**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-179/2022**

**Date of Registration : 20.12.2023**

**Date of Closing : 26.12.2023**

**Date of Final Order : 29.12.2023**

**In the Matter of:**

 **Sh. Umesh Kumar, Jagdish Rai,**

**Adarsh Nagar,**

**Mandi Gobindgarh.**

**A/c No.: 3002810591.**

**Through:**

Sh. Omesh Kumar  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Division,

PSPCL, Mandi Gobindgarh. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-179/2023 has been filed directly in the Forum by Sh. Omesh Kumar, in the matter related to A/c no. 3002810591, in the name of Sh. Umesh Kumar. Petitioner is having DS category connection with Sanctioned Load of 12.970 KW under DS Division, PSPCL, Mandi Gobindgarh. Petitioner was issued bill dated 06.05.2023 with new reading as 415753Kwh and old reading as 79358Kwh on ‘P’ code on average basis. Not satisfied with the working of the meter he challenged the meter. Site of the petitioner was checked and LCR no. 40/72 dated 26.06.2023 was prepared wherein readings were recorded as 417528Kwh/104858kvah and it was recommended to take further action the meter having been challenged. Meter of the petitioner was changed vide MCO no. 100021786400 dated 27.06.2023 effected on 04.07.2023. Replaced meter was sent to ME lab for checking vide challan no. 10 dated 20.07.2023, where working was found OK in dial test & creep test and final readings were verified as 417793kwh/105145kvah. DDL of the meter could not be done. Petitioner was issued notice vide memo no. 1968 dated 18.10.2023 for depositing amount of Rs. 3130680/- on a/c of difference of final reading recorded in ME lab and reading billed on SAP system (417792-81882 = 335910Kwh). Not satisfied with the notice/ME Lab report, petitioner filed his case in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 21.12.2023 and finally on 26.12.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 21.12.2023***

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

1. *Respondent shall check/verify the amount of Rs. 3130680/- charged vide notice no. 1968 dated 18.10.2023 for difference in reading billed in SAP software and final reading found in ME lab of 335910 units.*
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. *screenshots of meter taken before replacement of meter in dispute, 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.*
5. *copy of current site checking report especially connected load and copies of reports of checking carried out by various authorities previously.*
6. *copies of related Job order clearly depicting date of effect thereof, ME lab reports of meter in dispute along with its DDL.*
7. *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.*
8. *Respondent shall further: -*
9. *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.*
10. *confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
11. *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, keeping in view that Sh. Kewal Krishan expired on 26.09.2023. 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 in five sets which is 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 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. 3002810591, is having DS connection with Sanctioned Load of 12.970 KW, in the name of Sh. Umesh Kumar, under Op., Division, PSPCL, Mandi Gobindgarh.
3. The Petitioner in his Petition prayed that: -

*bynqI hY ik mY, aumyS kumwr pu~qr sRI jgdIS rwey vwsI AwdrS ngr, glI nM. 5, mkwn nM. 46, sYktr 2-bI, mMfI goibMdgVH, qih, Amloh, ijlw PiqhgV swihb dw rihx vwlw hW jo ik aukq kunYkSn myry Gr iv~c l~igAw hoieAw hY Aqy ies kunYkSn dw mItr jMp kr igAw sI ijs krky mYƒ ies dw ibl bhuq ijAwdw Aw igAw hY Aqy mYny aukq mItr ƒ cYlMj vI kIqw sI ijsdI irport Aw cu~kI hY Aqy swƒ 31,30,680/-rupey dw ibl Brn leI ikhw igAw hY sRImwn jI jo swƒ ibl AwieAw hY auh bhuq ijAdw hY jdo ik myrI ieMnI ijAwdw Kpq vI nhIN hY Aqy ies sbMDI myry mItr dw ipClw irkwrf vI cY~k kIqw jw skdw hY mYN Awpxy kunYkSn dy ibl dw kys JgVw invwrn kmytI iv~c pwauxw cwhuMdw hW[*

*so Arj hY ik myry aukq mItr dy ibl dw kys JgVw invwrn kmytI iv~c pw ky myrw mItr cY~k kIqw jwvy Aqy mYƒ bxdw shI ibl ByijAw jwvy jI[ mY Awp jI dw Aiq DMnvwdI hovWgw[*

1. The Respondent in his reply stated that: -
	* + 1. *Kpqkwr dw mItr sIrIAl nM. 1139225 AYm.sI.a. nM. 100021786400 rwhI imqI 04.07.2023 ƒ sYp isstm muqwibk 81382 KWH rIifMg qy Kpqkwr duAwrw cYlMj krn auprMq bdlI kIqw igAw[ pRMqU Asl AYm.sI.a. muqwibk Kpqkwr dy mItr dI rIifMg 417792 KWH sI (AYm.sI.a. dI kwpI n~QI hY) auprMq ieh mItr AYm.eI.lYb dy clwn nM.10 imqI 20.07.2023 rwhI cYk kIqw igAw ijs Anuswr Kpqkwr dI Pwienl rIifMg 417792 KWH drj kIqI geI ies leI Kpqkwr ƒ noits nM. 1968 imqI 18.10.2023 rwhIN Pwienl rIifMg dw Prk 417792-81882 =335910 XUintW dy 3130680/- ru. cwrj kIqy gey[*
			2. *Kpqkwr dw 5 swl dw Kpq fwtw nwl n~QI hY[ (Annexure-1)*
			3. *Kpqkwr dI mOjUdw swiet cYikMg irport nwl n~QI hY[ (Annexure-2)*
			4. *Asl AYm.sI.a. dI kwpI nwl n`QI hY[(Annexure-3)*
			5. *AYm.eI. lYb dI irport nwl n~QI hY[ AYm.eI. lYb dI irport muqwibk vwr vwr krn qy vI fI.fI.AYl. nhI hoieAw[ (Annexure-4)*
2. Forum have 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 notice issued vide memo no. 1968 dated 18.10.2023 amounting to Rs. 3130680/- on a/c of difference of final reading recorded in ME lab and reading billed on SAP system.
3. Forum observed that Petitioner was issued bill dated 06.05.2023 with new reading as 415753Kwh and old reading as 79358Kwh on ‘P’ code on average basis. Not satisfied with the working of the meter he challenged the meter. Site of the petitioner was checked and LCR no. 40/72 dated 26.06.2023 was prepared wherein readings were recorded as 417528Kwh/104858kvah and it was recommended to take further action the meter having been challenged. Meter of the petitioner was changed vide MCO no. 100021786400 dated 27.06.2023 effected on 04.07.2023. Replaced meter was sent to ME lab for checking vide challan no. 10 dated 20.07.2023, where working was found OK in dial test & creep test and final readings were verified as 417793kwh/105145kvah. DDL of the meter could not be done. Petitioner was issued notice vide memo no. 1968 dated 18.10.2023 for depositing amount of Rs. 3130680/- on a/c of difference of final reading recorded in ME lab and reading billed on SAP system (417792-81882 = 335910Kwh). Not satisfied with the notice/ME Lab report, petitioner filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent as under: -

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 2019 | 2020 | 2021 | 2022 | 2023 |
|  | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan |  |  | 360 | O | 476 | O |  |  | 286 | O |
| Feb | 316 | O | 376 | O | 405 | O | 996 | O | 466 | O |
| Mar | 309 | O | 332 | O | 354 | O | 482 | O | 584 | O |
| Apr | 303 | O |  |  | 398 | O | 476 | O | 391 | P |
| May | 344 | O | 913 | O | 576 | O | 980 | O | 849 | P |
| June | 646 | O | 713 | O | 841 | O | 1340 | O |  |  |
| July | 651 | O | 1660 | O | 1090 | O | 1488 | O |  |  |
| Aug | 916 | O | 2000 | O | 1611 | O | 1319 | O |  |  |
| Sept | 809 | O | 1259 | O | 1262 | O | 1678 | O | 2524 | O |
| Oct | 763 | O | 717 | P | 1065 | O | 1063 | O |  |  |
| Nov | 465 | O | 2353 | O | 639 | O | 592 | O | 4449 | O |
| Dec | 331 | O | 417 | O | 378 | O | 485 | O |  |  |
| **Total** | **5853** |  | **10740** |  | **8619** |  | **10899** |  | **9263** |  |

Forum observed that the annual consumption of petitioner from 2019 to 2023 (upto 11/2023) is 5853, 10740, 8619, 10899 and 9263 units respectively. The consumption is almost consistent from 2020 onwards. Forum observed that the consumption as high as 335910 KWH recorded during the disputed period has never been recorded in any bi-monthly bill before and after the change of meter. Forum observed that site of the petitioner was checked and LCR no. 12/42 dated 22.12.2023 was prepared when connected load of 7.566 KW was found against the sanctioned load of 12.970 KW and reading of the meter was recorded as 5248 KWH, as such after replacement of meter the consumption has been recorded as 5248 units in a period of about 5.5 months meaning about 954 units per month. Forum also observed that at the time of checking vide LCR no. 72/40 dated 26.06.2023, KWH reading was found 417528 and KVAH as 104858. Had the meter recorded readings correctly, KVAH and KWH readings would have been nearly equal (there cannot be such a huge difference between KVAH and KWH readings). Even as per ME Lab report, readings were verified as 417792Kwh/105145Kvah.

From the above, Forum observed that although accuracy of the meter was found Ok in ME Lab, but this huge difference between KWH and KVAH and sudden jump in KWH reading clearly indicates that the meter had gone defective and it misbehaved somewhere after 14.03.2023 as ‘P’ code bill was issued to the petitioner for 1st time on 06.04.2023. DDL of the meter could not be obtained in ME Lab. In view of the forgoing facts & discussion, reading recorded by the disputed meter cannot be relied upon and the meter is required to be treated as defective. 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 as well as other material brought on record. Keeping in view the above facts, Forum is of the opinion that abnormal reading recorded by the meter can be ignored and same can be treated as defective. Therefore, the amount of Rs. 3130680/- charged to petitioner vide notice no. 1968 dated 18.10.2023 on a/c of so called difference of reading recorded in ME Lab and reading billed on SAP system (41779-81882 = 335910Kwh) is not justified and is liable to be quashed. The account of the petitioner is required to be overhauled for the period from 14.03.2023 to 04.07.2023 (date of change of meter in dispute) on the basis of energy consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) of Supply Code-2014.

Keeping in view of the above, Forum came to the unanimous conclusion that the amount of Rs. 3130680/- charged to petitioner vide notice no. 1968 dated 18.10.2023 on a/c of so-called difference of reading recorded in ME Lab and reading billed on SAP system (41779-81882 = 335910Kwh), be quashed. The account of the petitioner be overhauled for the period from 14.03.2023 to 04.07.2023 (date of change of meter in dispute) on the basis of energy consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) of 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 amount of Rs. 3130680/- charged to petitioner vide notice no. 1968 dated 18.10.2023 on a/c of so-called difference of reading recorded in ME Lab and reading billed on SAP system (41779-81882 = 335910Kwh), is quashed. The account of the petitioner be overhauled for the period from 14.03.2023 to 04.07.2023 (date of change of meter in dispute) on the basis of energy consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) of 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**

 **(Er. Kuldeep Singh)**

 **Chairperson**

**Place: Ludhiana**

**Date: 29.12.2023**