructions.

1. **DECISION:**

Keeping in view the petition, reply, oral discussion, after hearing both the parties, perusal of the record produced by them & observations of Forum,

Forum decides that: -

1. **The decision dated 11.05.2023 of Divisional CGRF, Mohali is set-aside. The bills issued to the petitioner for the period from 20.11.2022 to 03.04.2023 (date of replacement of defective meter) on average basis are quashed. Account of the petitioner be overhauled for the period from 20.11.2022 to 03.04.2023 (date of replacement of defective meter) as per the Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014. The benefit of Govt. Subsidy, wherever due, also be given as per the applicable instructions.**
2. **As required under Regulation 2.33 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021 the compliance of this decision shall be made within 21 days from the date of receipt of this order.**
3. **If the Petitioner is not satisfied with the decision of Corporate CGRF, he is at liberty to file a representation before the Ombudsman appointed / designated by the Punjab State Electricity Regulatory Commission within 30 days from the date of receipt of the order of the Forum, as required under Regulation 2.39 read with Regulation 2.37 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021.**

**(CA. Baneet Kumar Singla) (Er. Himat Singh Dhillon)**

**Member (Finance) Independent Member**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE/Commercial, PSPCL**

**Place: Ludhiana**

**Date: 11.09.2023**