**CORPORATE CONSUMERS GRIEVANCES REDRESSAL FORUM**

**PUNJAB STATE POWER COPROPRATION LIMITED**

**220 KV S/Stn., Opp. Verka Milk Plant, Ferozepur Road, Ludhiana.**

**Tel: 0161-297-1912, email: secy.cgrfldh@gmail.com**

**CASE NO.: CF-142/2023**

**Date of Registration : 30.10.2023**

**Date of Closing : 07.11.2023**

**Date of Final Order : 17.11.2023**

**In the Matter of:**

 **Sh. Baldev Singh,**

**Menga Singh Bhagta Bhaika Urban,**

**Bhagta Bhaika.**

**A/c No.: 3006440719.**

**Through:**

Sh. Baldev Singh **…Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Division,

PSPCL, Bhagta Bhaika **...Respondent**

1. **BRIEF HISTORY**

Petition against case No.: CF-142/2023 has been filed in Forum directly by Sh. Baldev Singh, in the matter related to A/c no. 3006440719 in the name of Sh. Baldev Singh. Petitioner is having DS category connection with sanctioned Load of 4.060KW under DS Division, PSPCL, Bhagta Bhaika. Respondent after reversing previous bills dated 06.11.2022, 04.01.2023 & 26.02.2023 issued revised bill dated 05.03.2023 to the petitioner for 183 days for the period from 03.09.2022 to 05.03.2023 on ‘R’ code amounting to Rs. 592710/- and thereafter another bill dated 07.03.2023 for the period from 05.03.2023 to 07.03.2023 on ‘R’ code amounting to Rs. 597360/- was issued to the petitioner. Meter of the Petitioner was changed being burnt vide MCO no. 100018300782 dated 04.07.2022 effected on 06.03.2023 and removed meter was sent to ME lab for checking vide ME challan no. 2121 dated 12.10.2023 where meter was accepted as burnt. Petitioner did not agree to these bills and filed his case in the Corporate CGRF Ludhiana.

Forum heard the case in its proceedings on dated 31.10.2023 and finally on 07.11.2023 when the case was closedfor passing speaking orders.

1. ***PROCEEDINGS***

***Proceedings dated 31.10.2023***

*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. Bhagta Bhaika (Respondent) with copy of petition as follows: -*

1. *Respondent will check/verify the bills from 09/2022 onwards, bill dated 05.03.2023 amounting Rs.529710/- for a consumption of 74302 KWH far period from 03.09 2022 to 05.03.2023, with meter status R and bill dated 07.03.2023 of Rs. 597360/- (including previous unpaid arrears) for consumption of 812 KWH.*
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 09/2022, 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 report 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/authorised person to file/defend the case on behalf of the consumer of the above a/c no.*

*The case be put up on 07.11.2023.*

***Proceedings dated 07.11.2023***

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

*Respondent during the proceedings stated that petitioner had extended his load from 0.06 KW to 4.06 KW which is 67 times due to which enhanced average was charged proportionately.*

*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. 3006440719, is having DS connection with sanctioned Load of 4.060 KW, in the name of Sh. Baldev Singh, under DS Division, Bhagta Bhaika.
3. Petitioner in his petition pleaded as under:

*bynqI hY ik mYN load 1 kw qoN vI G`t sI Aqy mYN load vDwieAw qy 4.06 kw krwieAw[*

*ies qoN bwAd myry ibjlI ib`l lgwqwr glq Awx l`gy Aqy 07.03.2023 q`k Rs. 597360/- dw AwieAw[ jo ik glq hY[*

*myry ib`l TIk kIqy jwx[ myrw bytw jsmMdr kys iv`c Awvygw[*

1. Respondent in his reply to the petition is as under:

*Point wise reply to the above-mentioned case is as follows.*

1. *Complainant Baldev Singh s/o Mehnga Singh Vill. Bhagta Bhaika has WSD/BPL connection whose load was 0.06 KW and has applied for load extension from 0.06 kw to 4.06 kw on dated 19.05.2022 and paid the load extension fees total Rs. 5510 (Rs. 4000 SCC vide receipt no. 219000463027 and Rs. 1510 ACD vide receipt no. 215100340865) (CP 1) and Load Order completed in SAP system on date 20.05.2022.*
2. *On dated 04.07.2022 consumer has paid Rs. 620 for Meter Burnt fees (CP 2).*
3. *On dated 30.06.2022 R code bill 233 unit average generated. On date 03.09.2022 R code average bill of units 28383 generated amounting Rs. 163410 because of load increased.*
4. *Bill dated 06.11.2022, 04.01.2023 and 26.02.2023 has been reversed in SAP system due to high amount bill after that bill dated 05.03.2023 made in SAP system from 03.09.2022 and R Code bill of unit 74302 has been generated.*
5. *On dated 07.03.2023 meter has been changed in SAP system and R code bill of 2 days from 05.03.2023 to 07.03.2023 has been generated.*
6. *Consumption data depicting readings date of reading, consumption, meter status for previous five years has been attached with Excel sheet. (CP 3)*
7. *Copy of current site checking report vide ECR no. 48/143 dated 03.11.2023 attached and no other checking carried out by any authority previously. (CP 4)*
8. *Copy of Meter change order and ME lab report is also attached. (CP 5)*
9. *Consumer has paid Average bill of Rs. 2210 on dated 22.09.2023 as per section 35.1.1 of Supply code 2014 (CP 6)*

*Confirm that*

1. *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.*
2. *Status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
3. *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.*
4. The Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as oral arguments made by the Petitioner and the Respondent, along with the material brought on the record. The issue that requires adjudication in the present dispute is, to decide the legitimacy of bill dated 07.03.2023 issued for the period for 183 days from 05.03.2023 to 07.03.2023 on ‘R’ code amounting to Rs. 597360/-, including all other bills issued on ‘R’ codes from 19.05.2022 to 07.03.2023.
5. Forum observed that respondent after reversing previous bills dated 06.11.2022, 04.01.2023 & 26.02.2023 issued revised bill dated 05.03.2023 to the petitioner for 183 days for the period from 03.09.2022 to 05.03.2023 on ‘R’ code amounting to Rs. 592710/- and thereafter another bill dated 07.03.2023 for the period from 05.03.2023 to 07.03.2023 on ‘R’ code amounting to Rs. 597360/- was issued to the petitioner. Meter of the Petitioner was changed being burnt vide MCO no. 100018300782 dated 04.07.2022 effected on 06.03.2023 and removed meter was sent to ME lab for checking vide ME challan no. 2121 dated 12.10.2023 where meter was accepted as burnt. Petitioner did not agree to these bills and filed his case in the Corporate CGRF Ludhiana. Forum observed that there is another bill dated 03.09.2022 issued on ‘R’ code for 65 days from 30.06.2022 to 03.09.2022 for consumption of 28383 units amounting Rs. 163410/-, which has not been reversed by the respondent while preparing bill dated 05.03.2023 for 183 days from 03.09.2022 to 05.03.2023 amounting Rs. 592710/-. Therefore, all the bills for this disputed period issued on ‘R’ codes from 19.05.2022 to 07.03.2023 are required to be adjudicated.

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **2020** | **2021** | **2022** | **2023** |
| Month | Cons. | Code | Cons. | Code | Cons. | Code | Cons. | Code |
| Feb | 147 | O | 263 | O | 384 | O | 21519 | R |
| Mar |  |  |  |  |  |  | 74302812 | RR |
| April | 220 | N | 554 | O | 572 | O |  |  |
| May |  |  |  |  | 103 | O | 199 | C |
| June | 599 | O | 372 | D | 233 | R | 341 | O |
| Aug | 358 | O | 342 | O | 28383 | R | 462 | O |
| Oct | 337 | O | 410 | O | 35529 | R |  |  |
| Dec | 280 | O | 410 | O | 28718 | R |  |  |
| **Total** | **1721** |  | **2351** |  | **93922** |  | **97635** |  |

From the above consumption data, the annual consumption of the Petitioner from 2020 to 2023 (Up to 09/2023) has been recorded as 1721, 2351, 93922 & 97635 units respectively. It is observed that the exceptionally high average consumption has been taken for billing purpose for all the bills issued on ‘R’ codes except bill dated 30.06.2022. Such a high consumption was never recorded before & after the replacement of the meter. Respondent in his reply stated that the petitioner had extended his load from 0.060 KW to 4.060 KW on dated 19.05.2022 which is 67.66 times the previous load due to which the bills were generated by the SAP system by enhancing average consumption proportionately by 67.66 times. Forum observed that petitioner applied for extension of load from 0.060 KW to 4.060 KW by depositing service connection charges amounting to Rs. 4000/- and ACD amounting to Rs. 1510/- on dated 19.05.2022 and extension was completed in SAP system on 20.05.2022. But it is seen from the consumption pattern that no effect of extension in load is visible in the consumption of the petitioner and that too to the tune of 67 times. The consumption after extension in load remained almost similar to the consumption recorded in the previous years before extension in load. Site of the Petitioner was checked vide LCR no. 48/143 dated 03.11.2023 as per which the connected load was found 4.326KW against sanctioned load of 4.060KW and reading was recorded as 1354KWH. As such the consumption after change of the meter with extended load during the period from 06.03.2023 to 03.11.2023 has been recorded as 1354 units in about 8 months which means about 170 units per month. From the above discussion it appears that petitioner might have regularized his already running excess load as such enhancing the average consumption by 67 times during the disputed period is not at all justified. Moreover, it was the duty of the respondent to change the burnt meter within 5 working days as per ‘Minimum Standards of Performance’ prescribed by Honorable PSERC. Had the burnt meter been changed promptly, this case would not have arisen.

Forum observed that as per ME lab report meter of the petitioner was accepted as burnt. 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 the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner & Respondent along with material brought on record. As meter of the petitioner was accepted as burnt in ME Lab therefore, Forum is of the opinion that all the bills issued to the petitioner on average basis on ‘R’ codes from 19.05.2022 to 07.03.2023 are not justified and liable to be quashed. The account of the petitioner is required to be overhauled from 19.05.2022 to 07.03.2023 (i.e., date of replacement of meter) on the basis of energy consumption recorded during corresponding period of succeeding year as per Reg. 21.5.2 (d) of Supply Code-2014 (being consumption with enhanced load of previous year not available) without the effect of Reg. 21.5.2 (e).

Keeping in view the above, Forum came to unanimous conclusion that all the bills issued to the petitioner on average basis on ‘R’ codes from 19.05.2022 to 07.03.2023 be quashed. The account of the petitioner be overhauled from 19.05.2022 to 07.03.2023 (i.e., date of replacement of meter) on the basis of energy consumption recorded during corresponding period of succeeding year as per Reg. 21.5.2 (d) of Supply Code-2014, without the effect of Reg. 21.5.2 (e).

1. **Decision:**

Keeping in view the petition, reply, oral discussion, after hearing both the parties, perusal of the record produced by them & observation of Forum,

Forum decides that: -

1. **All the bills issued to the petitioner on average basis on ‘R’ codes from 19.05.2022 to 07.03.2023, are quashed. The account of the petitioner be overhauled from 19.05.2022 to 07.03.2023 (i.e., date of replacement of meter) on the basis of energy consumption recorded during corresponding period of succeeding year as per Reg. 21.5.2 (d) of Supply Code-2014, without the effect of Reg. 21.5.2 (e).**
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: 17.11.2023**