**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-114/2023**

**Date of Registration : 29.08.2023**

**Date of Closing : 05.09.2023**

**Date of Final Order : 11.09.2023**

**In the Matter of:**

 **Sh. Mohinder Singh,**

 **VPO Hamayunpur,**

**Sirhind.**

**A/c No.: 3000556063**

**Through:**

Sh. Harjit Singh  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Division,

PSPCL, Sirhind. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-114/2023 has been filed directly in the Forum through Sh. Harjit Singh, in the matter related to A/c no. 3000556063, in the name of Sh. Mohinder Singh. Petitioner is having DS connection with Sanctioned Load of 5.100 KW under Op. Division, PSPCL, Sirhind. Petitioner had applied for change of name but the same was not affected because of outstanding amount in petitioner’s account. Petitioner was issued bill dated 08.10.2022 and 13.12.2022 on ‘P’ code on average basis. Petitioner did not agree to these bills and challenged his meter on dated 30.12.2022. Site was checked and site report was prepared vide LCR no. 57/5193 dated 05.01.2023, wherein reading was recorded as 170910 KWH and it was reported that meter was blinking even after removing the outgoing. Meter of the petitioner was replaced being challenged vide MCO no. 100020229585 dated 09.01.2023 effected on 08.02.2023. Removed meter was sent to ME Lab for checking vide challan no. 280 dated 14.03.2023, where meter was found Ok and final reading was verified as 218612 KWH. After that, due to SAP restrictions two bills on same day dated 04.05.2023. 1st bill for the consumption of 93827 units for 10 days for the period from 05.01.2023 to 15.01.2023 amounting to Rs. 542160/- and 2nd bill for the consumption of 100000 units for 23 days for the period from 15.01.2023 to 07.02.2023 amounting to Rs. 1119840/- (including previous balance Rs. 542160/-) were issued. Thereafter petitioner was issued notice vide memo no. 855 dated 08.05.2023 to deposit outstanding amount of Rs. 1119890/-. Petitioner did not agree to these bills and notice and filed his case in the Corporate Forum.

Forum heard the case in its proceedings dated 24.08.2023 and finally on 05.09.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 24.08.2023***

*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. Sirhind (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. *Respondent shall also ensure the following action:-*
	1. *He will submit point-wise/para-wise reply to the petition be submitted in form of hard copy & soft copy (in word format) through email at* *secy.cgrfldh@gmail.com*
	2. *He will check/verify the energy bill dated 04.05.2023 amounting to Rs. 1119900/-for consumption of 121KWH (including Rs. 1119830/- as unpaid arrears), meter status ‘C’ code.*
	3. *He will submit screenshots of the meter taken before 05/2023, 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 and further submit copies of reports of checking carried out by various authorities previously.*
	5. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab reports of meter in dispute alongwith its DDL.*
	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 05.09.2023*

***Proceedings dated: 05.09.2023***

*Respondent submitted five copies of reply to the petition and the same has been taken on record. One copy handed over to the petitioner.*

*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. 3000556063, is having DS connection with Sanctioned Load of 5.100 KW, in the name of Sh. Mohinder Singh, under Op. Sirhind Division, PSPCL, Sirhind.
3. The Petitioner in his Petition prayed that: -

*mYN hrjIq isMG vwsI srihMd hW mYnUM myrw mItr qyz rPqwr cldw l`igAw qW mYN dPqr PSPCL srihMd SihrI sUicq kIqw qW aunHW mItr dyK ky mYnUM mItr cYlMj krn leI ikhw mYN mItr srkwrI PIs Br ky cYlMj kr id`qw ies smyN dOrwn mItr bdilAw igAw pr mItr qkrIbn 2,00,000- XUint (do l`K) c`l igAw aus dw mYnUM (Kpqkwr nUM) 1119900/- rUpY ibl Aw igAw[ Aswfw mItr GrylU hY ieqnI Kpq nhIN ho skdI[ ikrpw krky mYnMU ienswP idvwieAw jwvy myhrbwnI hoeygI[ ies qoN pihlW mYnUM koeI ibl nhIN AwieAw sI[ mYN ies Kwqy dw cyz AwP nym krvwaux leI igAw[ pr aunHW vloN pYsy Brvw ky kwrvweI krn leI ikhw[*

1. The Respondent in his reply stated that: -

*A DS category connection in the name of Mr. Mohinder Singh, Hamayupur, Sirhind 140406 bearing A/C No. 3000556063 with load 5.1 is running under City Sub-Division Sirhind, Under Operation Division Sirhind.*

 *Consumer had received 08-10-2022 (Annexure C-1) and 13.12.2022 (Annexure C-2) bill on P CODE which is made when meter reader's new reading input is more than 300% of average consumption of meter, thus instead of actual reading entered by meter reader, system automatically makes bill on average.*

*Thereafter consumer had challenged the above meter in ME Lab, Mandi Gobindgarh by depositing application, self declaration, ID proof and fees of Rs. 540/- on 09.01.2023. (Annexure C-3)*

*After submission of documents the area incharge JE, Sh. Navdeep Pathak issued LCR no. 5193/57 dated 05.01.2023 (Annexure C-4) on which it was observed that, "This LCR was issued on the request of consumer. On disconnecting the O/G of Meter, it is still blinking. Relevant Action be taken."*

*Thereafter the meter was changed by the Sh. Charan Singh JE on Dated 08.02.2023 vide 100020229585 dated 09-01-2023 (Annexure C-5)*

*Thereafter the meter was checked in ME Lab vide challan No. 280 dated 14-03-2023(Annexure C-6) and no meter was found to be fast, however the final reading found in ME was 218612 which was more than by 193829 from last billed reading of 24783.*

*After that, bills dated 04.05.2023 (Annexure C-7) and 04.05.2023 (Annexure C-8) were issued to consumer for* *unbilled units of 193829 and since one single bill of 193829 couldn't be made due to SAP restrictions therefore 2 bills were made, one of 100000 units for Rs. 577680/- and other of 93827 units for Rs. 542160/-*

*After this consumer was issued notice vide memo no. 855 dated 28.05.2023 (Annexure C-9) to deposit Rs. 1119890/- (after which consumer had applied for this case before Corporate CGRF.*

*Thereafter letter No. 1374 dated 28-07-2023 (Annexure C-10) was written to ME lab to provide DDL of the meter checked for which as per their Memo No. 376 dated 31-07-2023 This meter being of old version doesn't have provision for DDL, in other words there is no optical Port in this meter, therefore DDL of this meter was not possible." (Annexure C-11)*

1. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, 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 two bills issued on dated 04.05.2023 for unbilled units of 193829 kwh total amounting to Rs. 1119890/- alongwith with notice issued vide memo no. 855 dated 08.05.2023.
2. Forum observed that Petitioner was issued bill dated 08.10.2022 and 13.12.2022 on ‘P’ code on average basis. Petitioner did not agree to these bills and challenged his meter on dated 30.12.2022. Site was checked and site report was prepared vide LCR no. 57/5193 dated 05.01.2023, wherein reading was recorded as 170910 KWH and it was reported that meter was blinking even after removing the outgoing. Meter of the petitioner was replaced being challenged vide MCO no. 100020229585 dated 09.01.2023 effected on 08.02.2023. Removed meter was sent to ME Lab for checking vide challan no. 280 dated 14.03.2023, where meter was found Ok and final reading was verified as 218612 KWH. After that, due to SAP restrictions two bills on same day dated 04.05.2023. 1st bill for the consumption of 93827 units for 10 days for the period from 05.01.2023 to 15.01.2023 amounting to Rs. 542160/- and 2nd bill for the consumption of 100000 units for 23 days for the period from 15.01.2023 to 07.02.2023 amounting to Rs. 1119840/- (including previous balance Rs. 542160/-) were issued. Thereafter petitioner was issued notice vide memo no. 855 dated 08.05.2023 to deposit outstanding amount of Rs. 1119890/-. Petitioner did not agree to these bills and notice and filed his case in the Corporate Forum.

Forum observed the consumption data supplied by the Respondent as under:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Year | 2018 | 2019 | 2021 | 2022 | 2023 |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan |  |  |  |  |  |  |  |  | 93827 | O |
| Feb | 100 | O | 119 | O | 110 | O | 178 | O | 100000 | O |
| April | 137 | O | 134 | O | 189 | O | 299 | O | 121.00 | C |
| June | 335 | O | 287 | O | 324 | O | 461 | O | 363.00 | O |
| Aug | 674 | O | 623 | O | 714 | O | 702 | O | 686.00 | O |
| Oct | 636 | O | 770 | O | 539 | O | 558 | P |  |  |
| Dec | 152 | O | 198 | O | 200 | O | 210 | P |  |  |
| **Total** | **2034** |  | **2131** |  | **2076** |  | **2408** |  | **194997** |  |

Forum observed that the annual consumption of petitioner from 2018 to 2023 is 2034, 2131, 2076, 2408 and 194997 units (including the exponentially high consumption of 193829 KWH for the period from 09.08.2022 to 07.02.2023) respectively. The consumption as high as 193829KWH has never been recorded in such a duration before and after the change of meter. Forum observed that site of the petitioner was checked vide LCR no. 57/5193 dated 05.01.2023 where reading was recorded as 170910 KWH and it was reported as under:-

***“ieh LCR Kpqkwr dI bynqI qy jwrI kIqI geI hY[ Kpqkwr dy mItr dI O/G k`Fx qy vI mItr blINk kr irhw hY[ bxdI kwrvweI kIqI jwvy[”***

Further respondent submitted letter from the office of AEE/ME sub division Mandi Gobindgarh with Memo No. 376 dated 31.07.2023 where it was reported as under: -

***“ieh mItr purwxI vrjn dw hox kwrn DDL nhIN ho skdw[”***

Respondent also submit current site checking report vide LCR no. 56/5212 dated 01.09.2023 as per which reading has been recorded as 1174 kwh which means consumption of 1170 units in about 8 months i.e. about 150 units per month and connected load 3.240 kw against sanctioned load 5.100 kw.

From the above, Forum observed that though accuracy of the meter was found OK in ME Lab, but sudden jump in Kwh reading from 24573 to 54368 and onwards to 145444, 170910 & final reading 218612 clearly indicates that the software of the meter misbehaved and meter 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 has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as other material brought on record. Keeping in view the above facts and as admitted by the Respondent that on disconnecting outgoing of meter, it is still blinking, Forum is of the opinion that, the disputed meter can be treated as defective and the abnormal reading recorded by it can be ignored. Therefore, bills issued for the period from 08.10.2022 to 08.02.2023 issued on dated 04.05.2023, amounting to Rs. 1119900/- along with notice issued vide memo no. 855 dated 08.05.2023, are liable to be quashed and the account of the petitioner is required to be overhauled for the period from 09.08.2022 to 08.02.2023 (i.e., the date of change of meter), on the basis of consumption recorded in the corresponding period of previous year as per Regulation no. 21.5.2(a) of Supply Code-2014.

Keeping in view the above, Forum came to the unanimous conclusion that bills issued for the period from 08.10.2022 to 08.02.2023 issued on dated 04.05.2023, amounting to Rs. 1119900/- along with notice issued vide memo no 855 dated 08.05.2023 be quashed and the account of the petitioner be overhauled for the period from 09.08.2022 to 08.02.2023 (i.e., the date of change of meter), on the basis of consumption recorded in the corresponding period of previous year as per Regulation no. 21.5.2(a) 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 decides that: -

1. **Bills issued for the period from 08.10.2022 to 8.02.2023** **issued on dated 04.05.2023 amounting to Rs. 1119900/- along with notice issued vide memo no. 855 dated 08.05.2023 are quashed. The account of the petitioner be overhauled for the period from 09.08.2022 to 08.02.2023 (i.e., the date of change of meter), on the basis of consumption recorded in the corresponding period of previous year as per Regulation no. 21.5.2(a) 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: 11.09.2023**