**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-122/2023**

**Date of Registration : 19.09.2023**

**Date of Closing : 03.10.2023**

**Date of Final Order : 10.10.2023**

**In the Matter of:**

 **M/S Susmita Enterprises,**

**Rajla Road, Samana.**

**A/c No.: 3008200336.**

**Through:**

Sh. Gauri Shankar  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Divn.,

PSPCL, Samana. **...Respondent**

1. **BRIEF HISTORY:**

Petition against Case No. CF-122/2023 has been filed directly in the Forum by the petitioner in the matter related to account no. 3008200336in the name of M/s Susmita Enterprises. The Petitioner is having LS connection with Sanctioned Load/CD of 250.00 KW/250.00 KVA under DS Division, PSPCL, Samana. Petitioner was issued bill dated 22.03.2023 for a consumption of 126416 KVAH for the period from 21.02.2023 to 21.03.2023 on O-code amounting to Rs. 797610/-. Thereafter, petitioner was issued bill dated 24.04.2023 for a consumption of 177284 KVAH for the period from 21.03.2023 to 20.04.2023 on O-code amounting to Rs. 1646530/- (including unpaid arrears of Rs. 477338/- after a payment of Rs. 350000/- on 10.04.2023). Petitioner did not agree to these bills and challenged his meter. Connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-2, PSPCL, Patiala on 12.04.2023 and ECR no. 06/5003 dated 12.04.2023 was prepared. As per ECR, current on LT side was checked with clip-on meter and was found OK. Further it was mentioned that being a LS connection, accuracy of the meter could not be checked and the same be got checked from ME Lab. Meter of the petitioner was changed vide MCO no. 100021047141 dated 27.03.2023 effected on 02.05.2023. Removed meter was checked in ME Lab vide Challan no. 4 dated 06.06.2023 where accuracy of meter was found within limits on both Active and Reactive mode. Petitioner did not agree to the results of ME Lab and bills dated 22.03.2023 and 24.04.2023 and filed his case in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 25.09.2023 and finally on 03.10.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 25.09.2023***

*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. City Samana (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 22.03.2023 amounting to Rs. 797610/-for consumption of 126416KVAH for period 21.02.2023 to 21.03.2023 with Meter status O and bill dated 24.04.2023 of Rs. 1646530/-(including previous bill) for consumption of 176564KVAH with meter status O.*
	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 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 taken at site and DDL available at MDAS portal.*
	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 03.10.2023.*

***Proceedings dated: 03.10.2023***

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

*Petitioner stated that his meter was running even when the whole factory was shut down and shown video of meter in which pulse indicator was blinking very fast. He claimed that this position was shown to Xen/Enforcement during checking and he replied that checking is for only changing his meter.*

*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. 3008200336 is having LS connection with Sanctioned Load/CD of 250.00 KW/250.00 KVA in the name of M/S Susmita Enterprises, under DS Division, Samana.
3. The Petitioner in his Petition prayed that: -

*I am Sushmita Rout sole prop. of M/S Sushmita Enterprises, Rajla Road, Samana. I received bill dated 22/3/23 ₹797610/- for very high units of 12646 units and then another bill issued by PSPCL Dt. 24/4/23 ₹1646350/- for the consumption of 177284 units. After that, the bill is not corrected after challenging the meter. So, it is requested to rectify my bill and refund be given for the excess bill.*

1. The Respondent in his reply to petition stated that: -

*ਕੇਸ ਹਿਸਟਰੀ : -*

* + - 1. *ਖਪਤਕਾਰ M/s Susmita Enterprises, ਰਾਜ਼ਲਾ ਰੋੜ, ਸਮਾਣਾ, ਖਾਤਾ ਨੰ-3008200336 ਦਾ ਕੁਨੈਕਸ਼ਨ LS ਕੈਟਾਗਰੀ ਅਧੀਨ ਚੱਲਦਾ ਹੈ ਅਤੇ ਖਪਤਕਾਰ ਦੇ ਅਹਾਤੇ ਦਾ Sanctioned load 250 KW ਹੈ ਅਤੇ ਖਪਤਕਾਰ ਦੇ ਕੁਨੈਕਸ਼ਨ ਦਾ MF-4 ਹੈ।*
			2. *ਖਪਤਕਾਰ ਨੂੰ ਮਹੀਨਾ 03/2023 ਦਾ 126416 KVAH ਦਾ ਅਤੇ ਮਹੀਨਾ 04/2023 ਦਾ 177284KVAH ਯੂਨਿਟਾਂ ਦਾ O code ਦਾ ਬਿਲ ਆਇਆ ਹੈ।*
			3. *ਖਪਤਕਾਰ ਵੱਲੋਂ ਅਪਣਾ ਮੀਟਰ ਚੈਲੇਜ ਕੀਤਾ ਗਿਆ ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ MCO No. 100021047141 ਮਿਤੀ 27/03/2023 ਰਾਹੀਂ ਬਦਲਿਆ ਗਿਆ (2-5-23) MCO effect.*
			4. *ਖਪਤਕਾਰ ਦੇ ਅਹਾਤੇ ਦੀ ਚੈਕਿੰਗ ECR NO. 06/5003 ਮਿਤੀ 12.04.2023 ਰਾਹੀਂ ਕੀਤੀ ਗਈ MDI 46.65 kVA ਪਾਈ ਗਈ।*
			5. *ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਚਲਾਨ ਨੰ. 01/04/112 ਮਿਤੀ 06.06.2023 ਐਮ.ਈ.ਲੈਬ, ਪਟਿਆਲਾ ਵਿਖੇ ਚੈਕ ਕਰਵਾਇਆ ਗਿਆ ਜਿਸ ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ Active/Reactive ਪਾਇਆ ਗਿਆ ਅਤੇ ਮੀਟਰ ਦੀ Accuracy within limit ਪਾਈ ਗਈ।*
			6. *ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਸ ਸਬੰਧੀ ਅਪਣਾ ਕੇਸ CGRF ਵਿਖੇ ਲਗਾਇਆ ਹੈ।*
			7. *ਖਪਤਕਾਰ ਵੱਲੋਂ CGRF ਵਿਖੇ ਅਪਣਾ ਕੇਸ ਲਗਾਉਣ ਲਈ 4,71,630/- ਰੁਪਏ ਰਸੀਦ ਨੰ 217800262127 dated: 15.09.2023 ਰਾਹੀਂ ਭਰਵਾ ਦਿੱਤੀ ਗਈ ਹੈ।*
1. The Forum has 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 amount of Rs. 1646530/- (+ Rs. 350000/- already deposited on 10.04.2023) charged to the petitioner in bills dated 22.03.2023 and 24.04.2023.
2. Forum observed that petitioner was issued bill dated 22.03.2023 for a consumption of 126416 KVAH for the period from 21.02.2023 to 21.03.2023 on O-code amounting to Rs. 797610/-. Thereafter, petitioner was issued bill dated 24.04.2023 for a consumption of 177284 KVAH for the period from 21.03.2023 to 20.04.2023 on O-code amounting to Rs. 1646530/- (including unpaid arrears of Rs. 477338/- after a payment of Rs. 350000/- on 10.04.2023). Petitioner did not agree to these bills and challenged his meter. Connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-2, PSPCL, Patiala on 12.04.2023 and ECR no. 06/5003 dated 12.04.2023 was prepared. Relevant part of the observations recorded in the ECR is reproduced under: -

*“LT ਸਾਈਡ ਤੇ ਕਲਿਪਆਨ ਮੀਟਰ ਨਾਲ ਕਰੰਟ ਦਾ ਮਿਲਾਨ ਕੀਤਾ ਜੋ ਕਿ ਠੀਕ ਪਾਇਆ ਗਿਆ।*

*ਮੀਟਰ LS ਕੁਨੈਕਸ਼ਨ ਹੋਣ ਕਾਰਣ ਐਕੁਰੇਸੀ ਕੀਤੀ ਨਹੀਂ ਜਾ ਸਕਦੀ। ਮੀਟਰ ਨੂੰ ਸੀਲ ਪੈਕ ਹਾਲਤ ਵਿੱਚ ਅਗਲੇਰੀ ਜਾਂਚ ਲਈ ਖਪਤਕਾਰ ਦੀ ਹਾਜਰੀ ਵਿੱਚ ਲਿਆਂਦਾ ਜਾਵੇ।*

*CT/PT ਮੀਟਰਿੰਗ ਰੂਮ ਨੂੰ ਚੀਫ ਇੰਜ. ਵਣਜ ਦੇ ਪੱਤਰ ਨੰ. 367/71 ਮਿਤੀ 08.06.2020 ਦੇ ਅਨੁਸਾਰ ਮੇਨਟੇਨ ਕੀਤਾ ਜਾਵੇ।”*

Meter of the petitioner was changed vide MCO no. 100021047141 dated 27.03.2023 effected on 02.05.2023. Removed meter was checked in ME Lab vide Challan no. 4 dated 06.06.2023 where accuracy of meter was found within limits on both Active and Reactive mode. Petitioner did not agree to the results of ME Lab and bills dated 22.03.2023 and 24.04.2023 and filed his case in Corporate CGRF, Ludhiana.

Forum observed the consumption data submitted by the Respondent on record reproduced below in tabular form:

|  |  |  |
| --- | --- | --- |
| KVAH | 2022 | 2023 |
| Month | Date | Cons. | Code | Date | Cons. | Code |
| Jan |  |  |  | 21.01.23 | 36656 | O |
| Feb |  |  |  | 21.02.23 | 42488 | O |
| Mar |  |  |  | 21.03.23 | 126416 | O |
| Apr |  |  |  | 20.04.23 | 177284 | O |
| May |  |  |  | 02.05.2322.05.2331.05.23 | 40724559610032 | OOO |
| Jun |  |  |  | 21.06.23 | 28944 | O |
| Jul |  |  |  | 21.07.23 | 36600 | O |
| Nov | 23.11.22 | 9336 | O |  |  |  |
| Dec | 23.12.22 | 28860 | O |  |  |  |
| **TOTAL** |  | **38196** |  |  | **508088** |  |

Forum observed that the disputed consumption of 126416 & 177284 units recorded in March & April/2023 is comparatively very high than previous and future consumption. On scrutinizing the Load Survey-Energy Report available in DDL, it is observed that the meter recorded unusual values of current of exactly 10 A which remained constant and equal on all the three phases for many hours daily in a set pattern between 12:30 Hrs. to 20:00 Hrs. during the period from 06.04.2023 to 21.04.2023 for which Load Survey-Energy Report is available. This value of 10 A recorded in the meter means 10x4=40 A line current on 11 KV primary side or 762 KVA load, whereas, the Maximum Demand recorded by the meter since its installation is 186.6 KVA which also has been recorded in the disputed period. The Maximum Demand recorded in the non-disputed period is 138.56 KVA only. The meter normally records constant value Imax of 10 Amp under certain temper condition e.g., magnetic temper. However, perusal of the Temper Data Report of DDL it is observed that no such temper condition has ever been recorded. Forum observed further that Load Survey Data is not available for the entire disputed period, hence, how the meter behaved between 21.02.2023 to 06.04.2023 cannot be ascertained from the DDL Report, however, abnormally high consumption of 126414 KVAH recorded during the period from 21.02.2023 to 21.03.2023 gives sufficient indication that behavior of the meter was erratic during this period which continued till its change. Hence, the meter behaved in erratic manner in the entire disputed period i.e., the period between 21.02.2023 and 20.04.2023. Further, the meter has recorded a normal consumption of 42488 KVAH during the period from 21.01.2023 to 21.02.2023 which has not been disputed by the petitioner also. This implies that behavior of the meter was normal upto 21.02.2023. Even after the change of the disputed meter, normal consumption has been recorded. Hence, the meter is to be treated as defective during the period from 21.02.2023 to 02.05.2023 i.e., the date of change of meter, in spite of the fact that its accuracy has been found within limits on both active and reactive modes in ME Lab. The relevant regulation of PSERC Electricity Supply Code and Related Matters Regulations-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 written submissions made by the Petitioner in the petition, written reply of the Respondent, along with the relevant material brought in the record. In view of the above discussion, Forum is of the opinion that bills issued to the petitioner for the period from 21.02.2023 upto the date of change of meter i.e., 02.05.2023 are not justified and are liable to be quashed. Account of the petitioner is required to be overhauled for the period from 21.02.2023 to 02.05.2023 i.e., date of change of meteron the basis of average consumption recorded during the period from 23.11.2022 to 21.02.2023 as per Regulation no. 21.5.3(c) of PSERC Electricity Supply Code and Related Matters Regulations-2014 as pervious consumptions as per Regulations nos. 21.5.3(a) & (b) of PSERC Electricity Supply Code and Related Matters Regulations-2014 are not available.

Keeping in view the above, Forum came to unanimous conclusion that bills issued to the petitioner for the period from 21.02.2023 upto the date of change of meter i.e., 02.05.2023 be quashed. Account of the petitioner be overhauled for the period from 21.02.2023 to 02.05.2023 i.e., date of change of meteron the basis of average consumption recorded during the period from 23.11.2022 to 21.02.2023 as per Regulation no. 21.5.3(c) of PSERC Electricity Supply Code and Related Matters Regulations-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 to the petitioner for the period from 21.02.2023 upto the date of change of meter i.e., 02.05.2023 are quashed. Account of the petitioner be overhauled for the period from 21.02.2023 to 02.05.2023 i.e., date of change of meter on the basis of average consumption recorded during the period from 23.11.2022 to 21.02.2023 as per Regulation no. 21.5.3(c) of PSERC Electricity Supply Code and Related Matters Regulations-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: 10.10.2023**