**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-150/2023**

**Date of Registration : 15.11.2023**

**Date of Closing : 21.11.2023**

**Date of Final Order : 24.11.2023**

**In the Matter of:**

 **Sh. Sanjeev Kumar,**

**Ganesha Batig-8,**

**Ganesh Basti, Bathinda.**

**A/c No.: 3001152790**

**Through:**

Sh. Vivek Gupta  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. City Division,

PSPCL, Bathinda. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-150/2023 has been filed in the Forum as an appeal against the decision of Circle CGRF Bathinda, PSPCL, Bathinda in the matter related to A/c no. 3001152790 of DS City Division, PSPCL, Bathinda in the name of Sh. Sanjeev Kumar (expired on 01.12.2016) having SL of 2.94 KW. During the hearing on 15.11.2023, Respondent stated that the change of name could not be effected due to outstanding defaulting amount and Sh. Vivek Gupta S/o Late Sh. Sanjeev Kumar is competent to file/defend this case in Corporate CGRF. Bill dated 24.04.2021 was issued against the said account on D-code on average basis for the period from 24.02.2021 to 24.04.2021. Meter of the petitioner, being defective, was changed vide MCO no. 100013477149 dated 18.05.2021 effected on 21.05.2021. Removed meter was checked in ME Lab vide challan no. 980 dated 22.06.2021 wherein reading of the meter was verified as 76516 KWH. The meter was accepted as defective. Audit party while checking the accounts of the consumers overhauled the account of the petitioner and pointed out short assessment of Rs. 83022/- vide Half Margin no. 53 dated 16.12.2021. Accordingly, AEE Comm./Unit-1, City Division, PSPCL, Bathinda charged the said amount to the petitioner in the bill dated 28.10.2022 as sundry charges. Petitioner did not agree to this amount and filed a case in Circle CGRF Bathinda, PSPCL, Bathinda. Circle CGRF Bathinda on 22.05.2023 decided that amount charged is correct and recoverable. Petitioner did not agree to the decision of Circle CGRF Bathinda and filed appeal in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 15.11.2023 and finally on 21.11.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 15.11.2023***

*Forum observed that there is delay in filing the appeal case. After hearing both the parties and considering relevant facts, Forum decided to condone the delay and register the case.*

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

*Respondent stated that the change of name could not be effected due to outstanding defaulting amount and Sh. Vivek Gupta S/o Late Sh. Sanjeev Kumar is competent to file/defend this case in Corporate CGRF. Respondent is directed to submit copy of MCO clearly depicting date of effect on next date of hearing.*

*Petitioner is directed to submit reason of very low consumption recorded during the period from 05/2020 to 02/2021 on next date of hearing.*

*The case is adjourned to 21.11.2023 for oral discussion.*

***Proceedings dated: 21.11.2023***

*Respondent submitted copy of MCO and same is taken on record.*

*In last hearing petitioner was directed to submit reason of very low consumption recorded during the period from 05/2020 to 02/2021. Petitioner did not appear in today’s hearing and submitted his comments through registered post and the same is taken on record. However, Forum observed that no explanation about very low consumption recorded during the period from 05/2020 to 02/2021 is given.*

*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. 3001152790, is having DS connection with sanctioned load of 2.94 KW, in the name of Late Sh. Sanjeev Kumar, under DS City Division, Bathinda.
3. The Petitioner in his Petition prayed that: -

*It is humbly submitted that I, Vivek Gupta S/O Late. Shri Sanjiv Kumar is a consumer of DS Connection bearing Account No 3001152790 in the name of my father Sh. Sanjiv Kumar with sanctioned Load of 2.940 kW. The connection is under the jurisdiction of DS Commercial SD No 1, Bathinda where records shall prove that the bills raised against this account have been paid by me from time to time and no defaulting outstanding account has ever been generated to this account.*

*That it is astonishing to the fact that instead of complying with the instructions issued by the PSPCL from time to time, the AEE commercial raised a bill on 29.10.22 for Rs 96000/- showing arrear of Rs. 83012/-without any detail. It is pertinent to note that AEE/Commercial 1 SD Bathinda neither got the DDL report of the meter generated to verify the slowness of meter nor he has submitted the meter to ME Lab for validation. The applicant approached the AEE commercial office and it was intimated by the AEE/Commercial 1 SD Bathinda that this amount has been charged by the RAP Bathinda and is for the period 22.06.20 to 24.02.21, 8 months for the period meter remained defective. The amount debited by the AEE on the advice of RAP is wrong, illegal and unjustified and also the procedure followed by SD commercial Bathinda against the rules, regulations and prescribed procedures of PSPCL (regulation 21.5.2 of Supply Code 2014) and hence, is liable to be set aside.*

*That the status of meter in all the bills is O code except N code in bill dated 4 May 2020 and D code in the bill issued 24 April 2021. This is a case of defective Meter. The AEE has appreciably not provided me the detail of the alleged charged amount. As per instruction no. 93.1 of the ESIM for any arrear not originally billed, amount charged by audit, separate bill is required to be issued but in the present case in question the amount has been directly raised through energy bill. But the prescribed procedure has not been followed; hence the recoverable amount is liable to be set aside.*

***ESIM 93.2 Limitation****: - As per Section 56(2) of the Act, no sum due from any consumer shall be recoverable after the period of 2 years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear charges of electricity. The meter reader is authorized person for recording the periodic reading of consumption of DS Connections who is well qualified and trained to ascertain any efficiency concerns with the meter, but as per the records the Meter status has always been 'O' and no adverse remarks have been recorded with respect to inaccurate working of the meter ever. So, the recovery amount is liable to be set aside.*

*That in response to the Department of Power, GOP office memo no.2/22/2016/469 dated 13.7,22, council of ministers GOP in its meeting held on 6.7.22 has decided to waive off the pending arrears as on 31.12.21 and unpaid arrears upto 30.6.22 of electricity bills of DS consumers. The CE commercial Patiala has circulated these instructions vide CC no 21/2022 dated 03.08.22, memo no.248/253 dated 03.08.22. But the AEE commercial has charged this alleged amount after the issue of these instructions and in contravention of the instructions in 10/22. More over the Circle level consumer dispute redressal forum has not ignored all the instruction and has failed to waive of the arrear of the period 24.6.20 to 24.2.21, and has not provided me the copy of decision, now on 16.8.20223 the photo copy has been taken from the office of AEE Commercial 1 SD, Bathinda. The recovery of the alleged amount is liable to set aside/waived off.*

*It is therefore, humbly requested that in view of above-mentioned points, the appeal of the applicant be registered and an early date of hearing be given please.*

1. The Respondent in his reply stated that: -
	* + 1. *It is certified that no case is pending before court/Forum or any other authority between PSPCL and the Petitioner.*
			2. *It stated that Consumer make payments of current energy bills except disputed amount.*
			3. ***History of the case:*** *The consumer is having an electric connection with contract account no.* ***3001152790*** *in the name of* ***Mr Sanjeev Kumar, Bathinda*** *under DS category with a Sanctioned load of 2.940 KW. The consumer was issued a 'D' code bill w.e.f 24.02.2021 to 20.05.2021 on avg basis as per LYSM. Consumer meter was changed on dated 20.05.2021 on 'D' Code. The consumer was charged 45 units from 22.06.2020 to 24.02.2021 but as per the previous year consumption, the average chargeable is 9683 units. So as per. As per audit half margin no 53 dated 16.12.2021, consumer was charged Rs 83022. Consumer Challenged half margin in Circle Dispute settlement committee. As per Decision of Circle dispute settlement committee amount of Rs. 83022 charged to consumer is correct and is recoverable from consumer.*
			4. *Copy ME Lab Challan attached.*
			5. *Consumption data for the 5 Years is attached herewith.*
			6. *Copy of Dispute Settlement Committee Decision.*
			7. *It is certified that all the documents have been checked/verified and signed.*
2. The Petitioner submitted his rejoinder as under: -

*ਨਿਮਰਤਾ ਸਾਹਿਤ ਬੇਨਤੀ ਹੈ ਕਿ ਆਪ ਜੀ ਦੁਵਾਰਾ ਆਪ ਜੀ ਨੇ ਮਿਟੰਸ ਆਫ ਮੀਟਿੰਗ ਰਾਂਹੀ ਅਪੀਲ ਕਰਤਾ ਪਾਸੋਂ ਮਿਤੀ 22.06.20 ਤੋਂ 24.02.21 ਤੱਕ ਬਿਜਲੀ ਦੀ ਘੱਟ ਖਪਤ ਦਾ ਪੱਕਾ ਸਬੂਤ ਮੰਗਿਆ ਹੈ ਬੜੀ ਹੈਰਾਨੀ ਨਾਲ ਲਿਖਣਾ ਪੈ ਰਿਹਾ ਹੈ ਕਿ ਏ ਈ ਈ ਕਮਰਸ਼ੀਅਲ ਜੀ ਦੁਵਾਰਾ ਆਪ ਜੀ ਨੇ ਆਪਣੇ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰ ਨਾਲ ਸਹਾਇਕ ਲੇਖਾ ਅਫਸਰ ਆਰ ਏ ਪੀ ਬਠਿੰਡਾ ਜੀ ਦਾ ਹਾਫ ਮਾਰਜਿਨ ਨੰਬਰ 53 ਮਿਤੀ 16-12-21 ਅਤੇ ਕੰਜੂਮਰ ਗਰੀਵੈਂਸਜ਼ ਰਿਡਰੇਸਲ ਫਾਰਮ ਬਠਿੰਡਾ ਦੀ ਮੀਟਿੰਗ ਮਿਤੀ 22.05.23 ਦੇ ਮਿਟੰਸ ਦਾ ਕਾਪੀ ਪੇਸ਼ ਕੀਤੀ ਹੈ ਜਿਸ ਵਿੱਚ (ਹਾਫ ਮਾਰਜਿਨ) ਸਪਸ਼ਟ ਵਰਨਣ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਮੀਟਰ ਰੀਡਰ ਦੁਆਰਾ ਸਹੀ ਸਮੇਂ ਮੀਟਰ ਦਾ ‘D’ ਕੋਡ ਨਾ ਪਾਉਣ ਕਾਰਨ ਖਪਤਕਾਰ ਨੂੰ 2 ਮਹੀਨੇ ਤੋਂ ਲੈ ਕੇ 1 ਸਾਲ ਤੱਕ ਖਪਤ ਘੱਟ ਪਾਈ ਗਈ ਇਸ ਲਈ ਸਪਲਾਈ ਕੋਡ ਦੀ ਧਾਰਾ 21.5 ਅਨੁਸਾਰ ਖਾਤਾ ਸੋਧਿਆ ਗਿਆ ਹੈ। ਜਦੋਂ ਕਿ ਅਪੀਲ ਕਰਤਾ ਪਾਸ ਕੋਈ ਯਾਰਡ ਸਟਿਕ/ਯੰਤਰ ਨਹੀਂ ਸੀ ਕਿ ਉਹ ਸਪਸ਼ਟ ਕਰ ਸਕੇ ਕਿ ਖਪਤ ਕਿਵੇਂ ਘੱਟ ਹੋਈ।*

*ਪਾਵਰਕਾਮ ਦੁਬਾਰਾ ਬਿਜਲੀ ਦੀ ਖਪਤ ਮਾਪਣ ਲਈ ਮੀਟਰ ਖਪਤਕਾਰ ਦੇ ਅਹਾਤੇ ਤੋਂ ਬਾਹਰ ਗਲੀ ਵਿੱਚ ਪਿਲਰ ਬਾਕਸ/ਮੀਟਰ ਬਕਸਿਆ ਵਿੱਚ ਆਪਣੀ ੲਮਕ ਅਤੇ ਕੀ (ਕਸਟੱਡੀ) ਵਿੱਚ ਲਗਾਏ ਜਾਂਦੇ ਹਨ ਜਿਸ ਨੂੰ ਚੈਕ ਕਰਨ ਲਈ ਵੱਖ-2 ਕਰਮਚਾਰੀ ਅਧਿਕਾਰੀ (ਮੀਟਰ ਰੀਡਰ, ਜੇ ਈ, ਮੀਟਰ ਇੰਸਪੈਕਟਰ, ਏ ਈ, ਏ ਈ ਈ) ਜਿੰਮੇਵਾਰ ਹੁੰਦੇ ਹਨ ਜੋ ਸਮੇਂ-2 ਮੀਟਰ ਨੂੰ ਚੈਕ ਕਰਦੇ ਹਨ।*

1. *ਇਹ ਕਿ ਪਹਿਲਾ ਤਾਂ ਆਡਿਟ ਪਾਰਟੀ ਦੁਆਰਾ ਸਪਲਾਈ ਕੋਡ ਦੇ 21.5 ਵਿਨਿਯਮ ਦੀ ਉਲੰਘਣਾ ਕਰਦੇ ਹੋਏ ਖਾਤਾ 6 ਮਹੀਨਿਆਂ ਦੀ ਬਜਾਏ ਅੱਠ ਮਹੀਨਿਆਂ ਲਈ 16/12/21 ਨੂੰ ਸੋਧਿਆ ਹੈ ਜੋ ਕਿ ਗਲਤ ਹੈ।*
2. *ਦੂਸਰਾ ਇਹ ਚਾਰਜ ਕੀਤੀ ਰਕਮ ਅਰਸਾ ਤਕਰੀਬਨ 10 ਮਹੀਨਿਆਂ ਬਾਅਦ 10/2022 ਨੂੰ ਬਿੱਲ ਵਿੱਚ ਚਾਰਜ ਕੀਤੀ ਹੈ ਜੋ 93.1 ਈਐਸਆਈਐਮ ਦੀ ਘੋਰ ਉਲੰਘਣਾ ਹੈ ਵੱਖਰਾ ਇਹ ਏਰੀਅਰ ਬਿੱਲ ਨਹੀਂ ਭੇਜਿਆ।*
3. *ਤੀਸਰਾ ਈਐਸਆਈਐਮ 93.2 ਅਤੇ ਸੈਕਸ਼ਨ 56(2) ਬਿਜਲੀ ਐਕਟ 2003 ਦੀ ਘੋਰ ਉਲੰਘਣਾ ਹੈ ਜਿਸ ਅਨੁਸਾਰ ਦੋ ਸਾਲ ਤੋਂ ਵੱਧ ਪੁਰਾਣੀ ਰਕਮ ਚਾਰਜ ਨਹੀਂ ਕੀਤੀ ਜਾ ਸਕਦੀ।*
4. *ਇਸ ਦੇ ਨਾਲ ਹੀ ਪਾਵਰਕਾਮ ਦੇ ਕਮਰਸ਼ੀਅਲ ਸਰਕੂਲਰ ਨੰ. 21/2022 ਮਿਤੀ 03.08.22 ਅਤੇ ਪੰਜਾਬ ਸਰਕਾਰ ਤੇ ਪਾਵਰ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਨੰ. 2122/2016-ਈਬੀ-2/469 ਮਿਤੀ 13/07/22 ਦੀ ਘੋਰ ਉਲੰਘਣਾ ਹੈ ਜਿਸ ਰਾਹੀਂ ਘਰੇਲੂ (DS) ਕਨੈਕਸ਼ਨ ਵੱਲ ਬਕਾਇਆ 31.12.2021 ਤੱਕ ਖੜੀ ਰਕਮ ਜੋ 30.6.21 ਤੱਕ ਅਦਾ ਨਹੀਂ ਹੋਈ ਨੂੰ ਮਾਫ (Waive off) ਕਰਨਾ ਸੀ। ਜਦੋਂ ਕਿ ਇਹ ਰਕਮ 6/20 ਤੋਂ 2/21 ਨਾਲ ਸੰਬੰਧਿਤ ਹੈ ਆਡਿਟ ਨੇ 16.12.21 ਨੂੰ ਚਾਰਜ ਕੀਤੀ ਗਈ ਸੀ ਪ੍ਰੰਤੂ ਏ ਈ ਈ ਕਮਰਸ਼ੀਅਲ ਦੁਆਰਾ ਇਹਨਾਂ ਹਦਾਇਤਾਂ ਦੀ ਘੋਰ ਉਲੰਘਣਾ ਕਰਦੇ 10/2022 ਵਿੱਚ ਚਾਰਜ ਕੀਤੀ ਗਈ ਹੈ ਗਲਤ ਅਤੇ ਅਦਾਇਗੀ ਯੋਗ ਨਹੀਂ ਹੈ।*

*ਇਸ ਲਈ ਬੇਨਤੀ ਹੈ ਕਿ ਉਕਤ ਕੇਸ ਨੂੰ ਇਹਨਾਂ ਨੁਕਤਿਆਂ ਦੀ ਰੋਸ਼ਨੀ ਵਿੱਚ ਕਨੀਸਡਰ ਕਰਦੇ ਹੋਏ ਮੈਨੂੰ ਇਨਸਾਫ ਪ੍ਰਦਾਨ ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਮੈਨੂੰ ਚਾਰਜ ਕੀਤੀ ਗਲਤ ਰਕਮ 83022 ਰੁਪੈ waive off ਕਰਨ ਦੇ ਕਿਰਪਾਲਤਾ ਕੀਤੀ ਜਾਵੇ।*

*ਮੈਨੂੰ ਵਿਸ਼ਵਾਸ ਹੈ ਆਪ ਮੇਰੀ ਅਪੀਲ ਨੂੰ ਮਨਜ਼ੂਰ ਕਰਦੇ ਹੋਏ ਇਨਸਾਫ ਕਰਨ ਦੇ ਕਿਰਪਾ ਕਰੋਗੇ।*

1. Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, 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 the amount of Rs. 83022/- (shown as Rs. 83012/-) charged in bill dated 28.10.2022 as per Half Margin no. 53 dated 16.12.2021 held as correct and recoverable by Circle CGRF Bathinda, PSPCL, Bathinda vide its decision dated 22.05.2023.
2. Forum observed that bill dated 24.04.2021 was issued against the said account on D-code on average basis for the period from 24.02.2021 to 24.04.2021. Meter of the petitioner, being defective, was changed vide MCO no. 100013477149 dated 18.05.2021 effected on 21.05.2021. Removed meter was checked in ME Lab vide challan no. 980 dated 22.06.2021 wherein reading of the meter was verified as 76516 KWH. The meter was accepted as defective. Audit party while checking the accounts of the consumers overhauled the account of the petitioner and pointed out short assessment of Rs. 83022/- vide Half Margin no. 53 dated 16.12.2021. Accordingly, AEE Comm./Unit-1, City Division, PSPCL, Bathinda charged the said amount to the petitioner in the bill dated 28.10.2022 as sundry charges. Petitioner did not agree to this amount and filed a case in Circle CGRF Bathinda, PSPCL, Bathinda. Circle CGRF Bathinda on 22.05.2023 decided the case as under: -

***“ਖਪਤਕਾਰ ਨੂੰ ਚਾਰਜ ਕੀਤੀ ਗਈ ਰਕਮ ਸਹੀ ਅਤੇ ਵਸੂਲਣਯੋਗ ਹੈ।”***

Petitioner did not agree to the decision of Circle CGRF Bathinda and filed appeal in Corporate CGRF, Ludhiana.

Forum observed the consumption data supplied by the Respondent tabulated below: -

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Year | 2019 | 2020 | 2021 | 2022 | 2023 |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Feb | 1218 | O | 440 | O | 11 | O | 8 | D | 205 | O |
| Apr | 1711 | O |  |  | 7 | D | 1525 | O | 132 | O |
| May |  |  | 2053 | N | 741 | D |  |  |  |  |
| June | 2947 | O | -971 | O |  |  | 1358 | O | 992 | O |
| Aug | 3993 | O | 24 | O | 3922 | O | 3013 | O | 1463 | O |
| Oct | 3589 | O | 4 | O | 692 | O | 2449 | O | 1270 | O |
| Dec | 1661 | O | 6 | O | 1427 | O | 1258 | O |  |  |
| **TOTAL** | **15119** |  | **1556** |  | **6800** |  | **9611** |  | **4062** |  |

Forum observed that the annual consumption of petitioner from 2019 to 2023 (upto 10/2023) is 15119, 1556, 6800, 9611 and 4062 units respectively. Forum observed that consumption during 2020 & 2021 and particularly during the disputed period (i.e., Aug to Dec-2020 & Jan to April/2021) is very less than that recorded in the corresponding period of previous as well as succeeding year. Consumption of just 45 KWH has been recorded from 06/2020 to 02/2021 (eight months) whereas consumption during the corresponding period of succeeding years i.e., 06/2021 to 02/2022 and 06/2022 to 02/2023 is 6049 KWH and 6925 KWH respectively. Also, consumption during the corresponding period of previous year i.e., 06/2019 to 02/2020 has been recorded as 9683 KWH. Forum further observed that consumption during 2020 has been recorded much less than the year 2019 despite the fact that most of the period during 2020 remained affected due to lockdown to curtail the spread of Covid-19 and most of the families stayed/remained at home.

During hearing dated 15.11.2023, petitioner was directed to submit reasons for very low consumption recorded for the period from 05/2020 to 02/2021. Petitioner did not appear on the next date of hearing on dated 21.11.2023 without any prior intimation but submitted his comments through registered post and the same were taken on record. Forum observed that no reasons/ explanation is given in his comments about very low consumption from 05/2020 to 02/2021. However, he submitted his comments as follows: -

*“ਨਿਮਰਤਾ ਸਾਹਿਤ ਬੇਨਤੀ ਹੈ ਕਿ ਆਪ ਜੀ ਦੁਵਾਰਾ ਆਪ ਜੀ ਨੇ ਮਿਟੰਸ ਆਫ ਮੀਟਿੰਗ ਰਾਂਹੀ ਅਪੀਲ ਕਰਤਾ ਪਾਸੋਂ ਮਿਤੀ 22.06.20 ਤੋਂ 24.02.21 ਤੱਕ ਬਿਜਲੀ ਦੀ ਘੱਟ ਖਪਤ ਦਾ ਪੱਕਾ ਸਬੂਤ ਮੰਗਿਆ ਹੈ ਬੜੀ ਹੈਰਾਨੀ ਨਾਲ ਲਿਖਣਾ ਪੈ ਰਿਹਾ ਹੈ ਕਿ ਏ ਈ ਈ ਕਮਰਸ਼ੀਅਲ ਜੀ ਦੁਵਾਰਾ ਆਪ ਜੀ ਨੇ ਆਪਣੇ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰ ਨਾਲ ਸਹਾਇਕ ਲੇਖਾ ਅਫਸਰ ਆਰ ਏ ਪੀ ਬਠਿੰਡਾ ਜੀ ਦਾ ਹਾਫ ਮਾਰਜਿਨ ਨੰਬਰ 53 ਮਿਤੀ 16-12-21 ਅਤੇ ਕੰਜੂਮਰ ਗਰੀਵੈਂਸਜ਼ ਰਿਡਰੇਸਲ ਫਾਰਮ ਬਠਿੰਡਾ ਦੀ ਮੀਟਿੰਗ ਮਿਤੀ 22.05.23 ਦੇ ਮਿਟੰਸ ਦਾ ਕਾਪੀ ਪੇਸ਼ ਕੀਤੀ ਹੈ ਜਿਸ ਵਿੱਚ (ਹਾਫ ਮਾਰਜਿਨ) ਸਪਸ਼ਟ ਵਰਨਣ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਮੀਟਰ ਰੀਡਰ ਦੁਆਰਾ ਸਹੀ ਸਮੇਂ ਮੀਟਰ ਦਾ ‘D’ ਕੋਡ ਨਾ ਪਾਉਣ ਕਾਰਨ ਖਪਤਕਾਰ ਨੂੰ 2 ਮਹੀਨੇ ਤੋਂ ਲੈ ਕੇ 1 ਸਾਲ ਤੱਕ ਖਪਤ ਘੱਟ ਪਾਈ ਗਈ ਇਸ ਲਈ ਸਪਲਾਈ ਕੋਡ ਦੀ ਧਾਰਾ 21.5 ਅਨੁਸਾਰ ਖਾਤਾ ਸੋਧਿਆ ਗਿਆ ਹੈ। ਜਦੋਂ ਕਿ ਅਪੀਲ ਕਰਤਾ ਪਾਸ ਕੋਈ ਯਾਰਡ ਸਟਿਕ/ਯੰਤਰ ਨਹੀਂ ਸੀ ਕਿ ਉਹ ਸਪਸ਼ਟ ਕਰ ਸਕੇ ਕਿ ਖਪਤ ਕਿਵੇਂ ਘੱਟ ਹੋਈ।”*

Forum observed that as the petitioner could not submit any reason for very low consumption recorded during 2020, which shows that he himself was knowing that his meter had gone defective but meter reader did not enter the ‘D’ code intentionally or with connivance with the petitioner. Due to non-entering of ‘D’ code on time by meter reader, consumption for the period from 04/2020 to 02/2021 is recorded very less and sometimes in single digit only. On looking at the consumption pattern supplied by the Respondent, Forum observed that meter remained working correctly upto the reading recorded on 19.12.2019 and thereafter consumption started reducing considerably as such it seems that meter might have become defective on or after 19.12.2019. Respondent must check the role of meter reader/meter reading agency for not entering the ‘D’ code timely thus causing revenue loss to the Corporation.

Forum observed that meter of the petitioner was changed on 21.05.2021. Audit party overhauled the account for the period from 22.06.2020 to 24.02.2021 in contravention of Regulation no. 21.5 of PSERC Supply Regulation-2014 which restricts period of overhauling in case of defective meters to maximum of six months. Forum observed that as per Reg. 21.5.2 of Supply Code-2014, the account can be overhauled for maximum period of six months but the audit party has overhauled the account for more than six months. The meter of the petitioner was changed on 21.05.2021 and was checked in ME Lab vide challan no. 980 dated 22.06.2021 where it was accepted as defective. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters which 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 oral arguments and other material brought on record. Keeping in view the above, Forum is of the opinion that amount of Rs. 83022/- charged to the petitioner on the basis of Audit Half Margin no. 53 dated 16.12.2021 is not in order and liable to be quashed. The account of the petitioner is required to be overhauled for a period of six months prior to the date of change of the disputed meter i.e., 21.05.2021 on the basis of the average consumption recorded during 19.06.2019 to 19.12.2019 as per Regulation no. 21.5.2(b) of Supply Code-2014 as the consumption of the corresponding period of the previous year as per Regulation no. 21.5.2(a) is not reliable as the meter had become defective on or after 19.12.2019 as explained above.

Keeping in view the above, Forum came to unanimous conclusion that amount of Rs. 83022/- charged to the petitioner on the basis of Audit Half Margin no. 53 dated 16.12.2021 be quashed. The account of the petitioner be overhauled for a period of six months prior to the date of change of the disputed meter i.e., 21.05.2021 on the basis of the average consumption recorded during 19.06.2019 to 19.12.2019 as per Regulation no. 21.5.2(b) of Supply Code-2014. The decision dated 22.05.2023 of Circle CGRF, Bathinda Circle, PSPCL, Bathinda be set aside. Further CE/DS, West Zone, PSPCL, Bathinda be directed to investigate the matter and action be taken against meter reader/meter reading agency/delinquent official for causing recurring revenue loss to the Corporation.

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 decision dated 22.05.2023 of Circle CGRF, Bathinda Circle, PSPCL, Bathinda is set aside. Amount of Rs. 83022/- charged to the petitioner on the basis of Audit Half Margin no. 53 dated 16.12.2023 is quashed. Account of the petitioner be overhauled for a period of six months prior to the date of change of the disputed meter i.e., 21.05.2021 on the basis of the average consumption recorded during 19.06.2019 to 19.12.2019 as per Regulation no. 21.5.2(b) of Supply Code-2014.**
2. **CE/DS, West Zone, PSPCL, Bathinda is directed to investigate the matter and initiate action against meter reader/meter reading agency/delinquent official for causing recurring revenue loss to the Corporation.**
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: 24.11.2023**