**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-133/2023**

**Date of Registration : 10.10.2023**

**Date of Closing : 10.10.2023**

**Date of Final Order : 17.10.2023**

**In the Matter of:**

 **Sh. Raghubir Singh, Pritam Singh,**

**Patiala Road, Sangrur.**

**A/c No.: 3000717909.**

**Through:**

Sh. Gagandeep Singh  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Division,

PSPCL, Sangrur. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No. CF-133/2023 has been filed directly in the Forum in the matter related to Account no. 3000717909 in the name of Sh. Raghubir Singh. The Petitioner in his petition stated that on the night of 08.03.2021 a truck hit the pole and damaged it including his meter. After that he received a bill of about 90000 units amounting to Rs. 850000/-. His meter was disconnected due to non-payment and now bill has risen to Rs. 1300000/- with interest.

As per online bill history, bill dated 08.03.2021 amounting to Rs. 847940/- was generated for a consumption of 94410 units during the period of 14.01.2021 to 08.03.2021 and then the amount kept on rising. The case has been filed after two years of the issue of disputed bill. Therefore, the case of the petitioner was heard in pre-hearing on dated 10.10.2023 for condoning the delay in filing the case.

During preliminary hearing Member/Finance expressed his opinion as under: -

*“Petitioner was issued bill dated 12.03.2021 amounting to Rs. 847940/-. As per Regulation 2.9.1(1) of Forum and Ombudsman (2nd Amendment) Regulation 2021 “The Corporate Forum shall have the Jurisdiction to dispose of all monetary disputes of an amount exceeding Rs. 5 Lac in each case. Provided that the complaint/ representation is made within two years from the date of cause of action.*

*As a period of more than 2 years has elapsed Since the date of cause of action had arisen i.e., the date of issue of bill as 12.03.2021, therefore, in view of proviso to ibid Regulation, I am of the view that the case is time barred and not fit for registration as it was open to petitioner to approach appropriate Forum within 2 years.”*

The other members of the Forum expressed their views as under:

*“Though the bill dated 08.03.2021 is under dispute, however the meter was challenged by Petitioner and it was replaced on 29.09.2021 and checked in ME lab on 16.06.2022 vide ME challan No. 272 dated 31.05.2022. It was the duty of the respondent to convey results of ME lab to the petitioner and take action as per findings of the ME lab. The date of receipt of ME lab results by the petitioner is not known however, it will be some date after 16.06.2022. Even if date of cause of action is considered as 16.06.2022, petitioner can approach CGRF upto 15.06.2024. Petitioner approached CGRF on 11.09.2023. Hence remaining members of Forum except Member Finance are of the opinion that in view of the above circumstances the case cannot be considered as time barred.”*

It has been provided in Clause 2.15 of PSERC (Forum &Ombudsman) (2nd Amendment) Regulations, 2021 as under: -

*“The quorum for Corporate Forum shall be three members out of which atleast two shall be officers of the Distribution Licensee. The Quorum for Zonal/Circle/Divisional Forum shall be two officers of the Distribution Licensee all the decision shall be taken on the basis of Majority of the members present and voting in case of equality of votes on any issue, the Chairperson shall, in addition, have a casting vote.”*

Keeping in view the above, as majority of the Members were of the opinion that the present case is not time barred, hence, it was decided by the Forum with majority vote to register the case. The case was registered and heard on 10.10.2023 and was closed for passing speaking orders on the same date.

1. ***PROCEEDINGS:***

***Proceedings dated: 10.10.2023***

………..

………..

………..

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

*Petitioner/PR stated that this premises is vacant since long and nobody is residing there. The petition and other documents which have been 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 which have been submitted may be considered as a part of 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. 3000717909 was having DS connection with Sanctioned Load 5.719 kW in the name of Sh. Raghubir Singh under DS Division, Sangrur.
3. The Petitioner in his Petition prayed that: -

*ਬੇਨਤੀ ਹੈ ਕਿ ਮੇਰਾ ਖਾਤਾ ਨੰਬਰ 3000717909 ਮੇਰੇ ਪਿਤਾ ਜੀ ਦੇ ਨਾਮ ਤੇ ਚਲਦਾ ਸੀ, ਤੇ ਇਸਦੀ ਵਰਤੋ ਮੇਰੇ ਦੁਆਰਾ ਕੀਤੀ ਜਾਂ ਰਹੀ ਸੀ, ਮਹਿਨਾ 8/3/2021 ਵਿਚ ਰਾਤ ਨੂੰ ਇਕ ਟਰੱਕ ਦੁਆਰਾ ਸਾਡੀ ਬਿਜਲੀ ਦੀਆਂ ਤਾਂਰਾ ਅਤੇ ਖੰਬੇ ਨੂੰ ਟੱਕਰ ਮਾਰ ਕੇ ਡੈਮਿਜ ਕਰ ਦਿੱਤਾ ਸੀ, ਇਸ ਕਾਰਨ ਸਾਡੇ ਮੀਟਰ ਨੂੰ ਵੀ ਨੁਕਸਾਨ ਪਹੁੰਚ ਗਿਆ ਸੀ। ਇਸ ਤੋਂ ਬਾਅਦ ਸਾਡਾ ਬਿਲ ਲਗਭਗ 90,000 ਯੂਨਿਟਾ ਦਾ ਬਿਲ 8,50,000/ ਰੁਪਏ (ਅੱਖਰੀ ਅੱਠ ਲੱਖ ਪੰਜਾਹ ਹਜਾਰ ਰੁਪਏ) ਬਿਲ ਬਣਿਆਂ ਸੀ ਜੋ ਸੰਭਵ ਨਹੀ ਸੀ ਇਸ ਤੋਂ ਬਾਅਦ ਸਾਡਾ ਮੀਟਰ ਬਿੱਲ ਨਾਂ ਭਰਨ ਕਾਰਨ ਪੁੱਟ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਸ ਰਕਮ ਉਤੇ ਵਿਆਜ ਦੀ ਦਰ ਲੱਗ ਕੇ ਅੱਜ ਦੇ ਸਮੇ 13,00,000/ਰੁਪਏ ਦੇ ਕਰੀਬ ਹੋ ਗਿਆ । ਸੋ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਘੱਟ ਤੋਂ ਘੱਟ ਰਕਮ ਭਰਾਂ ਕੇ ਸੀ.ਜੀ.ਆਰ.ਐਫ. ਵਿਚ ਕੇਸ ਲਗਾਇਆ ਜਾਵੇ। ਸੋ ਦਰਖਾਸਤ ਪੇਸ ਕਰਕੇ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਮੇਰਾ ਸੀ.ਜੀ.ਆਰ.ਐਫ. ਵਿਚ ਕੇਸ ਲਗਾਇਆ ਜਾਵੇ ਤਾਂ ਜ਼ੋ ਮੈ ਘੱਟ ਤੋਂ ਘੱਟ ਬਿਲ ਭਰ ਸਕਾ ਜੀ।ਮੈ ਆਪ ਜੀ ਦਾ ਅਤਿ ਧੰਨਵਾਂਦੀ ਹੋਵਾਂਗਾ।*

1. The Respondent in his reply to petition stated that: -
	* + 1. *Mr. Raghubir Singh ਦਾ ਖਾਤਾ ਇਸ ਦਫਤਰ ਅਧੀਨ ਖਾਤਾ ਨੰ 3000717909 ਕੈਟੇਗਰੀ DS ਅਧੀਨ ਚਲਦਾ ਸੀ। ਖਪਤਕਾਰ ਦਾ ਮਨਜ਼ੂਰਸ਼ੁਦਾ ਲੋਡ 5.719 kw ਸੀ | ਖਾਤੇ ਵਿਚ ਝਗੜੇ ਵਾਲੀ ਰਕਮ ਬਕਾਇਆ ਹੋਣ ਕਾਰਨ ਇਹ ਖਾਤਾ PDCO 21.04.2022 ਨੂੰ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ।*
			2. *ਖਪਤਕਾਰ ਦੀ ਬਿਲਿੰਗ 14-01-2021 ਤੱਕ 10675 ਰੀਡਿੰਗ ਤੱਕ “O” ਕੋਡ ਅਧੀਨ ਠੀਕ ਹੋ ਰਹੀ ਸੀ| ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਦਾ ਬਿਲ ਮਿਤੀ 14-01-2021 ਤੋਂ 08-03-21 ਤੱਕ ਦਾ 53 ਦਿਨਾਂ ਦਾ ਬਣਿਆ ਅਤੇ ਇਸ ਬਿਲ ਵਿਚ ਰੀਡਿੰਗ 105085 ਦਰਜ ਹੋਈ ਅਤੇ ਖਪਤਕਾਰ ਦਾ ਬਿਲ 94410 KWH ਯੂਨਿਟਾਂ ਦਾ ਬਣਿਆ। ਇਸਤੋਂ ਬਾਅਦ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਚੈਲੇਂਜ ਕਰਨ ਕਾਰਨ ਉਤਾਰਿਆ ਗਿਆ ਜਿਸਦਾ ਬਿਲ Rs 8,47,940/- ਬਣਿਆ| (DISPUTED BILL ਦੀ ਕਾਪੀ ਨਥੀ) (ANNEXURE 1)*
			3. *ਖਪਤਕਾਰ ਦੁਆਰਾ ਮੀਟਰ ਚੈਲੇਂਜ ਕਰਨ ਕਾਰਨ ਇਹ ਮੀਟਰ ਮਿਤੀ 28-09-2021 ਨੂੰ MCO NO 100015358140 ਨਾਲ ਮਿਤੀ 29.09.2021 ਨੂੰ ਬਦਲੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਅਨੁਸਾਰ ਇਸਦੀ ਰੀਡਿੰਗ 105527 KWH ਸੀ (MCO ਦੀ ਕਾਪੀ ਨਥੀ) (ANNEXURE 2) ਇਹ ਮੀਟਰ ME LAB ਵਿਚ ਚਲਾਨ ਨੂੰ 272 ਨਾਲ ਚੈਲੇਂਜ ਲਈ ਵਾਪਿਸ ਕੀਤਾ ਗਿਆ ਅਤੇ ME LAB ਅਨੁਸਾਰ ਮੀਟਰ ਖਰਾਬ ਪਾਇਆ ਗਿਆ (ਚਲਾਨ ਦੀ ਕਾਪੀ ਨਥੀ) (ANNEXURE 3)।*
			4. *ਇਹ ਕੇਸ ਲਗਭਗ 2 ਸਾਲ ਪੁਰਾਣਾ ਹੋਣ ਕਾਰਨ ਇਸ ਸਮੇਂ ਦਾ ਆਡਿਟ ਪੂਰਾ ਹੋ ਗਿਆ ਹੈ ਅਤੇ PSPCL ਦੀ ਹਦਾਇਤਾ ਅਨੁਸਾਰ ਇਹ ਕੇਸ CGRF/Refund Committee ਵਿਚ ਲਗਾਉਣਾ ਬਣਦਾ ਹੈ।*
			5. *ਖਪਤਕਾਰ ਦਾ ਕਨੈਕਸ਼ਨ ਕੱਟਿਆ ਜਾ ਚੁੱਕਾ ਹੈ ਸੋ ਇਸਦੇ ਅਹਾਤੇ ਦੀ ਚੈਕਿੰਗ ਨਹੀ ਕੀਤੀ ਜਾ ਸਕਦੀ।*
			6. *ਖਪਤਕਾਰ ਦਾ ਝਗੜੇ ਵਾਲਾ ਬਿਲ ਜੋ ਕਿ 12.03.2021 ਨੂੰ Rs 8,47,940/- ਦਾ ਬਣਿਆ ਸੀ ਉਸਤੋਂ ਬਾਅਦ ਖਪਤਕਾਰ ਨੂੰ ਹੁਣ ਤੱਕ Rs 4,99,958 ਦੀ ਵਿਆਜ ਦੀ ਰਕਮ ਸਿਸਟਮ ਦੁਆਰਾ ਹੋਰ ਚਾਰਜ ਕੀਤੀ ਗਈ ਹੈ ਅਤੇ ਖਪਤਕਾਰ ਦਾ ਕੁਲ ਬਕਾਇਆ ਮਿਤੀ 07/07/2023 ਤੱਕ Rs 13,66,348 ਹੈ।*
			7. *ਖਪਤਕਾਰ ਦਾ ਪਿਛਲੇ 5 ਸਾਲਾਂ ਦਾ ਖਪਤ ਡਾਟਾ ਨਥੀ ਹੈ | (Annexure 4 )*
2. The Forum have gone through written submissions made by the Petitioner in the petition, written reply of the Respondent along with the relevant material brought on the record. The issue that requires adjudication in the present dispute is to decide the legitimacy of bill dated 08.03.2021 issued for the period from 14.01.2021 to 08.03.2021 for a consumption of 94410 kWh amounting to Rs. 8,47,940/-.
3. The Petitioner in his petition stated that on the night of 08.03.2021 a truck hit the pole and damaged it including his meter. After that he received a bill of about 90000 units amounting to Rs. 850000/-. His meter was disconnected due to non-payment and now bill has risen to Rs. 1300000/- with interest.

As per online bill history, bill dated 08.03.2021 amounting to Rs. 847940/- was generated for a consumption of 94410 units during the period of 14.01.2021 to 08.03.2021 and then the amount kept on rising. The case has been filed after two years of the issue of disputed bill. Therefore, the case of the petitioner was heard in pre-hearing on dated 10.10.2023 where as detailed in ‘Brief History’ above, it was decided with majority to register the case. Forum observed the consumption data of he petitioner reproduced as below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year | 2018 | 2019 | 2020 | 2021 |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan |  |  | 103 | O | 108 | O | 94410 | O |
| Mar | 168 | O | 174 | O | 118 | O | 132 | O |
| May | 418 | O | 341 | O | 155 | O | 190 | O |
| July | 304 | O | 401 | O | 16 | O | 172 | O |
| Sept | 190 | O | 221 | O | 36 | O | 2304 | O |
| Oct | 8 | O |  |  |  |  |  |  |
| Nov | 98 | O | 88 | O | 136 | O |  |  |
| **Total** | **1186** |  | **1328** |  | **569** |  | **97208** |  |

From the above Forum observed that the consumption of the petitioner is consistent and the disputed high consumption of 94410 units has never been recorded even after the change of the meter.

Forum observed that the meter was challenged by Petitioner and it was replaced vide MCO no. 100015358140 dated 28.09.2021 effected on 29.09.2021. Meter was sent to ME lab on 16.06.2022 vide ME challan No. 272 dated 31.05.2022. The remarks of ME lab are reproduced as under: -

*mItr dI rIifMg dI KWH 105527 Aqy KVAH 12763 iv`c bhuq ijAwdw Prk hY jo ik sMBv nhIN hY mItr dI display qy date 04.09.2013 Aqy time 08:07 Aw irhw hY jd ik Asl iv`c date 16.06.2022 Aqy time 13:40 hY[ mItr dI display qy meter S No. 0000000 Aw irhw hY jdik mItr dI body qy meter S No. 8196483 hY mItr dw software Krwb hY[ (+ve) mItr Krwb hY[*

Forum observed that as per the above report date, time & Sr. no. on display and actual are not matching. Software of the meter found defective hence, the reading of 105527 Kwh recorded by it cannot be relied upon. Accordingly, the meter has been declared defective in ME Lab. 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 on the record. In view of above, Forum with a majority, is of the opinion that the bill dated 08.03.2021 is not justified and required to be quashed. The account of the petitioner is required to be overhauled from 14.01.2021 to 29.09.2021 i.e., date of replacement of meter on the basis of energy consumption of corresponding period of previous year as per Regulation 21.5.2 (a) of Supply Code-2014 amended from time to time.

Keeping in view the above, Forum with a majority view, came to conclusion that the bill dated 08.03.2021 for a consumption of 94410 kWh for a period of 53 days from 14.01.2021 to 08.03.2021 amounting to Rs. 8,47,940/- be quashed alongwith all other bills issued upto the date of replacement of the meter. Account of the petitioner be overhauled from 14.01.2021 to 29.09.2021 i.e., date of replacement of meter on the basis of energy consumption of corresponding period of previous year as per Regulation 21.5.2 (a) of Supply Code-2014 amended from time to time.

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 with majority view decides that:

1. **The bill dated 08.03.2021 for a consumption of 94410 kWh for a period of 53 days from 14.01.2021 to 08.03.2021 amounting to Rs. 8,47,940/- is quashed alongwith all other bills issued upto the date of replacement of the meter. Account of the petitioner be overhauled from 14.01.2021 to 29.09.2021 i.e., date of replacement of meter on the basis of energy consumption of corresponding period of previous year as per Regulation 21.5.2 (a) of Supply Code-2014 amended from time to time.**
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.**