**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-176/2023**

**Date of Registration : 20.12.2023**

**Date of Closing : 26.12.2023**

**Date of Final Order : 29.12.2023**

**In the Matter of:**

**M/s Assistant Excise & Taxation Commissioner,**

**SFC 69, Excise and Taxation Building,**

**Sec-69, Mohali.**

**A/c No.: 3005665902.**

**Through:**

Sh. Varinder Singh **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Division,

PSPCL, Mohali. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-176/2023 has been filed directly in the Forum by the petitioner in the matter related to A/c no.3005665902, in the name of M/s Assistant Excise & Taxation Commissioner. Petitioner is having NRS category connection with sanctioned load of 576.00KW under DS Division (Spl.), PSPCL, Mohali. CT/PT unit of the petitioner got damaged and on the telephone message of the respondent, connection of the petitioner was checked by Sr. Xen/Enf. cum EA & MMTS, Mohali and ECR no. 016/276 dated 12.01.2023 was prepared at site. As per ECR, CT/PT unit was damaged and it was directed to change the CT/PT unit. DDL of the meter was done. CT/PT unit of the petitioner was changed vide SJO no. 100020380744 dated 13.01.2023 effected on 01.02.2023. Speaking orders were issued by Sr. Xen/Enf. cum EA & MMTS, Mohali vide his office Memo no. 09 dated 13.01.2023. It was mentioned in the speaking order that input side HT cable was open; Outgoing supply was disconnected; Connectors of R-phase & Y-phase of PT were broken; spark had occurred on the CT’s of B-Phase & R-phase and safety seal of PT had broken. Further it was directed that in view of zero potential on one phase from 19.04.2021, account of the petitioner be overhauled as per instructions and regulations of PSPCL. In accordance with the speaking orders, AEE/Commercial Unit-2, Sub-Division, PSPCL, Mohali overhauled the account of the petitioner for the period from 22.04.2021 to 03.01.2023 treating meter 33.33% slow and the amount of Rs. 1783938/- was charged to him. The same was intimated to the petitioner vide Memo No. 129 dated 18.01.2023. Petitioner did not agree the amount charged to him and filed his case in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 19.12.2023 and finally on 26.12.2023 when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 19.12.2023***

*The petition was placed before the Forum and the case was fixed for pre-hearing on 22.08.2023, in which case was registered subject to submission of receipt confirming deposit of 10% of amount in dispute. Petitioner has submitted account statement showing deposit of 10% of amount in dispute. Notice be issued to ASE/Sr. Xen/Op. Estate (Respondent) as follows: -*

1. *Respondent shall check/verify the amount of Rs. 1783938/- charged vide notice no. 129 dated 18.01.2023 on account of meter slowness by 33.33% for the period 22.04.2021 to 03.01.2023 on basis of checking report ECR no. 16/276 dated 12.01.2023 of ASE Enf. Cum EA & MMTS Mohali.*
2. *Respondent shall submit five copies of the following record/documents to the Forum* 
   1. *certify that while charging the amount, related features of the metering equipment as per its PO/Technical specification have been taken care of, duly.*
   2. *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.*
   3. *copies of reports of checking carried out by various authorities previously.*
   4. *copies of related Job order(s) clearly depicting date of effect thereof, ME lab reports of meter in dispute(s) along with its DDL.*
3. *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.*
4. *Respondent shall further: -*
   1. *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.*
   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. In case of non-confirmation, it will be presumed that 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 26.12.2023.*

***Proceedings dated: 19.12.2023***

*Respondent was asked if meter of petitioner was changed to which he replied that his meter was not changed and only CT/PT unit was changed.*

*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. 3005665902, is having NRS category connection with sanctioned load of 576.00 KW, in the name of M/S Assistant Excise & Taxation Commissioner, under DS Division, Mohali.
3. The Petitioner in his Petition prayed that: -

*ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਦੇ ਧਿਆਨ ਵਿੱਚ ਲਿਆਂਦਾ ਜਾਂਦਾ ਹੈ ਕਿ ਆਬਕਾਰੀ ਤੇ ਕਰ ਵਿਭਾਗ ਦੀ ਬਿਲਡਿੰਗ ਜਿਹੜੀ ਸੈਕਟਰ 69 ਵਿਖੇ ਸਥਿਤ ਹੈ ਦੇ ਬਿਜਲੀ ਦੇ ਬਿਲ ਸਬੰਧੀ ASE-ENF-CUM-MMTS ਵੱਲੋਂ ਪੱਤਰ ਪ੍ਰਾਪਤ ਹੋਇਆ ਜਿਸ ਵਿੱਚ ਕੁੱਲ 17,83,938/- ਰੁ ਦਾ ਬਕਾਇਆ ਕੱਢਦੇ ਹੋਏ ਇਸ ਰਕਮ ਨੂੰ ਜਮ੍ਹਾਂ ਕਰਵਾਉਣ ਲਈ ਆਖਿਆ ਗਿਆ ਹੈ। ਬਿਜਲੀ ਵਿਭਾਗ ਅਨੁਸਾਰ ਮਿਤੀ 12.01.2023 ਨੂੰ ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐੱਲ ਦੁਆਰਾ ਤਕਰੀਬਨ ਸ਼ਾਮ ਪੰਜ ਵਜੇ ਮੀਟਰ ਦਾ ਨਿਰੀਖਣ ਕੀਤਾ ਗਿਆ ਅਤੇ ਰਿਪੋਰਟ ਬਣਾਈ ਗਈ ਕਿ ਮੀਟਰ ਹੌਲੀ ਚੱਲ ਰਿਹਾ ਹੈ। ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐੱਲ ਦੁਆਰਾ ਇਕ ਤਰਫਾ ਕਾਰਵਾਈ ਕਰਦੇ ਹੋਏ ਅਤੇ ਮਿਤੀ 22.04.2021 ਤੋਂ 03.01.2023 ਤੱਕ ਰੀਡਿੰਗ ਨੂੰ ਸੋਧ ਕਰਦੇ ਹੋਏ ਕੁੱਲ 17,83,938/- ਆਬਕਾਰੀ ਤੇ ਕਰ ਵਿਭਾਗ ਤੋਂ ਦਰਿਆਫਤ ਕੀਤੇ ਗਏ ਹਨ। ਇਸ ਸਬੰਧੀ ਇਹ ਦੱਸਣਯੋਗ ਹੈ ਕਿ:-*

1. *ਉਪਰੋਕਤ ਮਿਤੀ 12.01.2023 ਨੂੰ ਕੀਤੀ ਗਈ ਪੜਤਾਲ ਵੇਲੇ ਕਿਸੇ ਵੀ ਅਧਿਕਾਰੀ/ਕਰਮਚਾਰੀ ਨਾਲ ਸੰਪਰਕ ਨਹੀਂ ਕੀਤਾ ਗਿਆ ਅਤੇ ਨਾ ਹੀ ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐੱਲ ਤੋਂ ਆਈ ਟੀਮ ਨੇ ਰਿਪੋਰਟ ਤੇ ਕਿਸੇ ਵੀ ਕਰਮਚਾਰੀ/ਅਧਿਕਾਰੀ ਦੇ ਹਸਤਾਖਰ ਹੀ ਲਏ। ਇਹ ਇਕਤਰਫਾ ਕਾਰਵਾਈ ਕਰਦੇ ਹੋਏ ਬਾਅਦ ਵਿੱਚ ਬਕਾਏ ਦੀ ਰਾਸ਼ੀ ਨੂੰ ਜਮ੍ਹਾਂ ਕਰਵਾਉਣ ਲਈ ਕਿਹਾ ਗਿਆ।*
2. *ਵਿਭਾਗ ਦੇ ਮੀਟਰ ਨਾਲ ਕਿਸੇ ਤਰ੍ਹਾਂ ਦੀ ਛੇੜਛਾੜ ਨਾ ਹੀ ਕੀਤੀ ਗਈ ਅਤੇ 24 ਘੰਟੇ ਦੀ ਸਿਕਉਰਟੀ ਹੋਣ ਕਾਰਨ ਅਜਿਹਾ ਹੋਣ ਦੀ ਕੋਈ ਸੰਭਾਵਨਾ ਵੀ ਨਹੀਂ ਹੈ। ਮੀਟਰ ਦੀ ਰੀਡਿੰਗ ਵਿੱਚ ਵਾਧਾ ਕਰਦੇ ਅਤੇ ਇਕਤਰਫਾ ਕਾਰਵਾਈ ਕਰਦੇ ਹੋਏ ਬਕਾਏ ਦੀ ਮੰਗ ਕਰਨਾ ਸਹੀ ਨਹੀਂ ਹੈ। ਮੀਟਰ ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐੱਲ ਦੇ ਦੁਆਰਾ ਆਪ ਹੀ ਮੁਹੱਈਆ ਕਰਵਾਏ ਜਾਂਦੇ ਹਨ ਅਤੇ ਸੀਲਬੰਦ ਸਥਿਤੀ ਵਿੱਚ ਹੁੰਦੇ ਹਨ। ਇਸ ਦੀ ਸਪੀਡ ਬਾਰੇ ਬਾਅਦ ਵਿਚ ਉਪਭੋਗਤਾ ਵਿਭਾਗ ਨੂੰ ਜਿੰਮੇਵਾਰ ਨਹੀਂ ਮੰਨਿਆ ਜਾ ਸਕਦਾ।*
3. *ਇਥੇ ਇਹ ਵੀ ਵਰਨਣ ਯੋਗ ਹੈ ਕਿ 07.08.2020 ਤੋਂ ਵਿਭਾਗੀ ਬਿਲਡਿੰਗ ਵਿਖੇ ਸੋਲਰ-ਪੈਨਲ ਲਗਾਏ ਜਾ ਚੁੱਕੇ ਹਨ। ਜਿਸ ਕਾਰਨ ਬਿਜਲੀ ਦੇ ਬਿਲ ਵਿੱਚ ਕਾਫੀ ਬੱਚਤ ਵੇਖਣ ਨੂੰ ਆਈ ਹੈ। ਬਿਜਲੀ ਦਾ ਬਿਲ ਸੋਲਰ ਐਨਰਜੀ ਦੇ ਕਾਰਨ ਵੀ ਕਾਫੀ ਘਟਿਆ ਹੈ।*

*ਉਪਰੋਕਤ ਸਬੰਧੀ ਵਿਚਾਰ ਕਰਦੇ ਹੋਏ ਇਸ ਦਫਤਰ ਵੱਲੋਂ ਸਹਾਇਕ ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ ਯੂਨਿਟ 2, ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐਲ ਐਸ.ਏ.ਐਸ ਨਗਰ ਨੂੰ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 450/ਨਾਜ਼ਰ ਮਿਤੀ 20/03/2023 ਰਾਹੀਂ ਭੇਜਦੇ ਹੋਏ ਬਕਾਏ ਬਾਬਤ ਰੁਪਏ 17,83,938/- ਨੂੰ ਵੇਵਆਫ ਕਰਨ ਲਈ ਬੇਨਤੀ ਕੀਤੀ ਗਈ ਸੀ, ਪਰੰਤੂ ਉਨ੍ਹਾਂ ਵੱਲੋਂ ਇਸ ਤੇ ਕੋਈ ਕਾਰਵਾਈ ਨਹੀਂ ਕੀਤੀ ਗਈ ਅਤੇ ਇਹ ਰਾਸ਼ੀ ਚਾਲੂ ਬਿਲ ਵਿੱਚ ਐਡ ਕਰਕੇ ਭੇਜ ਦਿੱਤੀ ਗਈ।*

*ਇਸ ਲਈ ਇਸ ਵਿਭਾਗ ਵੱਲੋਂ ਰੁਪਏ 17,83,938/- ਵਿਦ ਹੋਲਡ ਕਰਦੇ ਹੋਏ ਚਾਲੂ ਬਿਲ ਦੀ ਰਕਮ ਜਮ੍ਹਾਂ ਕਰਵਾ ਦਿੱਤੀ ਗਈ ਹੈ। ਆਪ ਜੀ ਨੂੰ ਇਸ ਪੱਤਰ ਨਾਲ ਅਪੀਲ ਨੱਥੀ ਕਰਕੇ ਭੇਜਦੇ ਹੋਏ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਪਰੋਕਤ ਸਬੰਧੀ ਜਾਂਚ ਕਰਦੇ ਹੋਏ ਉਕਤ ਬਕਾਏ ਦੀ ਰਕਮ ਦੇ ਹੁਕਮ ਰੱਦ ਕਰਕੇ ਹੋਏ ਇਸ ਵਿਭਾਗ ਨੂੰ ਭੇਜੇ ਗਏ ਬਿਲਾਂ ਵਿੱਚ ਸੋਧ ਕੀਤੀ ਜਾਵੇ ਜੀ। ਇਸ ਦੇ ਨਾਲ ਹੀ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਵਿਭਾਗ ਦੁਆਰਾ ਮਹੀਨੇ ਦੀ ਖਪਤ ਵਿਰੁੱਧ ਬਿਲ ਅਦਾ ਕੀਤਾ ਜਾ ਰਿਹਾ ਹੈ। ਜਦੋਂ ਤੱਕ ਇਸ ਅਪੀਲ ਦਾ ਫੈਸਲਾ ਨਹੀਂ ਹੋ ਜਾਂਦਾ, ਰੁ 17,83,938 ਰਕਮ ਨੂੰ ਸਟੇਅ ਕੀਤਾ ਜਾਵੇ ਜੀ।*

1. The Respondent in his reply to petition stated that: -
2. *ਇਹ ਕਿ ਇਸ ਖਪਤਕਾਰ ਦਾ ਕੁਨੈਕਸ਼ਨ ਵਧੀਕ ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ, ਇਨਫੋਰਸਮੈਂਟ-ਕਮ-ਈ.ਏ. ਅਤੇ ਐਮ.ਐਮ.ਟੀ.ਐਸ., ਮੋਹਾਲੀ ਵੱਲੋਂ ਮਿਤੀ 12-01-2023 ਨੂੰ ਚੈਕ ਕੀਤਾ ਗਿਆ ਸੀ। ਚੈਕਿੰਗ ਦੋਰਾਨ ਇਹ ਪਾਇਆ ਗਿਆ ਕਿ ਮੋਕੇ ਤੇ ਐਚ.ਟੀ. ਕੇਬਲ ਦੇ ਇਨਪੁਟ ਸਾਈਡ ਤੋਂ ਖੋਲੀ ਹੋਈ ਸੀ। ਬਾਹਰੀ ਸਪਲਾਈ disconnect ਸੀ। CT/PT ਚੈਂਬਰ ਖੋਲ ਕੇ ਚੈੱਕ ਕਰਨ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ ਆਰ-ਫੇਸ, ਵਾਈ-ਫੇਸ ਦੇ ਪੀਟੀ ਦੇ ਕੁਨੈਕਟਰ ਟੁੱਟੇ ਹੋਏ ਸਨ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਬੀ-ਫੇਸ ਅਤੇ ਆਰ-ਫੇਸ ਦੇ ਸੀਟੀ ਤੇ ਸਪਾਰਕ ਹੋਇਆ ਸੀ ਅਤੇ PTs ਦੀ ਸੇਫਟੀ ਸੀਲ ਵੀ ਟੁੱਟੀਂ ਹੋਈ ਸੀ। ਚੈਕਿੰਗ ਸਮੇਂ ਬਾਹਰੀ ਸਪਲਾਈ ਦੇ ਕੇ ਮੀਟਰ ਦਾ ਡੀ.ਡੀ.ਐਲ. ਲਿਆ ਗਿਆ ਸੀ। ਡੀ.ਡੀ.ਐਲ. ਪ੍ਰਿੰਟ ਆਊਟ ਦੀ Cumulative Tamper Report ਅਨੁਸਾਰ ਖਪਤਾਰ ਦੇ ਮੀਟਰ ਦਾ 1 ਫੇਸ ਮਿਤੀ 19.04.2021 ਤੋਂ ਬੰਦ ਪਾਇਆ ਗਿਆ। ਇਸ ਲਈ 01 ਨੰ: ਫੇਸ ਦੀ Zero Potential ਹੋਣ ਦੇ ਮੱਦੇਨਜਰ ਮਹਿਕਮੇ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਸੋਧਿਆ ਗਿਆ ਹੈ।*
3. *ਇਹ ਕਿ ਵਧੀਕ ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ, ਇਨਫੋਰਸਮੈਂਟ-ਕਮ-ਈ.ਏ. ਅਤੇ ਐਮ.ਐਮ.ਟੀ.ਐਸ., ਮੋਹਾਲੀ ਵੱਲੋਂ ਮੌਕੇ ਤੇ ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਦਾ ਡੀਡੀਐਲ ਕੀਤਾ ਗਿਆ ਸੀ। ਡੀਡੀਐਲ ਅਨੁਸਾਰ ਇੱਕ ਫੇਸ ਡੈੱਡ ਪਾਇਆ ਗਿਆ ਸੀ।*
4. *ਇਹ ਕਿ ਖਪਤਕਾਰ ਦੇ ਬਾਈਡਾਇਰੈਕਸ਼ਨਲ ਮੀਟਰ ਦਾ ਡੀਡੀਐਲ ਕਰਨ ਤੇ ਇਹ ਪਾਇਆ ਗਿਆ ਸੀ ਕਿ ਮਿਤੀ 19-04-2021 ਤੋਂ ਇੱਕ ਫੇਸ ਬੰਦ ਹੈ ਜਿਸ ਕਰਕੇ ਮੀਟਰ 33% ਹੌਲੀ ਸੀ। ਇਸ ਲਈ ਖਪਤਕਾਰ ਨੂੰ 17,83,938/- ਰੁਪਏ ਚਾਰਜ ਕੀਤੇ ਗਏ ਹਨ।*
5. 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 notice no. 129 dated 18.01.2023 amounting to Rs. 1783938/- charged to the petitioner on account of 33.33% slowness of his meter.
6. Forum observed that CT/PT unit of the petitioner got damaged and on the telephone message of the respondent, connection of the petitioner was checked by Sr. Xen/Enf. cum EA & MMTS, Mohali and ECR no. 016/276 dated 12.01.2023 was prepared at site. As per ECR, CT/PT unit was damaged and it was directed to change the CT/PT unit. DDL of the meter was done. CT/PT unit of the petitioner was changed vide SJO no. 100020380744 dated 13.01.2023 effected on 01.02.2023. Speaking orders were issued by Sr. Xen/Enf. cum EA & MMTS, Mohali vide his office Memo no. 09 dated 13.01.2023. It was mentioned in the speaking order that input side HT cable was open; Outgoing supply was disconnected; Connectors of R-phase & Y-phase of PT were broken; spark had occurred on the CT’s of B-Phase & R-phase and safety seal of PT had broken. Further it was directed that in view of zero potential on one phase from 19.04.2021, account of the petitioner be overhauled as per instructions and regulations of PSPCL. In accordance with the speaking orders, AEE/Commercial Unit-2, Sub-Division, PSPCL, Mohali overhauled the account of the petitioner for the period from 22.04.2021 to 03.01.2023 treating meter 33.33% slow and the amount of Rs. 1783938/- was charged to him. The same was intimated to the petitioner vide Memo No. 129 dated 18.01.2023. Petitioner did not agree the amount charged to him and filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent, as under: -

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 2021 | | | 2022 | | | 2023 | | |
|  | Import | Export | Net | Import | Export | Net | Import | Export | Net |
| Jan |  |  |  | 23530 | 390 | 23140 | 12260  23140 | 650  0 | 11610  0 |
| Feb |  |  |  | 19580 | 1240 | 18340 | 2170 | 0 | 0 |
| Mar |  |  |  | 11250 | 820 | 10430 | 9552 | 150 | 9402 |
| Apr | 12810 | 10220 | 2590 | 23890 | 1230 | 22660 | 17628 | 366 | 17262 |
| May | 22420 | 1160 | 21260 | 6170 | 2320 | 3850 | 14994 | 366 | 14268 |
| Jun | 7760  18940 | 400  320 | 7360  18620 |  |  |  | 26628 | 234 | 26394 |
| Jul | 28310 | 490 | 27820 |  |  |  | 39870 | 216 | 39648 |
| Aug | 34270 | 370 | 33900 | 101030 | 850 | 100180 | 59454 | 3 | 59244 |
| Sep | 33280 | 350 | 32930 | 34490 | 570 | 33920 | 36174  43047 | 48  126 | 36120  0 |
| Oct | 8290  18590 | 150  400 | 8140  18190 | 28980 | 730 | 28250 | 3828  19920 | 72  372 | 3756  19542 |
| Nov | 10100 | 1440 | 8660 | 14190 | 1120 | 13070 |  |  |  |
| Dec | 15840 | 330 | 15150 | 6490 | 710 | 5780 | 13086 | 468 | 12624 |
| **TOTAL** |  |  | **194620** |  |  | **259620** |  |  | **249870** |

From the above available data, the annual consumption for 2021 (from 04/2021), 2022 and 2023 has been recorded as 194260, 259620 and 249870 units respectively. Relevant part of the observations recorded by Sr. Xen/Enf. cum EA & MMTS, Mohali in ECR no. 016/276 dated 12.01.2023 is as under: -

*“ਮੌਕੇ ਤੇ HT cable ਦੇ Input side ਤੋਂ ਖੋਲੀ ਹੋਈ ਸੀ। ਬਾਹਰੀ ਸਪਲਾਈ Disconnect ਸੀ। CT/PT ਚੈਂਬਰ D/S ਸਟਾਫ ਨੇ ਖੋਲ ਕੇ ਚੈੱਖ ਕਰਨ ਤੇ ਪਾਇਆ R-Ph, Y-Ph ਦੇ PT ਦੇ ਜੰਪਰ ਟੁੱਟ ਗਏ ਹਨ ਤੇ B-Ph ਤੇ R-Ph ਦਾ CT ਸਪਾਰਕ ਮਾਰ ਗਿਆ ਹੈ ਅਤੇ PTs ਦੀ ਸੇਫਟੀ ਸੀਲ ਵੀ ਟੁੱਟ ਗਈ ਹੈ। ਇਸ ਲਈ CT/PT unit Damage ਹੋਣ ਕਾਰਣ ਬਦਲੀ ਕੀਤਾ ਜਾਵੇ ਤੇ ਉਤਾਰਿਆ CT/PT units ਅਗਲੇਰੀ ਚੈਕਿੰਗ ਹਿੱਤ ME Lab ਭੇਜਿਆ ਜਾਵੇ। ਮੀਟਰ ਦਾ DDL ਬਾਹਰੀ ਸਪਲਾਈ ਨਾਲ ਕੀਤਾ। PSPCL ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ Damage CT/PT unit ਬਦਲਿਆ ਜਾਵੇ। ”*

Further speaking orders issued by Sr. Xen/Enf. cum EA & MMTS, Amritsar vide Memo No. 09 dated 13.01.2023 are reproduced under:

*“ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਇਸ ਸਕੁੰਡ ਵੱਲੋਂ ਵਿਸ਼ਾ ਚਰਚਿਤ ਖਪਤਕਾਰ ਦਾ ਕੁਨੈਕਸ਼ਨ ਵਿਸ਼ਾ ਚਰਚਿਤ ਈ.ਸੀ.ਆਰ ਰਾਹੀਂ ਚੈਕ ਕੀਤਾ ਗਿਆ ਸੀ। ਚੈਕਿੰਗ ਦੋਰਾਨ ਪਾਇਆ ਗਿਆ ਕਿ ਮੌਕੇ ਤੇ ਐਚ.ਟੀ. ਕੇਬਲ ਦੇ ਇਨਪੁਟ ਸਾਇਡ ਤੋਂ ਖੋਲੀ ਹੋਈ ਸੀ। ਬਾਹਰੀ ਸਪਲਾਈ Disconnect ਸੀ। CT/PT ਚੈਂਬਰ DS ਸਟਾਫ ਰਾਹੀਂ ਖੋਲ ਕੇ ਚੈੱਕ ਕਰਨ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ R-ਫੇਸ, Y-ਫੇਸ ਦੇ PT ਦੇ ਕਨੈਕਟਰ ਟੁਟੇ ਹੋਏ ਸਨ। ਇਸ ਤੋਂ ਇਲਾਵਾ B-ਫੇਸ ਅਤੇ R-ਫੇਸ ਦੇ CT ਤੇ ਸਪਾਰਕ ਹੋਇਆ ਸੀ ਅਤੇ PT's ਦੀ ਸੇਫਟੀ ਸੀਲ ਵੀ ਟੁੱਟੀ ਹੋਈ ਸੀ। ਚੈਕਿੰਗ ਸਮੇ ਬਾਹਰੀ ਸਪਲਾਈ ਦੇ ਕੇ ਮੀਟਰ ਦਾ ਡੀ.ਡੀ.ਐਲ ਲੈ ਲਿਆ ਗਿਆ ਸੀ। ਡੀ.ਡੀ.ਐਲ ਪ੍ਰਿੰਟ ਆਊਟ ਦੀ Cumulative Tamper Report ਨੂੰ ਘੋਖਣ ਤੋਂ ਪੱਤਾ ਚੱਲਦਾ ਹੈ ਕਿ ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਦਾ 1 ਫੇਸ ਮਿਤੀ 19.04.2021 ਤੋ ਬੰਦ ਪਾਇਆ ਗਿਆ। ਇਸ ਲਈ 01 ਨੰ ਫੇਸ ਦੀ Zero potential ਹੋਣ ਦੇ ਮੱਦੇਨਜਰ ਮਹਿਕਮੇ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਸੋਧ ਕੇ ਇਸ ਦਫਤਰ ਨੂੰ ਲਿਖਤੀ ਰੂਪ ਵਿੱਚ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ।”*

Forum observed from the above that all of the three phases of the CT/PT unit had been defective. CT/PT unit was sent to ME Lab vide challan no. 405 dated 09.03.2022 where same was accepted as damaged. As CT/PT units is a part and parcel of the meter as per its definition in PSERC Supply Code, the meter is required to be treated as defective.

Forum scrutinized the DDL report submitted by the respondent and observed that there is continuous failure of voltage on one phase from 19.04.2021 as claimed by the checking agency. Therefore, the DDL report supports the above conclusion of Sr. Xen/Enf. cum EA & MMTS, Mohali. However, as per PSERC Electricity Supply Code-2014 Regulation 21.5, accounts of the consumers in case of Inaccurate/Defective/Dead/ Stop/Burnt/Stolen meters can be overhauled for a period of not exceeding six months preceding the date of checking. Hence, action of the Respondent of overhauling the accounts of the petitioner for a period of more than six months is a clear contravention of ibid Regulation 21.5 of PSERC Supply Code.

Respondent did not submit any checking report other than the present ECR no. 45/2565 dated 04.04.2022, which indicates that no other checking has been carried out, hence, Respondent further defaulted in conducting periodical checks of the connection of the Petitioner as per schedule prescribed in Regulation 21.3.5 of Supply Code-2014 and instruction no. 106.1 of ESIM-2018 read with relevant instructions of Supply Code-2007 and ESIM-2011, which provides as under:

*106.1 Checking Schedule:*

*106.1.3 The Sr. XEN/ASE (DS) shall check all the HT/EHT connections upto the point of supply including meter/metering equipment having connected load/demand more than 500 kW/kVA in his jurisdiction at least once every year. Additionally, he will check 5% of the HT/EHT connections having load/ demand less than 500 kW/kVA.*

***21.3.5 The distribution licensee shall also conduct periodical inspection/testing of the meters/metering equipment installed at the consumers’ premises as per following schedule:***

*(i) EHT meters: - atleast once in a year*

*(ii) HT meters: - atleast once in 2 years*

*(iii) LT 3-phase meters: - atleast once in 3 years*

*(iv) LT 1-phase meters: - atleast once in 5 years*

So, it appears prima facie that there is lapse on the part of some officials/officers of the Respondent for not watching the meter/metering equipment, energy variation and DDL reports, continuously for over 1.5 year. An enquiry is required to be conducted by SE/DS, Mohali and responsibility of the delinquent officer(s)/official(s) is required to be fixed for causing financial loss to the Corporation.

As already concluded in the fore going discussion, the metering equipment of the petitioner is required to be treated as defective. The relevant Regulation 21.5.2 of Supply Code-2014 dealing with Defective/Dead Stop/Burnt/Stolen meters is reproduced 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”.*

As Grid Interactive Rooftop SPV has been installed by the petitioner, the above Regulation is required to be read with Regulation 15 of PSERC notification no. PSERC/Secy./Regu. 158 of 2021 dated 18.08.2021 effective from 18.08.2021 as circulated by PSPCL vide Commercial Circular No. 36/2021 dated 05.10.2021, reproduced below: -

*15 Energy Accounting during meter defect/failure/burnt*

*15.1 In case of defective/failure/burnt condition of any meter, the prosumer shall report the failure to the Distribution Licensee*

*15.2 Distribution Licensee shall replace the meter as specified in the Supply Code, 2014.*

*15.3 The electricity generated by the Rooftop SPV system during the period in which the meter is defective shall be determined based on the readings of the Check Meter:*

*Provided that if the Check Meter is not installed, then the electricity generated shall be considered equal to the average monthly generation in the last one year or corresponding period of last year.*

*15.4 The consumption of the Consumer during the period in which the Consumer meter or Net Meter is defective shall be determined as specified in the Supply Code, 2014.*”

Forum observed that as per DDL report one phase of the meter has not been contributing since 19.04.2021, therefore, consumption of previous period cannot be relied upon, hence consumption of succeeding year is required to be used as a base for overhauling the account of the petitioner.

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. Keeping in view the above Forum is of the opinion that notice no. 129 dated 18.01.2023 amounting to Rs. 1783938/- issued to petitioner on account of 33.33% slowness for the period from 22.04.2021 to 03.01.2023 is required to be quashed. Account of the petitioner is required to be overhauled for a period of six months preceding the date of replacement of CT/PT unit i.e. 01.02.2023 as per Regulation no. 21.5.2(d) of PSERC Supply Code-2014 read with Regulation 15 of PSERC notification no. PSERC/Secy./Regu. 158 of 2021 dated 18.08.2021 effective from 18.08.2021 as circulated by PSPCL vide Commercial Circular No. 36/2021 dated 05.10.2021.

Keeping in view the above, Forum came to unanimous conclusion that notice no. 129 dated 18.01.2023 amounting to Rs. 1783938/- issued to petitioner on account of 33.33% slowness for the period from 22.04.2021 to 03.01.2023 be quashed. Account of the petitioner be overhauled for a period of six months preceding the date of replacement of CT/PT unit i.e. 01.02.2023 as per Regulation no. 21.5.2(d) of PSERC Supply Code-2014 read with Regulation 15 of PSERC notification no. PSERC/Secy./Regu. 158 of 2021 dated 18.08.2021 effective from 18.08.2021 as circulated by PSPCL vide Commercial Circular No. 36/2021 dated 05.10.2021.

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. **Notice no. 129 dated 18.01.2023 amounting to Rs. 1783938/- issued to petitioner on account of 33.33% slowness for the period from 22.04.2021 to 03.01.2023, is quashed. Account of the petitioner be overhauled for a period of six months preceding the date of replacement of CT/PT unit i.e. 01.02.2023 as per Regulation no. 21.5.2(d) of PSERC Supply Code-2014 read with Regulation 15 of PSERC notification no. PSERC/Secy./Regu. 158 of 2021 dated 18.08.2021 effective from 18.08.2021 as circulated by PSPCL vide Commercial Circular No. 36/2021 dated 05.10.2021.**
    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**