**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-154/2023**

**Date of Registration : 04.12.2023**

**Date of Closing : 19.12.2023**

**Date of Final Order : 22.12.2023**

**In the Matter of:**

 **Mr. Resham Singh, Raja Singh,**

**St. No. 32, Dube Colony,**

**Bathinda.**

**A/c No.: 3001631950.**

**Through:**

Sh. Charanjit Singh.  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Division,

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

1. **BRIEF HISTORY:**

Petition against case No.: CF-154/2023 has been filed as an appeal in this Forum by Sh. Charanjit Singh S/o Late Sh. Resham Singh in the matter related to A/c no. 3001631950, in the name of Sh. Resham Singh. The Petitioner is having DS category connection with the sanctioned Load of 0.770 KW under DS Division, PSPCL, Bathinda. During the period from 03/2022 onwards, Petitioner was issued bills on high consumption on ‘P’/’O’ codes upto 01/2023. Petitioner was not satisfied with the readings recorded and working of meter and challenged his meter on 11.01.2023. Site of the Petitioner was checked & it was reported that working of meter is Ok, reading is 19636 KWH and terminal block of the meter is burnt. Thereafter, bills dated 15.03.2023 and 02.05.2023 were issued on ‘R’ codes on average basis amounting to Rs. 101540/-, (including previous arrears). Meter of the petitioner was replaced being burnt vide MCO no. 100020828684 dated 02.03.2023 effected on dated 26.04.2023. Replaced meter was sent to ME Lab vide challan no. 129 dated 04.07.2023 where meter was accepted as burnt. Petitioner did not agree to these bills and filed his case in Circle CGRF, PSPCL, Bathinda. Circle CGRF, PSPCL, Bathinda in its meeting dated 05.09.2023 decided that the amount charged to petitioner is correct and recoverable. Petitioner did not agree to the above decision and filed his case in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 05.12.2023, 12.12.2023 and finally on 19.12.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 05.12.2023***

*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. Ken/Op. City Bathinda (Respondent) along with copy of petition as follows:*

1. *Respondent shall check/verify the bill dated 10.03.2023 amounting Rs. 108200/- and another bill dated 10.03.2023 amounting Rs. 108480/-, both bills generated for consumption of 1800 KWH with meter status R code and shall clarify further that how two bills with different amounts were generated on the same date for the same bill period.*
2. *Respondent shall submit complete details of amount of Rs. 106445/- for which case was filed before Circle CGRF and further complete details/calculations of the amount of Rs. 108075/- mentioned in notice no. 4949 dated 10.10.2023 issued in compliance to the decision of Circle CGRF.*
3. *Respondent shall submit complete upto date billing statement starting from the date of the amount started accumulating.*
4. *Respondent shall submit five copies of the following record/documents to the Forum*
5. *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**.*
6. *copy of decision of circle CGRF.*
7. *screenshots of meter taken before 03/2023, 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.*
8. *copy of current site checking report and copies of reports of checking carried out by various authorities previously.*
9. *copies of related job order clearly depicting date of effect thereof, ME lab report of meter in dispute along with its DDL.*
10. *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.*
11. *Respondent shall further: -*
12. *confirm that the dispute between Petitioner and PSPCL as filed in this Forum has not been decided earlier by any Court/Forum or any other authority and no case pertaining to this dispute is pending before any Court/Forum or any other authority.*
13. *confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
14. *confirm that the complainant/applicant/petitioner is a competent/authorized person to file/defend the case on behalf of the consumer of the above a/c no.*

*The case be put up on 12.12.2023.*

***Proceedings dated: 12.12.2023***

 *Respondent submitted reply in five no. of sets and the same is taken on record. Petitioner is directed to collect copy of reply from the office of Respondent.*

 *Petitioner did not appear in today’s hearing without prior intimation.*

 *Respondent is directed to submit copy of effected MCO and consumption data in tabular form and DDL report on next date of hearing.*

 *Final opportunity is being given to petitioner.*

 *The case is adjourned to 19.12.2023 for filing rejoinder/oral discussion.*

***Proceedings dated: 19.12.2023***

 *Respondent submitted consumption data in tabular form, copy of effected MCO which is taken on record.*

 *Respondent stated that meter was returned to ME lab in routine due to which DDL cannot be taken now.*

*Petitioner/PR stated that the petition, rejoinder 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. 3001631950, is having DS connection with sanctioned Load of 0.770 KW, in the name of Mr. Resham Singh, under DS Divn., Bathinda.
3. The Petitioner in his Petition prayed that: -

*bynqI hY ik aukq GrylU ibjlI mItr myry ipqw lyt SRI rySm isMG puqr SRI rwjw isMG vwsI biTMfw dy nwm l`igAw hoieAw hY ijsdw GrylU Kwqw nMbr 3001631950 ligAw hoieAw hY ijs iv`c muJ Kpqkwr nUM 108075/- rupey njYj iKlwP kwnUMn viKlwP vwikAwq pwey gey hn qy myry ipCly 4 swlw dy ibl dI Poto stYt kwpI nwl Swml dyKy jw skdy hn qy mY Aksr bwhr rihMdw hW qy myrw mkwn bMd rihMdw hY qy mYN kdy kdy biTMfw ivKy AwauNdw hW ijs iv`c aukq ibjlI mItr dI Kpq bhuq hI G`t huMdI hY qy muJ Kpqkwr nUM njYj ibl pwey gey hn jo ik shI nhI hn qy biTMfw ivKy JgVw inptwau kmytI biTMfw v`loN jo PYslw kIqw igAw hY iKlwP kwnUMn vwiKlwP vwikAwq kIqw igAw hY q`QW dy ADwr qy PYslw nhIN kIqw igAw blik njYj ib`l pwey gey hn ijnHW dI pVqwl krvweI jwxI AqI jrUrI hY qy myry ipCly 4 swlW dy ib`lW dI AYvryj vI dyKI jw skdI hY[*

*ieh ik dws dw mItr sV igAw sI jo ik mihkmw v`lo mItr lwh ky lY gey sn qy mnswiel aukq mItr vI cYilMj kIqw igAw sI pr myry nwl ienswP nhIN kIqw igAw hY blik njYj ib`l pwey gey hn[*

*ies leI auprokq hlwq nUM mdy nzr rKidAw hoieAW aukq swry ib`l ipCly 4 swlw dy cYk kIqy jwx qy jo biTMfw v`loN JgVw inptwau kmytI v`loN PYslw kIqw hY iKlwP kwnUMn vwiKlwP vwikAwq kIqw igAw hY aus dI pVqwl kIqI jwxI vwjb hY[*

*iesqoN auprMq jo myrw nvW mItr l`igAw hoieAw hY auh swry ib`l ipCly 6/7 mhIinAW qoN 0 ib`l Aw irhw hY ikauNik mYN ijAwdwqr Awpxy mkwn iv`c biTMfw ivKy nhIN rihMdw hW bwhr hI rihMdw hW ijs krky Kpq bhuq hI G`t hY[ pVqwl krky ienswP id`qw jwvy jI AqI DMnvwdI hovWgw[*

1. The Respondent submitted reply to the petition as under: -
	* + 1. *It is certified that no case is pending before court/Forum or any other authority between PSPCL and the Petitioner.*
			2. *It is stated that consumer is making payments of current energy bills except disputed amount.*
			3. ***History of the case:*** *The consumer is having an electric connection with contract account no. 3001631950 in the name of Mr. Resham Singh Bathinda under DS category with a Sanctioned load of .770KW. The consumer bill w.e.f. 13.01.2022 to 10.01.2023 was issued on OK code. After it bills were issued w.e.f. 10.01.2023 to 25.04.2023 was generated on avg basis based on LYSM because of R code bill. Consumer meter was changed on dated 25.04.2023 on ‘R’ Code. As per sap System consumer bill was generate on avg basis units 24058 KWH Reading. Consumer meter returned to ME lab Bathinda vide challan no 129 dated 04.07.2023. As per ME lab challan no. 129 KWH Reading was found 19656 units. Consumer challenge the bills in Circle Dispute settlement Committee. As per Decision of Circle Dispute settlement committee amount is recoverable from consumer.*
			4. *Copy ME lab Challan attached.*
			5. *Consumption data for the 8 Years along with Code is attached herewith.*
			6. *Copy of Dispute Settlement Committee Decision.*
			7. *Copy of ECR attached.*
			8. *Disputed Period Bills copy is attached herewith.*
			9. *Notice of decision apply of CDSC Committee.*
			10. *Chronology copy is attached herewith.*
			11. *It is certified that all the documents have been checked/verified and signed.*
2. 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 bill issued on 02.05.2023 to the petitioner for the period from 10.03.2023 to 25.04.2023 on R-code on average basis amounting to Rs. 101540/- including previous arrears which became 106445/-total outstanding till filing the case in Circle CGRF, PSPCL, Bathinda which held it as correct and recoverable in its meeting dated 05.09.2023.
3. Forum observed that during the period from 03/2022 onwards, Petitioner was issued bills on high consumption on ‘P’/’O’ codes upto 01/2023. Petitioner was not satisfied with the readings recorded and working of meter and challenged his meter on 11.01.2023. Site of the Petitioner was checked & it was reported on 16.02.2023 that working of meter is Ok, reading is 19636 KWH and terminal block of the meter is burnt. Thereafter, bills dated 15.03.2023 and 02.05.2023 were issued on ‘R’ codes on average basis amounting to Rs. 101540/-, (including previous arrears). Meter of the petitioner was replaced being burnt vide MCO no. 100020828684 dated 02.03.2023 effected on dated 26.04.2023. Replaced meter was sent to ME Lab vide challan no. 129 dated 04.07.2023 where meter was accepted as burnt. Petitioner did not agree to these bills and filed his case in Circle CGRF, PSPCL, Bathinda. Circle CGRF, PSPCL, Bathinda in its meeting dated 05.09.2023 decided as under: -

*“Kpqkwr dy numwieMdy nUM sunx Aqy pySkrqw AiDkwrI v`loN pyS kIqy dsqwvyz (cYikMg irport Aqy AptUfyt Kpq fwtw Awid) nUM GoKx auprMq PYslw kIqw igAw ik Kpqkwr nUM cwrj kIqI rkm shI hY Aqy vsUlxXog hY[”*

Petitioner did not agree to the above decision and filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent tabulated as under:

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan |  |  | 293 | O |  |  | 245 | D | 362 | O | 66 | O |  |  | 283 | O | 1894 | O |
| Mar |  |  | 49098 | DD | 199 | O | 157 | D | 279 | O | 299 | R | 186 | O | 1647 | O | 1800 | R |
| Apr | 613 | O |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 2623 | R |
| May |  |  | 749 | O |  |  | 745 | D | 751 | O | 904 | R | 86 | O | 1103995 | PO | 103 | O |
| Jun | 975 | O |  |  | 71017 | OD |  |  |  |  |  |  |  |  |  |  |  |  |
| Jul |  |  | 979 | O |  |  | 548 | D | 157 | O | 318 | C | 216 | O | 1955454 | PO | 578 | O |
| Aug |  |  |  |  |  |  |  |  | 154 | O |  |  |  |  |  |  | 246.89 | O |
| Sep | 946 | O | 726 | O | 1040 | C | 529 | D |  |  | 105 | C | 184 | D | 1634974 | PO | 335.26 | O |
| Oct |  |  |  |  |  |  |  |  | 75 | O |  |  | 44 | D |  |  | 176.08 | O |
| Nov | 331 | O | 556 | O | 435 | D | 483145 | DD |  |  | 71 | D | 130 | O | 788 | O | 147.02 | O |
| Dec |  |  | 211 | O |  |  |  |  |  |  | 21 | D |  |  |  |  | 146.85 | O |
| **TOTAL** | **2865** |  | **4102** |  | **2401** |  | **2852** |  | **1778** |  | **1784** |  | **846** |  | **17609** |  | **8050.1** |  |

Forum observed that the annual consumption of petitioner from 2015 to 2023 has been recorded as 2865, 4102, 2401, 2852, 1778, 1784, 846, 17609 and 8050.1 units respectively. Forum observed that the consumption recorded during 2022 and till the disputed meter replaced in 04/2023, is considerably high as compared to the consumption of previous years. Petitioner in his petition has pleaded that he is staying outside and his house remains closed and he occasionally visit Bathinda as such his consumption is very less. The above fact has been verified by the respondent in his checking dated 19.07.2023 when LCR no. 012/20001 was prepared, in which it has been recorded as under:

*“auprokq Kwqw nM dw kys DSC iv`c l`gy hox kwrn sweIt cY`k kIqI geI hY jI[ mItr bwhr MCB iv`c l`gw hY jI[ ieh mkwn Aksr bMd hI rihMdw hY Kpqkwr dI jmIn rwjsQwn sUby iv`c hY auh ijAwdw smW au`Qy hI rihMdy hn[ PSPCL dIAW hdwieqW Anuswr kwrvweI kIqI jwvy[ cYikMg dOrwn vI Gr iv`c ie`k hI mYNbr hwzr sI”[*

Forum observed that the consumption of 1647, 3995, 5454, 4974, 788 & 1894 has been recorded on ‘O’ codes from 03/2022 to 01/2023. Such a high consumption has never been recorded before & after the replacement of the disputed meter. Even, the bimonthly consumption as per LDHF formula with connected load of 1.750Kw detected during checking dated 19.07.2023, comes out as 252 units only. After the change of the meter on 26.04.2023 till 01.12.2023, consumption of 1733 units has been recorded, meaning thereby about 495 Kwh bi-monthly. It is further noticed that petitioner gave application for challenging his meter on dated 11.01.2023 but the checking official, on the application remarked as under:

“*mItr cYilMj nhI ho skdw[ sVy mItr dI kImq BrvweI jwvy*”[

Meter of the petitioner was not got challenged rather it was replaced being burnt. Accordingly, meter was sent to ME Lab in routine due to which its DDL could no be done. It is not understood that why the meter was not got challenged by the respondent. Had the same been done, the DDL of the meter could have been retrieved for getting the exact picture.

In view of the above discussion, it can be concluded that the consumption recorded by the meter during disputed period is on very high side and cannot be considered as actual. Meter of the petitioner was replaced being burnt and same was accepted in ME Lab as burnt. 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 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 all bills issued to the petitioner for the period from 13.01.2022 to the date of replacement of meter i.e. 26.04.2023, are liable to be quashed. As the consumption of the previous period is not reliable, therefore, the account of the petitioner is required to be overhauled for the period from 13.01.2022 to 26.04.2023 as per Regulation 21.5.2(d) of PSERC Supply Code-2014. The decision dated 05.09.2023 of Circle CGRF, PSPCL, Bathinda is liable to be set aside.

Keeping in view the above, Forum came to the unanimous conclusion that the decision dated 05.09.2023 of Circle CGRF, PSPCL, Bathinda be set aside. All the bills issued to the petitioner for the period from 13.01.2022 to the date of replacement of meter i.e. 26.04.2023, be quashed. The account of the petitioner be overhauled for the period from 13.01.2022 to 26.04.2023 as per Regulation 21.5.2(d) of PSERC 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 decision dated 05.09.2023 of Circle CGRF, PSPCL, Bathinda is set aside. All the bills issued to the petitioner for the period from 13.01.2022 to the date of replacement of meter i.e. 26.04.2023, are quashed. The account of the petitioner be overhauled for the period from 13.01.2022 to 26.04.2023 as per Regulation 21.5.2(d) of PSERC 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**

 **-On Leave-**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE/Commercial, PSPCL**

**Place: Ludhiana**

**Date: 22.12.2023**