**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-149/2023**

**Date of Registration : 15.11.2023**

**Date of Closing : 29.11.2023**

**Date of Final Order : 30.11.2023**

**In the Matter of:**

 **Sh. Des Raj, Faquir Ram**

**H. No. 1059, Gobind Nagar,**

**Mohali**

**A/c No.: 3006876889.**

**Through:**

Sh. Des Raj **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. DS (Spl.) Division,

PSPCL, Mohali. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-149/2023 has been filed directly in the Forum by Sh. Des Raj in the matter related to A/c no.3006876889 having DS category connection with sanctioned load of 2.000 KW under Op. (Spl.) Division, PSPCL, Mohali. Petitioner was issued bill dated 02.07.2022 for the period from 24.05.2021 to 02.07.2022 (404 days) for a consumption of (107183-10886) = 96297 KWH amounting to Rs. 655650/- (including arrears of Rs. 2329/- and adjustment of Rs. 7890/-). Petitioner did not agree to this bill and challenged his meter on 15.12.2021. Meter was replaced vide MCO no. 100016077763 dated 22.12.2021 effected on 05.07.2022. Replaced meter was sent to ME Lab vide challan no. 86 dated 20.08.2022 wherein final reading was verified as 107201 units. The meter was accepted in ME lab as defective. Petitioner did not agree to the bill dated 02.07.2022 and filed his case in the Corporate CGRF, Ludhiana. In the meanwhile, another bill dated 29.08.2022 was issued to the petitioner for a period of 406 days from 24.05.2021 to 04.07.2022 amounting to Rs. 5,43,000/- (including adjustment of Rs. 7889.24/- and unpaid arrears of Rs. 2449/-). Forum heard the case in its proceedings dated 15.11.2023, 21.11.2023 and finally on 29.11.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 15.11.2023***

*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. Mohali (Respondent) along with copy of petition as follows: -*

1. *Respondent shall check/verify the bill dated 02.07.2022 of Rs. 655650/- for consumption of 96297 KWH for period from 24.05.2021 to 02.07.2022, with meter status O code.*
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 05/2021, 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 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 the dispute between Petitioner and PSPCL as filed in this Forum has not been decided earlier by any Court/Forum or any other authority 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.*

*The case be put up on 21.11.2023.*

***Proceedings dated: 21.11.2023***

*Respondent submitted reply in five sets which is taken on record. One copy thereof was handed over to the petitioner/PR.*

*Petitioner submitted meter challenge request dated 15.12.2021 and site checking report no. 011/1162 dated 17.12.2021 and the same is taken on record.*

*Respondent stated that due to migration of system from non-SAP to SAP, billing of the account of the petitioner was not done from 05/2021 to 05/2022.*

*Respondent is directed to submit ME Lab report of challenged meter and DDL report on next date of hearing as petitioner has challenged his meter.*

*The case is adjourned to 28.11.2023 for filing rejoinder.*

*Due to unavoidable circumstances, hearing dated 28.11.2023 was postponed to 29.11.2023.*

***Proceedings dated: 29.11.2023***

*Respondent vide his memo no. 10070/71 dated 24.11.2023 submitted that the challenged meter was returned to ME Lab/Ropar in routine without checking the working of the meter in ME Lab.*

*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. 3006876889, is having DS category connection with sanctioned load of 2.00 KW, in the name of Mr. Des Raj, under DS (Spl.) Division, Mohali.
3. The Petitioner in his Petition prayed that: -

***निवेदन यह है। मैं देशराज पुत्र श्री फकीरू राम नयागांव*** *#1059 Gobind Nagar**Nayagaon Mohali PB,* ***का निवासी हूं। मेरे घर में बिजली का बिल*** *5* ***से*** *6* ***लाख की रकम का आ रहा है। मीटर चेंज होने के बावजूद भी बिल की समस्या हल नहीं हुई कृप्या मेरे मीटर की जांच करके मेरा बिल ठीक किया जाए।*** *Date- 2-07-2023* ***को पहला बिल*** *6,55,650* ***आया। मेरी तरफ से मेरा बेटा*** *Lakhwinder Singh case* ***लड़ेगा।***

1. The Respondent in his reply to petition stated that: -

*ieh ik ies Kpqkwr dw ibjlI kunYkSn imqI 28-01-2014 qoN c~l irhw hY[ Kpqkwr nUM imqI 24-05-2021 qoN 04-07-2022 q`k 406 idnW dy smyN dw 96315 XUintW (purwxI pVq 10886 XUint – nvIN pVq 107201) dw 5,43,000/- rupey dw ibl jwrI hoieAw sI ijs ivc eyrIAr dI rkm 2,449/- ru: vI Swiml sI[ ies qoN ielwvw ibl ivc 7,889.24 rupey dI AfjstmYNt vI kIqI hoeI sI[ Kpqkwr dw mItr jwb Awrfr nMbr 100016077763 imqI 22-12-2021 nwl imqI 05.07.2022 nUM bdlI kIqw igAw sI[ Kpqkwr dw bdlI kIqw igAw mItr stor clwn nMbr 86 imqI 20-08-2022 nwl AYm.eI. lYb, ropV ivKy jmW krvwieAw igAw sI[ stor clwn Anuswr Kpqkwr dy bdlI kIqy gey mItr ivc AMiqm pVq 107201 XUint sI[ Kpqkwr ivru~D A~j imqI 19-11-2023 q~k kuqwhI dI rkm 6,53,992/- rupey KVI hY[*

1. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, 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 bill dated 02.07.2022 issued to petitioner for the period from 24.05.2021 to 02.07.2022 (404 days) for a consumption of (107183-10886) = 96297 KWH amounting to Rs. 655650/- (including arrears of Rs. 2329/- and adjustment of Rs. 7890/-).
2. Forum observed that petitioner was issued bill dated 02.07.2022 for the period from 24.05.2021 to 02.07.2022 (404 days) for a consumption of (107183-10886) = 96297 KWH amounting to Rs. 655650/- (including arrears of Rs. 2329/- and adjustment of Rs. 7890/-). Petitioner did not agree to this bill and challenged his meter on 15.12.2021. Meter was replaced vide MCO no. 100016077763 dated 22.12.2021 effected on 05.07.2022. Replaced meter was sent to ME Lab vide challan no. 86 dated 20.08.2022 wherein final reading was verified as 107201 units. The meter was accepted in ME lab as defective. Petitioner did not agree to the bill dated 02.07.2022 and filed his case in the Corporate CGRF, Ludhiana. In the meanwhile, another bill dated 29.08.2022 was issued to the petitioner for a period of 406 days from 24.05.2021 to 04.07.2022 amounting to Rs. 5,43,000/- (including adjustment of Rs. 7889.24/- and unpaid arrears of Rs. 2449/-).

Forum observed the consumption data supplied by the Respondent, as under: -

|  |  |  |  |
| --- | --- | --- | --- |
| Year | 2021 | 2022 | 2023 |
| Month | Cons. | Code | Cons. | Code | Cons. | Code |
| Jan | 233 | O |  |  | 420 | O |
| Mar | 293 | O |  |  | 378 | O |
| May | 513 | O | 1908 | I | 323 | O |
| Jul |  |  | 96315 | O | 422 | O |
| Sept |  |  |  |  | 657 | O |
| Nov |  |  | 984 | C | 493 | O |
| **Total** | **1039** |  | **99207** |  | **2693** |  |

Forum observed that the annual consumption of petitioner from 2021 to 2023 (upto 11/2023) is 1039, 99207 and 2693 units. Forum observed that exponentially high consumption of the order of 96315 KWH as recorded during the period from 24.05.2021 to 04.07.2022 has never been recorded before or after the replacement of meter.

Forum observed further that estimated monthly consumption as per LDHF formula specified by Honorable PSERC comes out to be 129 KWH (1.793x30x8x0.3) for his connected load of 1.793 KW. Hence, the exponentially high and disputed consumption of 96297 KWH is simply impossible in a period of 404 days. Forum observed that on challenging the meter, the site of the petitioner was checked and LCR no. 011/1162 dated 17.12.2021 was prepared where a load of 1.793 KW was found connected against sanctioned load of 2.00 KW. Readings of the meter were recorded as 106050 KWH/13042 KVAH. Further it was reported that “1 Ⴔ mItr dI rIifMg jMp kIqI hY”[

From these readings power factor of the meter comes out to be 8.13 which is a very abnormal figure.

Respondent during proceeding dated 21.11.2023 stated that due to migration of system from non-SAP to SAP, billing of the account of the petitioner could not be done from 05/2021 to 05/2022. He was directed to get the ME Lab report and DDL of the challenged meter. Respondent vide his memo no. 10070/71 dated 24.11.2023 submitted that the challenged meter was returned to ME Lab/Ropar in routine without checking the working of the meter in ME Lab.

It emerges out from these facts/discussion that the meter must have gone erratic at some point of time after 24.05.2021 i.

e., the date of issuance of last O-code bill. 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”.*

A temporary amendment was credit out in the above procedure vide CC no. 20/2021, the relevant portion of which is reproduced below: -

*On the subject cited above, PSPCL filed a Petition No. 17/2021 before Hon'ble Punjab State Electricity Regulatory Commission (PSERC) Hon'ble PSERC vide its order dated 22.04.2021 has decided to modify the procedure for overhauling of accounts under Regulation 21 5.2 of the Supply Code as under:*

1. *The modified procedure for overhauling of accounts shall be applied to meters becoming defective dead stop/burnt/stolen from 23.03.2021 to 30.09.2021.*
2. *The words "previous year" appearing in clause (a) to (c) of Regulation 21.5.2 of the Supply Code, 2014 shall be read as "FY 2019-20 while overhauling the consumer account due to meters becoming defective/dead stop/burnt/stolen during the period 23.03.2021 to 30.09.2021 only under Regulation 21.5.2 of the Supply Code-2014.*

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner along with material brought on record. Keeping in view the above Forum is of the opinion that all bills issued to the petitioner for the period from 24.05.2021 to 05.07.2022 i.e., the date of change of the disputed meter are liable to be quashed (excluding previous unpaid arrear and adjustment). His account is required to be overhauled for the period from 24.05.2021 to 05.07.2022 as under: -

* + - 1. for the period from 24.05.2021 to 30.09.2021 as per CC 20/2021 dated 30.04.2021,
			2. for the period from 01.10.2021 to 05.07.2022 on the basis of actual consumption recorded in the succeeding year as per Regulation 21.5.2(d) of PSERC Supply Code-2014.
1. Keeping in view the above, Forum came to unanimous conclusion that all bills issued to the petitioner for the period from 24.05.2021 to 05.07.2022 i.e., the date of change of the disputed meter be quashed (excluding previous unpaid arrear and adjustment). His account be overhauled for the period from 24.05.2021 to 05.07.2022 as under: -

for the period from 24.05.2021 to 30.09.2021 as per CC 20/2021 dated 30.04.2021,

for the period from 01.10.2021 to 05.07.2022 on the basis of actual consumption recorded in the succeeding year as per Regulation 21.5.2(d) of PSERC 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. **All bills issued to the petitioner for the period from 24.05.2021 to 05.07.2022 i.e., the date of change of the disputed meter be quashed (excluding previous unpaid arrear and adjustment). His account be overhauled for the period from 24.05.2021 to 05.07.2022 as under: -**

**for the period from 24.05.2021 to 30.09.2021 as per CC 20/2021 dated 30.04.2021,**

**for the period from 01.10.2021 to 05.07.2022 on the basis of actual consumption recorded in the succeeding year as per Regulation 21.5.2(d) of PSERC Supply Code-2014.**

* + 1. **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.**
		2. **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. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE/Commercial, PSPCL**

 **Place: Ludhiana**

 **Date: 30.11.2023**