**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: 25 / 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. N 35GT350286M

*Through:*

Sh. Parvesh Chadha,, Authorized Representative

VERSUS

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

*Through:*

Er. Kulwinder Singh,

Addl. Superintending Engineer

Operation Division,

P.S.P.C.L, GORAYA..

 Petition No: 25/2017 dated 23.05.2017 was filed against order dated 20.04.2017 of the Consumer Grievances Redressal Forum (CGRF), PSPCL, Patiala in case no. CG – 42 of 2017 deciding that the amount charged to the petitioner is for the actual energy consumed by the petitioner and is up-to the actual final reading recorded in the DDL 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. Kulwinder Singh, Addl. Superintending Engineer / Operation Division, PSPCL, Goraya 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 noN35GT350286M with sanctioned load of 15KW. The connection is operating under Sub-Division Phillaur. He stated that during the month of December, 2016, the Petitioner received the bill for the consumption of 44493 KWh units for the period of 30 days i.e. 10.11.2016 to 10.12.2016. . However, due to abnormal consumption, the meter was challenged by depositing the requisite fee on 29.12.2016. The meter was not replaced and tested to obtain the results. Another bill for the consumption of 31431 units for the period 10.12.2016 to 03.01.2017 for 24 days was received by the Petitioner for Rs. 6,23,173/-. Though, the meter was not replaced upto 03.01.2017, the bill was issued.

 While submitting written arguments, the authorized representative contested that the respondent admitted that bill for the month of Dec.,2016 was issued for an amount of Rs. 3,68,437/- for the period of 30 days from 10.11.2016 to 10.12.2016 for consumption of 44493 KWh units including the balance of previous bill of Rs. 8170/-. It is not correct that the abnormal bill is payable as the consumption of 44403 units is not possible in 30 days against 15 KW Load running 24 hours. The meter is installed outside and can be replaced at any time but the Meter was replaced on 07.02.2017. The site was checked by the Junior Engineer on 16.12.2016 vide LCR No. 1/20043 and verified the readings as under:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| KWH 271857 | KVAH 274822 | MDI (KVA)11.236 | Working ‘O.K.’ | MTC seal intact |

 It has also been noted in the remarks that ‘Meter was working on two phases when put the load but supply of 3rd phase was not coming from incoming and it was corrected on 06.02.2017. The Final Reading as per MCO No. 66/36400 dated 10.01.2017 was 274880 KWH and 277855 KVAH. Thus, both the bills issued are not genuine and of abnormal consumption and needs to be rectified.

 He next submitted that actually the readings are not recorded properly by the Meter Reader and shown ‘N’ code. Meter is installed outside the Tower and there is no problem to record the readings. This is a deficiency on the part of PSPCL and the Petitioner is being unnecessarily penalized. Further he stated that the new meter was installed on 07.02.2017 at initial Reading of 12 and old meter was removed at Final Reading of 274880 KWH. The consumption of new meter comes from 07.02.2017 to 21.03.2017 (LCR-29/20035 dated 21.03.2017)=2172-12=2160 units for 43 days. So, per day 50 units and monthly consumption was 1506 units. The consumption by the Meter of 30 days for 44493 and 24 days 31431 is not possible. As such, the meter reading is not correct and meter is either running Fast or jumped.

 The Authorized Representative further contested that the DDL has been taken on 17.04.2017 as per the directions of the Forum but why it was not done earlier by the PSPCL authorities. The DDL recorded the data from 07.01.2017 whereas the meter was challenged on 29.12.2016 and MCO was issued on 10.01.2017 and was actually replaced on 07.02.2017. Thus, the delay in getting the late DDL causes , recording of incorrect data. It is the deficiency on the part of PSPCL and violation of Regulation No. 21.3.6 (b), (e) of the Supply Code-2014 and instruction no. 57.3 of the Electricity Supply Instructions Manual (ESIM) and bill was issued without checking of accuracy of meter. The meter was to be replaced within seven days as per job order upto 05.01.2017 and was to be tested within 15 days from the date of removal from site i.e. upto 20.01.2017. The meter was available on 29.12.2016 but was removed on 07.02.2017 and kept pending upto 10.04.2017, when it was sent to M.E. Lab.” and DDL was taken on 17.04.2017.

 Further he submitted grounds of appeal stating therein that the meter was not replaced at per norms fixed in the Indian Electricity Act-2003. The meter was challenged on 29.12.2016 and was replaced on 07.02.2017 i.e. after 41 days against prescribed limit of seven days. MCO was issued on 10.01.2017 and to justify the delay, remarks were given that their firm’s Technician was not available. It s wrongly stated that their Technician visited many times in the office to replace the challenged meter. Moreover, the meter is installed outside and it can be replaced at any time. As such, the remarks are wrong to cover the delay only. The removed meter was to be sent for testing in M.E. Lab within 15 days as prescribed in Regulation 21.3.6 (b), (e) of Supply Code-2014 but the same was tested on 17.04.2017 after 69 days.

 He argued that in M.E. Lab, no accuracy of the meter was checked. DDL was not taken on 17.04.2017. Due to late testing, the DDL can not be properly taken. The DDL recorded prior to 07.01.2017 has been deleted/washed out. In case, the meter would have been tested within prescribed time i.e. 15 days, it must had data from 30.10.2016 and exact date can be worked out where meter has jumped or accumulation of reading was done by Meter Reader. The overall delay in getting DDL is 41+69= 110 days (from the date of challenge to test) for which the petitioner was being penalized.. The PSPCL had recorded readings every month and has recorded reading on 10.11.2016 as 196995 KWH with ‘O’ Code and on 10.12.2016 recorded as 241488 KWH. The petitioner made a request to take reading which was recorded by the Junior Engineer vide LCR No. 01/20043 dated 16.12.2016 as 271857 KWH & 274822 KVAH. On this report, the consumer challenged the meter by depositing requisite fee on 29.12.2016. The PSPCL issued MCO on 10.01.2017 which was effected on 07.02.2017 at Final Reading of 274880 KWH and 277885 KVAH and in next month bill, the reading on 03.01.2017 was recorded as 272919 KWH before replacement of meter.

 He contested that the observations of the Forum are not correct that the reading in 12/2016 for the consumption of 44493 units and for the month of 01/2017, for 31431 units was accumulated by the Meter Reader. But meter status was ‘O’, hence the meter had jumped between 14.09.2016 to 10.12.2016. Had the meter been tested within the prescribed limit, it gave actual results and jumping or accumulation of readings can be observed. The Forum has ignored their point that complete DDL was not print out due to the negligence of the PSPCL for late testing of meter and not in the prescribed limit period i.e. 15 days. The meter was working upto 14.09.2016 as O.K. and after that it became fast/jumped. The new meter installed on 07.02.2017 and fresh LCR No. 29/20035 dated 21.03.2017 recorded Reading as 2172 KWH. The per day consumption was 52 units (2172-12=2160/42) and monthly consumption was 52\*30=1560 units. The meter was fast but due to the negligence on the part of PSPCL, the incomplete data was taken, as such, no exact period was pointed out, where the meter had jumped or fast. In case, the meter under dispute was replaced in time and sent to M.E. Lab, the DDL for 110 days was not washed out and correct picture would have come to solve the dispute. As no accuracy was checked in their presence in M.E. Lab and clear DDL was not taken, whether the meter was running fast or jumped, hence the consumption recorded can not be admitted. Therefore, he requested that the period under dispute i.e. 10.12.2016 to 03.01.2017 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 was deficiency on the part of PSPCL He prayed to allow the appeal.

5.. Er. Kulwinder Singh, Addl. Superintending Engineer, representing the Respondents (PSPCL) submitted that the consumer M/S Indus Tower Ltd; bearing Account No. 35GT350286M is having sanctioned load of 15.000 KW. The bill for the month of 12/2016 was issued for Rs. 3,68,437/- for 44493 units on the basis of actual consumption on ‘O’ Code. The bill for the month of 01/2017 was also issued for 31431 units for Rs. 6,23,173/- with ‘O’ Code on actual consumption. The consumer was not satisfied on raising these bills and accordingly, he challenged the meter. The S.D.O., Sub-Division, Phillaur vide its MCO No. 66/364005 dated 10.01.2017 ordered to replace the meter. As at the time of replacing the meter by the concerned Junior Engineer, no representative of the Petitioner was present, as such, the Meter could not be replaced. But again by making a phone call to the Company’s representative, the meter could be replaced from the consumer’s premises on 07.02.2017 at reading of 274880 KWH.

 He further submitted that the reading of the Meter installed at the consumer’s premises was recorded by the Spot Billing Company and it has been revealed from the consumption data that correct reading was not recorded by the Spot Billing Company from the year 2014 to year 2016 and as such, the reading was commulated. Thus, the amount charged to the petitioner is recoverable. But the petitioner represented his case before the Forum, which in its decision dated 20.04.2017 decided that “ the amount charged to the petitioner is for the actual energy consumed by the petitioner and is up-to the actual final reading recorded in the DDL and is recoverable”.

 While submitting para-wise reply to the Petition filed by the consumer, he admitted that after challenging the Meter, the meter could not be replaced within seven days as per Regulation No. 21.3.6 (a) of the Supply Code-2014 and Indian Electricity Act-2003. As after the issuance of energy bill for the month of 12/2016, the consumer did not deposit the requisite amount rather challenged the meter by depositing the meter challenge fee of Rs. 450/- on 29.12.2016. However, the Sub-Divisional Officer, Phillaur issued MCO No. 66/364005 dated 10.01.2017 to replace the meter. But as no representative of the company was available, the meter could not be replaced and ultimately, after recording the 274880 KWH reading, the meter was replaced on 07.02.2017.

 He further submitted that during the course of proceedings before the CGRF (Forum), the sealed meter was sent to M.E. Lab Goraya for its DDL and M.E. Lab checking report. Simultaneously, Assistant Engineer, Sub-Division, Phillaur through its memo No. 409 dated 27.03.2017 asked the Addl. S.E., Enforcement, Nawanshahr to provide/supply the complete DDL of the meter. But in response to this, they intimated that the DDL of the meter can only be done by the M.E. Lab,Jalandhar. As such, the sealed/packed meter for its DDL was sent to M.E. Lab Jalandhar vide M.E. Lab Goraya Endst.No. 46 dated 17.04.2017. As per report No. 718 dated 18.04.2017 of the M.E. Lab., Jalandhar, the results of the meter were within the permissible limits and accuracy was within the permissible limits which can not be suspected.

 Further he stated that as facility of downloading the data (DDL) was not available in the office of M.E. Lab, Sub-Division, Goraya, so sealed/packed meter was not opened and as such the accuracy and DDL could not checked on 10.04.2017. Accordingly, the meter was sent to M.E. Lab., Jalandhar and as per their report dated 18.04.2017, DDL was recorded and accuracy was within limits. However, the consumer is trying to prove/justify the jumping of meter instead of accumulation of reading made by the Spot Billing Company due to delayed DDL recording whereas as per report of M.E. Lab., the meter is correct.

 He admitted that it is correct that Meter Reader while checking the account in question on 10.11.2016, recorded the reading as 196995 KWH with ‘O’ code and on 10.12.2016 reading was recorded as 241488 KWH with ’O’ code. Further as per report of Junior Engineer dated 16.12.2016, reading of 271857 KWH was recorded. The Meter was challenged on 29.12.2016. However, it is to be considered by this Court that during the year 2013, the bi-monthly consumption of the consumer’s meter was recorded between 3145 units to 5785 units. But in the year 2014, 2015 and 2016, as per data placed on record for 01/2015, 07/2015, 08/2015, 01/2016, 02/2016,04/2016, 06/2016, 08/2016, 10/2016, ‘N’ code was recorded. During the year 2015, minimum 162 unit with ‘O’ Code and maximum 3000 units with ‘O’ Code was recorded by the Meter Reader of the Spot Billing Company. Likewise in the year 2016, the minimum consumption of 301 units and maximum 2419 units was recorded. The CGRF (Forum) also in its decision dated 20.04.2017 observed that during the year 2013, minimum bimonthly consumption of 3145 units is much higher than the consumption recorded during the year 2014, 2015 & 2016. Moreover, the consumer has not increased/decreased its sanctioned load during the year 2013. Thus, it is evident that the from the year 2014 to year 2016 ( upto 10.11.2016), the Meter Reader did not record the actual reading. Resultantly, the consumer was issued bills for the months of 12/2016 and January, 2017 for the commulative reading.

 He further submitted that it is correct that the old meter of the consumer was replaced with new one on 07.02.2017 and was installed on initial reading at 12 KWH and the reading of which was recorded as 2172 KWH on 21.03.2017 vide LCR No. 9/20075. The consumer himself has admitted that the reading of 2160 units ( 2172-12) units were recorded for 42 days in its premises and is correct. Accordingly, average consumption comes to 52 units per day. But the Meter Reader in 07/2017 recorded consumption as 2419 units ( 21 units per day) for 118 days and on 12.03.2016 only 556 units for 89 days ( 7 units / day) were consumed by the Petitioner and on 11.06.2015 for 30 days, 222 units ( 8 units per day) has been intimated by the Petitioner and there is no increase/decrease in the sanctioned load. Thus, it has been observed that consumption of the meter of the consumer has actually been higher than the consumption of the previous years and as such, it is obvious that the Meter Reader has not recorded the correct consumption of the Meter. In the end, he requested that the appeal of the Petitioner be dismissed as the decision of the Forum dated 20.04.2017 is correct and justified.

6. The facts of the case remain that the Petitioner having NRS connection, received a bill for consumption of 44493 units amounting to Rs. 3,68,437/- for the period from 10.11.2016 to 10.12.2016. Considering the consumption as abnormal, the Petitioner challenged the meter by depositing the requisite fee on 29.12.2016. He received another bill for consumption of 31431 units for the period from 10.12.2016 to 03.01.2017 for Rs. 6,23,173/-. The site was checked by Junior Engineer on 16.12.2016 vide LCR No. 01/20043 and reading recorded as 271852KWH, 274822KVAH, MD 112.236KVA. The working of meter was O.K. and MTC Seal was intact. It was also mentioned in the remarks that the meter was working on two phases when put the load but supply of 3rd Phase was not coming from incoming and it was corrected on 06.02.2017. The Final Reading (F.R.) as per MCO No. 66 / 36400 dated 10.01.2017 was 274880KWH and 277885KVAH. The Petitioner considered both the bills issued as not genuine and of abnormal consumption. He approached the CGRF (Forum) which, vide decision dated 20.04.2017, decided that the amount charged to the Petitioner is for the actual energy consumed by the Petitioner and is upto actual final reading recorded in the DDL and is recoverable. Aggrieved, the Petitioner has filed this Appeal praying for rectification of the bill.

 The authorized representative of the Petitioner argued that the meter was not replaced as per norms as prescribed in Supply Code 2014. The meter was challenged on 29.12.2016 and was replaced on 07.02.2017 i.e. after 41 days against prescribed limit of 7 days. The Petitioner also stated that MCO was issued on 10.01.2017 and to justify the delay, remarks were given that our Technician was not available. He contended that it was wrong and stated that their Technician visited the office of Respondent many times to request for replacement of the challenged meter. Besides, the meter was installed outside and could be replaced any time. Thus, the remarks given were incorrect and given just to cover up the delay. He also argued that removed meter was to be sent to ME Lab. for testing within 15 days as prescribed in Regulation 21.3.6 (b) & (e) of Supply Code-2014 but the same was tested on 17.04.2017 i.e. after 69 days. He further argued that in ME Lab., accuracy was not checked, DDL was not taken on 10.04.2017. Due to late testing, DDL could not be taken properly. The DDL recorded prior to 07.01.2017 had been deleted / washed out. If the meter was tested within prescribed period i.e. 15 days, it must have data from 30.10.2016 and exact date be worked out where the meter has jumped or accumulation of reading was done by the Meter Reader. The overall delay on getting the DDL was 41 + 69 = 110 days from the date of challenge to the date of testing for which the Petitioner was penalized. He prayed that period under dispute i.e. 10.12.2016 to 03.01.2017 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 was deficiency on the part of the respondents and prayed to allow the appeal.

 The Respondents, in their defence, stated that as the Petitioner was not satisfied with the bills issued, for 12/2016 and 01/2017, on actual consumption basis with Meter status as “O” Code, he challenged the meter on 29.12.2016 and the same was ordered to be replaced vide MCO dated 10.01.2017 but when the Junior Engineer concerned visited the site for replacement, no one from the Petitioner’s side was present due to which meter could not be replaced. It was only on 07.02.2017 that the meter, with reading of 274880KWH, could be replaced after making a phone call to the Petitioner to depute his representative. He argued that the reading of the meter was recorded by the spot Billing Company which did not record correct reading as revealed from the consumption data from the year 2014 to 2016 and as such, the reading was commulated and the amount charged is recoverable. The representative of the Respondents also gave necessary justification for delay for taking of DDL by ME Lab as the respondent’s office initially approached the Addl. S.E./Enforcement, PSPCL, Nawanshehar who informed that DDL of the meter could be taken only by ME Lab and accordingly, the Meter was sealed / packed and sent to ME Lab PSPCL, Jalandhar on 17.04.2017. As per ME Lab. report dated 18.04.2017, the accuracy of the meter was within permissible limits. He emphasized that consumption during the disputed period was due to non-recording of reading correctly for the previous periods as evident from consumption data and argued that the decision of the Forum is correct and prayed to dismiss the appeal.

 After going through the 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 as to whether charging for the abnormal consumption during disputed period, as per actual energy consumed upto actual final reading recorded in ME Lab is justified and correct?.

 I noted that the Petitioner received bill for consumption of 44493 units amounting to Rs. 3,68,437/- for the period from 10.11.2016 to 10.12.2016. Considering the consumption abnormal, the Petitioner challenged the meter by depositing meter challenge fees of Rs. 450/- vide BA-16 No. 74 / 48991 dated 29.12.2016. The Petitioner received another bill for the consumption of 31431 units for the period from 10.12.2016 to 03.01.2017 for Rs. 6,23,173/-. The site was checked by Junior Engineer on 16.12.2016 vide LCR No. 01/20043 and readings recorded were as 271857 KWH, 274822 KVAH, MD 11.236KVA. The working of the meter was OK.

 I observed that the meter of the Petitioner was replaced vide MCO dated 10.01.2017, effected on 07.02.2017. The Respondent, in the their defence, has stated regarding delayed replacement of meter that the representative of the Petitioner company was not available at the time of replacement of meter, as such, the meter was not replaced because the meter was required to be replaced in the presence of Petitioner’s representative. The representative was available only on 07.02.2017 and the meter was replaced on 07.02.2017. The reading recorded on the MCO was 274880 KWH and 277855KVAH. The meter was sent to ME Lab, PSPCL, Jalandhar on dated 17.04.2017. As per the report of ME Lab, PSPCL, Jalandhar on the accuracy of the meter was within limits and dial test was OK. Final reading recorded on the ME Lab report was 274882.29KWH.

 Respondent strongly contested the plea of abnormal consumption given by the Petitioner by giving details of the previous year’s consumption of the Petitioner. I observed from these details that bi-monthly consumption of the Petitioner during the year 2013 varies from 3145 units to 5785 units. However, bill to the Petitioner during the year 2014 was issued for ‘N’ code during 06/2014, 09/2014 & 11/2014 and on “I” Code during 08/2014. Similarly, bill to the Petitioner was issued on “N” Code basis during 01/2015, 07/2015, 08/2015, 01/2016, 02/2016, 04/2016 to 06/2016, 08/2016 and 10/2016. Monthly consumption recorded during the year 2015 was as low as 162 units and maximum as 3000 units. Similarly, monthly consumption recorded during the year 2016 (upto 10.11.2016) was as low as 301 units and maximum as 2419 units. These facts confirmed that monthly consumption of the Petitioner has reduced to a considerable low as 162 units (during 07/2015) and 301 units ( during 10/2016) against bi-monthly consumption of 3145 units during 03/2013. Thus, it is clear from the consumption data that the Meter Reader did not record the readings correctly during the year 2014 to 2016 (upto 10.11.2016) due to which the reading has accumulated and bill to the petitioner for the month of 12/2016 was issued for 44493 units and for the month of 01/2017 was issued for 31431 units and the meter was found O.K. in the ME Lab which is final authority for declaring the meter O.K./defective.

 I also studied the DDL of the meter and noted that cumulative readings in the DDL was recorded as 274880.49KWH and 277855.69KVAH but as per consumption data, the Petitioner was billed upto 274462KWH reading. As such, there is merit in the contention of the Respondent that PSPCL has not penalized the Petitioner as he has been charged only for energy consumed by him.

 As per sequel of above discussions, I agree with the Respondents that the amount charged to the Petitioner for the disputed period i.e. from 10.11.2016 to 10.12.2016 for 44493 units and for the period from 10.12.2016 to 03.01.2017 for 31431 units is for the actual energy consumed by the Petitioner and is upto actual final reading recorded in the DDL and is recoverable. I have, therefore, no hesitation to uphold the decision dated 20.04.2017 of CGRF in CG 42 of 2017. Accordingly, the Respondents are directed to refund/recover the excess / short, if any, after adjustment with interest as applicable under rules.

7. The Appeal is dismissed.

8. It is also held that Chief Engineer / “OP” (North), PSPCL, Jalandhar should take strict disciplinary action as per their service rules against delinquent Meter Readers who failed to record the correct readings, as decided by the CGRF.

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) Regulations – 2016.

 (MOHINDER SINGH)

Place: SAS Nagar (Mohali) Ombudsman,

 Dated: 03.08.2017 Electricity, Punjab

 S..A.S. Nagar (Mohali)