**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-143/2023**

**Date of Registration : 03.11.2023**

**Date of Closing : 15.11.2023**

**Date of Final Order : 17.11.2023**

**In the Matter of:**

 **Sh. Mukesh Kapoor,**

**B-6-798/18, Gaushala Road,**

**Ludhiana.**

**A/c No.: 3001578145.**

**Through:**

Sh. Mukesh Kapoor  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS City Centre Divn. (Spl.),

PSPCL, Ludhiana. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-143/2023 has been filed in the Forum as appeal against the decision dated 31.08.2023 of Divisional CGRF City Centre, PSPCL, Ludhiana in the matter related to A/c no. 3001578145, in the name of Sh. Mukesh Kapoor. Petitioner is having NRS connection with Sanctioned Load of 5.00 KW under DS City Centre Division, PSPCL, Ludhiana. Meter of the petitioner got defective and he was issued bills on D-code average basis for the period from 17.12.2021 to 12.06.2022. Meter of the petitioner, being defective, was changed vide MCO no. 100017622661 dated 07.05.2022 effected on 13.06.2022. Removed meter was checked in ME Lab vide challan no. 988 dated 22.06.2022 wherein reading of the meter was verified as 23587 KWH. The meter was accepted as defective. IA Party Janta Nagar (camp at City Centre Divn.) while checking the accounts of the petitioner pointed out short assessment vide HM no. 187 dated 10.02.2023 for the period from 14.06.2021 to 16.12.2021 and accordingly AEE/Comm., City Centre Division charged this amount in the bill issued on dated 14.04.2023. Petitioner did not agree to this amount and filed a case in Divisional CGRF City Centre, PSPCL, Ludhiana. Divisional CGRF City Centre, in hearing dated 31.08.2023 decided that amount is correct & recoverable

In accordance with above decision, AEE/Comm., City Centre Division issued notice to petitioner vide his office Memo no. 4082 dated 12.10.2023 directing him to deposit an amount of Rs. 29157/- within seven days. Petitioner did not agree to this decision of Divisional CGRF City Centre division, PSPCL, Ludhiana and filed appeal in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 07.11.2023 and finally on 15.11.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 07.11.2023***

*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 Central, Ludhiana (Respondent) along with copy of petition as follows: -*

1. *Respondent will check/verify the amount of Rs. 25087/- charged as per Audit half margin no. 187 dated 10.02.2023.*
2. *Respondent shall submit five copies of the following record/documents to the Forum: -*
	1. *point-wise/para-wise reply to the petition in form of hard copy & soft copy (in word format) through email at* *secy.cgrfldh@gmail.com*
	2. *copy of audit half margin no. 187 dated 10.02.2023.*
	3. *copy of decision of Divisional Forum along with its case file.*
	4. *screenshots of meter taken before 09/2021, 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.*
	5. *copy of current site checking report and copies of reports of checking carried out by various authorities previously.*
	6. *copies of related Job order clearly depicting date of effect thereof, ME lab report of meter in dispute along with its DDL.*
3. *Respondent shall intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the account has been overhauled.*
4. *Respondent shall ensure that all the documents have been checked/verified & signed by him (ASE/Sr. XEN) and he will be responsible for the authenticity of the documents/information submitted to the Forum.*
5. *Respondent shall further: -*
	1. *confirm that the dispute between Petitioner and PSPCL as filed in this Forum has not been decided earlier by any Court/Forum/other than Divisional CGRF, City Central, Ludhiana or any other authority and no case pertaining to this dispute is pending before any Court/Forum or any other authority.*
	2. *confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
	3. *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.*

*The case be put up on 15.11.2023.*

***Proceedings dated: 15.11.2023***

*Respondent submitted reply in five sets which is taken on record. One copy thereof was handed over to the petitioner/PR.*

*Petitioner stated that due to death of his mother, most of the work at his premises was stopped in 04/2021 and only shop in basement was operational.*

*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. 3001578145, is having NRS connection with Sanctioned Load of 5.00 KW, in the name of Sh. Mukesh Kapoor, under DS City Central Division, PSPCL, Ludhiana.
3. Petitioner in his petition pleaded as under: -

myrw Mtr No. – 3001578145, Mukesh Kapoor ky nwm sy hY[ jo ik September 2021 my Automatic- Stop ho gXw Qw so mYny Complain file kr dI QI Reader ky Through lyikn Bill myrw Average pr bnwkr Byjw gXw jo ik mYny 10450-Paid kr idXw iPr 5 Bill Against The Reading AwXy vh BI mYny Bill Pay kr idXw lyikn After One Year myrw Bill 27100- kw 2019 kI Average ky ihswb sy bnw kr Byj idXw jbik Site pr myrw kwm jo 2019 my Qw 2021 my 20% rh gXw so iPr mY Old Average Bill dyny kI Condition my nhI hU[ Site pr nw qo koe kwm ho rhw hY[ Normal Condition hY[ vo qo Minimum sy BI km Reading AwqI hY[ Near About 2 Years sy XhI hwl HY[ so Please Xh Bill myrw TIk krky Xh Bill Dismiss krny kI kRpw kry[ qQw Agr Awp Average hI fwlnI hY qo Last 1-1/2 Year Latest Bill bnwkr Byjny kI kRpw kry till Meter Fault.

1. The Respondent in his reply stated that: -

*ਖਪਤਕਾਰ ਨੂੰ ਮਹੀਨਾ 6/2022 ਵਿੱਚ ਐਵਰੇਜ ਦੇ ਆਧਾਰ ਤੇ 'D' ਕੋਡ ਦਾ 25043 KW ਰੀਡਿੰਗ ਤੱਕ 318 ਯੂਨਿਟਾਂ ਦਾ 3057/- ਰੁਪਏ ਦਾ ਬਿੱਲ ਜਾਰੀ ਹੋਇਆ। ਜਿਸ ਤੋਂ ਬਾਅਦ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਐਮ.ਸੀ.ਓ.ਨੰ. 10001762266। ਮਿਤੀ 12.05.2022 ਰਾਹੀ 12.06.2022 ਨੂੰ ਬਦਲਿਆ ਗਿਆ। ਉਤਾਰਿਆ ਮੀਟਰ ਸਟਰ ਚਲਾਨ ਨੰ. 988 ਮਿਤੀ 22.06.2022 ਨਾਲ ਚੈਕ ਕੀਤਾ ਗਿਆ ਅਤੇ ਮੀਟਰ ਦੀ ਪੜਤ 23587 KWH ਰਿਕਾਰਡ ਕੀਤੀ। ਜਿਸ ਤੋਂ ਬਾਅਦ ਅੰਦਰੂਨੀ ਪੜਤਾਲਕਾਰ ਆਈ.ਏ. ਪਾਰਟੀ, ਜਨਤਾ ਨਗਰ ਮੰਡਲ ਲੁਧਿਆਣਾ ਵਲੋਂ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ 185 ਦਿਨਾਂ ਲਈ ਪਿਛਲੇ ਸਾਲ ਦੀ ਉਸੇ ਸਮੇਂ ਦੌਰਾਨ ਰਿਕਰਡ ਹੋਈ ਖਪਤ ਨਾਲ ਸੋਧ ਕੇ 25087/- ਰੁਪਏ ਦਾ ਹਾਫ-ਮਾਰਜਨ ਨੰ. 187 ਮਿਤੀ 10.02.2023 ਜਾਰੀ ਕੀਤਾ ਜੋ ਕਿ ਖਪਤਕਾਰ ਦੇ ਬਿੱਲ 02/2023 ਵਿੱਚ ਚਾਰਜ ਕੀਤਾ ਗਿਆ। ਖਪਤਕਾਰ ਇਸ ਨਾਲ ਸਹਿਮਤ ਨਹੀਂ ਹੋਇਆ ਅਤੇ ਆਪਣਾ ਕੰਮ ਮੰਡਲ ਪੱਧਰ ਝਗੜਾ ਨਿਵਾਰਨ ਕਮੇਟੀ ਵਿੱਚ ਲਗਾਉਣ ਲਈ ਪ੍ਰਤੀਵੇਦਨਾ ਦਿੱਤੀ। ਮਾਣਯੋਗ ਮੰਡਲ ਪੱਧਰ ਝਗੜਾ ਨਿਵਾਰਨ ਕਮੇਟੀ ਵੱਲੋਂ 31.08.2023 ਦੀ ਮੀਟਿੰਗ ਵਿੱਚ ਪੇਸ਼ ਕੀਤੇ ਗਏ ਦਸਤਾਵੇਜ਼, ਖਪਤ ਡਾਟਾ ਅਤੇ LCR ਨੂੰ ਘੋਕ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ ਖਪਤਕਾਰ ਦੇ ਅਹਾਤੇ ਵਿੱਚ AC ਲੱਗਾ ਹੈ ਅਤੇ ਮਹੀਨਾ 08/2021 ਤੋਂ 12/2021 ਤੱਕ ਦੀ ਖਪਤ AC ਦੀ ਖਪਤ ਨਾਲ ਮੇਲ ਨਹੀਂ ਖਾਂਦੀ ਹੈ। ਕਮੇਟੀ ਵੱਲੋਂ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਕਿ ਚਾਰਜ ਹੋਈ ਰਕਮ ਬਿਲਕੁਲ ਸਹੀ ਹੈ ਅਤੇ ਵਸੂਲਣਯੋਗ ਹੈ। ਪਰ ਖਪਤਕਾਰ ਇਸ ਫੈਸਲੇ ਨਾਲ ਸਹਿਮਤ ਨਹੀਂ ਹੋਇਆ ਅਤੇ ਆਪਣਾ ਕੇਸ ਸੀ.ਜੀ.ਆਰ.ਐਫ. ਵਿੱਚ ਲਗਵਾਉਣ ਦੀ ਪ੍ਰਤੀਵੇਦਨਾ ਦਿੱਤੀ ਹੈ।*

1. Forum has 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 amount of Rs. 25087/- charged to petitioner as per Half Margin no. 187 dated 10.02.2023 which was held correct and recoverable by City Central Divisional CGRF, PSPCL, Ludhiana.
2. Forum observed that meter of the petitioner got defective and he was issued bills on D-code average basis for the period from 17.12.2021 to 12.06.2022. Meter of the petitioner, being defective, was changed vide MCO no. 100017622661 dated 07.05.2022 effected on 13.06.2022. Removed meter was checked in ME Lab vide challan no. 988 dated 22.06.2022 wherein reading of the meter was verified as 23587 KWH. The meter was accepted as defective. IA Party Janta Nagar (camp at City Centre Divn.) while checking the accounts of the petitioner pointed out short assessment vide HM no. 187 dated 10.02.2023 for the period from 14.06.2021 to 16.12.2021 and accordingly AEE/Comm., City Centre Division charged this amount in the bill issued on dated 14.04.2023. Petitioner did not agree to this amount and filed a case in City Central Divisional CGRF, PSPCL, Ludhiana where, in hearing dated 31.08.2023 his case was decided as under: -

*“ਖਪਤਕਾਰ ਦੇ ਅਹਾਤੇ ਵਿੱਚ AC ਲੱਗਾ ਹੈ ਅਤੇ ਮਹੀਨਾ 08/2021 ਤੋਂ 12/2021 ਤੱਕ ਦੀ ਖਪਤ AC ਦੀ ਖਪਤ ਨਾਲ ਮੇਲ ਨਹੀਂ ਖਾਂਦੀ ਹੈ। ਕਮੇਟੀ ਵੱਲੋਂ ਫੈਂਸਲਾ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਚਾਰਜ ਹੋਈ ਰਕਮ ਬਿਲਕੁੱਲ ਸਹੀ ਹੈ ਅਤੇ ਵਸੂਲਣ ਯੋਗ ਹੈ।”*

In accordance with above decision, AEE/Comm., City Centre Division issued notice to petitioner vide his office Memo no. 4082 dated 12.10.2023 directing him to deposit an amount of Rs. 29157/- within seven days. Petitioner did not agree to this decision of Divisional CGRF City Centre division, PSPCL, Ludhiana and filed appeal in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent as under:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Year | 2019 | 2020 | 2021 | 2022 | 2023 |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Feb | 504 | O | 384 | O | 738 | E | 359 | D | 160 | O |
| April | 339 | O | 188 | N | 658 | O | 779 | D | 147 | O |
| June | 597 | O | 671 | O | 402 | O | 31829 | DO | 199 | O |
| Aug | 1204 | O | 1223 | O | 331 | O | 331 | O | 215 | O |
| Oct | 1052 | O | 1295 | O | 62 | O | 345 | O | 236 | O |
| Dec | 710 | O | 993 | O | 24 | O | 179 | O |  |  |
| **Total** | **4406** |  | **4566** |  | **2215** |  | **2340** |  | **957** |  |

Forum observed from of the above table that annual consumption of the petitioner for the year from 2019 to 2023 (upto Oct) is 4406, 4566, 2215, 2340 and 957 (upto Oct/2023) units respectively. It is observed that consumption of the petitioner during the years 2021 and 2022 is quite low (roughly half) as compared to the same during the year 2019 and 2020 and it has fallen further during the year 2023. In this regard petitioner during oral discussion on 15.11.2023 stated that due to death of his mother, most of the work at his premises was stopped in 04/2021 and only shop in basement was operational. Forum observed that his consumption after the change of the meter during a period of 514 days from 13.06.2022 to 09.11.2023 (reading as per LCR no. 38/155 dated 09.11.2023) is 1917 KWH i.e., average 111.89 KWH per month or 1342.65 KWH per year, which is also quite low as compared to his consumption during the previous years, which support the claim of the petitioner.

Forum observed that IA Party, Janta Nagar Division, PSPCL, Ludhiana proposed to revise the consumption of the period of 185 days from 14.06.2021 to 16.12.2021 terming the meter as defective, whereas, its status was reported okay by the Meter Reader and all the bills during this period have been issued on ‘O’ code. Forum wondered that how any Audit Official sitting in office can declare a meter defective and that too from a back date nullifying the findings/reports of the field official who had inspected the meter physically and observed its working multiple times during this period while recording the readings. Chief Auditor/PSPCL, Patiala should look into the matter and impart necessary instructions to all the concerned Audit Officials/Officer(s) to avoid undue harassment to the consumers. Divisional CGRF, City Centre, Ludhiana also erred in its judgement by overlooking this aspect of the case and upholding the charging of the disputed amount of Rs. 25087/- without any basis.

Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner as well as other material brought on record. Keeping in view the above facts and discussion, Forum is of the opinion that overhauling the account from 14.06.2021 to 16.12.2021 when bills were issued on ‘O’ code, is not justified and liable to be quashed. As such, decision dated 31.08.2023 of Divisional CGRF City Centre Division, PSPCL, Ludhiana is required to be set-aside and amount of Rs. 25087/- charged as per Half Margin no. 187 dated 10.02.2023 is liable to be quashed.

Keeping in view the above, Forum came to the unanimous conclusion that decision dated 31.08.2023 of Divisional CGRF City Centre Division, PSPCL, Ludhiana be set-aside and amount of Rs. 25087/- charged as per Half Margin no. 187 dated 10.02.2023 be quashed. Chief Auditor/PSPCL, Patiala should look into the matter and impart necessary instructions to all the concerned Audit Officer(s)/Officials to avoid undue harassment to the consumers.

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. **Decision dated 31.08.2023 of Divisional CGRF, City Centre Division, PSPCL, Ludhiana is set-aside and amount of Rs. 25087/- charged as per Half Margin no. 187 dated 10.02.2023 is quashed.**
2. **Chief Auditor/PSPCL, Patiala is directed to impart necessary instructions to all the concerned Audit Officer(s)/Officials to avoid undue harassment to the consumers.**
3. **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.**
4. **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: 17.11.2023**