**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-099/2023**

**Date of Registration : 09.08.2023**

**Date of Closing : 05.09.2023**

**Date of Final Order : 14.09.2023**

**In the Matter of:**

 **M/s Sital Singh,**

**SCO-506, Sec-70, Focal Point,**

**Mohali.**

**A/c No.: 3000244150.**

**Through:**

Sh. Gurpreet Singh  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Division (Spl.),

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

1. **BRIEF HISTORY:**

Petition against Case No. CF-099/2023 has been filed directly in the Forum by Sh. Gurpreet Singh/PR in the matter related to account no. 3000244150in the name of M/s Sital Singh. The Petitioner is having NRS connection with sanctioned Load/CD of 99.000 KW/99.000 KVA under DS Division (Spl.), PSPCL, Mohali. Petitioner is using the electricity supply from the above connection in three SCO’s i.e., 506, 507 & 508, which were earlier rented out to HDFC Bank Ltd. HDFC bank Ltd. vacated the premises on 30th Nov. 2022. Petitioner rented out these SCOs to new tenant i.e., M/s Reset fitness for the period from 01.09.2022 to 31.08.2028. Petitioner contended that he received bill dated 23.01.2023 amounting Rs. 88690/- on average consumption basis on ‘D’ code and after that continuously received bills on average basis and finally received bill dated 17.05.2023 on ‘D’ code amounting to Rs. 520810/- (including unpaid amount of Rs. 3,28,592/-). Meanwhile from time-to-time petitioner represented about D-code bills to SDO/DS PSPCL, Mohali Sub-Divn. and on dated 16.05.2023 meter was replaced vide MCO no. 100020183310 dated 21.12.2022. Meter was checked in ME Lab vide challan no. 076/800 dated 22.08.2023 wherein it was reported as ‘No display’ and meter was declared defective and its DDL could not be extracted.

Petitioner contended that his premises remained vacant during this period and further he applied for reduction in demand from 99 Kva to 60 Kva during 02/2023 as such he did not agree with these bills for the period 23.12.2022 onwards upto bill dated 17.05.2023 of Rs. 520810/- and filed his case in Corporate CGRF. Forum heard the case in its proceedings dated 10.08.2023, 16.08.2023, 22.08.2023, 29.08.2023 and finally on 05.09.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 10.08.2023***

*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 19.12.2022 amounting Rs. 211100/- /- for average consumption of 9900KVAH with meter status D and further bills generated on D code and bill dated 17.05.2023 amounting Rs. 520810/- for average consumption of 23852 KVAH with meter status D including arrears of Rs. 328592/-.*
	2. *He will submit comment upon how bill dated 27.01.2023 amounting Rs. 0/- was generated with meter status O code, when D code bills were issued upto 23.01.2023 and submit document based upon which reading was corrected.*
	3. *He will submit 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 details of load reduction.*
	5. *He will submit copy of current site checking report verifying connected load and further submit copies of checking carried out by various authorities previously.*
	6. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab report and DDL report of meter in dispute.*
	7. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
	8. *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***

*Respondent submitted five copies of reply to the petition along-with the record/documents and the same have been taken on record. One copy thereof was handed over to the petitioner/PR.*

*Respondent is directed to submit the copy of MCO depicting date of effect thereof, ME Lab report, details of load reduction applied by petitioner and action taken on it, on next date of hearing.*

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

***Proceedings dated: 22.08.2023***

*Respondent submitted copy of LCR and copy of demand notice for load change order which is taken on record.*

*Respondent did neither submit the copy of MCO depicting date of effect nor ME Lab report. Respondent is again directed to submit it on next date of hearing.*

*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 vide email dated 28.08.2023 requested another date and the same is admitted.*

 *Respondent submitted copy of MCO depicting date of effect and ME Lab report as directed in previous hearing. The same is taken on record.*

*The case is adjourned to 05.09.2023 for oral discussion.*

***Proceedings dated: 05.09.2023***

*Petitioner/PR stated that the petition 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. 3000244150 is having NRS connection with Sanctioned Load/CD of 99.000 KW in the name of M/S Sital Singh under DS City Division, Mohali.
3. The Petitioner in his Petition prayed that: -

*mYN Cy SoA rum jo ik SCO No. 506,507,508 sYktr 70 mohwlI jo ik 9 JUNE 2022 nUM ikrwey qy ley sI, ijsdw ikrwieAw 1 SEP 2022 qoN SurU hoxw sI ijs dy sbMDI mYN p`twnwmw nwl n`QI kIqw hY pr ieh SoArum mYnUM 15 DEC 2022 nUM imly sn[ myry qoN pihlW ieh SoArUm HDFC bYNk kol 9 SoArUm ikrwey qy sn[ ijhnW nUM HDFC bYNk ny 30 Nov. 2022 nUM KwlI kIqw[ ijs dy sbUq sbMDI mYN HDFC bYNk qoN NOC lY ky nwl n`QI kIqI hY[ iehnW SoArUmW dw pihlw ibl 22 DEC 2022 qoN 22 JAN 2023 nUM 88690 ru: AwieAw jdoN ib`l ijAwdw AwieAw qW mYN mItr cY`k krvwieAw qW myry mItr qy D-CODE l`gw hoieAw sI[ qy ibl vI D-CODE mItr dw hI AwieAw sI[ ijs dI Skwieq mYN ibjlI borf mohwlI ivKy kIqI[ ijs nUM shI nhIN kIqw igAw Aqy dubwrw D-CODE dw Aglw ib`l 03 JAN 2023 qoN 21 FEB 2023 dw 72770 ru: AwieAw qy ijs dI Skwieq 07 FEB 2023 nUM drj krvweI Aqy lof vI Gtvwaux leI PweIl jmHW krvweI ijsdw lof 100 KVH qoN 60 KVH krvwauxw sI ijsdI rsId sbUq v`joN nwl n`QI kIqI hY[ prMqU nw mItr TIk hoieAw nw hI lof G`t kIqw igAw[ iPr dubwrw 16 MAR 2023 nUM mYN bMd mItr dI Skwieq drj krvweI pr iPr vI mItr nUM bdilAw nhIN igAw qy ibjlI ib`l D-CODE mItr dw hI AwauNdw irhw qy mYN ibjlI borf dy c`kr lgwauNdw irhw[ iPr ieh mItr 11 MAY 2023 nUM bdl id`qw igAw[ pr aus qoN bwAd vI ibjlI dw ib`l D-CODE mItr dw hI ByijAw jw irhw hY[*

*jo vI ibjlI dw ib`l A`j q`k dw AwieAw hY auh ibnW rIifMg hI AwieAw hY ikauNik mItr dI Display bMd sI ijs dy bwvjUd vI mYnUM ib`l rIifMg smyq ByijAw igAw[ mYN ieh SoArUm 15 DEC 2022 nUM ijs dw kMm krn vwsqy ley sI qy 15 DEC 2022 qoN 23 MAR 2023 q`k ijs rYnovySn dw kMm kIqw ijs dorwn ibjlI dI Kpq ijAwdw nhIN hoeI[ 24 MAR 2023 qoN hux q`k ijs dw kMm SurU hoieAw[ ijs dw lof 60 KVH qo vI G`t hY ijs iv`c 4 trYf iml LIGHTS Aqy 4 AC l`gy hoey hn[ prMqu ibjlI borf vloN 23 DEC 2022 qoN 03 MAY 2023 q`k dw ib`l 5,20810 ru: ByijAw igAw hY jo ik iblkul ijAwdw ByijAw igAw[ myry mItr dw ib`l huxy jo ik 11 MAY 2023 nUM mItr nvW l`gw[ aus dI AYvryj cYk krky shI ByijAw jwvy qW jo aus Anuswr ib`l Br skW[*

1. The Respondent submitted his reply as under: -

*Kpqkwr SITAL SINGH, pqw- SCO-506 SEC -70/160071 MOHALI, a/c- 3000244150 dw Sanctioned load 99 KW hY, CONTRACT DEMAND 99 KVA hY Aqy kYtwgrI NRS ies dPqr iv`Ky imqI 20.03.2007 qoN cl irhw hY[ imqI 17.05.2023 nUM Kpqkwr dw ib`l rkm 520810/- ru. dw D CODE dw bxwieAw igAw jo SUPPLY CODE dI Dwrw nM 21.5.2 (a) OR LAST YEAR SAME MONTH Anuswr bxwieAw igAw hY[ ies rkm (ru. 520810/-) nwl Kpqkwr sihmq nhI hY[ Awp jI dy p`qr nM 759, imqI 05.07.2023 Anuswr Kpqkwr ny Dispute rkm 520810/- dw 5% (26,000/-) imqI 17.07.2023 nUM Brw id`qw hY[ kys iqAwr krky Awp jI dy dPqr nUM AglyrI kwrveI ih`q ByijAw jWdw hY jI[*

*Petition Reply:-*

 *Kpqkwr SITAL SINGH, pqw- SCO-506 SEC -70/160071 MOHALI, a/c- 3000244150 dw Sanctioned load 99 KW hY, CONTRACT DEMAND 99 KVA hY Aqy kYtwgrI NRS ies dPqr iv`Ky imqI 20.03.2007 qoN cl irhw hY[ imqI 17.05.2023 nUM Kpqkwr dw ib`l rkm 520810/- ru. dw D CODE dw bxwieAw igAw jo SUPPLY CODE dI Dwrw nM 21.5.2 (a) OR LAST YEAR SAME MONTH Anuswr bxwieAw igAw hY[ ies rkm (ru. 520810/-) nwl Kpqkwr sihmq nhI hY[ Kpqkwr dw mItr imqI 16.05.2023 nUM bdlI kr id`qw igAw hY Aqy hux Kpqkwr dy ib`l OK CODE qy bx rhy hn[*

1. The Forum have gone through written submissions made by the Petitioner in the petition, written reply of the Respondent along with the relevant material brought in the record. The issue that requires adjudication in the present dispute is to decide the legitimacy of bill issued on dated 17.05.2023 for the period 03.04.2023 to 03.05.2023 for the average consumption of 23852 units on ‘D’ code amounting to Rs. 520810/- (including unpaid amount of Rs. 328592/-).
2. Forum observed Petitioner is using the electricity supply from the above connection in three SCO’s i.e., 506, 507 & 508, which were earlier rented out to HDFC Bank Ltd. HDFC bank Ltd. vacated the premises on 30th Nov. 2022. Petitioner rented out these SCOs to new tenant i.e., M/s Reset fitness for the period from 01.09.2022 to 31.08.2028. Petitioner contended that he received bill dated 23.01.2023 amounting Rs. 88690/- on average consumption basis on ‘D’ code and after that continuously received bills on average basis and finally received bill dated 17.05.2023 on ‘D’ code amounting to Rs. 520810/- (including unpaid amount of Rs. 3,28,592/-). Meanwhile from time-to-time petitioner represented about D-code bills to SDO/DS PSPCL, Mohali Sub-Divn. and on dated 16.05.2023 meter was replaced vide MCO no. 100020183310 dated 21.12.2022. Meter was checked in ME Lab vide challan no. 076/800 dated 22.08.2023 wherein it was reported as ‘No display’ and meter was declared defective and its DDL could not be extracted. Petitioner contended that his premises remained vacant during this period and further he applied for reduction in demand from 99 Kva to 60 Kva during 02/2023 as such he did not agree with these bills for the period 23.12.2022 onwards upto bill dated 17.05.2023 of Rs. 520810/- and filed his case in Corporate CGRF. Forum observed the consumption data submitted by the Respondent reproduced below in tabular form: -

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 2019 | 2020 | 2021 | 2022 | 2023 |
| Month | Cons. | Code | Cons. | Code | Cons. | Code | Cons. | Code | Cons. | Code |
| Jan | 12636 | O | 16056 | O | 10907 | O | 12124 | O | 20960 | O |
| Feb | 86164676 | OO | 23229 | O | 21790 | O | 11977 | O | 3478 | O |
| Mar | 18165 | O | 20240 | O | 17804 | O | 11129 | O | 28241 | D |
| Apr | 23988 | O |  |  | 21695 | O | 18220 | O | 23852 | D |
| May | 8305 | O | 27049 | O | 25714 | O | 23852 | O | 877 | D |
| Jun | 31250 | O | 14511 | O | 22849 | O | 27197 | O | 2974 | O |
| Jul | 31378 | O | 26980 | O | 28936 | O | 40963 | O | 6068 | O |
| Aug | 20121 | O | 26482 | O | 27751 | O | 9626 | O | 7460 | O |
| Sept | 38586 | O | 23571 | O | 25779 | O | 27498 | O |  |  |
| Oct | 21448 | O | 29828 | O | 23063 | O | 21541 | O |  |  |
| Nov | 25518 | O | 21161 | O | 24211 | O | 19028 | O |  |  |
| Dec | 20409 | O | 17302 | O | 13026 | O |  |  |  |  |
| **TOTAL** | **265096** |  | **246409** |  | **263525** |  | **223155** |  | **93910** |  |

Forum observed that the consumption of the petitioner is consistent from 2019 till 2022. Most of the bills during 2023 had been issued on average basis due to ‘D’ code. Petitioner contended that he executed lease deed (*pattanama*) with new tenant i.e., M/s Reset fitness and he occupied the premises on 15.12.2022 and during the period, 15.12.2022 to 23.03.2023, renovation work was carried out and on 24.03.2023 GYM was made operational. Further, the Petitioner had applied for reduction in his CD from 99KVA to 60KVA on dated 07.02.2023 which was effected by the respondent on dated 05.08.2023. Site of the petitioner was checked vide LCR no. 001/1238 dated 04.02.2023 and then vide LCR no. 017/1246 dated 21.08.2023 as per which connected load was found as 47.50KW. Forum further observed that on 03.01.2023 meter reading was recorded as 2283628KWH/2704280KVAH with MDI as 49.14KVA due to which the ‘D’ code bill issued on 22.12.2022 was reversed by respondent and a new bill dated 27.01.2023 for 61 days was issued with ‘O’ code. Thereafter from 02/2023 to 05/2023 petitioner was issued bills on ‘D’ code.

Forum also observed that Consumption before 30.11.2022 was related to HDFC Bank Ltd. (previous occupier) and consumption after 30.11.2022 was of new occupier i.e., M/s Reset Fitness and both the consumption before and after 30.11.2022 cannot be compared. Moreover, present occupier had reduced his load from 07.02.2023 onwards. Respondent charged average on the basis of consumption recorded during previous year related to previous occupier, whereas occupancy of the present occupier changed from 15.12.2022 and consumption of the new occupier decreased considerably. He had also reduced his sanctioned CD from 99kva to 60kva, therefore charging the petitioner with the consumption of previous occupier that too with sanctioned CD of 99.000 KVA is not justified. The relevant regulation 21.5.3 of supply code 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.*

Further, meter of the petitioner had been declared defective in ME Lab. 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 have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, comments of the respondent, oral discussions made by Petitioner along with material brought on record. Keeping in view the above, Forum is of the opinion that charging of the average during the disputed period on the basis of consumption recorded by previous occupier during corresponding period of the previous year, is not justified. Therefore, bill issued for the period 04.01.2023 to 03.05.2023 are liable to be quashed and the account of the petitioner is required to be overhauled for the period from 04.01.2023 to 16.05.2023 (i.e., date of change of meter) tentatively on the basis of consumption assessed as per para -4 of Annexure-8, to be adjusted subsequently on the basis of actual consumption recorded in the corresponding period of the succeeding year as per Reg. 21.5.2 (d) of Supply Code-2014.

Keeping in view of the above, Forum came to the unanimous conclusion that bills issued for the period 04.01.2023 to 03.05.2023 be quashed and the account of the petitioner be overhauled for the period from 04.01.2023 to 16.05.2023 (i.e., date of change of meter) tentatively on the basis of consumption assessed as per para -4 of Annexure-8, to be adjusted subsequently on the basis of actual consumption recorded in the corresponding period of the succeeding year as per Reg. 21.5.2 (d) of Supply Code-2014.

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, with majority decides that: -

1. **Bills issued for the period from 04.01.2023 to 03.05.2023 are quashed. The account of the petitioner be overhauled for the period from 04.01.2023 to 16.05.2023 (i.e., date of change of meter) tentatively on the basis of consumption assessed as per para -4 of Annexure-8, to be adjusted subsequently on the basis of actual consumption recorded in the corresponding period of the succeeding year as per Reg. 21.5.2 (d) of Supply Code-2014.**
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: 14.09.2023**