**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-125/2023**

**Date of Registration : 22.09.2023**

**Date of Closing : 03.10.2023**

**Date of Final Order : 06.10.2023**

**In the Matter of:**

 **Sh. Gurdiyal Singh**

 **H. no. 334/8225/Atwal,**

 **Maya Nagar.**

**A/c No.: 3001901065.**

**Through:**

Sh. Charanjit Singh  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

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

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

1. **BRIEF HISTORY:**

Petition against case No.: CF-125/2023 has been filed directly in the Forum by Sh. Charanjit Singh/PR, in the matter related to A/c no. 3001901065having DS category with sanctioned load of 2.38 KW, in the name of Sh. Gurdiyal Singh under Agar Nagar (Spl.) Divn. PSPCL, Ludhiana. Meter of the petitioner was replaced being defective vide MCO no. 100016743191 dated 16.02.2022 effected on dated 20.05.2022. Replaced meter was sent to ME Lab vide challan no. 375 dated 18.06.2022 where the meter was accepted as burnt and final reading was recorded as 193805 KWH. During the checking of the accounts of the petitioner, Audit party through half margin, pointed out difference in Final reading recorded in ME lab and Billed reading (193805-16574) = 176215 units and raised the amount of Rs. 1196953/-. Accordingly, respondent issued notice to petitioner vide memo no. 1093 dated 27.06.2023, amounting to Rs. 1196953/-. Later on, this amount was charged in the bill dated 17.07.2023. Petitioner did not agree with the amount charged to him and filed his case in Corporate CGRF. Forum heard the case in its proceeding dated 25.09.2023 and finally on 03.10.2023 when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 25.09.2023***

*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.*

*Respondent shall submit live copies of the following record/documents before the Forum: -*

1. *Respondent shall confirm that there is no case pending before any Court/Forum or any other authority between PSPCL and Petitioner.*
2. *Respondent shall confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
3. *Respondent shall confirm that the complainant/applicant/petitioner is competent/authorised person to file/defend the case on behalf of the consumer of the above a/c no.*
4. *Respondent shall also ensure the following action: -*
5. *He will submit point-wise/para-wise reply to the petition in form of hard copy & soft copy through email at* *secy.cgrfidh@gmail.com**.*
6. *He will check/verify the amount of Rs. 1196953/ charged vide notice no. 1093 dated 27.06.2023 on account of difference in reading billed in SAP and final reading as per ME challan of 176215units.*
7. *He will submit 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.*
8. *He will submit copy of current site checking report and further submit copies of checking carried out by various authorities previously.*
9. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab report and DDL report of meter in dispute.*
10. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
11. *Ensure that all the documents have been checked/verified & signed by ASE/Sr. XEN and he will be responsible for the authenticity of the documents/information submitted to the Forum.*

*The case be put up on 03.10.2023*

***Proceedings dated: 03.10.2023***

*Respondent submitted five copies of reply to petition along-with the record/documents and the same has been 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 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. 3001901065of DS category with sanctioned load of 2.38 KW, in the name of Sh. Gurdiyal Singh under DS Agar Nagar (Spl.) Divn. PSPCL, Ludhiana.
3. The Petitioner in his Petition prayed that: -
	* + 1. *That this is a DS connection with SL of 2.380 KW.*
			2. *That the audit party has wrongly charged the difference of 1,76,215 units against the ME challan which is absolutely wrong and unjustified.*
			3. *That this meter was installed dated 25/05/2015 and was removed dated 20/05/2022 as per consumption data provided by the PSPCL. If we see the entire period from the installation up to the removal of meter, it is very clear that the reading recorded is in 4 digits and 5 digits. But the reading taken wrongly by audit party as per ME challan is of 6 digits resulting in a false consumption and thus making a difference of 1,76,215 units which is really impossible, because the final reading as per consumption data dated 19/05/2022 stands with 5 digits as 17,590 KWH on "D" code and on date 15/07/2021 by 16,590 KWH with "O" code.*
			4. *That the meter was changed dated 20/05/2022 and now if we see the period from 15/07/2021 (with "O" code) until the change of meter dated 20/05/2022, which stands up to 10 months only. That the final reading as wrongly alleged by the target party by 1,93,805 KWH and the reading recorded dated 15/07/2021 as 16,574 KWH, and if we calculate both the consumptions which stands up to 1,93,805 minus 16,574 which equals 1,77,231 KWH in just 10 months which is absolutely not possible at all against the tiny load of 2.380 KW.*
			5. *That this meter was declared burnt and the DDL could not be retrieved as per ME lab which also clears that the meter software got damaged resulting in showing the wrong reading by 1,93,805 KWH.*
			6. *That the meter was checked in the ME lab in our absence as when the same was removed from our premises, we asked them to kindly intimate us the date of checking so that we can be present there, but to our utter surprise the same was not done.*

*Prayer: So at last, it is our humble request by keeping in view the above stated true facts to kindly quash the illegal demand of huge amount for the sake of justice.*

1. The Respondent in his reply stated that: -

*ies kys iv`c Kpqkwr dw ie`k GrylU kunYkSn l`gw hY ijsdw mMzUr Bwr 2.38 ik:vw hY[ ies kys iv`c Kpqkwr dw mItr Krwb (Defective) hox kwrn M.co.no. : 100016743191 imqI : 16.02.2022 rwhIN 20.05.2022 nUM bdilAw igAw[ ieh mItr ME Lab iv`Ky ME challan no.: 375 imqI 18.06.2022 rwhIN cY`k krvwieAw igAw[ ME Lab dI irport muqwibk mItr defective hox kwrn cY`k krvwieAw igAw Aqy pVq 193805 KWH AweI hY[ Awift pwrtI v`loN ies irport dI pVq muqwibk Kpqkwr nUM XuintW dy Prk v`joN 176215 Xuint cwrz kIqy gey[ ijsdI ku`l rkm 1196953/- rupey Kpqkwr dy Kwqy nUM cwrz kIqy gey[ Kpqkwr ies cwrz hoeI rkm nwl sihmq nhIN hoieAw Aqy aus ny Awpxw kys corporate CGRF iv`Ky lgvw ilAw[*

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. 1193953/- charged in the bill dated 17.07.2023 as sundry charges along-with notice issued on account of 176215 units due to difference in Final reading of 193805Kwh recorded in ME Lab and already Billed reading as 16574Kwh.
2. Forum observed that Meter of the petitioner was replaced being defective vide MCO no. 100016743191 dated 16.02.2022 effected on dated 20.05.2022. Replaced meter was sent to ME Lab vide challan no. 375 dated 18.06.2022 where the meter was accepted as burnt and final reading was recorded as 193805 KWH. During the checking of the accounts of the petitioner, Audit party through half margin, pointed out difference in Final reading recorded in ME lab and Billed reading (193805-16574) = 176215 units and raised the amount of Rs. 1196953/-. Accordingly, respondent issued notice to petitioner vide memo no. 1093 dated 27.06.2023, amounting to Rs. 1196953/-. Later on, this amount was charged in the bill dated 17.07.2023. Petitioner did not agree with the amount charged to him and filed his case in Corporate CGRF.

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2019** | **2020** | **2021** | **2022** | **2023** |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan | 38 | O | 39 | O | 465 | O | 43 | D | 1193 | O |
| Mar | 25 | O | 89 | O | 696 | O | 85 | D | 591 | O |
| May | 69 | O | 152 | O | 555 | O | 489 | D | 295 | O |
| Jul | 196 | O | 199 | N | 1006 | O | 61 | C | 668 | O |
| Sept | 162 | O | 2223 | O | 152 | D | 63 | O | 1729 | N |
| Nov | 227 | O | 1062 | O | 247 | D |  |  |  |  |
| **TOTAL** | **717** |  | **3764** |  | **3121** |  | **741** |  | **2747** |  |

Forum observed that the annual consumption of petitioner from 2019 to 2023 (upto 07/2023) is 717, 3764, 3121, 741, and 2747 units respectively. Forum observed that the consumption of the petitioner remained consistent from 2020 to 2023 with minor variation. Petitioner in his petition pleaded that this meter was installed on dated 25.05.2015 and was removed on dated 20.05.2022. As per consumption data provided by the PSPCL for the entire period from the installation up to the removal of meter, it is very clear that the reading recorded is in 4 digits or 5 digits. But the reading taken wrongly by audit party as per ME challan is of 6 digits resulting in a false consumption and thus making a difference of 176215 units which is really impossible as the last reading on ‘O’ code was recorded as 16590 KWH on 15.07.2021. Forum observed that meter had already been reported as defective in the reading recorded on 13.09.2021 and was continuously shown as defective till its replacement on dated 20.05.2022. Meter of the petitioner was checked in ME Lab vide challan no. 375 dated 18.06.2022, where meter was declared burnt and its DDL could not be taken. In this regard Respondent submitted email sent by ASE/ME Divn. PSPCL, Ludhiana dated 16.08.2023 where it was reported as under: -

“*Meter found burnt in ME lab and as declared on ME challan. So DDL of the meter could not be retrieved. This is for your information and further necessary action please*.”

Forum also observed that consumption after change of meter is 6017 units from 20.05.2022 to 17.07.2023 i.e., average of about 430 units per month. Forum observed that difference of 176215 units has been charged on the basis of final reading of a burnt meter recorded in ME Lab. Moreover, meter was replaced being defective and same was accepted as Burnt in ME Lab, therefore the final reading recorded in ME Lab cannot be relied upon. 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 along with material brought on record. Keeping in view the above, Forum is of the opinion that as the meter was replaced being defective and same was accepted as burnt in ME Lab, therefore, the final reading recorded in ME Lab cannot be relied upon the meter being defective/burnt, as such, the amount of Rs. 1196953/- charged on the basis of half margin is not justified and liable to be quashed. The account of the petitioner is required to be overhauled for the period from 15.07.2021 to 20.05.2022 (i.e., date of change of meter) on the basis of consumption recorded during the corresponding period of the previous year as per Regulation no. 21.5.2(a) of Supply Code-2014.

Keeping in view the above, Forum came to the unanimous conclusion that the amount of Rs. 1196953/- charged as sundry charges in the bill dated 17.07.2023 along-with notice memo no. 1093 dated 27.06.2023 issued to the petitioner, be quashed. The account of the petitioner be overhauled for the period from 15.07.2021 to 20.05.2022 (i.e., date of change of meter) on the basis of consumption recorded during the corresponding period of the previous year as per Regulation no. 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 & observations of Forum,

Forum decides that: -

1. **The amount of Rs. 1196953/- charged as sundry charges in the bill dated 17.07.2023 along-with notice no. 1093 dated 27.06.2023 issued to the petitioner is quashed. The account of the petitioner be overhauled for the period from 15.07.2021 to 20.05.2022 (i.e., date of change of meter) on the basis of consumption recorded during the corresponding period of the previous year as per Regulation no. 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: 06.10.2023**