**CORPORATE CONSUMERS GRIEVANCES REDRESSAL FORUM**

**PUNJAB STATE POWER COPROPRATION LIMITED**

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

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

**CASE NO.: CF- 169/2023**

**Date of Registration : 15.12.2023**

**Date of Closing : 26.12.2023**

**Date of Final Order : 29.12.2023**

**In the Matter of:**

 **Sh. Pritam Singh,**

**Kothe Pona,**

**Jagraon.**

**A/C No.: U24KF030249W.**

**Through:**

Smt. Harminder Kaur **…Petitioner**

  **Versus**

 **Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Suburban Divn.,

PSPCL, Jagraon. **…Respondent**

1. **BRIEF HISTORY**

Petition against Case No. CF-169/2023 has been filed as an appeal in this Forum against the decision of Circle CGRF, Suburban, PSPCL Ludhiana, through Smt. Harminder Kaur in the matter related to account no. U24KF030249Win the name of Sh. Pritam Singh (now expired) having DS category connection with sanctioned load of 1.300 KW under DS Division, PSPCL, Jagraon. The Petitioner applied for change of name by depositing Rs. 2436/- vide BA-16 no. 344/55447 dated 04.12.2023. The meter of the petitioner got defective and same was changed vide MCO no. 169/322731 dated 20.05.2022 effected on 30.05.2022. Replaced meter was sent to ME lab vide challan no. 12 dated 27.06.2022 where it was accepted as defective and reading was recorded as 25221kwh. But in SAP system, account of the petitioner was billed upto 17258 KWH only. While checking the account, Audit party vide its half margin no. 582 dated 11.11.2022 pointed out the short assessment on account of difference in final reading & billed reading (25221 – 17258 = 7963Kwh) amounting to Rs. 69756/- and difference in actual consumption & average charged on ‘C’ code amounting to Rs. 7385/-, total amounting to Rs. 77141/-. This amount of Rs. 77141/- was charged as Sundry charges in the bill issued on 07.03.2023. Petitioner did not agree to this amount and filed her case in Circle CGRF, Suburban, PSPCL Ludhiana where it was decided on 22.09.2023 that account of petitioner be overhauled for the period from 24.08.2020 to date of change of meter by dividing the consumption recorded during this period. Petitioner did not agree to the decision dated 22.09.2023 of Circle CGRF, Suburban, PSPCL Ludhiana and filed an appeal in Corporate CGRF, PSPCL, Ludhiana. Forum heard the case in its proceedings dated 18.12.2023 and finally on 26.12.2023, when the case was closed for passing speaking orders.

1. **PROCEEDINGS:**

***Proceedings dated: 18.12.2023***

*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. Jagraon, (Respondent) along with copy of petition as follows: -*

1. *Respondent shall check/verify the amount charged of Rs. 77142/-in bill dated 07.03.2023 under the head sundry charges on account of difference in reading billed in SAP software and final reading found in ME lab on basis of Audit Half Margin no. 582 dated 11.11.2022.*
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. *copy of audit half margin no. 582 dated 11.11.2022.*
5. *screenshots of meter taken before replacement of meter, 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.*
6. *copy of current site checking report and copies of reports of checking carried out by various authorities previously.*
7. *copies of related job order clearly depicting date of effect thereof, ME lab reports of meter in dispute along with its DDL.*
8. *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*
9. *Respondent shall further: -*
10. *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.*
11. *confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
12. *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 26.12.2023.*

***Proceedings dated: 26.12.2023***

*Respondent submitted reply to the petition in five no. of sets and the same is taken on record. One copy thereof handed over to the petitioner.*

*Respondent stated that date of effect of MCO is 30.05.2022.*

*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:**
	* 1. The Petitioner bearing A/c no. U24KF030249W is having DS category connection with sanctioned load of 1.300 KW in the name of Sh. Pritam Singh, under DS Suburban Division, Jagraon.
		2. The Petitioner in his Petition prayed that: -

*“ieh mItr myry pqI dy nwm qy hY[ aunHW dI mOq 31.03.2015 nUM ho cu`kI hY[ ies mItr dw ib`l swnUM nzwiez AwieAw hY[ ies krky ieh ib`l swnUM mwP kIqw jwvy[ AsIN ies nzwiez ib`l dw 20% Br cu`ky hW ikRpw krky ieh swnUM rIPMf kIqw jwvy[ Awp jI dI AqI DMnvwdI hovWgI[ ieh ib`l swnUM 07.03.2023 nUM glq Aw igAw hY[ ieh PYsly dw kwgz swnUM mihkmy v`loN 20.11.2023 nUM imilAw hY jI iehdy aupr AglI pVqwl mihkmy v`loN kIqI jwvy”[*

* 1. The Respondent in his reply to petition stated that: -

*Kpqkwr dw GrylU splweI dw kunYkSn koTy ponw ivKy cldw hY ijsdw mMjUr Bwr 1.3 ikvw hY[ Kpqkwr dw mItr AYs.eI. lYb. luiDAwxw ivKy stor clwn nM:12 imqI 27/6/22 Anuswr cYk kIqw igAw[ AYmeI lYb dI irport Anuswr mItr dI AwKrI pVq Anuswr rIifMg 25221 pweI geI[ Kpqkwr ƒ hwP mwrjn 582 imqI 11/11/22 Anuswr PweInl rIifMg dw Prk Aqy C CODE dI Asl Kpq Awift v~loN cwrj kIqI geI sI[ Kpqkwr ies nwl sihmq nhIN sI[ Kpqkwr v~loN rkm jmW krwaux dI bjwey srkl fI.AYs.sI. ivc kys ivcwrx dI pRqIvydnw id~qI geI sI, srkl DSC dy PYsly muqwibk Kpqkwr dI Kpq ƒ vMf ky Kwqw sOD id~qw igAw sI[ Kpqkwr ƒ 10990 dw irPMf id~qw igAw sI, Kpqkwr ies PYsly nwl sihmq nhIN hY[ Kpqkwr vlo CGRF ivc ApIl lgwaux dw PYslw kIqw igAw sk~qr CGRF luiDAwxw dy p~qr nM 1497 imqI 18.12.2023 dIAW hdwieqW Anuswr Kpqkwr dw kys bxw ky Awp jI ƒ AglI kwrvweI leI ByijAw jWdw hY[*

*Point wise reply to petition: -*

* + - 1. *It is verified that amount of Rs 77142/- charged by audit is checked and it is found correct.*
			2. *5 copies of following documents have been given to forum*
1. *Point wise reply to the petition in form of hard copy and soft copy has been submitted.*
2. *Copy of half margin attached in chain page no. 5 in file.*
3. *Screenshot of old Meter is not available and Screenshot of new Meter is attached, Consumption of past 5 years attached in chain page no. 2 in file.*
4. *Copy of LCR attached in chain page no. 8 in file.*
5. *Copy of MCO and ME Challan is attached in chain page no. 3 &4 in file.*
	* + 1. *All documents is checked and counter signed.*
			2. *It is confirmed that*
6. *Consumer previously filed a case in circle level dispute settlement committee, as per the decision of dispute settlement committee meeting dated 22.09.2023 the amount of Rs.10990 has been refunded to the consumer and no case is pending in any court and forum.*
7. *No payment is pending from consumer except the disputed amount.*
8. *Petitioner is competent to file the case on behalf of consumer.*
	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 the amount of Rs. 77141/- charged in the bill dated 07.03.2023 as Sundry charges on account of difference in final reading & billed reading and actual consumption alongwith decision dated 22.09.2023 of Circle CGRF, Suburban, PSPCL Ludhiana.
	2. Forum observed that the meter of the petitioner got defective and same was changed vide MCO no. 169/322731 dated 20.05.2022 effected on 30.05.2022. Replaced meter was sent to ME lab vide challan no. 12 dated 27.06.2022 where it was accepted as defective and reading was recorded as 25221kwh. But in SAP system, account of the petitioner was billed upto 17258 KWH only. While checking the account, Audit party vide its half margin no. 582 dated 11.11.2022 pointed out the short assessment on account of difference in final reading & billed reading (25221 – 17258 = 7963Kwh) amounting to Rs. 69756/- and difference in actual consumption & average charged on ‘C’ code amounting to Rs. 7385/-, total amounting to Rs. 77141/-. This amount of Rs. 77141/- was charged as Sundry charges in the bill issued on 07.03.2023. Petitioner did not agree to this amount and filed her case in Circle CGRF, Suburban, PSPCL Ludhiana where it was decided on 22.09.2023 as under: -

*“kys ivcwrn auprMq kmytI v`loN PYslw kIqw igAw ik Kpqkwr dw Kwqw imqI 24.08.2020 qo mItr bdlx q`k irkwrf hoeI Kpq nUM vMf ky Kpqkwr dw Kwqw soD id`qw jwvy[”*

Petitioner did not agree to the above decision and filed an appeal in Corporate CGRF, Ludhiana. Forum observed consumption pattern of the petitioner submitted on record by Respondent, which is tabulated under: -

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 2019 | 2020 | 2021 | 2022 | 2023 |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan |  |  | 262 | O | 248 | O | 700 | O | 488 | O |
| Feb | 218 | O |  |  | 280 | O |  |  |  |  |
| Mar |  |  | 210 | O |  |  | 503 | O | 420 | O |
| Apr | 260 | O | 201 | N | 310 | O |  |  |  |  |
| May |  |  |  |  | 540 | O | 293 | D | 910 | O |
| June | 663 | O | 1209 | O |  |  |  |  |  |  |
| Jul |  |  |  |  |  |  | 762 | C | 1233 | O |
| Aug | 808 | O | 1762 | O | 697 | O |  |  |  |  |
| Sep |  |  |  |  |  |  | 1819 | O | 1390 | O |
| Oct | 639 | O | 290 | O | 409 | O |  |  |  |  |
| Nov |  |  |  |  |  |  | 668 | O | 639 | O |
| **TOTAL** | **2588** |  | **3733** |  | **2484** |  | **4745** |  | **5080** |  |

From the above consumption data, Forum observed that the annual consumption of the petitioner from the year 2019 to 2023 has been recorded as 2588, 3733, 2484, 4745 and 5080 units respectively. Site of the Petitioner was checked by respondent and LCR no. 089/353685 dated 20.09.2023 was prepared as per which connected load was found as 1.488KW and readings was recorded as 8124KWH i.e., consumption of 8122 units after change of meter on 30.05.2022 till 20.09.2023 i.e., about 508 units per month. The petitioner has been charged on the basis of final reader recorded in ME Lab, for 7963 units in just one month, which is not at all possible with connected load of 1.488Kw. Moreover, meter was replaced being defective and same was accepted as defective in ME Lab, therefore its so called final reading recorded in ME Lab cannot be relied upon. 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: -*

*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 as well as oral arguments and other material brought on record. Keeping in view the above discussion and in light of the consumption data, Forum is of the opinion that as the meter reader declared the meter defective and same was accepted as defective in ME Lab, therefore the final reading of defective meter recorded in ME Lab cannot be relied upon. Hence, the amount of Rs. 77141/- charged on the basis of Audit half margin in the bill issued on dated 07.03.2023 is liable to be annulled. Further, it is also observed that the consumption during 2022 & 2023 has considerably increased (almost two times) as compared to the year 2021, therefore, it will be more judicious to consider the consumption of successive year for overhauling the account. So, the account of the petitioner is required to be overhauled from 13.03.2022 to 30.05.2022 (i.e. date of change of meter) as per Reg. 21.5.2(d) of Supply Code-2014. Bill after 30.05.2022 be revised on the basis of actual consumption, as the actual consumption after change of meter is already available.

Keeping in view the above, Forum came to unanimous conclusion that the amount of Rs. 77141/- charged on the basis of Audit half margin in the bill issued on dated 07.03.2023 be annulled. The account of the petitioner be overhauled from 13.03.2022 to 30.05.2022 (i.e. date of change of meter) as per Reg. 21.5.2(d) of Supply Code-2014. Bill after 30.05.2022, be revised on the basis of actual consumption recorded by it. The decision dated 22.09.2023 of Circle CGRF, Suburban PSPCL Ludhiana be set aside.

1. **DECISION:**

Keeping in view the petition, reply, oral discussion, after hearing both the parties, perusal of the record produced by them & observation of Forum, Forum decides that: -

1. **The decision dated 22.09.2023 of Circle CGRF, Suburban, PSPCL Ludhiana, is set aside. The amount of Rs. 77141/- charged in the bill issued on dated 07.03.2023, is annulled. The account of the petitioner be overhauled from 13.03.2022 to 30.05.2022 (i.e. date of change of meter) as per Reg. 21.5.2(d) of Supply Code-2014. Bill after 30.05.2022, be revised on the basis of actual consumption recorded by it.**
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: 29.12.2023.**