**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-152/2023**

**Date of Registration : 29.11.2023**

**Date of Closing : 05.12.2023**

**Date of Final Order : 08.12.2023**

**In the Matter of:**

 **Sh. Gurdwara Sahib,**

**Ranchi Colony, V. Threeke,**

**Ludhiana.**

**A/c No.: 3001889533.**

**Through:**

Sh. Swaran Singh  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Aggar Nagar Divn. (Spl.),

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

1. **BRIEF HISTORY:**

Petition against case No.: CF-152/2023 has been filed as an appeal in the Forum by Sh. Swaran Singh, in the matter related to DS connection bearing A/c no. 3001889533, in the name of Sh. Gurdwara Sahib with sanctioned Load of 3.940 KW under DS Aggar Nagar Division, PSPCL, Ludhiana. Meter of the petitioner was changed on 04.11.2022 being defective vide MCO no. 100019754083 dated 04.11.2022. Meter was sent to ME Lab vide challan no. 1301 dated 30.11.2022 where it was accepted as burnt and its reading was verified as 48488 Kwh. As per this reading, Audit party pointed out the unbilled (48488kwh – 14879kwh) = 33609 kwh units and proposed to charge an amount of Rs. 289178/- vide half margin no. 33 dated 16.05.2023. Respondent charged this amount as Sundry charges in the bill dated 15.07.2023. Petitioner did not agree to the amount charged to him and filed his case in Zonal CGRF, PSPCL Ludhiana. Zonal CGRF in its decision dated 25.08.2023 held that the consumption recorded as per final reading recorded in ME Lab should be spread over four years preceding the date of change of meter and should be charged according to the tariff applicable at that time. Petitioner did not agree to this decision of Zonal CGRF, PSPCL Ludhiana and filed his case in Corporate CGRF Ludhiana.

Forum heard the case in its proceeding dated 29.11.2023 and finally on 05.12.2023 when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 29.11.2023***

*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. Agar Nagar Ludhiana (Respondent) along with copy of petition as follows:*

1. *Respondent shall check/verify the amount of Rs. 289178/- charged in bill dated 15.07.2023 of Rs. 292820/-, on account of difference in final reading as per ME challan and reading already billed in SAP of 33609 units (48488-14879).*
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 audit half margin no. 33 dated 16.05.2023.*
5. *copy of decision of Zonal CGRF along with its case file.*
6. *screenshots of meter taken before 07/2023, 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.*
7. *copy of current site checking report and copies of reports of checking carried out by various authorities previously.*
8. *copies of related Job order clearly depicting date of effect thereof, ME lab report and DDL report of meter in dispute.*
9. *regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
10. *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.*
11. *Respondent shall further: -*
12. *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.*
13. *confirm the status of up-to-date payments and shall ensure that no bill other than the amount in dispute, is pending.*
14. *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 05.12.2023.*

***Proceedings dated: 05.12.2023***

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

*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. 3001889533, is having DS connection with sanctioned Load of 3.940 KW, in the name of M/S Gurudwara, under DS Aggar Nagar Division, Ludhiana.
3. The Petitioner in his Petition prayed that: -

*ibjlI mihkmy v`loN ies Kwqw nMbr 3001889533 iv`c vwDU ibl 292820 rUpY imqI 15.07.2023 nUM Byj id`qw igAw sI jo ik srwsr njwiej hY Aqy ies ib`l dI iftyl shI nhIN hY, jo ik AsI pihlW hI mihkmy nUM AYplIkySn dy cu``ky hW pr koeI vI ies muqlk kwrvweI shI nhIN ho skI jo ik jon. sI.jI.Awr.AYP. iv`c 29721 rupY pihlW hI jmWH krw cu`ky hW jo ik lgBg 10% jmHW krw c`ky hW ies krky Awp jI nUM drKwsq rwhIN bynqI kIqI jWdI hY ik vwDU ibl dI fmWf Kwrj kIqI jwvy Aqy drusq krky ies Kwqy nUM shI kIqw jwvy jo jmHW krweI rkm-29721 rupY vwps kIqI jwvy Awp jI dy DMnvwdI hovWgy jI, ApIl lgwaux iv`c hoeI dyrI nUM mwP kIqw jwvy[*

1. The Respondent in his reply stated that: -

**Brief History:**

*In this case, the consumer has a DS category Connection. The approved/sanctioned load is 3.940 kw. As per Consumer Meter reading record the average bill of D code has been issued to consumer from dt 15.03.2022 to dt. 04.11.2022. The defective meter was changed through MCO no. 100019754083 dated 04.11.2022 and after that meter was checked in ME lab vide challan no. 1301 dated: 30.11.2022. As per the report "Meter is burnt. Final reading on the challan was 48488kwh units. Apart from this, on dated: 17.01.2018 reading of 9932 kwh was recorded and after that on dated 19.03.2018 a reading of 397 kwh was punched by meter reader after assuming meter of 4 Figures X code (Round Complete). The total units billed as per reading record are 14879 units (10000kwh units of previous meter round complete on X-code 4879 units). Therefore, Revenue Audit party has charged the amount of Rs. 289178/- for the difference of 33609kwh units (48488kwh-14879kwh) vide half margin no. 33 dt. 16.05.2023 with which the consumer did not agree and filed his case at Zonal-CGRF As per the Zonal-CGRF decision the consumption recorded as per final reading recorded in ME lab should be split over four years preceding the date of change of meter and should be charged according to the tariff applicable at time. (Decision copy attached). The consumer did not agree with the above Zonal CGRF decision and he filed the appeal before Corporate CGRF.*

*The reply to the petitioner is as under:*

* 1. *Consumer has been charged amounting to Rs. 289178/- vide half margin no.33 dt. 16.05.2023 by audit party for the difference of 33609kwh units which is correct and recoverable*
	2. *Copy of the half margin vide which the above amount was charged is attached herewith.*
	3. *copy of decision of Zonal-CGRF is attached herewith.*
	4. *Consumption data of 5 years is attached herewith.*
	5. *Current LCR alongwith copies of checking carried by authorities previous attached herewith.*
	6. *Copy of MCO, challan report of ME lab is attached herewith.*
	7. *All the documents have been checked and verified by the undersigned.*
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 amount of Rs. 289178/- proposed to be charged by IA/RAP, Estate Division vide Half Margin no. 33 dated 16.05.2023 and charged by respondent as Sundry charges in the bill dated 15.07.2023; and that of decision dated 25.08.2023 of Zonal CGRF, Central Zone, PSPCL, Ludhiana.
2. Forum observed that meter of the petitioner was changed on 04.11.2022 being defective vide MCO no. 100019754083 dated 04.11.2022. Meter was sent to ME Lab vide challan no. 1301 dated 30.11.2022 where it was accepted as burnt and its reading was verified as 48488 Kwh. As per this reading, Audit party pointed out the unbilled (48488kwh – 14879kwh) = 33609 kwh units and proposed to charge an amount of Rs. 289178/- vide half margin no. 33 dated 16.05.2023. Respondent charged this amount as Sundry charges in the bill dated 15.07.2023. Petitioner did not agree to the amount charged to him and filed his case in Zonal CGRF, PSPCL Ludhiana. Zonal CGRF in its dated 25.08.2023 decided as under: -

*“The Forum finds that due to non-recording of actual readings by meter readings such consumption has accumulated over the years. The Forum decides that the consumption recorded as per final reading recorded in ME Lab should be spread over four years preceding the date of change of meter and should be charged according to the tariff applicable at the time. After this, the consumer should be informed about the amount so due and the amount due may be recovered in six installments. The case is decided.”*

Petitioner did not agree to the above decision and filed an appeal in Corporate CGRF Ludhiana.

Forum Further observed the consumption pattern of the petitioner submitted by the Respondent, tabulated below: -

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Year | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|  | Cons  | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan | 161 | O | 313 | O | 14 | O | 72 | O | 182 | O | 26 | O | 227 | C |
| Mar | 261 | O | 465 | X |  |  | 182 | P | 24 | O | 28 | O | 55 | O |
| May | 544 | O | 679 | O |  |  | 93 | O | 26 | O | 26 | D | 62 | O |
| Jun |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| July | 834 | O | 857 | O | 813 | P | 58 | P | 50 | O | 49 | D | 64 | O |
| Sept | 94 | O | 102 | N | 826 | O | 883 | P | 62 | O | 61 | D | 60 | O |
| Oct |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Nov | 1619 | O | 1274 | O | 60 | O | 52 | P | 62 | O | 34 | D | 63 | O |
| Dec |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Total** | **3513** |  | **3588** |  | **900** |  | **165** |  | **406** |  | **224** |  | **531** |  |

From the above consumption data his consumption for the years from 2017 to 2023 is 3513, 3588, 900, 165, 406, 224 and 531 (upto 11/2023) units respectively. It is observed that most of the bills during 2018 & 2019 were issued on ‘P’ codes. It is observed that the meter reader declared the disputed meter defective in May 2022, but as per the data it appears that it actually became defective at some point of time in Jan. 2019 as the consumption recorded by it dipped considerably thereafter. Further, the latest consumption for a period of approx. one year from the date of installation of new meter i.e. 04.11.2022 upto the date of LCR no. 10/2433 i.e. 05.12.2023 is 2713kwh.

Forum observed further that as per SAP system, single phase meter of unspecified make bearing Sr. No. 65575 was existing at site for connection of the petitioner bearing A/c no. 3001889533 on 04.11.2022 as depicted in MCO no. 100019754083 dated 04.11.2022. This meter, being defective was changed on 04.11.2022. However, a meter of Avon make bearing Sr. No. 74293 and having reading 48488kwh was sent to ME Lab against account of the petitioner as defective meter, where it was accepted as Burnt and its reading was verified as 48488kwh.

 Billing of the petitioner had been done upto 4879kwh. IA/RAP proposed to charge this difference of so-called final reading of burnt meter recorded in ME Lab. The instructions regarding billing in such cases are stipulated in Regulation 21.5.2 of PSERC Supply Code 2014 as per which the reading of a defective/burnt meter does not have any significance and it cannot be relied upon/used for billing. Such action of Revenue Audit Parties in charging hefty amounts to hapless consumers on the basis of the so-called final readings of burnt/defective meters in violation of Supply Code is required to be stopped. Chief Auditor PSPCL, Patiala should take note of this and issue necessary instructions accordingly. It is also observed that Audit party had pointed out regarding the difference in Sr. nos. of meter installed as per SAP and meter removed from site in its half margin but respondent did not take any action regarding this. He neither replied to the above query nor submitted any document(s) in this regard to this Forum. Respondent must enquire this matter and take action accordingly. Further meter reader/meter reading agency is also responsible as they could not take note of a considerable fall in the consumption and declare the meter defective in time. Action is required to be taken in this regard also.

Regulation 21.5.2 of PSERC Supply Code 2014 dealing with the billing of consumers in case of Defective/Burnt meter is reproduce below: -

*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”.*

 In view of the above regulation, billing in this case of a defective/burnt meter is required to done on average basis and not on the basis of the so-called final reading of meter and that too probably an unrelated one, as done by the Respondent in this case following a baseless Audit-Para by IA/RAP Estate Division. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as oral arguments and other material brought on record. Forum is of the opinion that Sundry charges amounting to Rs. 2,89,178/- charged in the bill dated 15.07.2023 on the basis of Audit para no. 33 dated 16.05.2023 are liable to be quashed. Account of the petitioner is required to be overhauled as per regulation 21.5.2(d) of Supply Code-2014 (as the consumption of previous year(s) is not reliable) for a period of six months prior to the date of change of disputed meter i.e. 04.11.2022. Forum observed that the Zonal CGRF, Central Zonal, Ludhiana erred in its judgement while deciding the case on 25.08.2023 by entertaining/relying upon the reading of a burnt meter and that too without establishing that the disputed meter actually belonged to the petitioner. Hence, its decision dated 25.08.2023 is liable to be set aside. As discussed above, Chief Auditor PSPCL, Patiala should issue necessary instructions in this regard. Respondent also must also investigate the matter regarding difference of particulars of the meter and take necessary action accordingly. Further the action of meter reader/meter reading agency may also be enquired and action be taken in this regard.

Keeping in view the above, Forum came to unanimous conclusion that Sundry charges amounting to Rs. 2,89,178/- charged in the bill dated 15.07.2023 on the basis of Audit para no. 33 dated 16.05.2023 be quashed. Account of the petitioner be overhauled as per regulation 21.5.2(d) of Supply Code-2014, for a period of six months prior to the date of change of disputed meter i.e. 04.11.2022. The decision dated 25.08.2023 of Zonal CGRF, Central Zone, Ludhiana be set aside.

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 25.08.2023 of Zonal CGRF, Central Zone, Ludhiana is set aside. Sundry charges amounting to Rs. 2,89,178/- charged in the bill dated 15.07.2023 on the basis of Audit para no. 33 dated 16.05.2023, are quashed. Account of the petitioner be overhauled as per regulation 21.5.2(d) of Supply Code-2014 for a period of six months prior to the date of change of disputed meter i.e. 04.11.2022.**

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: 08.12.2023**