**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-146/2023**

**Date of Registration : 15.11.2023**

**Date of Closing : 05.12.2023**

**Date of Final Order : 08.12.2023**

**In the Matter of:**

 **Mr. Ved Parkash,**

**12 ASN, Shastri Nagar,**

**Ludhiana.**

**A/c No.: 3001924628.**

**Through:**

Sh. Ved Parkash **…Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Model Town (Spl.) Division,

PSPCL, Ludhiana.  **...Respondent**

1. **BRIEF HISTORY**

Petition against case No.: CF-146/2023 has been filed as an appeal in the Forum by petitioner, in the matter related to A/c no. 3001924628 in the name of Sh. Ved Parkash. Petitioner is having DS category connection with sanctioned Load of 7.600KW under DS Model Town (Spl.) Division, PSPCL Ludhiana. Petitioner was issued bills dated 18.08.2022, 13.09.2022 & 12.11.2022 for consumption of 2332, 5756 & 1329 units respectively. Petitioner did not agree to these bills & working of meter and challenged his meter on dated 12.12.2022. Meter of the petitioner was replaced being challenged vide MCO no. 100020103141 dated 12.12.2022 effected on 22.12.2022. Replaced meter was sent to ME lab vide challan no. 3129 dated 23.12.2022 where accuracy of the meter was found within limits and DDL was taken on MRI. Petitioner was issued bill on dated 27.02.2023 amounting to Rs. 103000/- including previous arrears. Petitioner did not agree to the bill and filled his case in Circle CGRF, City West, PSPCL Ludhiana. Circle CGRF, City West, PSPCL Ludhiana in its decision dated 01.08.2023 decided that account of the petitioner be overhauled by dividing/spreading the consumption recorded during 13.11.2021 to 13.09.2022. Petitioner did not agree to it and filed his case in Corporate CGRF, Ludhiana.

Forum heard the case in its proceedings dated 15.11.2023, 21.11.2023, 29.11.2023 and finally on 05.12.2023, 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. Model Town Ludhiana (Respondent) along with copy of petition as follows: -*

1. *Respondent shall check/verify the bill dated 18.08.2022 of Rs. 45810/-(including Rs. 24389/-) as unpaid arrears for consumption of 2332 KWH for period from 13.05.2022 to 17.08.2022, bill dated 13.09.2022 of Rs. 97950/-(including previous unpaid arrears of Rs. 46024/-) for a consumption of 5756 KWH for a period from 17.08.2022 to 13.09.2022 and bill dated 12.11.2022 of Rs. 112840/-(including previous unpaid arrears of Rs. 100603/-) and bill dated 27.02.2023 of Rs. 103000/-.*
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. *Copy of decision of circle CGRF and its case file.*
5. *screenshots of meter taken before 05/2022, 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.*
6. *copy of current site checking report and copies of reports of checking carried out by various authorities previously.*
7. *copies of related job order clearly depicting date of effect thereof, ME lab reports of meter in dispute along with its DDL.*
8. *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.*
9. *Respondent shall further: -*
10. *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.*
11. *confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
12. *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.*

*Respondent is directed to submit complete DDL report along-with current site checking report on next date of hearing.*

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

*Due to unavoidable circumstances, date was postponed to 29.11.2023.*

***Proceedings dated: 29.11.2023***

*Respondent telephonically requested another date for submission of DDL report alongwith current site checking report and the same is admitted.*

*Petitioner marked his attendance but neither he appeared before the Forum nor submitted his rejoinder.*

***Proceedings dated: 05.12.2023***

*Respondent submitted documents/comments as directed in previous hearing.*

*Petitioner submitted his oral discussion in writing.*

*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. 3001924628, is having DS connection with sanctioned Load of 7.600KW, in the name of Sh. Ved Parkash, under DS Model Town (Spl.) Division, Ludhiana.
3. Petitioner in his petition pleaded as under:

*bynqI hyT ilKy Anuswr hY-*

* + - 1. *ieh ik drKwsqI ny Awpxy ibjlI dy mItr auBogqw nMbr 3001924628 dy ibjlI dw ib~l ijAwdw Awaux Aqy mItr loV nwlo qyz c~lx sbMDI iSkwieq vDIk ingrwn ieMjInIAr, sMcwlk, ADIn p~CmI hlkw, luiDAwxw dy idqI sI[*
			2. *ieh ik iesdI suxvweI vDIk ingrwn ieMjInIAr/sMcwlk, ADIn p~CmI hlkw luiDAwxw jI dy pws c~lI, ijs ivc drKwsqkrqw ny AwpxIAW dlIlW pyS kIqIAW, pr vDIk ingrwn ieMjInIAr/sMcwlk swihb ny ienHW dlIlW ƒ AxgoilAW krdy hoey hukm imqI hukm nMbr 11431/37. imqI 08-08-2023 pws krdy hoey drKwsqI ƒ hukm idqw hY ik drKwsqI Awpxy v~loN vrqI geI ivvwdq ibjlI dy XUintW dw ib~l mhIny vwiez ikSqW ivc jmHW krvwey, jdik drKwsqI ny ies sbMDI iSkwieq kIqI sI, jo Kpq ausny kIqI hI nhI, ausdw Bwr byvjHw pwvrkwm aus aupr pw irhw hY Aqy aus v~loN iSkwieq aupr vI koeI ivcwr nhI kIqw igAw[ ivvwdq hukm dI kwpI nwl n~QI hY[*
			3. *ieh ik drKwsqI aukq ibjlI dI Kpq sbMDI Aqy Awey aukq hukm qy AsMquSt hY Aqy iesdI ApIl Awp jI dy dPqr ivc dwier krnw cwhuMdw hY[ jdik mihkmw Awpxy aukq hukmW Anuswr drKwsqI qo ib~l dI irkvrI dy hukm aupr bwijd hY Aqy ies qrHW drKwsqI dy sivDwnk AiDkwrW dw aulMGx kr irhw hY[*

*ies leI Awp jI ƒ bynqI hY ik hukm nMbr 11431/37, imqI 08-08-2023 aupr AglyrI kwrvweI sbMDI rok lweI jwvy Aqy drKwsqI ƒ ApIl dwier krn Aqy dsqwvyjI sbUq pyS krn dw mOkw idqw jwvy qy ienswP idqw jwvy[*

*He further submitted as under:*

*We would like to submit that bills in dispute began from 18.08.2022, then we received bill of 13.09.2022 of Rs. 97950 and then bill dated 12.11.2022 of 112840. I challenged the meter. Meter was replaced but bill not corrected. Then I received bill dated 27.02.2023 of 103000/- we filed appeal in Circle CGRF.*

*Now Appeal is filed before you to decide upon bills in dispute.*

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

*Kpqkwr dw GrylU kYtwgrI dw kunYkSn hY, ijsdw mMnjUr Bwr 7.6 KW hY[ Kpqkwr dy Kwqy dI krnolojI GoKx qy ieh pwieAw ik Kpqkwr 12/2021 qoN bwAd ibjlI dy ib~lW dw AinXmq Bugqwn kr irhw hY[ ausny swl 2022 dorwn kyvl 2 vwr 20-20 hzwr rkm dw Bugqwn kIqw hY[*

*swl 2021 iv~c Kpqkwr dw mItr Krwb hox krky imqI 24.05.2021 ƒ nvW Pyz mItr, PlYS myk, sIrIAl nM. 288621 lgw id~qw igAw sI Aqy Kpqkwr dI rUtIn ivc Kpq irkwrf kIqI jw rhI sI, mhInw 08/2022, 09/2022 Aqy 11/2022 iv~c grmIAW dy smyN dOrwn 2332 XUintW, 5756 Aqy 1329 XUint Kpq irkwrf kIqI geI, ijs qoN sMquSt nw hox krky Kpqkwr v~loN imqI 12.12.2022 ƒ Awpxw mItr cYlMj kIqw igAw, cYlMj kIqw mItr 100020103141 imqI 12.12.2022 lwgU imqI 22.12.2022 nwl bdlI krky AYm.eI clwn nM. 3129 imqI 23.12.2022 ƒ lYb iv~c cY~k krvwieAw igAw, ijQy Kpqkwr dy mItr dI AYkurysI KWH mof qy sImw iv~c pweI geI Aqy fI.fI.AYl., AYm.Awr.AweI qy lY ilAw igAw[ Kpqkwr v~loN AYm.eI irzlt qoN bwAd vI Awpxy ib~lW dw bkwieAw jmW nhIN krvwieAw igAw Aqy ausny Awpxw kys mwxXog srkl sI.jI.Awr.AYP iv~c ivcwrn sbMDI lwieAw igAw[ srkl sI.jI.Awr.AYP dy PYsly Anuswr Kpqkwr dw Kwqw 1143 rupey nwl soD id~qw igAw hY[ Kpqkwr v~loN ifsipaUtf rkm qoN ielwvw hux vI mhInw 05/2023,06/2023, 07/2023, 08/2023 Aqy 11/2023 dy ib~l (n~QI stytmYNt) jmW nhI krvwey jw rhy hn[ Kpqkwr dw kys 5 prqW iv~c iqAwr krky ByijAw jWdw hY jI[*

1. Petitioner submitted his rejoinder/oral discussion, as under:

*We have mentioned three Bills under dispute, specifically Bills under dispute for 5756 units for 27 days which comes out to be 213 units per day which is not possible for the load of 7.6kwh in just 27 days and that too in winter season. After replacement of the meter in dispute. Bills were generated of zero amounts as the new meter was working properly. However, the newly replaced meter also became defective in mid of year 2023 and same was replaced on 01.08.2023, However the bill generated on 10.08.2023 of 47895 against consumption was made on average basis of the corresponding previous year consumption which is already filed in dispute before you the meter even still not being checked creating harassment. Four months have been passed and there is not ME lab report yet. We kindly request Forum to respondent to immediately check our meter which was replaced on 01.08.2023 further request forum to give us one more date.*

1. The Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder 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 the bill dated 27.02.2023 amounting to Rs. 103000/- including previous arrears along-with the decision dated 01.08.2023 of Circle CGRF, City West, PSPCL Ludhiana.
2. Forum observed that petitioner was issued bills dated 18.08.2022, 13.09.2022 & 12.11.2022 for consumption of 2332, 5756 & 1329 units respectively. Petitioner did not agree to these bills & working of meter and challenged his meter on dated 12.12.2022. Meter of the petitioner was replaced being challenged vide MCO no. 100020103141 dated 12.12.2022 effected on 22.12.2022. Replaced meter was sent to ME lab vide challan no. 3129 dated 23.12.2022 where accuracy of the meter was found within limits and DDL was taken on MRI. Thereafter, Petitioner was issued bill dated 27.02.2023 amounting to Rs. 103000/- including previous arrears. Petitioner did not agree to the bill and filed his case in Circle CGRF, City West, PSPCL Ludhiana. Circle CGRF, City West, PSPCL Ludhiana in its decision dated 01.08.2023decided as under: -

*“kys ivcwrn auprMq Porm v`loN PYslw kIqw igAw ik imqI 13.11.2021 qoN 13.09.2022 q`k Kpqkwr dI drj hoeI ku`l Kpq nUM iehnW hI mhIinAW iv`c vMf ky Kwqw soD id`qw jwvy[”*

Petitioner not satisfied with the decision of Circle CGRF, City West, PSPCL Ludhiana, filed an appeal in Corporate CGRF, Ludhiana.

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

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|  | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan | 588 | D | 529 | O | 376 | O | 98 | O | 235 | O | 127 | O |
| Mar | 55 | D | 502 | O | 450 | O | 429 | D | 253 | O |  |  |
| Apr |  |  |  |  |  |  | 844 | D |  |  | 832 | O |
| May | 1359 | C | 1039 | O | 844 | O | 146 | D | 376 | O | 661 | O |
| June  |  |  |  |  |  |  |  |  |  |  | 777 | D |
| July | 2714 | O | 2654 | O | 2500 | O | 2087 | O |  |  | 6565116 | DD |
| Aug |  |  |  |  |  |  |  |  | 2332 | O | 353 | O |
| Sept | 2191 | O | 1967 | O | 1991 | O | 2600 | O | 5756 | O | 1388 | O |
| Oct |  |  |  |  |  |  |  |  |  |  | 851 | O |
| Nov | 979 | O | 1485 | O | 1659 | O | 1081 | O | 1329189122 | OOO | 308 | O |
| **Total** | **7886** |  | **8176** |  | **7820** |  | **7285** |  | **10592** |  | **11069** |  |

Forum observed that, the annual consumption of the petitioner from 2018 to 2023 (upto 11/2023) has been recorded as 7886, 8176, 7820, 7285, 10592 and 11069 units. Forum observed that the consumption of 10592 units recorded during 2022 is comparatively high w.r.t. previous years particularly the consumption of 5756 units recorded during 09/2022. Such a high consumption in any particular bi-cycle was never recorded before or after the replacement of meter. Petitioner during the hearing submitted that consumption recorded during the disputed bills specifically bill dated 13.09.2022 comes out 5756 units which is not possible for a load of 7.600kw in just 27 days. Site of the petitioner was checked and LCR no. 73/898 dated 05.12.2023 was prepared when reading was recorded as 3048KWH and the connected load was found as 3.234KW against sanctioned load of 7.600KW. Forum observed that the consumption of 5716 units in one billing cycle of 27 days (212 units per day) is not at all possible with sanction/connected load of the petitioner. Even with LDHF formula, the bimonthly consumption with connected load of 3.234kwh comes out 466 units only.

Forum also observed that the dispute filed by Petitioner in CLDSC was against bills issued from 18.08.2022 to 12.11.2022, but CLDSC in its decision decided to distribute the consumption recorded from 13.11.2021 to 13.09.2022 without specifically quoting the reasons even when the bills had already been issued on ‘O’ codes. Moreover, the circle CGRF, deciding that this is a case of accumulation of energy, has not recommended to take any action against the meter reader/meter reading agency for taking wrong readings. Also, the decision of the Forum is not based on any regulations/ instructions of the Distribution Licensee/PSERC, hence the Circle CGRF had erred in passing such order.

During proceedings respondent was directed to submit complete DDL report of the meter. Respondent submitted the copy of ASE/ME Lab Ludhiana memo no. 1249 dated 05.12.2023 addressed to the respondent, as per which only one page of ‘instantaneous report’ of the DDL is available. From this available data nothing can be concluded regarding the above issue. Therefore, in the absence of the DDL report, and in view of the consumption data, Forum observed that consumption of the order of 9417 units recorded in the bills issued from 08/2022 to 11/2022 was never recorded before or after the replacement of meter and as such it must have been recorded due to some malfunctioning of the meter during this period. Therefore, although accuracy of the meter on dial test was found OK in ME Lab, but exceptionally high consumption of 9417 units recorded in disputed period indicates that the meter misbehaved in this duration and it had become defective, hence reading recorded by it cannot be relied upon. Therefore, the meter is required to be treated as defective. Relevant Regulation 21.5.2 of Supply Code 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. In view of the above discussion, Forum is of the opinion that the bill dated 18.08.2022 (excluding arrears), 13.09.2022 & 12.11.2022 issued to the petitioner, are not justified and are liable to be quashed and the decision dated 01.08.2023 of Circle CGRF, City West, PSPCL Ludhiana is liable to be set aside. The account of the petitioner is required to be overhauled from 13.05.2022 to 22.11.2023 (date of replacement of meter) on the basis of energy consumption recorded during the corresponding period of the previous year as per Reg. 21.5.2 (a) of Supply Code-2014.

Keeping in view the above, Forum came to unanimous conclusion that the bills dated 18.08.2022 (excluding arrears), 13.09.2022 & 12.11.2022 issued to the petitioner be quashed and the decision dated 01.08.2023 of Circle CGRF, City West, PSPCL Ludhiana be set aside. The account of the petitioner be overhauled from 13.05.2022 to 22.11.2023 (date of change of meter) on the basis of energy consumption recorded during the corresponding period of the previous year as per Reg. 21.5.2 (a) 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 & observation of Forum,

Forum decides that: -

1. **The bill dated 18.08.2022 (excluding arrears), 13.09.2022 & 12.11.2022 issued to the petitioner are quashed and the decision dated 01.08.2023 of Circle CGRF, City West, PSPCL Ludhiana is set aside. The account of the petitioner be overhauled from 13.05.2022 to 22.11.2023 (date of change of meter) on the basis of energy consumption recorded during the corresponding period of the previous year as per Reg. 21.5.2 (a) 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: 08.12.2023**