

**PUNJAB STATE POWER CORPORATION LTD  
CONSUMERS GRIEVANCES REDRESSAL FORUM  
P-1, WHITE HOUSE, RAJPURA COLONY ROAD, PATIALA  
PHONE: 0175-2214909 ; FAX : 0175-2215908**

**Appeal No: CG-60 of 2013**

**Instituted On: 15.05.2013**

**Closed On: 16.07.2013**

**Sh. Sukhwinder Singh,  
C/o Khurana Industrial Corporation,  
Dashmesh Nagar, Gali No.12-1/2,  
Gill Road, Ludhiana.**

**.....Appellant**

**Name of Op/Division: Estate (Spl.) Ludhiana**

**A/c No.: MS-02/1411**

**Through**

**Sh. R.S.Dhiman, PR**

**V/s**

**PUNJAB STATE POWER CORPORATION LTD .....Respondent**

**Through**

**Er. P.S.Brar, ASE/OP. Divn. Estate (Spl.), Ludhiana.**

**BRIEF HISTORY**

**Petition No. CG-60 of 2013 was filed against order dated 07.02.2013 of the CDSC, City West Circle Ludhiana, deciding that the account of the consumer overhauled from 03/2010 to 08/2010 @ 4502 average units per month, is in order and amount is recoverable from the consumer.**

The consumer is having MS category connection with sanctioned load of 35.89 KW, operating under Op. Divn. Estate (Unit No.2), PSPCL, Ludhiana.

The connection of the consumer was checked at site by ASE/Enforcement vide ECR No. 13/359 dated 23.09.2010 and the energy meter was reported smoky. The meter was replaced vide MCO No. 50616 dated 23.09.2010, effected on 29.09.2010. The meter was sent to ME lab, where it was reported as burnt vide store challan dated 27.10.2010. The energy bill for the month of 09/2010 was issued on average consumption basis for 3680 units, which was duly paid by the consumer. The Internal Audit Party observed considerable fall in the consumption from 03/2010 onwards. The account was overhauled for the period 03/2010 to 08/2010, on the basis of consumption recorded during the corresponding period of previous year and amount of Rs.95413/- was charged to the consumer. The AEE/Comml. Estate Divn. issued supplementary bill on dated 15.10.2012, for Rs. 95413/-. The consumer did not agree to the amount of average charges raised on him and got referred his case for review by CDSC, City West Circle, Ludhiana. CDSC heard the case on 07.02.2013 and decided that the consumption of the consumer for the year 2011 & 2012 was in the range of 5000 units per month but audit overhauled the account on average basis of 4502 units per month, so the amount charged to the consumer is correct and recoverable.

Being not satisfied with the decision of CDSC, the consumer made an appeal in the Forum. The Forum heard the case in the proceedings held on 30.05.2013, 11.06.2013, 20.06.2013, 27.06.2013, 04.07.2013 and finally on 16.07.2013. Then the case was closed for passing speaking orders.

**Proceedings:-**

PR contended that the petitioner's meter got burnt in 9/2010 and was replaced on 23.9.2010 vide MCO No 50616 dated 23.9.2010. The disputed amount of Rs 95415/- was charged to the petitioner on this account by overhauling his account for the period 3/2010 to 8/2010 on the basis of consumption of corresponding months of the previous year. This is not in consonance with Reg 21.4(g) (ii) of supply code which relates to overhauling of account in case of burnt meter. According to this Regulation the account in such cases is to be overhauled for the period the burnt meter remained installed at site, and not anymore.

In the present case the meter got burnt in 9/2010 and was replaced in the same month on 23.9.2010. As such the petitioner's account needs to be overhauled for 9/2010 only. The disputed meter was working all right before 9/2010. Consumption recorded by the meter regularly before 9/2010 goes to prove that the meter was not burnt during this period. The fall of consumption from 2/2010 to 8/2010 is on account of less production in the factory, due to change of ownership of the premises. Copies of sale deed and rent deed attached with the petition establish beyond doubt that the plot was purchased by the petitioner Sukhwinder Singh on 4.2.2010 and rented out to Kartar Singh on 19.8.2010.

Representative of PSPCL contended that the connection was checked by ASE/Enf. Ludhiana vide ECR No. 13/359 on 23-09-2010 in which KWH reading is shown as 101938 and it is also mentioned that the point of demand (MDI) has stopped whereas the KWH reading is recorded as 103149 on 29-09-2010, the date of affecting

the MCO. This clearly indicates that the meter was not totally burnt but was defective, so the account of the consumer has rightly been overhauled as per ESIM 59.7 & supply code regulation 21.4 (g)(i). Further copies of rent deed submitted by the petitioner are also not registered, so these can be prepared any time. The petitioner in his application submitted to CDSC has admitted that he used to work in his factory but now he states that no work is being carried out in the factory.

PR further contended that ME Lab report shows conclusively that the meter was burnt. Hence regulation 21.4 (g) (ii) is squarely applicable in this case. Rent deed submitted by the petitioner is not very relevant in this case. As such it is immaterial whether it is registered or not.

Further PSPCL contended that meter was checked by ASE/Enf. on 23-09-2010 and the display of the meter was smoky at that time and it was not declared as burnt. But the reading of the meter on 29-09-2010 clearly indicates that the meter was not burnt on 23-09-2010 i.e. the date of checking by Enf. Hence regulation 21.4 (g) (i) is applicable in this case.

**Observations of the Forum:-**

After the perusal of petition, reply, written arguments, proceedings, oral discussions and record made available to the Forum, Forum observed as under:-

The appellant, Sh. Sukhwinder Singh, purchased the property along with electricity connection bearing Account No. MS-02/1411, from the previous owner Sh. Sanjeev Kumar on 15.02.2010. The premises were given on rent w.e.f 18.08.2010 to Sh. Kartar Singh. The copy of the rent deed provided by the petitioner is not registered with

concerned competent authority. The energy meter of the consumer was declared defective/ smoky, by ASE/Enforcement on 23.09.2010, where after it was reported burnt in ME lab. The electricity consumption of the consumer before 03/2010 is in the range of 4000-5000 units per month. The consumption for the period 03/2010 to 08/2010 (disputed period) is between 946 units to 1875 units. The meter was replaced in 09/2010 and thereafter the recorded consumption is in the range of 5000-6000 units per month. Thus the meter can be considered as defective from 03/2010 onwards till replacement. The account of the consumer was overhauled for the period 03/2010 to 08/2010, on the basis of consumption recorded during the same period of previous year.

PR contended that meter got burnt in 09/2010 and was replaced on 23.09.2010. The overhauling of account for the period 03/2010 to 08/2010 is not in consonance with Regulation 21.4(g) (ii) of Supply Code, which prescribed for overhauling of account for the period the burnt meter remained installed at site. The fall of consumption from 02/2010 to 08/2010 is due to less production in the factory, due to change of ownership of the premises. PR further contended that rent deed submitted before the Forum is not very relevant in this case.

PSPCL contended that energy meter of the consumer was not totally burnt but was defective at the time of checking by ASE/Enf. on 23.09.2010. The display of the meter was smoky. Hence regulation 21.4(g) (ii) of Supply Code is applicable in this case. PSPCL further contended that the copy of rent deed submitted by the petitioner is not registered and can be prepared any time.

Forum observed that energy meter of the consumer was defective, became smoky and got burnt in 09/2010. There is clear fall in

consumption from 03/2010 onwards. The petitioner could not justify the low consumption from 03/2010 to 08/2010, as compared to consumption of previous period and higher consumption after replacement of energy meter. PR has admitted that rent deed is not relevant in their case. Thus keeping in view, all the facts of the case, the Forum is of the view that overhauling of account for the period 03/2010 to 08/2010, on the basis of consumption recorded during the corresponding period of previous year, is justified.

**Decision:-**

Keeping in view the petition, reply, written arguments, oral discussions, and after hearing both the parties, verifying the record produced by them and observations of Forum, Forum decides:

- To uphold the decision taken by CDSC in its meeting held on 07.02.2013.
- That the balance amount recoverable/refundable, if any, be recovered/refunded from/to the consumer along-with interest/surcharge as per instructions of PSPCL.
- As required under Section 19(1) & 19(1A) of Punjab State Electricity Regulatory Commission (Forum & Ombudsman) Regulation-2005, the implementation of this decision may be intimated to this office within 30 days from the date of receipt of this letter.

( Rajinder Singh )  
CAO/Member

( K.S. Grewal )  
Member/Independent

( Er. Ashok Goyal )  
EIC/Chairman