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. 49 / 2017 Date of Order : 05.12.2017

Account No. 3002984529

Municipal Corporation,

Jalandhar.

*Through:*

Shri Baljeet Singh,

Executive Engineer , Petitioner’s Representative (PR)

 ….Petitioner

Versus

Punjab State Power Corporation Limited ....Respondent

*Through*

Er. Ravinder Singh,

Additional Superintending Engineer,

DS Cantt Division,

PSPCL, Jalandhar.

Petition No. 49 of 2017 dated 21.08.2017 was filed against order dated 19.07.2017 in case no. CG-85 of 2017 of the Consumer Grievances Redressel Forum (Forum) which decided that:

 “*The amount of the Petitioner be overhauled for the period from 20.10.2015 to 16.05.2016 (date of change of Meter) by treating the Meter of the Petitioner as 33.5% slow”.*

2. Arguments, discussions and evidence on record were held on 05.12.2017.

3. Er. Baljeet Singh, Executive Engineer, Petitioner’s Representative (PR) alongwith Shri Sourabh Sharma, Sub Divisional Engineer attended the Court proceedings on behalf of the Petitioner - Municipal Corporation, Jalandhar. Er. Ravinder Singh, Addl. Superintending Engineer alongwith Ms. Chinky, Revenue Accountant, DS Cantt Division, PSPCL, Jalandhar appeared on behalf of the Respondent – Punjab State Power Corporation Limited (PSPCL).

4. Presenting the case on behalf of the Petitioner, Shri Baljeet Singh (PR) stated that the Petitioner was having a Large Supply category connection in the name of SDE, Punjab State Water Supply & Sewerage Board (PWSSB) with Sanctioned Load/Contract Demand as 1324.910kW /1500kVA bearing Account No. 3002984529. The connection related to Pholriwal Disposal Plant which was being run and maintained by the PWSSB while the payments of electricity bills were being made by the Municipal Corporation, Jalandhar (Petitioner).

 PR stated that the Petitioner informed the Respondent in writing that the connection was checked, after opening the seals, by the Addl. S.E, MMTS, Jalandhar, vide ECR No. 31/130 dated 20.04.2016 and DDL was taken. As per the Checking Report sent vide memo no. 150 dated 17.05.2016, the A.S.E, MMTS, Jalandhar intimated that Red Phase PT was not contributing towards consumption and Energy Meter was found running slow by 33.5% when checked with Electronic Reference Standard ( ERS) Meter.

 PR stated that officers of PWSSB then requested the PSPCL for immediate replacement of Energy Meter which was replaced on 16.05.2016. PR added that had the connection been checked regularly, as per rules, by the officials of PSPCL, the defect in the Metering Equipment could have been noticed earlier. Besides, PWSSB was not at fault in this regard.

 PR also stated that the Petitioner received a notice bearing no. 609 dated 26.05.2016 from AEE, Commercial, PSPCL, Jalandhar to deposit a sum of Rs.70,31,298/- on account of overhauling of its account with 33.5% slowness for the period from 20.10.2015 to 16.05.2016. The Petitioner did not agree with the amount charged and approached the ZDSC which decided on that since the Consumption was on lower side from January 2016 to May 2016 (five months), consumption of previous corresponding period i.e. January 2015 to May 2015 be charged.

 PR stated that the Petitioner was not satisfied with the decision of the ZDSC and filed a Petition before the Forum which decided on 19.07.2017 that the account of the consumer be overhauled from 20.10.2015 (as per Tamper Data) to 16.05.2016 (date of checking) by treating the Energy Meter slow by 33.5%. Aggrieved by the said decision, the Petitioner filed an Appeal in this Court in the hope of justice and also prayed to waive off the Surcharge because it was not at fault.

5. Defending the case on behalf of the PSPCL, Er. Ravinder Singh, Additional Superintending Engineer, DS Cantt. Division, PSPCL, Jalandhar stated that the connection bearing Account No. 3002984529 was in the name of SDE, Punjab Water Supply & Sewerage Board (PWSSB), Pholriwal, Jalandhar. The Addl. S.E, MMTS, Jalandhar, intimated, vide memo no. 150 dated 17.05.2016, that the Energy Meter of the Consumer was running slow by 33.5% and needed to be replaced immediately and the Consumer be charged 50% of additional amount of consumption from 20.10.2015 since as per Tamper Data of DDL, the Red Phase was not contributing from 20.10.2015 at 15:16 hrs. The Energy Meter was replaced on 16.05.2016 with new Energy Meter. The Respondent stated that on checking the Energy Meter of the Consumer on 20.04.2016, by the Addl. S.E, MMTS, Jalandhar, it was found that the no voltage display was shown on the Energy Meter during checking. However, during the checking of Meter Terminal and CT/ PT unit, voltage was shown at that time which was also mentioned in ECR No. 31/130 dated 20.04.2016. Subsequently, the Addl. S.E, MMTS, Jalandhar intimated, vide memo no. 150 dated 17.05.2016, that the voltage of Red Phase was not shown on the display but while checking, the terminal and CT/PT, it was found correct. The accuracy of the Energy Meter was tested on MTE set and it was found that Energy Meter was running slow by 33.5%. After examining the DDL report, it was observed that the voltage of Red Phase was not recorded from 15:16 hrs on 20.10.2015 and directions were issued to charge amount by enhancing the consumption by 50%. Accordingly, the AEE, Commercial, Jalandhar charged Rs. 70,31,298/- to the Petitioner vide letter no. 609 dated 26.05.2016.

 The Respondent further stated that instead of depositing this amount, the Petitioner challenged the Demand Notice in ZDSC which decided that the consumption for the period from 01/2016 to 05/2016 be charged as per consumption recorded during the previous corresponding period i.e. 01/2015 to 05/2015. But the Petitioner challenged the said decision in the Forum which decided that, “the account of the Petitioner be overhauled for the period from 20.10.2015 to 16.05.2016 (date of change of the Energy Meter) by treating the Energy Meter of the Petitioner as 33.5% slow.”

 The Respondent stated that it agreed with the decision of the CGRF and prayed to dismiss the Appeal.

**Decision**

6.The relevant facts of the case are that the Petitioner was having a Large Supply category connection in the name of SDE, Punjab State Water Supply & Sewerage Board with Sanctioned Load/Contract Demand as 1324.910kW/1500kVA, bearing Account No. 3002984529. This connection related to Pholriwal Disposal Plant which was being run and maintained by the PWSSB while the payments of electricity bills were being made by the Municipal Corporation, Jalandhar (Petitioner). The Petitioner statedly informed the Respondent in writing that the connection was checked after opening the seals by the Addl. S.E, MMTS, Jalandhar in the presence of Consumer’s Representative and DDL was taken on 20.04.2016. As per the Checking Report, sent vide memo no. 150 dated 17.05.2016, the A.S.E, MMTS, Jalandhar intimated that Red Phase PT was not contributing towards consumption and the Energy Meter was found running slow by 33.5% when checked with ERS Meter.

 On the request by officers of PWSSB and directions of MMTS, the Energy Meter was replaced on 16.05.2016. The Petitioner’s grievance was that had the connection been checked regularly, as per rules, by the officials of PSPCL, the defect in the Metering Equipment could have been noticed earlier. The Petitioner pleaded that PWSSB was not at fault in this regard.

 Pursuant to the checking dated 20.04.2016, the Petitioner was served with a notice bearing no. 609 dated 26.05.2016 by the AEE, Commercial, PSPCL, Jalandhar asking to deposit a sum of Rs.70,31,298/- on account of overhauling of its account with 33.5% slowness for the period from 20.10.2015 to 16.05.2016. The Petitioner did not agree with the amount charged and approached the ZDSC which decided that since the consumption was on lower side from January 2016 to May 2016 (five months), consumption of previous corresponding period i.e. January 2015 to May 2015 be charged. But the Petitioner was not satisfied with the decision of ZDSC and filed a Petition before the Forum. The disputed Energy Meter was also tested in ME Lab which reported on 12.07.2017 that it was Defective Energy Meter (Red Phase Dead). The Forum decided on 19.07.2017 that the account of the Petitioner be overhauled from 20.10.2015 to 16.05.2016 (date of replacement Energy Meter) by treating the Energy Meter as 33.5% slow. Aggrieved by the said decision, the Petitioner filed an Appeal before this Court praying to waive off Surcharge as it was not at fault.

 I have gone through the written submissions made in the Petition by the Petitioner and written reply of the Respondent as well as oral arguments of the Representatives of the Petitioner and the Respondent alongwith material brought on record by both the sides.

 The issue requiring adjudication in the present dispute is the legitimacy of the amount charged to the Petitioner by overhauling its account for the period from 20.10.2015 to 16.05.2016 (date of replacement of Energy Meter) despite the Energy Meter found defective (Red Phase dead) by M.E. Lab.

 *My findings on the points emerged and deliberated are as under:-*

1. PR argued that the connection of the Petitioner was under Large Supply category and was not checked periodically as required under the rules of the Licensee.

 *I find merit in the contention of the PR that had the connection been checked regularly as per instructions of PSPCL, defect in the Metering Equipment would have been detected earlier and dispute would not have arisen.*

1. I find that the dispute arose when the connection was checked at site by the Addl. S.E, MMTS, Jalandhar vide ECR No. 31/130 dated 20.04.2016 and DDL was taken. In the speaking orders of MMTS sent vide Addl. S.E, MMTS, Jalandhar memo no. 150 dated 17.05.2016, it was mentioned that the voltage was not visible on the Energy Meter display but it was correctly depicted at the Meter Terminal and CT/PT unit. So, accuracy of the Energy Meter was checked at running load with MTE Set and it was found that the Energy Meter was running slow by 33.5%. The orders ibid also referred to the results of examination of DDL print out which revealed that Red Phase PT was not contributing from 20.10.2015 (15:16 hrs) onwards. In the meantime, the Energy Meter was replaced vide MCO dated 26.04.2016, effected on 16.05.2016, pursuant to the checking dated 20.04.2016, on the request of the Petitioner and as per directions of MMTS.

 PR also argued that the account of the Petitioner was overhauled by taking into account 1.5 times of consumption and a sum of Rs. 70,31,298/- was charged vide memo no. 609 dated 26.05.2016 issued by AEE, Commercial, Jalandhar.

 I find that the disputed Energy meter was got checked from M.E. Lab on 12.07.2017 when it was found Defective (Red Phase dead).

  *I have gone through the Tamper Data placed on record and noticed that voltage on Red Phase was not Zero w.e.f. 20.10.2015 but it was 0.51 Voltage and on some occasions, it was 5.02 Volts. As a matter of fact, it is a case of make and break of the connection due to carbonization of the C.T. wire connected with Terminal Block of the Energy Meter.*

 *I am of the view that in the present case, this Court has to take recourse to the provisions contained in Regulation 21.5.2 (a) of Supply Code-2014 which reads as under:-*

***“21.5.2: Defective (other than inaccurate)/Dead***

 ***Stop/Burnt/Stolen Meters:***

 *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:*

1. *On the basis of energy consumption of corresponding period of previous year.*
2. *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.*
3. *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.*
4. *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 consump0tion 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.*
5. *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 a sequel of above discussions, I have no hesitation to set aside the order dated 19.07.2017 of the Forum in CG-85 of 2017. It is held that the account of the Petitioner should be overhauled as per provisions ibid i.e. 21.5.2 (a) of Supply Code-2014 for a maximum period of six months prior to replacement of the Energy Meter (16.5.2016) .

 Accordingly, the Respondent is directed to calculate the demand and refund/recover the amount found excess/short, if any, after adjustment without interest. It is further held that no surcharge should be charged as the Respondent defaulted in discharging its obligations by not ensuring conduct of periodical checking of the high end connection of the Petitioner.

7. The Appeal is disposed off accordingly.

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: S.A.S. Nagar (Mohali) Electricity, Punjab,