**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-164/2023**

**Date of Registration : 08.12.2023**

**Date of Closing : 19.12.2023**

**Date of Final Order : 22.12.2023**

**In the Matter of:**

 **Smt. Ashna Aggarwal**

 **#D-12 South City,**

 **Ludhiana.**

**A/c No.: 3002870197.**

**Through:**

Smt. Savita Aggarwal  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Agar Nagar Divn. (Spl.),

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

1. **BRIEF HISTORY:**

Petition against case No.: CF-164/2023 has been filed in this Forum by Smt. Savita Aggarwal/PR as an appeal against the decision dated 31.08.2022 of Divisional CGRF Agar Nagar (Spl.), PSPCL, Ludhiana in the matter related to A/c no. 3002870197, in the name of Smt. Ashna Aggarwal. Petitioner is having DS category connection with sanctioned Load 12.000 KW under DS Agar Nagar Division, PSPCL Ludhiana. Meter of the Petitioner got defective and she was issued bills from 07.09.2021 to 16.11.2021 on ‘D’ code average basis. Meter of the petitioner, being defective, was changed vide MCO no. 100015651004 dated 23.10.2021 effected on dated 16.11.2021. Replaced meter was sent to ME lab vide challan no. 1503 dated 01.12.2021 where meter was declared as dead stop, accuracy could not be done and final reading was recorded as 58790kwh/60286kvah. DDL of meter could not be taken. Audit party through half margin no. 229 dated 28.03.2022 overhauled the account of the petitioner for the period from 03/2021 to 09/2021 and pointed out Rs. 35126/- as short assessment. Accordingly, respondent office charged this amount to the petitioner in the bill issued on dated 07.05.2022 as sundry charges. Petitioner did not agree with the amount charged to her and filed her case in Divisional CGRF, Agar Nagar, PSPCL Ludhiana. Divisional CGRF, Agar Nagar, PSPCL Ludhiana in its decision dated 31.08.2022 decided that amount charged to petitioner is correct and recoverable. Petitioner not satisfied with the decision of Divisional CGRF, Ludhiana, filed an appeal in Corporate CGRF, Ludhiana. Forum heard the case in its proceeding dated 12.12.2023 and 19.12.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 12.12.2023***

*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. Xen/Op. Agar Nagar, Ludhiana, (Respondent) along with copy of petition as follows: -*

1. *Respondent shall check/verify the amount charged of Rs. 35126/-in bill dated 07.05.2022 on basis of audit half margin no. 229 dated 28.03.2023.*
2. *Respondent shall submit five copies of the following record/documents to the Forum.*
3. *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**.*
4. *legible copy of audit half margin no. 229 dated 28.03.2023.*
5. *copy of decision of Divisional CGRF.*
6. *screenshots of meter taken before 11/2021, consumption data depicting readings dates of reading (in KWH & KVAH, MDI, PF etc.) also indicating the meter status, MF etc. For previous 7 years along with SAP reading record.*
7. *copy of current site checking report and copies of reports of checking carried out by various authorities previously.*
8. *copies of related job order(s) clearly depicting date of effect thereof, ME lab reports of meter in dispute(s) along with its DDL.*
9. *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.*
10. *Respondent shall further: -*
11. *confirm that dispute filed in this Forum has not been decided earlier by any Court/Forum or any other authority between PSPCL and Petitioner and no case pertaining to this dispute is pending before any Court/Forum or any other authority. In case of non-confirmation, it will be presumed that dispute filed in this Forum has not been decided earlier by any Court/Forum or any other authority between PSPCL and Petitioner and no case pertaining to this dispute is pending before any Court/Forum or any other authority.*
12. *confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
13. *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. In case of non-confirmation, it will be presumed that 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 19.12.2023.*

***Proceedings dated: 19.12.2023***

*Respondent submitted reply in five no. of sets and the same has been taken on record. One copy thereof was handed over to the petitioner/PR.*

*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 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. 3002870197of DS category with sanctioned load of 12.000 KW, in the name of Smt. Ashna Aggarwal under DS Agar Nagar (Spl.) Divn. PSPCL, Ludhiana.
3. The Petitioner in his Petition prayed that: -

*With due request the amount of Rupees Thirty five thousand one hundred and twenty six (35,126.00) was charged on the basis of audit report against which I had filed a case in divisional C.G.R.F.*

*D.C.G.R.F. decided the case of 31/08/2022 against me. But instead of intimating the decision they kept it with themselves from August 2022 to till date 29/11/2023. The decision had not been communicated causing in delay of filing an appeal. I would request you to kindly register my case condoning the delay due to non-delivery of decision copy of D.C.G.R.F. Ashna Kochar had undergone divorce & she is going to change her ID proofs again to Ashna Aggarwal. Both Ashna Kochar & Ashna Aggarwal is one and the same person.*

1. The Respondent in his reply stated that: -

*In this case, the consumer has a Ds category Connection. The approved/sanctioned load is 12 kw. As per Consumer Meter reading record the average bill of D code has been issued to consumer from dt 07.09.2021 to dt. 16.11.2021. The defective meter was changed through MCO no. 100015651004 dated 10.11.2021 and after that meter was checked in ME lab vide challan no. 1503 dated: 01.12.2021. As per the report “Meter is dead, stop and meter is not within the accuracy limits and DDL cannot be retrieved”. Final reading on the report is nv. Therefore, Revenue Audit Party has charged the amount of Rs. 35126/- by overhauling the account from month 3/21 to 9/21 vide H.M no. 229 dt.28.03.2022 with which the consumer did not agree and filed his case at Division-CGRF. As per the Division-CGRF decision the amount so charged vide above half margin is correct and recoverable from consumer (Decision copy attached). The consumer did not agree with the above decision and he filed the appeal before Corporate CGRF.*

*Reply to Petition:*

*The reply to Petition is as under:*

1. *Consumer has been charged amounting to Rs. 35126/- by overhauling the account from month 3/21 to 9/21 vide H.M mo. 229 dt. 28.03.2022 which is correct and recoverable.*
2. *copy of decision of Division CGRF is attached herewith.*
3. *Consumption data of 5 years is attached herewith.*
4. *Current LCR alongwith copies of checking carried by authorities previously attached herewith.*
5. *Copy of MCO, challan report of ME lab is attached herewith. DDL is not coming mentioned on the ME challan.*

*All the documents have been checked and verified by the undersigned.*

1. 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 amount of Rs. 35126/- charged in the bill issued on dated 07.05.2022 as sundry charges against half margin no. 229 dated 28.03.2022 on a/c of overhauling the account of petitioner from 03/2021 to 09/2021, held correct & recoverable by Divisional CGRF, Agar Nagar, PSPCL Ludhiana.
2. Forum observed that Meter of the Petitioner got defective and she was issued bills from 07.09.2021 to 16.11.2021 on ‘D’ code average basis. Meter of the petitioner, being defective, was changed vide MCO no. 100015651004 dated 23.10.2021 effected on dated 16.11.2021. Replaced meter was sent to ME lab vide challan no. 1503 dated 01.12.2021 where meter was declared as dead stop, accuracy could not be done and final reading was recorded as 58790kwh/60286kvah. DDL of meter could not be taken. Audit party through half margin no. 229 dated 28.03.2022 overhauled the account of the petitioner for the period from 03/2021 to 09/2021 and pointed out Rs. 35126/- as short assessment. Accordingly, respondent office charged this amount to the petitioner in the bill issued on dated 07.05.2022 as sundry charges. Petitioner did not agree with the amount charged to her and filed her case in Divisional CGRF, Agar Nagar, PSPCL Ludhiana. Divisional CGRF, Agar Nagar, PSPCL, Ludhiana in its decision dated 31.08.2022 decided as under: -

*“kmytI v`loN PYslw kIqw igAw hY ik Kpqkwr nUM cwrz kIqI geI rkm splweI kof dI Dwrw 21.5.2 muqwibk cwrz kIqI geI hY jo ik shI Aqy vsUlxXog hY[”*

Petitioner did not satisfy with the decision of Divisional CGRF, Agar Nagar, PSPCL Ludhiana and filed an appeal in Corporate CGRF, Ludhiana. Forum observed the consumption pattern of the petitioner submitted by the Respondent, reproduced as under: -

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **2020** | **2021** | **2022** | **2023** |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan | 557 | O | 460 | O | 64 | O | 152 | O |
| Feb | 236 | O | 450 | O | 84 | O | 87 | D |
| Mar | 326 | O | 191 | O | 118 | O | 134 | D |
| Apr | 406 | N | 440 | N | 210 | O | 263 | D |
| May | 987 | N | 515 | O | 210 | O | 158 | D |
| June | 1052 | O | 212 | O | 299 | D | 318 | D |
| Jul | 869 | O | 536 | O | 462 | D | 417 | D |
| Aug | 675 | O | 294 | O | 324 | D | 334 | D |
| Sept | 589 | O | 200 | O | 188 | D | 188 | D |
| Oct | 1162 | O | 870 | D | 870 | D | 900 | D |
| Nov | 349 | O | 44754 | DD | 158 | D | 487 | D |
| Dec | 231 | O | 35 | O | 91 | C | 50 | D |
| **TOTAL** | **6046** |  | **4264** |  | **3078** |  | **3488** |  |

Forum observed that the annual consumption of petitioner from 2020 to 2023 is 6046, 4264, 3078 and 3488 units respectively.

Forum observed that Revenue Audit Party had proposed to overhaul the account of the petitioner for the period from 03/2021 to 09/2021 on the basis of the consumption recorded during the period from 03/2019 to 09/2019 just presuming that consumption during this period remained less, in spite of the fact that meter of the petitioner had functioned normally during the period from 03/2021 to 09/2021 & all bills during this period were issued on ‘O’ code. There is no such rule/regulation, which allows the account to be overhauled just on presumption basis. Therefore, proposing this overhauling is beyond any rules and is simply high handedness of the Revenue Audit Party. Forum also observed that the meter of the petitioner remained defective from 05/2022 till date and not has been replaced till date. The matter needs to be investigated and necessary action is required to be taken accordingly.

Keeping in view the above discussion/facts, Forum is of the opinion that amount of Rs. 35126/- charged to the petitioner in the bill issued on dated 07.05.2022 as sundry charges against Half Margin no. 229 dated 28.03.2022, is not justified and liable to be quashed. Divisional CGRF, Agar Nagar, PSPCL Ludhiana also failed to examine the case of the petitioner and decided that the amount charged against Half Margin no. 229 dated 28.03.2022 is correct and recoverable without giving any reasons and quoting any Regulation/Instruction. Hence decision dated 31.08.2022 of Divisional CGRF, Agar Nagar, PSPCL Ludhiana is liable to be set aside.

Keeping in view the above, Forum came to the unanimous conclusion that the decision dated 31.08.2022 of Divisional CGRF, Agar Nagar, PSPCL Ludhiana be set-aside and amount of Rs. 35126/- charged to petitioner in the bill dated 07.05.2022 against half margin no. 229 dated 28.03.2022 on a/c of overhauling the account of the petitioner for the period from 03/2021 to 09/2021, be quashed.

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 31.08.2022 of Divisional CGRF, Agar Nagar, PSPCL, Ludhiana is set-aside. Amount of Rs. 35126/- charged to petitioner in the bill dated 07.05.2022 against Half margin no. 229 dated 28.03.2023, on account of overhauling the account for the period from 03/2021 to 09/2021, is quashed.**
2. **Chief Auditor, PSPCL, Patiala is directed to investigate the case and take necessary action against the officer(s)/official(s) responsible in this matter. He is further directed to sensitize the officer(s)/official(s) of Audit Wing to carryout audit according to letter and spirit of the applicable Regulation(s)/Instruction(s).**
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**

 **-On Leave-**

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

**Permanent Invitee Chairperson**

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

**Place: Ludhiana**

**Date: 22.12.2023**