**IN THE COURT OF OMBUDSMAN, ELECTRICITY, PUNJAB,**

**66 KV GRID SUBSTATION, PLOT NO: A-2, INDL AREA, PHASE-I, S.A.S. NAGAR ( MOHALI)**

**APPEAL No: 24 / 2017** D**ate of Order: 03.08.2017**

**M/S INDUS TOWERS LIMITED,**

**276, INDUSTRIAL AREA-A,**

**SBI BUILDING,**

**NEAR CHEEMA CHOWK,**

**LUDHIANA** ………….. PETITIONER

Account No. 3002804410

*Through:*

Sh. Parvesh Chadha,, Authorized Representative

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED. ………………………. RESPONDENTS

*Through:*

Er. Sanjeev Parbhakar,

Addl. Superintending Engineer

Operation, City Central (Special) Division,

P.S.P.C.L, LUDHIANA.

Petition No: 24/2017 dated 23.05.2017 was filed against order dated 17.04.2017 of the Consumer Grievances Redressal Forum (CGRF), PSPCL, Patiala in case no. CG – 26 of 2017 deciding that the amount charged to the petitioner is up-to the actual final reading recorded and is recoverable.

2. Arguments, discussions and evidences on record were held on 03.08.2017.

3. Sh. Parvesh Chadha, Authorized Representative attended the court proceedings on behalf of the petitioner. Er. Sanjeev Parbhakar, Addl. Superintending Engineer / Operation, City Central (Special) Division, PSPCL, Ludhiana alongwith Shri Brij Mohan Mittal, Asstt .Accounts Officer (Revenue) appeared on behalf of the respondent, Punjab State Power Corporation Limited (PSPCL).

4. Sh. Parvesh Chadha, the Petitioner’s representative stated that the Petitioner is having NRS category Electricity Connection under the name of M/S Indus Towers Limited and doing the business of Mobile Network bearing Account no. 3002804410 with sanctioned load of 15 KW. The connection is operating under Unit-II Sub-Division of Operation City Central (Special) Division, PSPCL, Ludhiana. He stated that during the month of August, 2016, the Petitioner received the bill for the consumption of 124069 units for the period 04.07.2016 to 03.08.2016 (31 days) for an amount of Rs. 10,02,080/- However, the meter was challenged by depositing the requisite fee on 22.08.2016 and the meter was replaced vide MCO No. 100002422901 dated 19.08.2016 Accordingly, the meter was sent to M.E. Lab vide challan No. 1845 dated 17.11.2016 and it was reported in the M.E. Lab. “ that Results can not be taken being Meter Burnt”. DDL taken. Final reading was KWH-449490 & KVAH-451549.

He next submitted that actually meter was not burnt, only Terminal Block (TB) was burnt on ‘Blue Phase’ which can be seen as the meter is kept in the custody of the Junior Engineer ( JE) concerned. The Bill for next month was also issued for Rs. 10,10,832/- for 128019 units and no payment was made but the next bill for August, 2016 to September,2016 for 597732 units for Rs. 46,01,394/- was raised which was also not paid, being abnormal consumption bill. The November,2016 bill was again issued for Rs. 10,55,080/-. On receipt of M.E. Lab report the bill to the tune of Rs.11,83,538/- for the period 12.08.2016 to 02.12.2016 for 112 days for 22522+124226=146748 units was received and out of this, Rs. 1,21,800/- were adjusted as payment was made of ‘N’ Code. Thus, net bill was issued for Rs. 10,81,552/-. There is no possibility for recording of consumption of 124226 units from 12.08.2016 to the date of replacement of meter i.e. 15.09.2016.

The authorized representative further submitted that it is incorrect that Meter was ‘BURNT, only the Blue Phase Terminal Block was burnt and M.E. Lab has not recorded this fact on the report/challan. Even, accuracy of the Meter had not been checked. The Meter was challenged on 19.08.2016 when the Petitioner received the abnormal bill for the consumption of 128019 units. The Meter was running and there was no TB/Meter was burnt as per LCR No. 58 dated 17.08.2016 at Reading of 446831 KWH but when MCO was effected on 15.09.2016 at Reading of 449490 KWH”. TB Burnt “ remarks given on MCO. Whereas in the M.E. Lab challan, it is declared as ‘Burnt’ and the reading was same. No accuracy was checked and as such, the M.E. Lab report is incorrect.

He next contended that it is impossible that an huge consumption is recorded for 112 days as 146748 units (Old meter 124226 + New Meter 22523) i.e. 1310.25 units per day against 15 KW load. Whereas, as per LDHF Formula , it comes to 1800 units per month. The consumption of 22523 units of new meter is also bogus as the reading on 15.3.2017 was 15729 KWH. The Bill for the month of January-2017 was issued of ‘C’ Code for 133745 units for Rs. 956870/- by adjusting 20% payment of Rs. 123710/-. The next bill was issued on 11.03.2017 for 10474 units for 99 days was of ‘N’ Code despite the fact that Meter was installed outside and ‘N’ code was not possible. Meter Reader has not recorded readings regularly which created imbalance in consumption recorded and as such the consumer is being penalized without any fault. Moreover, the consumption of previous years can also be seen to ascertain that no such huge consumption was recorded. The new meter reading on 16.03.2017 as per LCR No. 6 dated 16.03.2017 is 15729 units for 176 days ( 15.09.2016 to 16.03.2017), thus total consumption is 15729 units and per day consumption is 89 units. So for one month, it becomes 89\*30= 2670 units.

The Authorized Representative also submitted that the Meter was not burnt and only Terminal Block of Blue Phase was burnt and meter was healthy. The challenged meter was removed after 28 days (19.08.2016 to 15.09.2016) and sent to M.E. Lab after 62 days ( 15.09.2016 to 17.11.2016) which is violation of Regulation 21.3.6 (b), (e) of Supply Code-2014 and instruction No. 57.3 of Electricity Supply Instructions Manual (ESIM). The bill was issued without checking the accuracy of Meter. The meter was to be replaced within seven days and was to be tested within 15 days from the date of removal from site i.e. upto 30.09.2016. The meter was available on 19.08.2016 but removed on 15.09.2016 and kept pending upto 17.11.2016.

He while submitting grounds of appeal narrated that the Meter was not replaced as per norms fixed in the Electricity Act-2003 and Regulation No. 21.3.6 of the Supply Code-2014. In M.E. Lab., accuracy of the meter was not checked merely on the ground that Meter was burnt, whereas only Terminal Block of Blue phase was heated up. These remarks were also given by the Junior Engineer on the MCO at the time of replacement. He contested that due to late testing of Meter, the DDL was not properly taken. The Data recorded prior to 09.08.2016 was deleted/washed out. In case, the Meter was tested within prescribed time limit i.e. 15 days, it must had from 07.06.2016 and exact date be worked out, where meter has jumped. The PSPCL had recorded every month readings and has recorded reading on 12.08.2016 as 325264 with ‘N’ Code (No exact reading was taken) for removal of ‘N’ Code . The petitioner made an request to take reading which was recorded by the JE vide LCR No. 58/164 dated 17.08.2016 as 446821 KWH & 448876 as KVAH.

He also submitted that the observations of the CGRF (Forum) are not correct, as the reading on 12.08.2016 is as 325264 was of ‘N’ Code but at site was 446821 on 17.08.2016 as per challan No. 1845 dated 17.11.2016. However, in the last month, reading on 4.7.2016 was recorded as 320516 KWH and meter status was ‘O’, hence, Meter had jumped between 04.07.2016 to 09.08.2016. Had the meter been tested within prescribed time limits, it should have given actual results and the jumping of Meter Reading can be observed. Furthermore, the ground taken by the Forum that per day consumption was 111 units per day during the current year 2016 was also not correct ( upto 12.08.2016 as 27131), the Forum added ‘N’ Code average as 4748 units, whereas actual consumption was 320516-298133=22383 units and per day consumption was 108 units. Thus, the meter was working upto 04.07.2016 and after that it became fast and jumped. The new meter was installed on 15.09.2016 and fresh LCR-6/1786 dated 16.03.2017 recorded Reading as 15729 KWH. The per day consumption is 86.423 units ( 15729/182) Say 87 units. As the accuracy was not checked in the M.E. Lab, it is not clear that whether the meter was running fast or jumped.

He requested that the period under dispute i.e. 04.07.2016 to 15.09.2016 be charged either on the basis of average worked out on the last year consumption for the same period or the consumption of present meter as there is a deficiency on the part of PSPCL and also violation to Regulation No. 21.3.6 (b) & (e) of the Supply Code-2014 and instruction No. 57.3 of ESIM and bill was issued without checking accuracy of meter. The meter under dispute, if replaced in time and was sent to M.E. Lab in time, the DDL for the 90 days would not have been washed out and correct picture would have come to solve the dispute. In the end, he requested that average bill be charged for the disputed period on the basis of previous year consumption basis or after the installation of new meter, as there is no change in the Load. He prayed to allow the appeal.

5.. Er. Sanjeev Parbhakar, Addl. Superintending Engineer, representing the respondents submitted that the consumer M/S Indus Tower Ltd; bearing Account No. 3002804410 is having sanctioned load of 15.00 KW. The bill for the month of 08/2016 was issued for Rs. 38300/- for 4748 units on the basis of ‘N’ Code. The bill for the month of 09/2016 was issued for 128019 units ( 448535 - 320516) for Rs. 994190/- after adjusting the previous bill which was issued on basis of ‘N’ Code. However, the consumer challenged the working of meter by depositing meter challenge fee on 19.08.2016 and meter was replaced on 15.09.2016 at final reading of 449490 KWH and 451549 KVAH. The meter was checked in the M.E. Lab, Ludhiana vide Store challan No. 1845 dated 17.11.2016 and reported as under:-

“ *The results of meter can not be taken due to meter burnt. DDL taken”.*

He next submitted that the consumer was issued bill for Rs. 1081552 for 146748 units in the month of 12/2016 ( 124226 units of removed meter and 22522 of new meter). The consumer challenged the demand before the Forum, which decided that “ the amount charged to the petitioner is up-to the actual final reading recorded and is recoverable”. Thus, the bill of the consumer was revised on 07.04.2017 as per actual reading of new meter i.e. 15728 units. Therefore, the total consumption was worked out 144702 units in which 128974 units were of removed meter and 15728 units of new meter. Accordingly, the final bill of Rs. 760,109/- was prepared after adjusting ‘N’ code and ‘I’ code . When the CGRF (Forum) decided the case on 17.04.2017, the consumer was asked to deposit the balance disputed amount. But now, the consumer has filed an appeal before the Court of Ombudsman against the decision of the Forum.

The Respondents admitted that the consumer has given an application for new connection and new connection bearing Account No. 3002804410 is installed in Akalgarh Market, Chaura Bazar, Ludhiana under NRS category having sanctioned load of 15.000 KW. The history of the case narrated by the consumer in his petition, is correct except the bill for 09/2016 which was incorrect. The revised bill dated 07.04.2017 was issued for Rs. 760109 for the period 04.07.2016 to 16.03.2017 in which both readings of old meter and new meter were accounted for. The previous adjustment of ‘N’ Code and ‘I’ Code has already been made. The consumption of old meter from 04.07.2016 to 15.09.2016 was 128974 units and consumption of new meter from 15.09.2016 to 16.03.2017 was 15728 units for 182 days. The per day consumption of new meter is 86 units after the installation of meter. The consumer has been billed for recorded consumption. The reading of the removed meter was checked in M.E. Lab and as per DDL report, the reading was 449490 KWH and reading of old meter was recorded as 320516 on 04.07.2016. As such, the petitioner was billed for 128974 units

( 449490-320516).

Further, he submitted that the M.E. Lab., Ludhiana, vide report dated 17.11.2016, “ declared the Meter burnt. However, the DDL was taken. Final Reading was 449490 KWH and 451549 KVAH”. The connection is of mobile network which runs 30 days in a month and 24 hours with 100% Load Factor. So, the units for 15 KW load comes out 10800 units per month. The bills of new meter has already been adjusted and revised bill dated 07.04.2017 has already been issued. The bill of January, 2017 has already been adjusted in the revised bill issued on dated 07.04.2017. However, the adjustment of ‘N’ Code has already been done in the revised bill dated 07.04.2017 In the end, he requested that the appeal of the consumer be dismissed as the decision of the Forum dated 17.04.2017 is correct and justified.

6. The facts of the case remain that the petitioner having NRS category connection with sanctioned load of 15KW, received bill for consumption of 124069 units of dated 3.8.2016 amounting to Rs. 10,18,854/- for the period from 4.7.2016 to 3.8.2016. Considering the consumption as abnormal, the Petitioner challenged the meter by depositing the requisite fee on 22.08.2016. The meter was replaced on 15.09.2016 and got checked in ME Lab on dated 17.11.2016 but the results could not be taken as the meter was found “burnt”. However, DDL was taken. The next monthly bill was issued for 128019 units amounting to Rs. 10,10,832/- but no payment was made by the Petitioner. The November, 2016 bill was again issued for Rs. 10,55,080/-. The bill for the period 12.08.2016 to 02.12.2016 for 112 days for 146748 units was received for Rs. 11,83,538/- and out of this, Rs. 1,21,800/- was adjusted as payment was already made on ‘N’ Code basis. So, net bill issued was for Rs. 10,81,852/-. Aggrieved, the Petitioner approached the Forum which decided that the amount charged to the Petitioner is upto the actual final reading recorded and is recoverable.

The authorized representative of the Petitioner argued that the meter was not burnt, but only Blue Phase terminal was heated up and this fact was not recorded by M.E. Lab in its report / challan. He further stated that accuracy of the meter was not checked and this can be verified from the meter which is in the custody of Junior Engineer concerned. The Petitioner challenged the meter on 19.08.2016 when he received abnormal bill for consumption of 128019 units. The meter was working and only Terminal Block of the meter was burnt as per LCR dated 17.08.2016 but when MCO was effected on 15.09.2016, “Terminal Block Burnt” remarks were given on the MCO whereas in ME Lab Report, the meter was shown ‘Burnt” whereas the reading was the same. It was also argued by the Petitioner that as accuracy was not checked, hence, M.E. Lab Report was incorrect. Besides, as per new meter reading on 16.03.2017, consumption was 15729 units for the period from 15.09.2016 to 16.03.2017 (182 days) i.e. average of 87 units per day. It was also argued by the Petitioner that there was a deficiency on the part of the Respondents as the instructions contained in Regulation 21.3.6 (b) & (e) of Supply Code - 2014 as the challenged meter was removed after 28 days and sent to M.E. Lab. after 62 days and ESIM Instruction No. 57.3 were also violated because the bill was issued without checking the accuracy of the meter. He prayed to allow the appeal by charging the average bill for the disputed period on previous year basis or after installation of new meter.

The Respondents, in their defence, stated that the meter was challenged by the Petitioner on 19.08.2016 which was replaced on 15.09.2016 at final reading was 449490KWH and 451549KVAH. After that, the meter was checked in ME Lab., PSPCL, Ludhiana on 17.11.2016 which reported that the results of the meter can not be taken as meter was found to be burnt, however, DDL was taken. The Respondents issued revised bill dated 07.04.2017 for Rs. 7,60,109/- for the reading from 04.07.2016 to 16.03.2017 in which both readings of old and new meter have been accounted for and previous adjustments of ‘N’ Code and ‘I’ Code have been made in this bill. The Petitioner challenged the demand raised for Rs. 10,81,552/- before the Forum. However, the Petitioner was not satisfied with the decision dated 17.04.2017. The Respondent prayed to dismiss the Appeal as the said decision of the Forum is correct and justified, because the Final Readings recorded on the MCO, in ME Lab. report and as per DDL matched with each other.

After going through written submissions made in the petition, written reply of the respondents, and oral arguments of the authorized representative of the Petitioner and representative of the respondents – PSPCL as well as other materials brought on record, I find that the present dispute involves the issue, requiring adjudication, of whether charging of average bill for the disputed period on the basis of previous year consumption pattern or after the installation of new meter ( with no change in load) is as per extant rules and regulations as prayed by the Petitioner.

I noted the contention of the Petitioner that the Meter was not ‘Burnt” but only the Terminal Block of Blue phase was heated up and this fact was not recorded when the meter was checked in ME Lab,, PSPCL,, Ludhiana vide Store Challan No.1845 dated 17.11.2016 which reported as under:-

*“The results of meter can not be taken due to meter burnt.*

*DDL taken.”*

I agree with the report of ME Lab that due to burnt Terminal Block of the meter, the accuracy can not be checked because the Terminal Block is a part of meter. However, I fully agree with the Petitioner that the challenged meter was removed after 28 days ( from 19.08.2016 to 15.09.2016) and sent to ME Lab after 62 days (15.09.2016 to 17.11.2016) which was in contravention of provisions contained in Regulation 21.3.6 (b) & (e) of Supply Code-2014 and ESIM Instruction NO. 57.3. I have also noted from MCO effected on15.09.2016 that “TB Burnt” remarks were given whereas in the ME Lab Report, it is declared as “Burnt” considering Terminal Block as the part of the meter. Hence, I do not agree with the arguments of the petitioner that the accuracy of the meter was not checked and as such, ME Lab report was incorrect.

I find merit in the arguments advanced by the petitioner about incorrectness of DDL supplied is that had the meter been sent within stipulated time as per instructions, it would have recorded earlier data from 9.8.2016 and exact date and time of jumping could have been worked out. But this did not happen as Data DDL recorded prior to 9.8.2016 was deleted / washed out.

I have also gone through the decision dated 17.04.2017 of CGRF and noted that Forum has decided the case as per Final Readings recorded on MCO, ME Lab report and DDL. But the fact remains that the meter was declared “Burnt” in ME Lab. and in the case of “Burnt” meter, provisions contained in Regulation 21.5.2 (a) of Supply Code - 2014 are relevant.

As a sequel of above discussion, I have, therefore, no hesitation to set aside the decision dated 17.04.2017 of CGRF in case No. CG-26 of 2017. It is, therefore, held that the account of the Petitioner for the disputed period ( 04.07.2016 to 15.09.2016) should be overhauled as per provisions contained in Regulation 21.5.2 (a) of Supply Code-2014 i.e. by taking into consideration the energy consumption of corresponding period of previous year. However, the bill for actual consumption should be made after replacement of meter on 15.09.2016.

Accordingly, the Respondents are directed that the amount involved be recomputed as per above directions, and the amount excess/ short, if any, may be recovered / refunded from / to the petitioner with interest under the relevant provisions of ESIM-114.

7. The appeal is allowed.

8. Chief Engineer, “OP” Central Zone, PSPCL, Ludhiana should initiate disciplinary action against the delinquent officers / officials in accordance with their service rules for delay in removal and replacement of challenged meter and getting the removed meter tested from ME Lab in contravention of Supply Code-2014 Regulation 21.3.6 (b) and (e).

9. In case, the Petitioner or the Respondents (Licensee) is not satisfied with the above decision, he is at liberty to seek appropriate remedy against this order from the appropriate Body in accordance with Regulation 3.28 of Punjab State electricity Regulatory Commission (Forum & Ombudsman) Regulation-2016.

(MOHINDER SINGH)

Place: SAS Nagar (Mohali) Ombudsman,

Electricity, Punjab,

Dated 03. 08.2017 SAS Nagar (Mohali)