**CORPORATE CONSUMERS GRIEVANCES REDRESSAL FORUM**

**PUNJAB STATE POWER COPROPRATION LIMITED**

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

**Tel: 0161-297-1912, email: secy.cgrfldh@gmail.com**

**CASE NO.: CF- 138/2023**

**Date of Registration : 17.10.2023**

**Date of Closing : 26.10.2023**

**Date of Final Order : 31.10.2023**

**In the Matter of:**

 **Sh. Arvinder Singh,**

**4146/33 G.5, Kot Baba Deep Singh,**

 **Amritsar.**

**A/C No.: 3002723499.**

**Through:**

Sh. Arvinder Singh, **…Petitioner**

Versus

**Punjab State Power Corporation Ltd**

**Through:**

Addl. SE/Op. Industrial Division,

PSPCL, Amritsar.  **…Respondent**

1. **BRIEF HISTORY**

Petition, against Case No. CF-138/2023 has been filed as an appeal in this Forum by Sh. Arvinder Singh, in the matter related to account No. 3002723499 in the name of Sh. Arvinder Singh. The Petitioner is having DS category connection with a sanctioned load of 3.000Kw under DS Industrial Division, Amritsar. Petitioner was issued bill dated 19.07.2022 for the period from 24.05.2022 to 19.07.2022 for consumption of 9177 units amounting to Rs. 51645/- (excluding previous arrears of Rs. 16615/-). Petitioner did not agree to the current bill and challenged his meter. Meter of the petitioner was changed vide MCO no. 100018915972 dated 22.08.2022 effected on 16.12.2022. Removed meter was checked in ME Lab vide challan no. 157 dated 06.02.2023. As per ME report, the accuracy of meter on dial test was found OK. DDL could not be taken the meter being mechanical. Petitioner did not agree to it and filed his case in Circle CGRF, PSPCL City Amritsar. Circle CGRF, PSPCL City Amritsar in its decision dated 26.07.2023 held that it is a case of accumulation of consumption and recorded consumption of 9177 units in 07/2021, be divided from 22.01.2020 to 24.05.2022 and account be overhauled accordingly. Petitioner did not agree to decision of Circle CGRF, PSPCL City Amritsar and filed his case in Corporate CGRF.

Forum heard the case in its proceedings on 19.10.2023, and finally on 26.10.2023 when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated 19.10.2023***

*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 Industrial Area, Amritsar (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: -*
5. *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**.*
6. *He will check/verify the disputed amount of Rs. 56296/-, later revised to Rs. 50149/- vide notice no. 2690 dated 29.09.2023 as per Circle CGRF, City Circle Amritsar, vide its decision dated 26.07.2023.*
7. *He will submit copy of case file of Circle CGRF and its decision.*
8. *He will submit screenshots of meter taken before 05/2022, 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.*
9. *He will submit copy of current site checking report, LCR no. 37/11039 dated 16.08.2022, LCR no. 87/11046 dated 24.07.2023 and further submit copies of reports of checking carried out by various authorities previously.*
10. *Submit copies of related Job order clearly depicting date of effect thereof. ME lab reports of meter in dispute along with its DDL.*
11. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
12. *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 26.10.2023.*

***Proceedings dated 26.10.2023***

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

*Respondent stated that date of effect of MCO is 16.12.2022.*

*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 is having DS connection with sanctioned load of 3.000 KW in the name of Sh. Arvinder singh, running under DS Divn., Amritsar.
3. Petitioner in his petition pleaded as under:

*bynqI hY ik mYN ArivMdr isMG vwsI mkwn nM. 4146, glI nM. 5, kot bwbw dIp isMG, AMmRIqsr dw rihx vwlw hW[ myrw AkwaUNt nMbr 3002723499 hY[ myrw mItr dw lof jo ik 3 iklo vwt hY[ imqI 26/07/2023 nUM Acwnk myrw ibjlI dw ib``l 9177 XUint Aw igAw hY, ies ib`l dI rkm 56296/- rupey bxdI hY[ jo ik mYN kys fI.AYs.sI. AimRqsr iv`c lgwieAw sI[ pr mYnMU au`Qy koeI vI rwhq nhIN imlI[ ikrpw krky myry ipCly swlw dI rIifMg dI AYvryj Aqy mOjUdw rIifMg dy ADwr qy myrw ib`l TIk kIqw jwvy[ Awp jI dI bhuq mihrbwnI hovygI[*

1. Respondent in his reply to the petition is submitted as under:
2. *Point wise/ Para wise reply to the petition in the form of hardcopy is submitted as below and in the form of soft copy is sent through email id* *ae-comm-sultanwind-asr@pspcl.in**.*
3. *It is submitted that the disputed amount of the case is Rs. 56296/- which after payment of current electricity bills and 20% of the disputed amount Rs. 11259 got reduced to 50149/- as on 26.09.2023*
4. *Copy of Case file and its decision is attached herewith.*
5. *Screenshots of meter taken before 05/2022 are not available as now outsourcing of billing of consumer is under new company i.e., Inventive Solutions Pvt. Ltd. Consumption data depicting readings, dates of reading in KWH & KVAH, MDI, PF etc. also indicating the meter status, MF etc. For previous five years along with SAP reading record is attached herewith.*
6. *Copy of current LCR is asked form 500 Tech. Chattiwind vide this office memo no. 2855 dated 23/10/2023. LCR No 37/11039 dated 16.08.2022 and LCR No. 87/11046 dated 24.07.2023 are attached herewith. No checking was carried out by any other authority in previous years,*
7. *ME challan no. 157 dated 06/02/2023 is duly attached DDL of the Meter was not conducted as it has mechanical counter.*
8. *Consumer was billed amount 50,149/-dated 26.07.2023 based on O code consumption.*
9. *All documents are duly checked & signed by ASE/Sr. XEN and he will be responsible for the authenticity of the documents submitted to the forum.*

*auprokq ivSy dy sbMD iv`c Awp jI nUM bynqI pUrvk iliKAw jWdw hY ik Kpqkwr dI ipClI Kpq GoKx qy inmn hsqwKr jI dy iDAwn iv`c AwieAw hY ik Kpqkwr nUM ijhVw ib`l imqI 19.07.2022 nUM jwrI hoieAw hY, aus iv`c Kpqkwr dI Kpq 9177 XUint Aw rhI hY[ Kpqkwr v`loN ies sbMDI mItr vI imqI 22.08.2022 nUM cYilMj kIqw igAw sI[ ies auprMq ies dPqr v`loN MCO Order No. 100018915972 jwrI kIqw igAw Aqy mItr bdlI kr id`qw igAw[ mOky qy mItr aqwrn qoN bwAd mItr cYikMg leI AYm.eI. lYb ByijAw igAw[ AYm.eI. clwn nM. 157 imqI 06.02.2023 dI irport Anuswr “mItr tYst bYNc qy lgwieAw igAw qy fwiel tYst TIk pwieAw igAw[ mItr dw kwaUNtr mYknIkl hox kwrn fI.fI.AYl nhIN ho skdw[” Kpqkwr dw mMjUrsudw lof 3 iklovwt hY Aqy kYtwigrI fI.AYs. hY[*

1. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as oral arguments made by the Petitioner and the Respondent along with the material brought on the record. The issue that requires adjudication in the present dispute is to decide the legitimacy of bill dated 19.07.2022 for the period from 24.05.2022 to 19.07.2022 for consumption of 9177 units amounting to Rs. 51645/- (excluding arrear 16615/-) along with decision dated 26.07.2023 of Circle CGRF, PSPCL City Amritsar.
2. Forum observed that Petitioner was issued bill dated 19.07.2022 for the period from 24.05.2022 to 19.07.2022 for consumption of 9177 units amounting to Rs. 51645/- (excluding previous arrears of Rs. 16615/-). Petitioner did not agree to the current bill and challenged his meter. Meter of the petitioner was changed vide MCO no. 100018915972 dated 22.08.2022 effected on 16.12.2022. Removed meter was checked in ME Lab vide challan no. 157 dated 06.02.2023. As per ME report, the accuracy of meter on dial test was found OK. DDL could not be taken the meter being mechanical. Petitioner did not agree to it and filed his case in Circle CGRF, PSPCL City Amritsar. Circle CGRF, PSPCL City Amritsar in its decision dated 26.07.2023 decided as under: -

*“kmytI v`loN PYslw kIqw jWdw hY ik ieh kMsIlmYNt dw kys hox krky mhInw 07/21 iv`c AweI 9177 XUnItW dI Kpq nUM imqI 22.01.2020 qoN lY ky 24.05.2022 q`k vMf ky cwrj kIqI jwvy Aqy cwrjkrn Xog rkm qy bxdw ivAwz vI vsUilAw jwvy[”*

Petitioner did not agree to decision of Circle CGRF, PSPCL City Amritsar and filed his case in Corporate CGRF.

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Year | 2019 | 2020 | 2021 | 2022 | 2023 |
| Month | KWH | Code | KWH | Code | KWH | Code | KWH | Code | KWH | Code |
| Jan | 140 | O | 308 | O | 302 | O | 597 | O | 187 | C |
| March | 120 | O | 143 | O | 325 | O | 593 | O | 358 | O |
| May | 277 | O | 304 | O | 346 | O | 1112 | O | 440 | O |
| July | 508 | O | 315 | O | 415 | O | 9177 | O | 1384 | O |
| Sept | 565 | O | 410 | O | 467 | O | 1200 | O | 1706 | O |
| Nov | 379 | O | 318 | O | 415 | O | 552 | O |  |  |
| Dec |  |  |  |  |  |  | 134 | O |  |  |
| Total | 1989 |  | 1798 |  | 2270 |  | 13365 |  | 4075 |  |

Forum observed that, the annual consumption from 2019 to 2023 (upto 09/2023) has been recorded as 1989, 1798, 2270, 13365 (including excessive consumption of 9177 units recorded in 07/2022) & 4075 units respectively. Forum observed though such a high consumption of 9177 units for the period 24.05.2022 to 19.07.2022 (56 days) was never recorded before or after the replacement of meter. But it is observed that the consumption during July & Sep/2023 is very much on higher side as compared to the previous years. In this regard, petitioner during oral discussion, stated that his son is sick & bed ridden from the last year and AC was excessively used due to which his consumption increased. Further as per current checking report vide LCR no. 87/11046 dated 24.07.2023 reading was recorded as 2643KWH and the connected load was found as 2.53 KW against sanctioned load of 3 KW. Forum observed that the disputed consumption of 9177 units in one billing cycle is not at all possible with sanction/connected load of the petitioner. Even with LDHF formula, the bimonthly consumption comes out as about 400 units which is almost actually being recorded in his previous bills.

Forum also observed that the dispute filed by Petitioner in CLDSC was against bill dated 19.07.2022 amounting to Rs. 56296/- for 9177 units for the period from 24.05.2022 to 19.07.2022, but CLDSC in its decision decided to distribute this consumption from 22.01.2020 to 24.05.2022 without specifically quoting the reasons which shows that the decision passed by CLDSC is not on the issues raised before it. Merely on the basis that the previous consumption is less, it cannot be considered that it was a case of concealment, when all the bills to the petitioner had been issued on ‘O’ codes. Moreover, the circle CGRF has not recommended to take any action against the meter reader/meter reading agency for taking wrong readings. Also, the decision of the Forum is not based on any regulations/instructions of the Distribution Licensee/PSERC and the Circle CGRF had erred in passing such order.

From the above, Forum observed that the disputed consumption of 9177 units recorded in 07/2022 is due to some malfunctioning of the meter, hence it is not justified. Therefore, although accuracy of the meter on dial test was found OK in ME Lab, but exceptionally high consumption of 9177 units recorded in 07/2022 indicates that the meter misbehaved in this duration and it became defective, hence reading recorded by it cannot be relied upon. Therefore, the meter is required to be treated as defective. Relevant Regulation 21.5.2 of Supply Code 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, oral discussions made by Petitioner along with material brought on record. Keeping in view the above, Forum is of the opinion that as the meter had misbehaved somewhere after recording the reading on 24.05.2022 and had become defective, therefore, the reading recorded by it on 19.07.2022 cannot be relied upon. The disputed bill dated 19.07.2022 alongwith all the bills issued for the period upto 16.12.2022 i.e., date of change of meter are not justified and liable to be quashed. The decision dated 26.07.2023 of Circle CGRF, PSPCL, City Amritsar is liable to be set aside. Further as the consumption of the petitioner has increased after the change of the meter therefore the consumption recorded during previous year cannot be taken as basis for overhauling the account. Therefore, the account of the petitioner is required to be overhauled for the period from 24.05.2022 to 16.12.2022 (i.e., date of change of meter) as per Regulation no. 21.5.2(d) of Supply Code-2014.

Keeping in view the above, Forum came to unanimous conclusion that the disputed bill dated 19.07.2022 alongwith all the bills issued for the period upto 16.12.2022 i.e., date of change of meter, be quashed. The decision dated 26.07.2023 of Circle CGRF, PSPCL, City Amritsar, be set aside. The account of the petitioner be overhauled for the period from 24.05.2022 to 16.12.2022 (i.e., date of change of meter) as per Regulation no. 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 decides that: -

1. **The disputed bill dated 19.07.2022 alongwith all the bills issued for the period upto 16.12.2022 i.e., date of change of meter, are quashed. The decision dated 26.07.2023 of Circle CGRF, PSPCL, City Amritsar, is set aside. The account of the petitioner be overhauled for the period from 24.05.2022 to 16.12.2022 (i.e., date of change of meter) as per Regulation no. 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: 31.10.2023**