IN THE COURT OF THE LOKPAL (OMBUDSMAN),

 ELECTRICITY, PUNJAB,

66 KV GRID SUB-STATION, PLOT NO. A-2,

INDUSTRIAL AREA, PHASE-1, S.A.S NAGAR (MOHALI)

Appeal No. 43 / 2017 Date of Order : 08.11.2017

Account No. 3000146156

*Through:*

Shri Swinder Singh (Petitioner)

Shri Jaskaran Singh, Petitioner’s Representative (PR)

Shri Apinder Singh, Petitioner’s Representative (PR)

 ….Petitioner

Versus

Punjab State Power Corporation Limited

 ....Respondent

*Through*

Er. H.S. Oberai

Additional Superintending Engineer

DS Division (Special)

PSPCL, SAS Nagar (Mohali).

Petition No. 43 / 2017 dated 01.08.2017 was filed against order dated 12.07.2017 in case no. CG-89 of 2017 of the Consumer Grievances Redressel Forum (Forum) which decided that:

*“the bill issued to the Petitioner dated 13.09.2014 for the period from 01.05.2014 to 13.09.2014 and bill dated 15.01.2015 for the period from 13.09.2014 to 15.01.2015 is correct and recoverable.”*

1. Arguments, discussions & evidence on record were held on 07.11.2017.
2. Shri Jaskaran Singh and Shri Apinder Singh Petitioner’s Representatives (PRs) attended the court proceedings on behalf of the Petitioner. Er. H.S. Oberai, Addl. Superintending Engineer, DS Division (Special), PSPCL, SAS Nagar (Mohali) and Er. Amandeep Kaur, AEE , Commercial, appeared on behalf of the Respondent Punjab State Power Corporation Limited (PSPCL).

 Presenting the case on behalf of the Petitioner, Shri Jaskaran Singh (PR) stated that the Petitioner was a resident of House no. 1060, Sector-64, SAS Nagar (Mohali) where an electricity connection bearing account no. 3000146156 of 4.800kW was initially installed and the same was got extended to 8.00kw on 10.06.2014. Simultaneously, the Single Phase Energy Meter was replaced with a Three Phase Four Wire, Whole Current Energy Meter .

 PR stated that after observing the consumption for a few days, the Petitioner found that the working of a Three Phase Four Wire, Whole Current Energy Meter was not in order. Sometimes, it recorded 50-60 units in one day while on some other day, the consumption was 7 to 8 units only. As such, the Petitioner challenged the Energy Meter on 21.7.2014 by depositing the necessary challenge fee of Rs 450/-. After this, the Energy Meter was replaced on 23.7.2014 and got tested in ME Lab, Ropar on 11.09.2014 where the working of Energy Meter was found OK.

 PR stated that as the replaced Three Phase Four Wire, Whole Current Energy Meter was found jumping, the same was also challenged on 27.8.2014 by depositing the requisite fee. This Energy Meter was replaced on 15.9.2014 and checked in ME lab on 21.10.2016. PR stated that unfortunately, accuracy of this Energy Meter was also found OK despite occasional jumpings. The Petitioner approached ASE, DS Division (Special), SAS Nagar (Mohali) and Deputy Chief Engineer, DS Circle, SAS Nagar (Mohali) with the request to waive off the undue charges but to no avail. As such, the matter was placed before the CGRF (Forum). However the Forum disposed of the case with a totally non speaking order. The Petitioner did not agree with this decision and, hence, filed the present appeal in the Court of LokPal (Ombudsman).

PR further stated that the Petitioner had been watching the consumption of both the challenged Energy Meters on almost daily basis and found it jumping on certain days. It was due to this reason that these Energy Meters were challenged by depositing the requisite fee. The Respondent treated these Energy Meters OK on the basis of accuracy results of ME Lab which was totally wrong. The Petitioner had learnt that in many other cases, Energy Meters had been found jumping and showing extremely high consumption despite being declared OK in accuracy tests. PR further stated that it was highly unjust to penalize innocent consumer on the basis of such patently defective Energy Meters.

PR stated that the Respondent had pleaded that the Petitioner’s case was a clear case of accumulation of consumption. PR also stated that the Forum had accepted this plea and upheld the charges raised by the Respondent which was not understandable. PR asked as to why would a consumer accumulate consumption. If the Petitioner did so, why would it challenge the Energy Meter? In case of accumulation, the Petitioner would destroy the Energy Meter. In the present case, the Petitioner challenged both the Energy Meters within about one month of their installation. So, there was no question of accumulation. PR stated that the above facts were not considered and weighed by the Forum while passing a four line non speaking order. PR prayed to allow the Appeal.

5. Defending the case on behalf of the Respondent, Er. H.S. Oberai, Addl. S.E, DS Division (Special), PSPCL, SAS Nagar (Mohali) stated that on the request of the Petitioner, its sanctioned load was extended from 4.800kW to 8kW vide SJO No. 100046329 dated 06.06.2014, effected on 10.06.2014 and Single Phase Energy Meter was replaced with Three Phase Four Wire, Whole Current Energy Meter. Thereafter, the Petitioner challenged the working of this Three Phase Four Wire Energy Meter by depositing Meter challenge Fee of Rs. 450/- on dated 21.07.2014. Accordingly, the challenged Energy Meter was removed and was replaced vide MCO dated 21.07.2014, effected on 23.07.2014. The challenged / removed Energy Meter was sent to ME Lab, Ropar, which reported, after checking, vide memo. no. 487 dated 11.09.2014 that the accuracy of Energy Meter was within limits.

 The Respondent further stated that the Petitioner, in the meantime again challenged the working of Three Phase Four Wire, Whole Current Energy Meter by depositing Meter Challenge Fee of Rs. 450/- on dated 27.08.2014. Accordingly, MCO was issued on 27.08.2014, which was effected on 15.09.2014. In the meantime, the Petitioner was issued bill on 13.09.2014 amounting to Rs. 30,054/- for the period from 01.05.2014 to 13.09.2014 (135 days) but the Petitioner deposited a sum of Rs. 5,010/- only on 29.09.2014. The challenged Energy Meter was sent to ME Lab on 21.10.2014 and accuracy was found within limits, implying that Energy Meter was OK. Thereafter, the Petitioner was issued bill on 15.01.2015 for the consumption of 2767 units relating to the period from 13.09.2014 to 15.01.2015, amounting to Rs. 19,831/-. The Petitioner did not deposit the bill as it was not satisfied with the checking reports of ME Lab in regard to challenged / removed Energy Meters. The Petitioner approached the Forum, on whose directions, a sum of Rs. 7,000/- (being 20% of Rs. 35,000/-) was deposited on 02.05.2017.

 The Respondent stated that after hearing the case, Forum decided on 12.07.2017 that the bill dated 13.09.2014 issued to the Petitioner for the period from 01.05.2014 to 13.09.2014 and bill dated 15.01.2015 for the period from 13.09.2014 to 15.01.2015 were correct and recoverable. In view of the said decision of the Forum, the Petitioner was issued demand notice vide memo. no. 2002 dated 26.07.2017 to deposit the amounts of bills for Rs. 46,190/- after adjusting the amounts already deposited. The Respondent also stated that the Petitioner did not comply with the demand notice ibid and preferred an Appeal in this Court. He prayed to dismiss the Appeal.

**Decision:**

6. The relevant facts of the case are that the Petitioner, a resident of House No. 1060, Sector-64, S.A.S. Nagar (Mohali), was having electricity connection with sanctioned load of 4.800kW which was got extended to 8kW vide Sundry Job Order (SJO) No. 1000046329 dated 06.06.2014, effected on 10.06.2014 At the time of effecting extension in load, Single Phase Static Energy Meter installed was replaced with Three Phase Four Wire, Whole Current Static Energy Meter of 10 - 60 Amp for metering. The Petitioner observed the consumption of newly installed Energy Meter for a few days and found that the same was not in order. So, the Petitioner challenged the Energy Meter by depositing the Meter Challenge Fee on 21.07.2014 whereafter the Energy Meter was removed vide MCO dated 21.07.2014, effected on 23.07.2014. The challenged / removed Energy Meter was sent for checking to ME Lab, PSPCL, Ropar which reported vide memo. no. 487 dated 11.09.2014 that the Energy Meter was OK. In the meantime, the Petitioner noticed the Energy Meter jumping again and challenged its working by depositing the Meter Challenge Fee on 27.08.2014 whereafter the same was replaced on 15.09.2014 and sent to ME Lab which reported vide memo. no. 595 dated 21.10.2014 that the accuracy of the Energy Meter was within limits. In the meantime, the Petitioner was issued electricity bill on 13.09.2014 amounting to Rs. 30,054/- for the period from 01.05.2014 to 13.09.2014 (135 days) but the Petitioner deposited a sum of Rs. 5,010/- only on 29.09.2014 against the amount billed for. Subsequently, another bill dated 15.01.2015 relating to the period from 13.09..014 to 15.01.2015, for the consumption of 2767 units, amounting to Rs. 19,831/- was issued to the Petitioner and last date for deposit of the same was 29.01.2015. The Petitioner did not deposit the amount billed for as it was not satisfied with the results of checking, done by ME Lab, of Energy Meters challenged on both the occasions. The Petitioner, then approached CGRF (Forum) on whose directions, a sum of Rs. 7,000/-, being 20% of the amount of Rs. 35,000/- was deposited by the Petitioner on 02.05.2017.

 After hearing the case, Forum decided on 12.07.2017 that the bill dated 13.09.,2014 for the period from 01.05.2014 to 13.09.2014 and bill dated 15.01.2015 for the period from 13.09.2014 to 15.01.2015 amounting to Rs. 30,054/- and Rs. 19,831/- respectively were correct and recoverable. In view of the said decision, a demand notice was issued, vide memo. 2002 dated 26.07.2017, to the Petitioner to deposit the bills amounting to Rs. 46,190/- after adjusting the amount already deposited but the Petitioner did not comply with the said notice and preferred an Appeal before this Court with the prayer to set-aside the undue charges raised in the interest of justice.

 I have gone through the written statements made and in the Petition by the Petitioner and written reply of the Respondent as well as oral arguments of the Petitioner’s Representative and Representative of the Respondent alongwith material brought on record by both the sides. The issue, requiring adjudication in the present dispute, is the legitimacy of the two bills raised for the energy consumption shown by Three Phase Four Wire, Whole Current Energy Meters challenged by the Petitioner and replaced by the Respondent but found accurate during checking in ME Lab on both the occasions.

 My finding on the points emerged and deliberated are as under:

1. *I find that the dispute arose after extension in sanctioned*

*load from 4.800kW to 8kW and replacement of Single Phase Energy Meter by Three Phase Four Wire , Whole Current Energy Meter of 10-60 Amp for metering on 10.06.2014. PR argued that the Petitioner observed that consumption (as per reading shown) for a few days and felt that working of the connection was not in order. The Petitioner noticed that the consumption as per Three Phase Four Wire, Whole Current Energy Meter ranged from 7- 8 to 59-60 units per day and challenged it first on 21.07.2014 as it was not satisfied with the working of this Energy Meter. The Petitioner again challenged the Energy Meter on 27.08.2014 and the same was replaced on 15.09.2014.*

I observe that since the Petitioner challenged the Energy Meters on both the said occasions by taking into consideration fluctuations in day to day consumption depicted by readings or the possibility of jumping of Energy Meters it would be worthwhile to have a look at the consumption recorded by Energy Meters before and during disputed period as evidenced by the following details:

|  |  |  |  |
| --- | --- | --- | --- |
| ***Sr. No.*** | ***Period of Bill*** | ***Consumption*** ***(in units)*** | ***Amount*** |
| ***1.*** | ***01.05.2014 to 13.09.2014*** | ***4202 units*** | ***Rs. 30,054-00*** |
| ***2.*** | ***13.09.2014 to 15.01.2015*** | ***2767 units*** | ***Rs. 19,831-00*** |

I find merit in the contention of the Respondent during oral arguments, that the consumption pattern of the Petitioner depended on a variety of factors, such as, day to day usage, weather requirements etc and that the energy consumed and billed for the Petitioner appeared reasonable and could not be treated on higher side as argued by PR.

1. *PR contended during oral arguments that Energy Meter challenged and removed on 23.07.2014 and 15.09.2014 was not checked in its presence in the ME Lab on 11.09.2014 and 21.10.2014 respectively. The Respondent contested by stating that the Petitioner had given its consent letter to get checked / tested the Energy Meter in its (Petitioner’s) absence in ME Lab. The Respondent was then directed to submit the consent letter ibid on the record of this Court and the same was accordingly made available by Respondent on the next day i.e. 08.11.2017. I have perused this consent letter which was found signed by Shri Jaskaran Singh, PR on behalf of the Petitioner. As such, the argument of PR that testing of Energy Meter was done in its absence, is not based on facts,*
2. *I find that the Three Phase Four Wire, Whole Current Energy Meter installed for the first time on 10.06.2014, challenged on 21.07.14, which was tested in ME Lab, PSCL, Ropar on 11.09.2014 and was found OK. The Petitioner again challenged the Energy Meter on 27.08.2014 and the new Energy Meter was installed on 15.09.2014 ( after replacement) which was also checked in ME Lab, Ropar which reported on 21.10.2014 that the accuracy of Energy Meter was within limits. In view of the reports of ME Lab on both the said occasions, I agree with the Respondent that contention of the PR, that the Energy Meters were defective, is not sustainable as per applicable Regulations.*

As a sequel of above discussions, it proves beyond doubt that the amount of Rs. 30,054/- charged to the Petitioner vide bill dated 13.09.2014 for the period from 01.05.2014 to 13.09.2014 and Rs. 19,831/- vide bill dated 15.01.2015 for the period from 13.9.2014 to 15.01.2015 is on account of actual energy consumed and recorded by the respective Energy Meters, is correct and recoverable. I have, therefore, no hesitation to uphold the decision dated 12.07.2017 of the Forum.

7. The Appeal is dismissed.

8. In case, the Petitioner or the Respondent (Licensee) is not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate Bodies in accordance with Regulation 3.28 of Punjab State Electricity Regulatory Commission (Forum & Ombudsman) Regulations – 2016.

 ( VIRINDER SINGH)

 LokPal (Ombudsman)

Place: SAS Nagar (Mohali) Electricity, Punjab,