**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-134/2023**

**Date of Registration : 10.10.2023**

**Date of Closing : 17.10.2023**

**Date of Final Order : 19.10.2023**

**In the Matter of:**

 **Smt. Seema Sharma, Durga Dass,**

**98, Golden Avenue, Sh. Bhagat Singh Ngr.**

**Ludhiana.**

**A/C No.: 3007593691.**

**Through:**

Smt. Seema Sharma, **…Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Model Town (spl.) Divn.,

PSPCL, Ludhiana.  **…Respondent**

1. **BRIEF HISTORY**

Petition, against case no. CF-134/2023 has been filed as an appeal in the Forum by Smt. Seema Sharma, in the matter related to account no.3007593691. Petitioner is having DS connection with sanctioned load of 8 KW running under Op. Model Town Divn. PSPCL, Ludhiana. Earlier, the connection of the petitioner was running in the name of her father Sh. Jagdish Chander with account no. 3002756605. During 2021, Petitioner applied for change of name and extension in load from 2.90Kw to 8.00Kw. Meter of the petitioner was replaced due to extension of load with three phase meter vide MCO no. 100014880693 dated 26.08.2021 effected on 08.09.2021 as per SAP reading record. Replaced meter was checked in ME lab vide challan no. 83 on dated 13.12.2021 where meter was accepted as OK but its accuracy was not reported and final reading was recorded as 70828Kwh. In the meanwhile, Petitioner was issued final bill for his old account no. 3002756605 in the name of Jagdish Chander on dated 27.10.2021 for the period from 25.08.2021 to 08.09.2021(14 days) for the consumption of (70828-55410) = 15418 KWH amounting to Rs. 134770/-. Later on, this amount was transferred to his new account no. 3007593691 in the bill issued on dated 27.12.2021 (shown as previous unpaid bill arrears of Rs. 132333/-). Petitioner did not agree to this and filed his case in Circle CGRF, City West PSPCL Ludhiana. Circle CGRF, City West PSPCL Ludhiana in its decision dated 21.04.2023 decided that account of the petitioner be overhauled from 26.10.2020 to date of change of meter with the corresponding consumption of the new meter. Petitioner did not agree with the decision of Circle CGRF, City West PSPCL Ludhiana and filed appeal in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 10.10.2023 and finally on dated 17.10.2023 when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 10.10.2023***

*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/St. Xen/Op Model Town Ludhiana (Respondent) along with copy of petition.*

*Respondent shall submit five 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/authorized 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 be submitted in form of hard copy & soft copy (in word format) through email at* *secy.cgrfldh@gmail.com**.*
6. *He will check/verify the amount of Rs. 134770/- charged against for difference in reading of 15418 units in reading billed (55410) and the reading found in ME lab (70828) as claimed by Petitioner and submit complete details of amount charged to Petitioner.*
7. *He will submit copy of consumer case of change in name and load extension.*
8. *He will submit copy of case file of Circle CGRF and its decision.*
9. *He will submit screenshots of meter taken before 12/2021, 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.*
10. *He will submit copy of current site checking report and further submit copies of reports of checking carried out by various authorities previously, if any.*
11. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab reports of meter in dispute alongwith its DDL.*
12. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
13. *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 17.10.2023.*

***Proceedings dated: 17.10.2023***

*Respondent submitted four sets of reply to the petition and the same is taken on record. Petitioner will collect copy of reply from the O/O Respondent.*

 *Petitioner stated that her daughter, who normally stays at Bangalore, had been working from home at Ludhiana during the year 2022 due to which consumption increased.*

*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 is having DS connection, bearing account no. 3007593691, with sanctioned load of 8 KW in the name of Smt. Seema Sharma running under Op. Model Town (Spl.) Divn., Ludhiana.
3. The Petitioner in his Petition prayed that: -

*In contest to the subject cited above, it is kindly submitted that I am having a Domestic Supply connection with load of 8.00 KW under Model Town Division of City West Circle Ludhiana I was charged an amount of Rs. 1,34,770/ on account of difference of final reading recorded. I have earlier filed a case before the Circle CGRF, (West Circle), which was decided by the circle Forum vide meme no. 4982/85 Dated 15/05/2013 but no intimation was given to me about the decision. Rather when I again approached the Forum and Model Town Division, I was apprised that the decision has already been made. On insisting I was provided a copy of the decision but calculation regarding the amount chargeable after the decision has still not been provided by the Model Town Division. Harassed by both the authorities, I am forced to file an appeal before the Corporate CGRF. I also request the Corporate Forum that the delay in filling the appeal which is only due to the non-intimation by Circle Forum and Model Town Division may be condoned, please. I further submit that: -*

1. *A connection with account no. 3007593691 is running in my name i.e., Seema Sharma with a sanctioned load of 08.00 KW. But earlier this connection was running in the name of my father Sh. Jagdish Chander account no. 3002756605 and previously the load of the connection was 2.90 KW. I got changed the connection in my name and also got the load extended to 8.00 KW on dated 26.08.2021.*
2. *As per copy of the decision made available the date of change of name of connection is 26.08.2021 but as per copy of Job order for change of meter it is 13.09.2021 (which does not bear any consumer signature). So, all these discrepancies fails to convey when the change of name and change of meter at site was actually done.*
3. *I have been informed by the division office that an amount of Rs. 134770/- has been charged for 15418 units on account of difference of reading recorded at the time of replacement of single-phase meter with new three phase meter. Such high and erroneous consumption is not possible because on 25th August 2021 I was issued a bill for 866 Units which is consistent with the past consumption record. How could the meter record such consumption in a span of just 14 days. I strongly believe that the meter must have malfunctioned due to which such consumption is recorded. There is not even a single bill issued in the past or in future which supports such high consumption.*
4. *The single phase replaced meter or the disputed meter which was removed from site on 13.09.2021(according to the copy of job order) kept lying with the office till 13.12.2021 i.e., for three month the date on which the meter was finally checked by the ME Lab. Such a delay in the checking of meter is also against the rules of PSPCL which states that the meter must be checked in 15 days after the removal from site.*
5. *The decision of the Circle Forum is also not complete or clear. It just states that “Kpqkwr dw kys imqI 21.04.2023 nUM suixAw igAw[ Kpqkwr p`K qoN SRImqI sImw Srmw hwjr hoey[ pI.E. v~loN pyS kIqw irkwrf Porm v~loN GoiKAw igAw[ Kpqkwr dw Kpq fwtw vI GoiKAw igAw[ kys ivcwrn auprMq Porm v~loN PYslw kIqw igAw ik Kpqkwr dw Kwqw imqI 26.10.2020 qo mItr bdlI hox dI imqI q~k aus dI nvyN mItr v~loN iehnW mhIinAW iv~c irkwrf hoeI Kpq dw ADwr lY ky soD id~qw jwvy[”*

*Even if I go through the complete copy of the decision, I totally fail to understand how the Circle Forum has arrived at such a decision? The decision of Circle Forum is not correct as it has arbitrarily decided to: -*

1. *Overhaul the account from 26.10.2020 to the date of change of meter i.e., 13.09.2021 (as per job order) which* ***is more than the statutory limit of six month.*** *The authorities present at the time have failed to take into consideration the rules framed by Hon'ble PSERC which put a cap on the maximum period of overhauling to only six months.*
2. *The Circle Forum has not deliberated/decided that the consumption recorded at the time of change of meter is correct or not. So, if it cannot justify the consumption recorded at the time of change of meter to be correct then how it can decide to overhaul the bills already issued on "O" code basis or period which does not have any discrepancy.*
3. *The Circle Forum has decided to overhaul the account on the basis of* ***consumption recorded in corresponding period of the succeeding year****, which is also against the rules and regulation because consumption of the succeeding year can only be taken where base of corresponding period of previous year is not available. But in my case the connection was running since 2008. So* ***how the Circle Forum has decided to take base of succeeding year is totally wrong and out of context.*** *Moreover, the load was enhanced from 2.90 kW to 8.00 KW and thus consumption recorded after extension cannot be presumed or substituted into previous years and cannot be basis for overhauling as such. This is totally illogical and arbitrary. The new consumption needs to be examined on proportionate basis of load extension done.*
4. *The Circle Forum is correlating the consumption of single-phase meter with that of three phase meter after load extension. I do not deny the consumption recorded by the three-phase meter* ***but I totally disagree with the substitution of single phase meter consumption with the three phase meter consumption.***
5. *The Forum has not taken cognizance of the new electrical gadgets added after extension (copy of bills attached) i.e., Air conditioners installed after 31.08.2021 which necessitated to enhance the load from 1phase to 3 phase. The ACs were installed after 31.08.2021.*

*So as explained above, it is prayed that my case may kindly be admitted. The Decision of the Circle Forum may be set aside and I may be given justice.*

1. Respondentin his reply submitted as under:

*Regarding captioned subject, it is intimated that Petitioner' domestic category 8.00 kw connection bearing A/c No. 3007593691 has been running on her name since 26/08/2021, before it, connection was on Sh. Jagdish Chander name with CA No. 3002756605 & 2.90 kw sanctioned load. On dt 26/08/2021 the Petitioner has got change of name & extension of load of CA No. 3002756605 from Jagdish Chander, to Seema Sharma & 2.90 kw to 8.00 kw. Petitioner was already billed up to reading 55410 on 25/08/2021 of single-phase meter & while closing MCO No. 100014880693 dt 26/08/2021 issued against extension of load & replacement of single-phase meter with three phase meter, it was found single phase meter' final reading as 70828 on 09/09/2021 due to which a bill was generated on dt 27/10/2021 & issued for 15418 units (70828-55410) for Rs 134770/-. Neither old single-phase meter nor bill dt 27/10/2021 was challenged by the Petitioner. Replaced Meter was returned to ME lab vide challan no. 83 dt 13/12/2021. Petitioner did not make the payment of said bill.*

*In compliance to the decision of Hon'ble Circle CGRF account of the petitioner was overhauled according and as per attached calculation Rs.47872/- was required to be charged hence balance amount i.e. (134770-38328) = 96442/- and late payment surcharge of Rs.34610/- total amount 131052/- has been refunded to the petitioner. After the refund Rs.14897/- remained outstanding balance payable in her account.*

1. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent 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 27.10.2021 of his old a/c no. 3002756605 for the period 25.08.2021 to 08.09.2021 for the consumption of (70828-55410) = 15418 KWH amounting to Rs. 134770/-, which was revised to Rs. 47872/- on implementation of the decision dated 21.04.2023 of Circle CGRF, City West, PSPCL Ludhiana.
2. Forum observed that earlier, the connection of the petitioner was running in the name of her father Sh. Jagdish Chander with account no. 3002756605. During 2021, Petitioner applied for change of name and extension in load from 2.90Kw to 8.00Kw. Meter of the petitioner was replaced due to extension of load with three phase meter vide MCO no. 100014880693 dated 26.08.2021 effected on 08.09.2021 as per SAP reading record. However, as per MCO the date of change of meter has been written as 13.09.2021 which seems to be incorrect as the change of meter has already been effected on 08.09.2021. Replaced meter was checked in ME lab vide challan no. 83 on dated 13.12.2021 where meter was accepted as OK but its accuracy was not reported and final reading was recorded as 70828Kwh. Petitioner was issued final bill for his old account no. 3002756605 in the name of Jagdish Chander on dated 27.10.2021 for the period from 26.08.2021 to 08.09.2021(14 days) for the consumption of (70828-55410) = 15418 KWH amounting to Rs. 134770/-. Later on, this amount was transferred to his new account no. 3007593691 in the bill issued on dated 27.12.2021 (shown as previous unpaid bill arrears of Rs. 132333/-). Petitioner did not agree to this and filed his case in Circle CGRF, City West PSPCL Ludhiana. Circle CGRF, City West PSPCL Ludhiana in its decision dated 21.04.2023 decided the case as under:

*“Kpqkwr dw Kpq fwtw vwicAw igAw[ kys ivcwrn auprMq Porm v`loN PYslw kIqw igAw ik Kpqkwr dw Kwqw imqI 26.10.2020 qoN mItr bdlI hox dI imqI q`k aus dI nvyN mItr v`loN iehnW mhIinAW iv`c irkwrf hoeI Kpq dw ADwr lY ky soD id`qw jwvy[”*

Petitioner did not agree to the decision of Circle CGRF, City West PSPCL Ludhiana and filed his appeal in Corporate CGRF. Forum observed the KVAH consumption pattern of the petitioner submitted by the Respondent, as under: -

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Year | **2019** | **2020** | **2021** | **2022** | **2023** |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan |  |  |  |  |  |  |  |  | 551 | O |
| Feb |  |  | 390 | O | 427 | O | 590 | O | 346 | O |
| Mar |  |  |  |  |  |  |  |  | 160 | O |
| Apr | 512 | O |  |  | 455 | O | 724 | O | 175 | O |
| May |  |  | 563 | N |  |  |  |  | 226 | O |
| Jun | 825 | O | 454 | O | 690 | O | 2451 | O | 269 | O |
| Jul |  |  |  |  |  |  |  |  | 835 | O |
| Aug | 1075 | O | 872 | O | 866 | O | 2560 | O | 1100 | O |
| Sep |  |  |  |  | 15418 | O |  |  | 847 | O |
| Oct | 730 | O | 711 | O |  |  | 1355 | O | 803 | O |
| Dec | 405 | O | 410 | O | 511 | O | 293 | O |  |  |
| **Total** | **3547** |  | **3400** |  | **18367** |  | **7973** |  | **5312** |  |

Forum observed that, the annual consumption from 2019 to 2023 (upto 10/2023) has been recorded as 3547, 3400, 18367 (including disputed consumption of 15418 units), 7973, & 5312 units respectively. The consumption from 2019 to 2023 is almost consistent with respect to his sanctioned load except 15418 units recorded during 09/2021. Forum observed that such a high consumption of the order of 15418 units for the period 25.08.2021 to 09.09.2021 (14 days) was never recorded before or after the replacement of meter. The site of the Petitioner was checked vide LCR no. 76/883 dated 02.02.2023 where reading was recorded as 9884KWH and the connected load was found as 4.128 KW against sanctioned load of 8 KW. Further as per next checking report vide LCR no. 26/384 dated 12.04.2023 reading was recorded as 10290KWH. Now as per consumption data the reading has been recorded as 14350Kwh on 03.10.2023, which means the consumption of about 14350 units in about 24 months that is about 598 units per month.

Forum observed that Respondent failed to comment/submit point wise reply to the petition. Forum also observed that the reading record of the Petitioner’s previous account shows that, before the change of name was effected, bills were regularly being issued on the basis of ‘O’ code. On 25.08.2021, reading was recorded as 55410 Kwh and then on dated 09.09.2021, the reading was recorded as 70828 Kwh which means consumption of 15418 units in just 14 days which is very high and not possible. Even, if it is considered that she used the electricity for 24 hours on the sanctioned load of 2.90 KW (running at that time before extension of load) for these 14 days i.e., from 26.08.2021 to 09.09.2021, then also the maximum consumption for 14 days will be 975 kwh. The Respondent was asked to explain the consumption of 15418 units in just 14 days, but he failed to explain and did not provide any documentary evidence like DDL from which the consumption pattern or any misbehavior of the meter could have been checked.

The respondent also failed to prove that the readings recorded by the meter reader upto 25.08.2021 were incorrect. The onus to prove the correctness of amount charged was on the Respondent, which he failed to prove on the basis of any documentary evidence. Therefore, in view of the above discussion and in the absence of ME Lab report & DDL report, the meter is required to be treated as defective despite the fact that the meter was accepted as OK in 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 also observed that the Circle CGRF has decided to overhaul the account from 26.10.2020 till replacement of the meter without any basis and quoting relevant regulations/instructions of the Distribution Licensee, when bills to the petitioner upto 25.08.2021 were issued on ‘O’ codes and hence the Circle CGRF has erred in passing such order.

Forum has 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 discussion, Forum is of the opinion that the petitioner cannot be burdened with the illogical consumption of 15418 kwh in 14 days. Further the old account of the petitioner cannot be overhauled on the basis of the consumption of successive year because the disputed period relates to previous account running in the name of her father and that too with load of 2.900Kw. Hence the decision of Circle CGRF is required to be set aside. The bill dated 27.10.2021 amounting to Rs. 134770/- is liable to be quashed. The old account of the petitioner bearing no. 3002756605 is required to be overhauled from 25.08.2021 to the date of change of meter i.e., 08.09.2021 on the basis of energy consumption of corresponding period of previous year, as per Reg. 21.5.2(a) of Supply Code-2014 and the amount so calculated with due adjustment of LPS/LPI, is required to be recovered/refunded from/to the petitioner.

Keeping in view the above, Forum came to unanimous conclusion that the bill dated 27.10.2021 amounting to Rs. 134770/- for consumption of 15418 KWH issued on the basis of the reading of the meter, be quashed. The decision dated 21.04.2023 of Circle CGRF, City West, PSPCL Ludhiana be set aside. The old account of the petitioner bearing no. 3002756605, be overhauled from 25.08.2021 to the date of change of meter i.e., 08.09.2021 on the basis of energy consumption of corresponding period of previous year as per Reg. 21.5.2(a) of Supply Code-2014 and the amount so calculated with due adjustment of LPS/LPI, be recovered/refunded from/to the petitioner.

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 27.10.2021 amounting to Rs. 134770/- for consumption of 15418 KWH issued on the basis of the reading of the meter, is quashed. The decision dated 21.04.2023 of Circle CGRF, City West, PSPCL Ludhiana is set aside. The old account of the petitioner bearing no. 3002756605, be overhauled from 25.08.2021 to the date of change of meter i.e., 08.09.2021 on the basis of energy consumption of corresponding period of previous year as per Reg. 21.5.2(a) of Supply Code-2014 and the amount so calculated with due adjustment of LPS/LPI, be recovered/refunded from/to the petitioner.**
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: 19.10.2023**