**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-165/2023**

**Date of Registration : 08.12.2023**

**Date of Closing : 19.12.2023**

**Date of Final Order : 22.12.2023**

**In the Matter of:**

 **Sh. Jaspal Singh S/o Gurdev Singh,**

**Halwara, Ludhiana.**

**A/c No.: U13HL172503L.**

**Through:**

Sh. Jaspal Singh  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Adda Dakha. Divn.,

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

1. **BRIEF HISTORY:**

Petition against case No.: CF-165/2023 has been filed as an appeal in the Forum by Sh. Jaspal Singh in the matter related to a/c no. U13HL172503L. The Petitioner is having DS-WSD category connection with sanctioned load of 0.880 KW in the name of Sh. Jaspal Singh under Op. Division, PSPCL Adda Dakha. As per Meter Reader, the display of the meter got defective and meter was replaced being defective vide MCO no. 179/2024 dated 16.03.2021 effected on dated 25.03.2021. During the checking of the accounts of the petitioner, Audit party vide half margin no. 06/21 dated 16.07.2021 noticed the difference in the final reading entered in ME-2 register and billed reading (9788-5738) = 4050 units and pointed out short assessment amounting to Rs. 31286/-. This amount of Rs. 31286/- was charged by the respondent office to the petitioner in the bill issued on dated 28.10.2021 as sundry charges. Petitioner did not agree to these sundry charges and filed his case in Divisional CGRF, PSPCL Adda Dakha. Divisional CGRF, PSPCL Adda Dakha in its decision dated 12.09.2023 decided that amount charged to petitioner is correct and recoverable. Petitioner did not satisfy with the decision of Divisional CGRF, PSPCL Adda Dakha and filed an appeal in Corporate Forum, Ludhiana. Forum heard the case in its proceedings dated 12.12.2023 and finally on 19.12.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 12.12.2023***

*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. Adda Dekha, Jalandhar (Respondent) along with copy of petition as follows: -*

1. *Respondent shall check/verify the amount charged of Rs. 31286/-in bill dated 28.10.2021 under the head sundry charges for difference in reading billed and final reading found in ME lab of 4050 units on basis of audit half margin no. 06 dated 16.07.2021.*
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 Divisional CGRF.*
5. *Copy of audit half margin 06/2021 dated 16.07.2021.*
6. *screenshots of meter taken before 03/2021, 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(s) clearly depicting date of effect thereof, ME lab reports of meter in dispute(s) along with its DDL.*
9. *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.*
10. *Respondent shall further: -*
11. *confirm that dispute filed in this Forum has not been decided earlier by any Court/Forum or any other authority between PSPCL and Petitioner and no case pertaining to this dispute is pending before any Court/Forum or any other authority. In case of non-confirmation, it will be presumed that dispute filed in this Forum has not been decided earlier by any Court/Forum or any other authority between PSPCL and Petitioner and no case pertaining to this dispute is pending before any Court/Forum or any other authority.*
12. *confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
13. *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. In case of non-confirmation, it will be presumed that 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 19.12.2023.*

***Proceedings dated: 19.12.2023***

*Representative of PSPCL submitted authority letter vide Memo No. 5840 dated 15.12.2023 duly signed by ASE/Op. Adda Dakha Divn. PSPCL, Ludhiana and the same has been taken on record.*

*Respondent submitted reply in five no. of sets and the same is taken on record. One copy handed over to the petitioner.*

*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/reply to the rejoinder 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. U13HL172503L, is having DS\_WSD connection with sanctioned load of 0.880 KW, in the name of Sh. Jaspal Singh, under DS Division, PSPCL Adda Dakha.
3. The Petitioner in his Petition prayed that: -

*bynqI hY ik mYN jspwl isMG pu~qr gurdyv isMG vwsI ipMf hlvwrw qihsIl rweykot, ijlw luiDAwxw dw rihx vwlw hW[ sRI mwn jI myry nwm qy GrylU ibjlI mItr ijsdw Kwqw nMbr U13HL172503L l~gw hY[ ies mItr dw 10/2021 dw ibl 31,286/- rupey AwieAw sI[ ieh ibl myrI Kpq qy bhuq ijAwdw AwieAw sI[ iesy smyN dOrwn pMjwb srkwr ny swry Kwqw DwrkW dy bkwieAw ib~l mwP kr id~qy sn[ ies mwPI ivc myrw ibl nhIN pwieAw igAw[ aus qoN bwAd mYN iek kys A~fw dwKw ivKy lgwieAw sI[ ijs ivc myrI suxvweI nhIN hoeI hY[ mYN ies PYsly qy sMqust nhIN hW[ ies PYsly qoN pihlW hI mihkmy ny mYƒ koeI jwxkwrI id~qy ibnw hI myrw ieh kunYkSn k~t id~qw igAw hY[ ies qoN bAwd mYN 2 mhIny dy AMdr luiDAwxw ivKy ies kys ƒ muV ivcwrn leI kys lgwauxw sI prMqU suDwr sb stySn v~loN mYƒ dsqwvyj hI lyt id~qy gey[ ijs kwrn myrw kys lyt ho igAw hY Aqy ies kys dI jo 20% PIs hY aus mYN Adw kr cu~kw hW[ mYN ies sbMDI ibjlI mMqrI, pMjwb ƒ vI imilAw sI auhnW ny vI mYƒ ikhw sI ik ieh ib~l muAwPI ADIn hY[ Awp jI ƒ bynqI hY ik myrw ieh kys ivcwr krky myrw ieh ib~l muAwP kIqw jwvy jI[ mYN Awp jI dw Aiq DMnvwdI hovwgw[*

1. The Respondent in his reply to petition stated that: -

*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 (Sent)*

* 1. *Copy of decision of Divisional CGIRF (attached)*
	2. *Copy of audit half margin 06.2021 dated 16.07.2021 (attached)*
	3. *Screenshots of meter taken before 03.2021. 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. (previous 5 years consumption data attached)*
	4. *Copy of current site checking report and copies of reports of checking carried out by various authorities previously. (attached)*
	5. *Copies of related job order(s) clearly depicting date of effect thereof, ME lab reports of meter in dispute(s) along with its DDL. (attached)*

*Respondent shall further: -*

* + - * 1. *There is no case pertaining to this dispute is pending before any court/Forum or any other authority.*
				2. *The last payment (6260/-) Rs. was cleared by consumer on dated 06.06.2023 outstanding payment is pending yet.*
				3. *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. in case of non-confirmation, it will be presumed that complainant/applicant/ petitioner competent/authorised person to file/defend the case on behalf of the consumer of the above a/c no (yes)*

*ihstrI: -*

*Kpqkwr dw mItr Krwb hox kwrn MCO no. 179/2024 imqI: 16.03.2021 nwl bdilAw igAw sI[ ijs smyN ies dI Kpq 7560 drj kIqI geI, ijs nUM Awift pwrtI v`loN Awift krdy smyN Half Margin No. 06/2021 imqI: 16.07.2021 nwl PweInl rIifMg 9788 pweI geI[ ijs Anuswr Awift pwrtI v`loN 4050 Unit dw Prk pwieAw igAw[ ijsdI Awift pwrtI v`loN bwbq rkm 31286/- rupey cwrj kIqy gey sn[*

*it`pxI:-*

*Kpqkwr nUM PweInl rIifMg Anuswr jo rkm cwrj kIqI geI hY, auh shI vHw augrwhuxXog hY[*

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 Rs. 31286/- charged to the petitioner in the bill issued on dated 28.10.2021 against half margin no. 06/2021 dated 16.07.2021 on account of difference of final reading entered in ME-2 register and SAP billed reading, held as correct and recoverable vide decision dated 12.09.2023 of Divisional CGRF, PSPCL Adda Dakha.
2. Forum observed that as per Meter Reader, the display of the meter got defective and meter was replaced being defective vide MCO no. 179/2024 dated 16.03.2021 effected on dated 25.03.2021. During the checking of the accounts of the petitioner, Audit party vide half margin no. 06/21 dated 16.07.2021 noticed the difference in the final reading entered in ME-2 register and billed reading (9788-5738) = 4050 units and pointed out short assessment amounting to Rs. 31286/-. This amount of Rs. 31286/- was charged by the respondent office to the petitioner in the bill issued on dated 28.10.2021 as sundry charges. Petitioner did not agree to these sundry charges and filed his case in Divisional CGRF, PSPCL Adda Dakha. Divisional CGRF, PSPCL Adda Dakha in its decision dated 12.09.2023 decided as under: -

*“Porm v`loN pI.E. v`loN pyS kIqw irkwrf GoiKAw igAw Aqy pwieAw igAw ik AYm.eI. clwn muqwibk Pwienl rIifMg 9788 XUint drj kIqI geI hY, ijs Anuswr cwrj kIqI geI rkm shI hY[ Kpqkwr v``loN bynqI kIqI geI ik pMjwb srkwr v`loN swl 2021 q`k dy ibl mwP kr id`qy gey sn, so ausdw ib`l mwP kIqw jwvy[ Porm v`loN PYslw ilAw igAw ik Pwienl rIifMg Anuswr Kpqkwr nUM cwrj kIqI rkm shI Aqy augrwhuxXog hY[”*

Petitioner did not satisfy with the decision of Divisional CGRF and filed an appeal in Corporate Forum.

Forum observed the consumption pattern submitted by the Respondent as reproduced below: -

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Year | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Feb | 55 | O | 56 | O | 134 | O | 3 | O |  |  |  |  | 3 | O |  |  |
| April | 9 | O | 65 | O | 17 | O |  |  | 24 | O | 58 | O | 33 | O |  |  |
| May |  |  |  |  |  |  |  |  |  |  | 394 | C | 15 | O |  |  |
| June | 106 | O | 115 | O | 92 | O | 197 | O | 210 | O | 2 | O | 209 | O |  |  |
| Aug | 208 | O | 270 | O | 310 | O | 431 | O | 530 | O |  |  | 214 | O | 943 | O |
| Oct | 248 | O | 195 | O | 240 | O | 311 | O | 560 | O | 2 | O |  |  | 486 | O |
| Dec | 77 | O | 105 | O | 25 | O | 19 | O |  |  |  |  |  |  |  |  |
| **Total** | **703** |  | **806** |  | **818** |  | **961** |  | **1324** |  | **456** |  | **474** |  | **1429** |  |

As per the above data, the annual consumption of the Petitioner from 2016 to 2023 is 703, 806, 818, 961, 1324, 456, 474 & 1429 units respectively.

Forum observed that the disputed meter was working correctly upto March/2021 (reading recorded as 5738Kwh) as per consumption data submitted by the respondent, upto which bills were issued on ‘O’ codes. Thereafter, as per MCO, meter reader reported the display as defective and even the reading/display was not visible when MCO was effected on 25.03.2021. Respondent could not produce the ME Lab report of the meter in dispute. The final reading mentioned on ME-2 register is 9788KWH as per which the consumption comes out as (9788-5738) = 4050 units in just two months which is not possible with small SL of 0.88KW. further consumption after change of meter was appx. 478 units in about 16 months,

Site of the petitioner was checked and LCR no. 18/1286 dated 15.12.2023 was prepared as per which connected load was found as 0.200KW against sanctioned load of 0.880KW and reading was recorded as 1444Kwh. Forum observed that difference of 4050 units against period of two months charged on the basis of the so-called final reading mentioned on ME-2 register, has never been recorded before and after the replacement of disputed meter.

Forum also observed that no reading was mentioned on MCO while replacing the meter but readding of 9788 has been mentioned on the ME-2 register where ‘display defective’ has also been written. Therefore, this final reading mentioned on ME-2 register and resultant consumption which is charged to the petitioner, is not justified. Forum observed that the meter was changed being defective (display defective) by the Respondent. 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: -*

*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 as well as oral arguments and other material brought on record. Keeping in view the above, Forum is of the opinion that the meter of the petitioner was replaced being defective, so its reading mentioned on ME-2 register cannot be treated as genuine reading. Therefore, the amount of Rs. 31286/- charged as sundry charges against half margin no. 06/2021 dated 16.07.2021 (on account of difference of final reading mentioned in ME-2 register and SAP billed reading), in the bill issued on dated 28.10.2021 to the petitioner, is not justified and liable to be quashed. Hence the Decision of Divisional CGRF, PSPCL Adda Dakha dated 12.09.2023 is liable to be set aside.

Keeping in view the above, Forum came to unanimous conclusion that the amount of Rs. 31286/- charged as sundry charges in the bill issued on dated 28.10.2021 to the petitioner be quashed. The Decision of Divisional CGRF, PSPCL Adda Dakha dated 12.09.2023 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 amount of Rs. 31286/- charged as sundry charges in the bill issued on dated 28.10.2021 to the petitioner, is quashed. The Decision dated 12.09.2023 of Divisional CGRF, PSPCL Adda Dakha, is set aside.**
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**

 **-On Leave-**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE/Commercial, PSPCL**

**Place: Ludhiana**

**Date: 22.12.2023**