

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

Case No. CG-63 of 2013

Instituted on : 22.05.2013

Closed on : 09.07.2013

**Sh. Ram Sarup ,  
S/O Sh. Ram Pal, Bawaji Da Dhaba,  
G.T.Road,  
Moga.**

**.... Appellant**

**Name of the Op. Division: City Moga.**

A/c No. MG-68/70

Through

Sh. R. S.Dhiman, PR

V/s

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

Through

**Er. C.S.Mann, ASE/Op. City Divn., Moga.**

**BRIEF HISTORY**

Petition No. CG-63 of 2013 was filed against order dt. 06.03.2013 of the CDSC, Faridkot deciding that the account of the consumer be overhauled from the date of meter became defective to the change of

meter on the basis of consumption of corresponding period of previous year.

The consumer is having NRS category connection with sanctioned load of 13.810 KW (which was reduced to 7.173 KW) operating under AEE/Op. Sub-Divn. Moga.

The meter of the consumer got defective in the month of 08/2012. The energy bill was issued on the basis of consumption of corresponding period of the previous year 2011. The consumption recorded in 08/2011 was 2847 units and sanctioned load was 5.44 KW at that time, so the energy bill of Rs. 52,340/- was issued on the basis of proportionately increasing the consumption with revised load of 13.810 KW, for 7226 units. Similarly the energy bill amounting to Rs.60,450/- for the month of 10/2012 was issued by enhancing the consumption from 3154 units (consumption of 10/2011) to 7877 units, on the basis of revised load. The defective meter was changed vide MCO No.62/39 dt. 17.09.2012. The energy bill for the month of 12/2012 was issued on 'C' code for Rs.13,910/- on the average consumption of 1949 units. The consumer has deposited the energy bills for the months of 8/2012 & 10/2012.

The connection of the consumer was checked by the Addl.SE/Enforcement, Moga on 04.01.2013 and reported that 10.560 KW load was running against the sanctioned load of 7.17 KW. The AEE/North Sub-Divn., Moga charged Rs.11,010/- for excess load vide notice No.53 dt.16.01.2013.

The consumer did not agree to the amount charged on average basis for the months of 08/2012 & 10/2012 and made an appeal in the CDSC. The CDSC heard the case on 06.03.2013 and decided that the amount charged to the consumer on the basis of corresponding period enhanced proportionately with extended load, is correct and recoverable from him.

Being not satisfied with the decision of the CDSC, the consumer made an appeal in the Forum. The Forum heard the case on 04.06.2013, 13.06.2013, 20.06.2013 and finally on 09.07.2013. Then the case was closed for passing speaking orders.

#### **Proceedings:**

PR contended that originally the sanctioned load of petitioner's NRS connection was 5.44 KW. The connection was being used by him for mending tyre /tube punctures. The petitioner applied for extension of load to 13.810 KW during 8/2011, after changing over his business to Dhaba. The disputed 3 phase meter was installed for extended load. This meter worked all right up to 6/2012 i.e. for more than 6 months & thereafter, it developed some defect. As such the disputed meter was changed on 17-09-2012. Under these circumstances the consumer's account was to be overhauled from 6/2012 to 17/09/2012 on the basis of average consumption of previous six months in accordance with Reg. 21.4 (g) (i) of supply code 2007. But, the petitioner has been charged on the basis of consumption of corresponding months of the previous year enhanced in proportion to the extended load. Working out in this matter, the bimonthly consumption comes to more than 7000

units against the normal consumption of 2000/3000 units. This is highly unjust and against the instructions of supply code. Such a method for overhauling of accounts is used in case of burnt meters.

Apart from this the petitioner's connected load has been unduly exaggerated by Xen/Enf. Moga in his checking report of 4-01-2013 by taking his 3 ACs to be of 2 KW each against the actual rating of 1.2 KW each. An old deep freezer lying outside in the yard has also been counted. Load surcharge and ACD etc. to the tune of Rs. 11010/- demanded on account of unauthorized load is, therefore, also wrong and needs to be set aside.

Representative of PSPCL contended that it is wrong that meter under dispute worked all right up to 6/2012 i.e. for more than 6 months. This meter was installed in 12/2011 & developed some defect in May 2012 i.e. meter worked less than 6 months. The consumer's account can be overhauled according to regulation 21/4(g) (i) if a meter on testing is found to be beyond the limits of accuracy, But in this case meter display became dead i.e. no consumption was recorded by the meter like burnt meter. So the account of the consumer was overhauled according to regulation 21.4 (g) (ii) of supply code 2007.

Petitioner's load was checked by Addl. SE/Enforcement Moga on 4-01-2013 in the presence of representative of the consumer and the copy of checking report was handed over to representative of the consumer. According to checking report load surcharge, ACD etc. for excess load is recoverable.

PR further contended that from what the representative of PSPCL has stated above it is clear that the meter was defective. Instructions relating to defective meters nowhere say that the account in such cases should be overhauled according to consumption of corresponding months of the previous year by enhancing the consumption in proportion to the extended load. This method is recommended in case of burnt meters only and as per regulation 21.4 (e), the burnt meter is to be replaced within 5 days. In the present case neither the meter is burnt nor replaced within 5 days. It is further added here that in the present case consumption before and after the replacement of meter is available and is therefore, to be taken into account if the accuracy of the meter has neither been checked at site nor in ME Lab.

Regarding connected load the petitioner has attached copies of the name plate particulars of the 1 Ton AC's of his premises with the petition. The same AC's are installed even today and can be checked. If the consumer's representative has signed the ECR in token of having received the copy of ECR, it does not mean that the AC's become of 2 KW each.

PSPCL contended that AC's can be replaced any time after the checking by Enforcement. The name plate of AC's should be recorded at that time on the checking report & bill of AC's should be produced at the time of checking.

Representative of PSPCL contended that consumer Sh.Ram Sarup applied for load extension 5,448 KW to 13.818 KW on dt. 02.08.2011

vide A&A No.20242. During the month of 10/2011 the load of consumer was extended and meter changed from single phase to 3 phase on 18.10.2011. The advice for extended load and meter change was sent to computer service center in the month of 12/2011. The same load entered in ledger Feb.2012.

PR reiterated that the petitioner's meter was defective as entered everywhere in record. Hence the account has to be overhauled according to regulation 21.4 (g) (i). The contention of representative of PSPCL that the meter was burnt is wrong if the meter was burnt it was required to be changed within 5 days as per regulation 21.4(g). In the present case the meter was changed after 4 months. Hence overhauling of account according to regulation 21.4 (g) (ii) is wrong. Regarding ACs it is reiterated that the ACs were and are of 1.2 KW each. If the XEN/Enforcement has not written the name plate particulars of the ACs in his ECR, it is not the fault of the consumer the fault lies with XEN/Enforcement.

**Observations of the Forum:**

Written submission made in the petition, reply, written arguments of the respondents as well as petitioner and other material on record have been perused and carefully considered.

Forum observed that the meter of the consumer was found defective just prior to the month of 08/2012. Due to 'D' code (defective meter), the consumer was billed on the basis of average consumption of

Corresponding period of the previous year 2011 and bill amount was revised proportionately as per revised load on file. The meter was changed on 17.09.2012 and the load of the consumer was reduced from 13.810 KW to 7.173 KW. The ASE/Enf. Moga checked the premises of the consumer on 01.10.2012 and found running load of 10.560 KW against the sanctioned load 7.17 KW.

It has been observed that as per respondent version mentioned in the history sheet of the case, the consumer has extended his load from 5.44 KW to 13.810 KW in the month of 8/2012. But actually the consumer got his load extended in the month of 10/2011 as single phase meter was changed to 3 phase meter on 18.10.2011 which was also admitted by the Addl.SE/Sub-Urban Divn. Moga vide his memo.No.10261 dt.17.07.2013. Further respondent has also intimated that the advice for extending the load was sent in the month of 12/2011 and extended load was shown in the energy bill for the month 02/2012.

The CDSC in its order dt.06.03.2013 decided that the account of the consumer for the disputed period 08/2012 to 10/2012 be overhauled on the basis of consumption of corresponding period of the year 2011.

Forum is of the view that the CDSC decision in which it has been decided to overhaul the account of the consumer on the basis of average consumption of corresponding year is correct, but the revised amount revised proportionately as per revised load should be rechecked.

**Decision:**

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

- \* **To uphold the decision of the CDSC. However the calculations on average units increased due to revised load be got verified from AO/Field before raising final demand.**
- \* **Forum further decides 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 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.**

(CA Rajinder Singh)  
Member/CAO

(K.S.Grewal)  
Member/Independent

(Er.Ashok Goyal)  
EIC/Chairman