**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-128/2023**

**Date of Registration : 26.09.2023**

**Date of Closing : 10.10.2023**

**Date of Final Order : 17.10.2023**

**In the Matter of:**

 **M/S SDE Telephone,**

**Exchange BSNL Gaga,**

**Lehragaga 148031.**

**A/c No.: 3007110245.**

**Through:**

Sh. Mohinder Pal SDE  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Division,

PSPCL, Lehragaga. **...Respondent**

1. **BRIEF HISTORY:**

Petition against Case No. CF-128/2023 has been filed as an appeal in the Forum by Sh. Mohinder Pal SDE, BSNL, Lehragaga in the matter related to account no. 3007110245in the name of M/s SDE Telephone. The Petitioner is having NRS category connection with the sanctioned Load 14.94KW under DS Division, PSPCL, Lehragaga. Meter of the petitioner was replaced being replacement with smart meter vide MCO no. 100019995150 dated 01.12.2022 effected on 20.12.2022. Replaced meter was sent to ME Lab, Sangrur for checking vide challan no. 489 dated 24.01.2023 wherein it was reported that the accuracy of meter on KVAH/KWH mode was checked on pulse and dial test and meter was found slow by 34.88%. Meter was not recording energy on Red phase and was declared dead on Red phase. Accordingly, petitioner was charged amount of Rs. 78170/- vide notice no. 191 on dated 02.02.2023 for slowness of meter as per ME lab report. Petitioner did not agree with amount charged and filed his case in Circle CGRF, PSPCL Sangrur. Circle CGRF, PSPCL Sangrur on 03.05.2023 decided that amount charged to petitioner is correct and recoverable. Petitioner did not agree to the decision of Circle CGRF, PSPCL Sangrur and filed his case in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 26.09.2023, 03.10.2023 and finally on 10.10.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 26.09.2023***

*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. Lehragaga (Respondent) along with copy of petition.*

*Respondent shall submit five copies of the following record/documents before the Forum*

1. *Respondent shall confirm that there is no case pending before any Court/forum or any other authority between PSPCL and Petitioner.*
2. *Respondent shall confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
3. *Respondent shall confirm that the complainant/applicant/petitioner is competent/authorized person to file/defend the case on behalf of the consumer of the above a/c no.*
4. *Point wise/Para wise reply to the petition be submitted inform of hard copy & soft copy through email at* *secy.cgrfldh@gmail.com**.*
5. *Respondent shall also ensure the following action: -*
6. *He will check/verify the amount of Rs. 78170/- charged on account of slowness of meter by 34.88%.*
7. *He will submit complete details of amount charged, period for which account is overhauled along with other relevant documents.*
8. *He will submit copy of decision of Circle CGRF along with its case file.*
9. *He will certify that while charging the amount, related features of the metering equipment as per its PO/Technical specification have been duly taken care of.*
10. *He will submit 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.*
11. *He will submit copies of checking carried out by various authorities previously.*
12. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab report and DDL report of meter in dispute.*
13. *Relevant instruction of Supply Code, 2014 under which the account is overhauled and amount is charged to Petitioner.*
14. *Ensure that all the documents have been checked/verified & signed by ASE/Sr. XEN and he will be responsible for the authenticity of the documents/information submitted to the Forum.*

*The case be put up on 03.10.2023*

***Proceedings dated: 03.10.2023***

*Respondent telephonically requested another date for submission of reply. The same is admitted.*

*The case is adjourned to 10.10.2023 for submission of reply.*

***Proceedings dated: 10.10.2023***

*Respondent submitted four copies of reply to the petition along with the record/documents and the same has been taken on record. One copy thereof was handed over to the petitioner/PR.*

*Petitioner/PR stated that the petition/rejoinder and other documents already submitted may also be considered as part of oral discussion.*

*Respondent stated that the reply to the petition/reply to the rejoinder 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. 3007110245 is having NRS connection with Sanctioned Load of 14.94KW in the name of M/S SDE Telephone, under DS Division, Lehragaga.
3. The Petitioner in his Petition prayed that: -

*Kindly refer your office letter no 197 dated 16.05.2023 Lehragaga, it is hereby detailed intimated that the E-meter of NBSNL site khai road was changed to smart meter by PSPCL office Lehragaga on dated 20-12-2022 The previous meter was checked in ME lab Sangrur on dated 24-1-2023& Lab committee found that the meter was working (-34.58%) slow. Due to slowness of meter the PSPCL has charged the amount of Rs 78170/-.*

*But according to us the charged penalty amount is not right as the meter has been maintained by PSPCL. We have not tampered with the meter. There is no addition installation or removal of power consuming equipment as the connected load is same. The smart meter changed by PSPCL is also giving the same consumption pattern which has been placed below for your reference. If in future on the inspection of smart meter it was found slow then will we again penalized for slow meter? We had appealed the case in Grievance Redressal Forum PSPCL Sangrur for refund of the amount. On the hearing of case on dated 03-05-2023 they had rejected our pleas.* ***They have not provided us the technical evidence of reasons of slow meter.***

*The detail of consumption for last 13 months including the old slow meter is as below: -*

|  |  |  |  |
| --- | --- | --- | --- |
| *Sr. no.* | *Bill period* | *Consumption* | *Remarks* |
| *1.* | *28.01.2022 to 28.02.22* | *2144* |  |
| *2.* | *28.02.2022 to 04.04.2022* | *2290* |  |
| *3.* | *04.04.2022 to 29.04.2022* | *1003* | *25 days bills* |
| *4.* | *29.04.2022 to 01.06.2022* | *2669* |  |
| *5.* | *01.06.2022 to 30.06.2022* | *2349* |  |
| *6.* | *30.06.2022 to 02.08.2022* | *2587* |  |
| *7.* | *02.08.2022 to 03.09.2022* | *2628* |  |
| *8.* | *03.09.2022 to 04.10.2022* | *2615* |  |
| *9.* | *04.10.2022 to 04.11.2022* | *2547* |  |
| *10.* | *04.11.2022 to 05.12.2022* | *2512* |  |
| *11.* | *05.12.2022 to 19.12.2022* | *1444* | *15 days bill* |
| *12.* | *19.12.2022 to 05.01.2023* | *1089* | *17 days bill (smart meter installed)* |
| *13.* | *05.01.2023 to 01.02.2023* | *2117* |  |
| *14.* | *01.02.2023 to 01.03.2023* | *2322* |  |
| *15.* | *01.03.2023 to 01.04.2023* | *2489* |  |
| *16.* | *01.04.2023 to 01.05.2023* | *2427* |  |

*The above consumption pattern shows that there is no considerable change in number of units consumed after the change of meter with the smart meter. It is stated that BSNL has neither installed nor dismantled any additional equipment at the site. With the charged amount the monthly bill becomes approx 36000-00 per month. This much bill has never came for that site.*

*Your good self is again requested that BSNL is a central govt organization. We have to justify the penalty. So, you are again requested to review the case & refund the above said amount.*

1. The Respondent in his reply to petition stated that: -
	* + 1. *Point No.1 ਤੋਂ 3 mMgI geI sUcnw dw srtIiPkyt ies p~qr nwl n`QI hY[*
			2. *Point No.4 iv~c mMgI geI sUcnw eI-myl rwhIN ByjI geI hY[*
			3. *Point No.5 iv~c mMgI geI sUcnw dw vyrvw hyT ilKy Anuswr hY-*
				1. *Point No.5a & b iv`c mMgI geI sUcnw dI Excel sheet ies p`qr nwl n`QI hY[*
				2. *Point No. 5c – Copy of decision of Circle CGRF – n`QI hY[*
				3. *Point No. 5d – ies Kpqkwr dw mItr AYm.eI.lYb sMgrUr ivKy clwn nM. 489 imqI 24.01.2023 rwhIN cY`k kIqw igAw[ AYm.eI. clwn Anuswr mItr dI AYkurysI tYst bYNc qy kIqI qW KWH, KVAH mof qy pl`s Aqy Dial tYst au`pr nqIjy (-34.88%) sloA pwey gey, mItr RED Pys au`pr ibjlI dI irkwrf nhIn krdw pwieAw igAw[ ies leI dPqr duAwrw AYm.eI. dI irport Anuswr ifsipaUtf rkm cwrj kIqI geI[*
				4. *Point No. 5e- 5 swl dw Kpqfwtw along with Sap reading record n`QI hY[*
				5. *Point No. 5f- Copy of Previous Checking n`QI hY[*
				6. *Point No. 5g- Copies of related Job Order depicting date of effect ies p`qr nwl n`QI hY Aqy DDL dI irport myl kr id`qI geI hY[*
				7. *Point No.5h- ies Kpqkwr dw Kwqw ESIM dI Clause 21.5.1 Anuswr 6 mhIinAW leI soiDAw igAw hY[*

*Kpqkwr SDE TELEPHONE EXCHANGE BSNL dw kunYkSn vMf aupmMfl SihrI lihrwgwgw ADIn gYr irhwieSI SRyxI qihq c~l irhw hY[ ies Kpqkwr dw mnjUrSudw lof 14.940 ik.vw. hY[ ies Kpqkwr dw imqI 20.12.2022 ƒ MCO No. 100019995150 rwhIN smwrt mItr lgwaux leI mItr bdlI kIqw igAw[ jo ik AYm.eI. lYb dy clwn nM. 489 imqI 24.01.2023 rwhIN AYm.eI. lYb sMgrUr ivKy c`Yk kIqw igAw, AYm.eI. clwn Anuswr mItr dI AYkursI tYst bYNc qy kIqI qW KWH, KVAH mof qy p`ls Aqy Dial tYst au~pr nqIjy (-34.88%) sloA pwey gey, mItr RED Pys au~pr ibjlI dI Kpq irkwrf nhIN krdw[ mItr ie~k PIs (R-Phase) qy DEAD sI[ ies leI Kpqkwr ƒ mItr sloA c~lx qy 78170/- rupey dI rkm ipCly 6 CYCLES dI Kpq dy AwDwr qy cwrj kIqI geI[ ijsdw vyrvw hyT ilKy Anuswr hY-*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| MONTH | CONSUMPTION | SLOW |  |  |  |  |
| Reading on 01-06-2022 | 91438 |  |  |  |  |  |
| Reading on 19-12-2022 | 108120 |  |  |  |  |  |
| 01-06-2022 to 19-12-22 | 16682 | 34.88% |  |  |  |  |
|  |  |  |  | 25617.3 |  |  |
| ACTUAL CONSUMPTION | 25617 |  |  |  |  |  |
| UNITS LOST DUE TO DEFECTIVE METER | 8935 |  |  | ED | IDF | TOTAL |
| UNBILLED UNITS | 8935 |  | 65136.15 | 9770.42 | 3256.81 | 78163.4 |
|  |  |  |  | **ROUND OFF** | 78170 |

*Kpqkwr dw mItr AYm.eI, lYb sMgrUr ivKy cY`k hox auprMq ies dw fI.fI.AYL. ies dPqr ƒ muh`eIAw nhIN krvwieAw igAw sI[ Kpqkwr dw kMm fI.AYs.sI. iv~c l`gx auprMq ies dPqr duAwrw AYm.eI. lYb sMgrUr qoN ies dPqr dy p~qr nM: 724 imqI 14.03.2023 rwhIN iesdw fI.fI.AYl mMgvwieAw igAw, jo ik hlkw dPqr sMgrUr ƒ myl kr id~qw igAw hY[ hux Kpqkwr ƒ ieh rkm Brn dI bjwey Awpxw kys srkl p~Dr fI.AYs.sI. iv~c ivcwrn leI pRqIvydnw id~qI hY[ hux ieh kys iqAwr krky Awp jI ƒ AgyqrI kwrvweI ih~q ByijAw jWdw hY[*

1. The Forum has gone through written submissions made by the Petitioner in the petition, written reply of the Respondent along with the relevant material brought in the record. The issue that requires adjudication in the present dispute is to decide the legitimacy of amount of Rs. 78170/- charged to petitioner on account of 34.88% slowness of his meter, vide notice no. 191 dated 02.02.2023 alongwith the decision dated 03.05.2023 of Circle CGRF, PSPCL Sangrur vide which the above amount was held recoverable.
2. Forum observed that the meter of the petitioner was replaced being replacement with smart meter vide MCO no. 100019995150 dated 01.12.2022 effected on 20.12.2022. Replaced meter was sent to ME Lab, Sangrur for checking vide challan no. 489 dated 24.01.2023 wherein it was reported that the accuracy of meter on KVAH/KWH mode was checked on pulse and dial test and meter was found slow by 34.88%. Meter was not recording energy on Red phase and was declared dead on Red phase. Accordingly, petitioner was charged amount of Rs. 78170/- vide notice no. 191 on dated 02.02.2023 for slowness of meter as per ME lab report. Petitioner did not agree with amount charged and filed his case in Circle CGRF, PSPCL Sangrur. Circle CGRF, PSPCL Sangrur decided on dated 03.05.2023 as under: -

*“A~j imqI 03.05.2023 ƒ pyS krqw AiDkwrI vDIk ingrwn ieMjInIAr vMf mMfl lihrwgwgw hwjr hoey Aqy auhnW v~loN Porm ƒ d~isAw igAw ik Kpqkwr dw imqI 20.12.2022 ƒ smwrt mItr lgwaux leI mItr bdlI kIqw igAw sI jo ik AYm.eI. lYb sMgrUr ivKy imqI 24.01.2023 rwhIN cY`k kIqw igAw sI Aqy mItr 34.88% sloA pwieAw igAw[ mItr ryf Pys aupr ibjlI dI Kpq irkwrf nhI krdw, mItr ‘R’ Pys qy fY~f sI[ Kpqkwr ƒ mItr sloA c`lx qy 78170/- rupey dI rkm ipCly sweIkl dI Kpq dy ADwr qy cwrj kIqI geI[ fI.fI.AYl irport Anuswr mhInw 05/2019 qoN ‘R’ Pys qy lof NIL Aw irhw hY[ jdik ies smyN dOrwn Awr Pyj dI voltyz Aw rhI hY Aqy imqI 17.06.2019 nUM Awr Pyz dI voltyj Zero ho geI[ ies qoN bwAd ies Kpqkwr dI ‘R’Pyz dI voltyj mItr bdlI hox q`k Zero AweI hY[ fI.fI. AYl. irport Anuswr Kpqkwr dy Awr Pyz qoN current magintude SoA ho irhw hY[ ies Kpqkwr v~loN swl 2022 dOrwn R’Pyz qy lof clwieAw igAw hY[*

*pyS krqw APsr v~loN pyS kIqy gey dsqwvyz, Kpqkwr dw Kpq fwtw Aqy mItr dI fI.fI.AYl irport GoKx auprMq Porm v~loN pwieAw igAw ik Kpqkwr ƒ cwrj kIqI geI rkm shI hY Aqy vsUlxXog hY[”*

Petitioner did not agree to the decision of Circle CGRF, PSPCL Sangrur and filed his case in Corporate CGRF, Ludhiana.

Forum observed the consumption data submitted by the Respondent on record reproduced below in tabular form:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| KVAH | 2020 | 2021 | 2022 | 2023 |
| Month | Cons. | Code | Cons. | Code | Cons. | Code | Cons. | Code |
| Jan | 1353 | O | 1843 | O | 2220 | O | 1089 | C |
| Feb | 1210 | O | 1468 | O | 2144 | O | 2117 | O |
| Mar | 1518 | O | 1312 | O | 2290 | O | 2322 | O |
| Apr | 509 | O | 1821 | O | 1003 | O | 2488 | O |
| May | 3404 | O | 2900 | O | 2669 | O | 2417 | O |
| Jun | 1286 | O | 2272 | O | 2349 | O | 2496 | O |
| Jul | 2130 | O | 2201 | O | 2587 | O | 2400 | O |
| Aug | 1467 | O | 1458 | O | 2628 | O | 2515 | O |
| Sept | 973 | O | 1940 | O | 2615 | O | 2504 | O |
| Oct | 2119 | O | 1450 | O | 2547 | O |  |  |
| Nov | 1357 | O | 3129 | O | 2512 | O |  |  |
| Dec | 1285 | O | 1348 | O | 1444 | O |  |  |
| **TOTAL** | **18611** |  | **23142** |  | **27008** |  | **20348** |  |

Forum observed that the annual consumption of petitioner from 2020 to 2023 (upto 09/2023) is 18611, 23142, 27008 & 20348 units respectively is consistent and there is not much difference in consumption after the replacement of disputed meter whose one phase as declared dead in ME Lab.

Meter of the petitioner was checked in ME lab vide challan no. 489 dated 24.01.2023 where it was reported as under: -

“*mItr dI AYkurysI* *tYst bYNc qy cY`k* *kIqI qW* *KWH, KVAH* *mof qy* *pls Aqy Dial tYst aupr nqIjy (-34.88%) sloA pwey gey jdik mItr Red Phase aupr ibjlI dI Kpq irkwrf nhIN krdw[ mItr ie`k Phase (R Phase) qy Dead hY[ mItr pYk krky PS No. 08033 lgw ky sbMDq jyeI nUM sop id`qw hY[ ingm dIAW hdwieqW Anuswr Kwqw soiDAw jwvy[”*

Accordingly, account of the petitioner for the period from 01.06.2022 to 19.12.2022 was overhauled assuming constant slowness of 34.88 % over the entire period of overhauling. Forum observed that the slowness of 34.88 % recorded in ME lab is under standard conditions and not as per the actual site conditions which can vary depending upon instant loads running on different phases, respective voltages and power factor thereof at that very instant. The slowness will change with any change in any of the above parameters.

Forum also scrutinized the DDL report submitted by the respondent. As per the current related events recorded in Tamper report, it is observed that the current on red phase (which has been declared dead) has been recorded abound 3 Amp from the period from 17.06.2022 to 05.09.2022 for which data was available. At the same time the current on yellow & blue phases has been recorded in the range of 6 to 11 Amps. Keeping in view of this uneven distribution of load on different phases, the slowness of 34.88% charged to the petitioner assuming the load evenly balanced, does not seems to be justified. Therefore, this slowness of 34.88% recorded under standard conditions in ME Lab cannot be made applicable for overhauling the account. Moreover, as per ME lab report it was reported that the meter is dead on R phase. Therefore, meter is required to be treated as dead/defective. 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”.*

Forum have gone through written submissions made by the Petitioner in the petition, written reply of the Respondent along with the relevant material brought in the record. Forum is of the opinion that Meter has been declared dead on red phase, therefore the same is required to be treated as dead/defective. As such, the amount of Rs. 78170/- charged to petitioner vide notice no. 191 dated 02.02.2023, on account of 34.88% slowness of his meter, is not justified and liable to be quashed alongwith the decision of Circle CGRF, PSPCL Sangrur. Further it is also observed that as per DDL report, one phase i.e., red phase was not contributing since 17.06.2019, therefore the consumption of the previous year(s) cannot be taken as base for the overhauling of the account. Therefore, the account of the petitioner is required to be overhauled for a period of six months prior to the date of change of meter i.e., 20.12.2022, as per Regulation 21.5.2 (d) of supply code 2014.

Keeping in view the above, Forum came to unanimous conclusion that the decision dated 03.05.2023 of Circle CGRF, PSPCL Sangrur be set aside. The amount of Rs. 78170/- charged to petitioner on account of 34.88% slowness of his meter, vide notice no. 191 dated 02.02.2023, be quashed. The account of the petitioner be overhauled for a period of six months prior to the date of change of meter i.e., 20.12.2022, as per Regulation 21.5.2 (d) of 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. **The decision dated 03.05.2023 of Circle CGRF, PSPCL Sangrur is set aside. Amount of Rs. 78170/- charged to petitioner on account of 34.88% slowness of his meter, vide notice no. 191 dated 02.02.2023, is quashed. Account of the petitioner be overhauled for a period of six months prior to the date of change of meter i.e., 20.12.2022, as per Regulation 21.5.2 (d) of Supply Code-2014.**
2. **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.**
3. **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: 17.10.2023**