**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-156/2023**

**Date of Registration : 05.12.2023**

**Date of Closing : 12.12.2023**

**Date of Final Order : 15.12.2023**

**In the Matter of:**

**Smt. Bhawna,**

**163-Skati Vihar, Haibowal Kalan,**

**Ludhiana.**

**A/c No.: 3007610057.**

**Through:**

Sh. Parvesh Chadha **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

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

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

1. **BRIEF HISTORY:**

Petition against case No.: CF-156/2023 has been filed directly in the Forum by Sh. Parvesh Chadha in the matter related to A/c no.3007610057. Petitioner is having NRS category connection with sanctioned load of 8.00 KW under DS Aggar Nagar (Spl.) Division, PSPCL, Ludhiana. Petitioner received bills on very high consumption for the period from 16.04.2022 to 10.12.2022 and therefore challenged his meter by depositing Rs. 450/- as meter challenge fee on 14.12.2022 vide receipt no. 212800368449. Meter of the petitioner was changed vide MCO no. 100022789618 dated 10.08.2023 effected on 04.08.2023. Removed meter was checked in ME Lab vide challan no. 31 dated 12.08.2023 wherein it was reported that meter is running without load; meter is internally defective and DDL could not be done. However, bills of the petitioner were not corrected. Further petitioner also prayed for compensation as per Standard of Performance, as meter was not replaced for eight months. Aggrieved with this, Petitioner filed a case in Corporate CGRF, Ludhiana. Forum heard the case in prehearing on dated 05.12.2023, where it was decided as under: -

*Respondent submitted preliminary reply to the petition.*

*Forum observed that there are 2 disputes filed before the Forum. 1st dispute is related to billing against which petitioner has deposited Rs. 1Lac and 2nd dispute is related to award of compensation for delay in replacement of meter.*

*After hearing both the parties Forum decided to register the case for dispute related to billing only, further dispute regarding award of compensation cannot be considered in this Forum in accordance to regulation 26 of Supply Code 2014 amended from time to time. Petitioner is at liberty to approach appropriate authority for compensation for delay in replacement of meter.*

As per above, Forum heard the case in its proceedings dated 12.12.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 12.12.2023***

*Respondent submitted documents as directed in pre-hearing dated 05.12.2023 and the same is taken on record. One copy handed over to petitioner.*

*Petitioner submitted rejoinder in five no. of sets and the same is taken on record.*

*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 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. 3007610057, is having NRS category connection with sanctioned load of 8.00 KW, in the name of Smt. Bhawna, under DS Aggar Nagar (Spl.) Division, Ludhiana.
3. The Petitioner in his Petition prayed that: -

*With due respect, it is requested that the petitioner is a consumer of PSPCL and having a connection under NRS category vice account no. 3007610057 with SL-8.00 kw. The connection is running at plot no.163 Shakti Vihar Haibowal Kalan Ludhiana, under U-3 Haibowal unit under ASE. OP Aggar Nagar spl. Division PSPCL Ludhiana. The petitioner is submitting as below:*

1. *The connection was released by PSPCL on dt.01.11.2021 with Load 8.00 kw in NRS category after completing all formalities.*
2. *That since its installation the meter was recording abnormal consumption as per use. The premises were used for Go down of yarn and load was not fully used.*
3. *That first bill was issued on 24.02.2023 for 3712 units on "N" code, second bill was issued on 16.04.2022 on "O" code for 1483 units i.e. for 167 days and per day consumption was 8.88 units.*
4. *That next bills were also issued for higher consumption as under:*

*Date 15-06-2022 R-05699 "O" consumption=4214 kwh*

*Date 10-08-2022 R-16208 "O" consumption=10519 kwh*

*Date13-10-2022 R-27108 "O" consumption=10900 kwh*

*Date 10-12-2022 R-35364 "N" consumption=8256 kwh.*

1. *That the petitioner visited billing branch to rectify the excess bills issued on higher side but no such responses received as such meter was challenged by depositing fee Rs 450/-vide R-212800368449 dt. 14-12-2022 copy attached. The PSPCL issued Job order vide no. 100022789618 dt. 10.08.2023 to be finish on 16.08.2023 i.e. 8 months late.*
2. *That on 11.05.2023 bill was issued on "O" code R-42940 & till replacement of meter all bills were issued on "N" coder-45820 upto 20.07.2023, on 2.08.2023 on "p" code & on03.08.2023 "O" code with same readings 48260. the meter was shown replaced on 04.08.2023 but job order was issued on 10.08.2023. This aspect needs to be investigated.*
3. *That the removed meter was sent to ME Lab vide challan no. 31 dt.12.08.2023 and as per ME Lab. Report,* ***meter is creeping without Load and defected internally. DDL not recorded.***

***KWH Reading=51807 Kvah=53471 [4.19 C.M.S. MS.33.19]***

1. *That the bills are not amended according to results as such the petitioner forced to approach the FORUM for justice.*
2. *That the PSPCL has not work according to the rules framed itself and violated the instructions issued vide ESIM-2018 no. 55.2 as under:*

***55 REPLACEMENT OF METERS / METERING EQUIPMENT:***

***55.1 Reporting of defective/burnt meters by meter readers:*** *Meter Readers will prepare a list of defective/burnt meters that has come to their notice while recording readings and submit the same in the office on the same day and MCO will be issued within 2 days. These meters will be replaced by PSPCL within 10 days of receipt of complaint in case of defective meters and 5 days in case of burnt meters as per time schedule laid down in the Standards of Performance (Annexure-1 of Supply Code-2014). Advice for these MCO cases will be generated and submitted to the CBC cells along with data and shall be cleared in next cycle data.*

***55.2 Defective/burnt meters reported by consumers:*** *Where defective meter is reported by the consumer, it will be checked for correctness within 7 working days of receipt of complaint or report of the defect (stuck-up, slow/fast or creeping). Meter shall be replaced within 10 working days of the receipt of complaint/report as per provisions of Standards of Performance of Supply Code-2014. In case of burnt meters, MCO will be issued within 2 days and meter will be replaced within next 3 days. Advices of these cases will be generated and submitted to concerned CBC cells along with data and shall be cleared in next cycle data.*

*The meter under dispute was challenged and it was to be replaced within 10 days but it was replaced after 8 months from its challenge. The meter was challenged on 14-12-2022 and replaced on 10.08.2023.*

1. *That the PSPCL is liable to pay compensation for the delay and harassment to petitioner, as per Slandered of Performance (Annexure-1 of Supply Code-2014 no. 3.1) @ Rs. 200/- per day of default beside rectifies the bills since prior to 6 month of challenge dt.14-12-2022 to replacement of meter.*
2. *That PSPCL has not act as per instructions and not replaced the meter immediately. The account of the petitioner be charged as per test results being Meter running fast without Load and petitioner had no fault. As per LDHF =8x25x12x40%=960x2=1920 kwh bimonthly. The supply used for Go down where the consumption was not due to which the meter was challenged on 14-12-2022 after 44 days on the installation of meter.*
3. *That the petitioner has deposit Rs. 100000/-vide R-199229268 dt.16-10 2023 of disputed bill as per CCHP for review the case in FORUM.*
4. The Respondent in his reply to petition stated that: -

*ਇਸ ਕੇਸ ਵਿੱਚ ਖਪਤਕਾਰ ਦਾ ਇੱਕ NRS category ਦਾ ਕਨੈਕਸ਼ਨ ਚੱਲ ਰਿਹਾ ਹੈ ਜਿਸ ਦਾ ਮੰਜੂਰ ਭਾਰ 8 KW ਹੈ। ਇਸ ਕੇਸ ਵਿੱਚ ਖਪਤਕਾਰ ਵੱਲੋਂ 14/12/22 ਨੂੰ ਮੀਟਰ ਚੈਲੰਜ ਦੀ ਅਰਜੀ ਦਿੱਤੀ ਗਈ ਸੀ। ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ MCO No. 100022789618 ਰਾਹੀਂ 4/8/23 ਨੂੰ ਬਦਲਿਆ ਗਿਆ। ਇਹ ਮੀਟਰ ME Lab ਵਿਖੇ ME challan no. 31 ਮਿਤੀ 12/8/23 ਰਾਹੀਂ ਚੈੱਕ ਕਰਵਾਇਆ ਗਿਆ। ME Lab ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਿਕ ਮੀਟਰ ਬਿਨ੍ਹਾ ਲੋਡ ਤੇ ਚਲਦਾ ਹੈ ਮੀਟਰ ਅੰਦਰੂਨੀ ਤੌਰ ਤੇ ਖਰਾਬ ਹੈ, DDL ਨਹੀਂ ਆ ਰਿਹਾ। ਸਪਲਾਈ ਕੋਡ ਦੀ ਧਾਰਾ 21.5 ਮੁਤਾਬਿਕ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਵੱਧ ਤੋਂ ਵੱਧ 6 ਮਹੀਨਿਆਂ ਲਈ ਸੋਧਿਆ ਜਾ ਸਕਦਾ ਹੈ, ਪਰ ਖਪਤਕਾਰ ਇਸ ਦੇ ਨਾਲ ਸਹਿਮਤ ਨਹੀਂ ਹੋਇਆ ਕਿਉਂਕਿ ਖਪਤਕਾਰ ਮੁਤਾਬਿਕ ਮੀਟਰ 15/6/22 ਤੋਂ ਤੇਜ ਚਲ ਰਿਹਾ ਹੈ। ਇਸ ਲਈ ਖਪਤਕਾਰ ਨੇ ਆਪਣਾ ਕੇਸ ਕੋਰਪੋਰੇਟ ਸੀ.ਜੀ.ਆਰ.ਐਫ. ਵਿਖੇ ਲਗਵਾ ਲਿਆ।*

1. The Petitioner in his rejoinder stated that: -

*With due respect that the rejoinder to the reply given by the PSPCL on dt. 5.12.2023 during the prehearing is as under:*

1. *That my meter was running fast was challenged on 14.12.2022 by depositing fee Rs. 450/- vide R-212800368449 but was changed on 11.08.2023 as per MCO attached with the reply. The PSPCL Has not explained the reason of pendency of 240 days and issued MCO no. 1000022789618 on dt. 10.08.2023.*
2. *That the deficiency on the part of PSPCL create a harassment to petitioner & has not rectify the bill against challenge even the challenge meter was declared FAST in ME Lab vide challan no.31 dt. 12-08-2023. The respondent also not vacated the Challenge of Meter till the filling the dispute case before the Hon'ble Corporate Forum.*
3. *That the default meter running fast as such my bills needs to be rectifies since prior to 6 month of challenge dt.14-12-2022 till the removal/ replacement of meter i.e. 11.08.2023 on the basis of consumption recorded prior to Six Month of challenge. As per supply code-2014 Reg. 21.5 (b).*

*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.*

1. *That the consumption from 1-12-2021 to 15.06.2022 recorded as OK prior to SIX month is 5699 for 226 days, so per day consumption is 25.22 kwh units & Monthly consumption is 757 kwh units needs to be charged for disputed period. The Units as per LDHF are 8x25x12x40%=960 per month.*
2. 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 all the bills issued to the petitioner from the date of release of connection till the date of removal of meter in dispute amounting to Rs. 555946/-.
3. Forum observed that petitioner received bills on very high consumption for the period from 16.04.2022 to 10.12.2022 and therefore challenged his meter by depositing Rs. 450/- as meter challenge fee on 14.12.2022 vide receipt no. 212800368449. Meter of the petitioner was changed vide MCO no. 100022789618 dated 10.08.2023 effected on 04.08.2023. Removed meter was checked in ME Lab vide challan no. 31 dated 12.08.2023 wherein it was reported that meter is running without load; meter is internally defective and DDL could not be done. However, bills of the petitioner were not corrected. Aggrieved with this, Petitioner filed a case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent, as under:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year | 2022 | | 2023 | |
| Month | Cons. | Code | Cons. | Code |
| Jan |  |  | 7065 | N |
| Feb | 3712 | N | 8970 | O |
| Mar |  |  | 4448 | N |
| Apr | 1483 | O | 195 | N |
| May |  |  | 258 | P |
| Jun | 4214 | O | 6862 | O |
| Jul |  |  | 2880 | N |
| Aug | 10509 | O | 2440  5320 | P  O |
| Sep |  |  | 4347 | C |
| Oct | 10900 | O | 4866 | O |
| Nov |  |  | 3559 | O |
| Dec | 8256 | N | 2835 | O |
| **Total** | **27106** |  | **39457** |  |

Forum observed that the annual consumption of petitioner for the year 2022 and 2023 is 27106 and 39457 units respectively. Forum observed that consumption of the order of 10509 KWH and 10900 KWH charged to petitioner in the months 08/2022 and 10/2022 has never been recorded after replacement of the meter. Site of the petitioner was checked and LCR no. 42/2425 dated 12.12.2023 was prepared wherein connected load of 13.894 KW was found against sanctioned load of 8.00 KW. Forum observed that estimated monthly consumption as per LDHF formula specified by Honorable PSERC comes out to be 1667.28 KWH (13.894x25x12x0.4) for his connected load of 13.894 KW. Moreover, meter of the petitioner was checked in ME Lab wherein it was reported as under: -

“*ਮੀਟਰ ਬਿਨਾਂ ਲੋਡ ਤੇ ਚੱਲਦਾ ਹੈ। ਮੀਟਰ ਅੰਦਰੂਨੀ ਤੌਰ ਤੇ ਖਰਾਬ ਹੈ। DDL ਨਹੀਂ ਆ ਰਿਹਾ।*”

Obviously, the meter of the petitioner was defective & running without load as such the readings recorded by the meter do not reflect his genuine consumption. Therefore, these readings cannot be relied upon.

Meter of the petitioner was reported internally defective by the 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 the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder, oral discussions made by Petitioner along with material brought on record. Keeping in view the above Forum is of the opinion that all the bills issued to the petitioner for the period from 15.06.2022 till the date of removal of meter in dispute are liable be quashed. Account of the petitioner is required to be overhauled from six month prior to date of challenge of meter till its date of replacement i.e. 04.08.2023 on the basis of average consumption recorded upto 12.12.2023 (as per LCR no. 42/2425 dated 12.12.2023) by the new meter installed on 04.08.2023 in view of Regulation no. 21.5.2(d) of Electricity Supply Code and Related Matters Regulations-2014, as the previous year consumption cannot be relied upon due to variation in consumption and excess connected load detected in checking. Forum further observed that petitioner in his petition had pleaded that there was long delay in changing the meter which caused undue harassment to him. Forum had asked the respondent to explain reasons for delay in change of meter and how the meter was changed on 04.08.2023 against MCO dated 12.08.2023. to which respondent replied as under:

*“ies kys iv`c Kpqkwr vloN 14.12.22 nUM mItr cYlMj dI ArjI id`qI geI sI[ Kpqkwr dI ArjI au`pr 16.12.22 nUM MCO jwrI kIqw igAw ijs dw MCO No. 10020139764 hY[ Technical Issue kwrx ies job order qy meter issue nhIN ho irhw sI[ ies leI 12.08.23 nMU iek hor MCO jwrI kIqw igAw ijs dw MCO no. 10022789618 hY[ ies MCO nwl Kpqkwr dw mItr bdilAw igAw[ Technical issue hox kwrn mItr bdlI hox iv`c dyrI ho geI”[*

Forum observed the above reasons and directed the respondent to be vigilant in future and ensure timely issuance & compliance of job orders particularly in meter challenge cases.

Keeping in view the above, Forum came to unanimous conclusion that all the bills issued to the petitioner for the period from 15.06.2022 till the date of removal of meter in dispute be quashed. Account of the petitioner be overhauled from six month prior to date of challenge of meter till its date of replacement i.e. 04.08.2023 on the basis of average consumption recorded upto 12.12.2023 (as per LCR no. 42/2425 dated 12.12.2023) by the new meter installed on 04.08.2023 in view of Regulation no. 21.5.2(d) of Electricity Supply Code and Related Matters Regulations-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. **All the bills issued to the petitioner for the period from 15.06.2022 till the date of removal of meter in dispute are quashed. Account of the petitioner be overhauled from six month prior to date of challenge of meter i.e. 14.12.2022 till its date of replacement i.e. 04.08.2023 on the basis of average consumption recorded upto 12.12.2023 (as per LCR no. 42/2425 dated 12.12.2023) by the new meter installed on 04.08.2023 in view of Regulation no. 21.5.2(d) of Electricity Supply Code and Related Matters Regulations-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: 15.12.2023**