

**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-61 of 2013

Instituted On: 15.05.2013

Closed On: 25.06.2013

**M/s Raj Kumar S/o Sh.Baldev Raj,
B-2,738/7-A/18, Manna Singh Nagar,
Ludhiana.**

.....Appellant

Name of Op/Division: City West (Spl) Ludhiana

A/c No.: **LS-74**

Through

Sh. Kanwarjit Singh, PR

V/s

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

Through

Er. Kulbir Singh, ASE/OP. Divn. City West (Spl.) Ludhiana.

BRIEF HISTORY

The petitioner has filed an appeal No. CG-61 of 2013 against order dated 20.03.2013 of CDSC, City West Circle, Ludhiana, deciding that the defaulting amount relating to account No. SM-60/192, transferred to the consumer (A/C No. LS-74) was correct & recoverable from the consumer.

The connection of the consumer bearing Account No. SM-60/192, in the name of Gurcharan Singh, was checked by Meter Inspector vide LCR dated 04.06.2007. It was reported that pulse of the meter is not blinking on Red

phase and figures of the meter are not moving. The defective meter of the consumer was replaced vide MCO No. 121/62567 dated 07.06.2007, effected on 17.11.2007. The account of the consumer was overhauled by Internal Audit Party, vide HM NO. 949 dated 13.06.2008. The audit pointed out Rs. 1,85,485/- as average charges @ 5906 units per bi-monthly recoverable from the consumer for the period 09/2006 to 11/2007. The meter of account No. SM-60/192 was permanently disconnected in 07/2008, so the amount of Rs. 1,85,485/- remained outstanding in ledger. Thereafter, Meter Inspector vide LCR dated 29.08.2012, reported that property where meter bearing Account No. SM-06/192 was installed, has been purchased by Raj Kumar (Account No. LS-74). On this basis of this report the outstanding amount against Account No. SM-06/192 for Rs.1,85,485/- was transferred to account No. LS-74.

The consumer did not agree to the amount so charged and got referred his case for review by CDSC City West Circle Ludhiana. The CDSC heard the case on 20.03.2013 and decided that the amount charged to the consumer is recoverable.

Being not satisfied with the decision of CDSC, the consumer made an appeal in the Forum. The Forum heard the case on 30.05.2013, 11.6.2013 and finally on 25.06.2013. Then the case was closed for passing speaking orders.

Proceedings:-

On 25.06.2013, Representative of PSPCL submitted four copies of consumption data and four copies of checking report dated. 18-03-2013 which have been taken on record.

PR contended that as per section 56.2 of E.A. 2003 and Regulation No. 35.2 of the electricity supply code and related matters Regulation 2007 no sum due from any consumer shall be recoverable after the period of 2 years from the date when such sum became first due. Unless such sum has been

shown continuously as recoverable as arrear of charges for electricity supplied, in my case half margin was prepared on 13-06-2008 and the amount has been charged to the appellant in the bill issue date of which is 7-06-2013 as such this amount is legally not chargeable to me/appellant.

In the half margin the reference of MCO No. 6961/58699 dt. 25-05-2007 has been taken but the said MCO has not been produced on record. Meter of the appellant never been declared defective in the ME Lab. nor the ME Lab. checking report has been brought on record. The store challan produced is not having the remarks of dead/defective meter. The meter Inspector report also not having the signature of the consumer as such is not required to be relied upon.

The account of the consumer has been overhauled for the period 9/2006 to 11/2007 when as per regulation No. 21.4 (g) (i) the electricity charges for all category of the consumer will be computed in accordance with the said test results for a period of six months immediately preceding date of test and similarly as per the version of the higher courts, in case of defective meter maximum overhauling of the accounts will be done for the period of six months, 1(1993) CPJ 27 (NC) Y.N. Gupta versus DESU, (copy of the referred citation is enclosed) but the account of the appellant has been overhauled for the period of 15 months viz 9/2006 to 11/2007 which is against the provisions of the law.

The base taken for overhauling the account of the consumer has been taken as 5/2006 to 7/2006, when the owner and user of the connection at that time was the seller of the property and after the purchase of the property appellant did not use the connection for any commercial purpose, when the seller of the property was using the connection during the tenure of 5/2006 to 7/2006 at full swing and as per his necessity, but the appellant did not use the connection for any commercial purpose, after the purchase of the property. The reason of the decrease in the consumption was due to less use of the electricity and was not the defect in the meter has been alleged.

As per half margin the meter of the consumer has been declared as dead but during the tenure the account of the consumer has been overhauled, the meter in question was recording consumption, when the dead meter is not having the capacity to record even a single unit.

Representative of PSPCL contended that account of the consumer account No. SM 60/192 was overhauled during 2008 immediately after audit party made audit note No. 949 dtd 13-06-2008, however it was debited to the consumer Raj Kumar a/c no. LS-74 on the basis of LCR of Meter Inspector dated. 29-08-2012.

Meter of the consumer was changed vide MCO No. 62567/121 dt. 7-6-07 effected on 17-11-07 and as per store challan No. 489 dt. 24-4-2008 meter was accepted in the ME Lab. as dead stop by the PSPCL representatives present there. The account of the consumer was overhauled for the period 9/2006 to 11/2007 as there was fall in consumption after 7/2006.

The present consumer never informed PSPCL at that time that he has purchased the property and he is using the connection, so it is not clear who was using the supply at that time. During the checking by Meter Inspector on 4/06/2007 the reading recorded was 038792 and after the change of meter it was return to ME Lab. at the same reading which clearly shows that meter was dead stop. The amount was charged to the present consumer as he is using the said premises and supply to this premises also used from account no. LS-74. There are no instructions for automatic transfer of defaulting amount to any other consumer as inquired by Member CGRF.

Both the parties have nothing more to say and submit and the case was closed for passing speaking orders.

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 meter of the consumer was reported defective by Meter Inspector vide his checking report dated 04.06.2007. The account of the consumer was overhauled for the period 09/2006 to 11/2007 on the basis of average of consumption recorded during 05/2006 to 07/2006 i.e. 5906 units per bi-monthly. The average charges amounting to Rs. 1, 85,485/- relating to account No. SM-06/192 were transferred to Sh Raj Kumar (account No. LS-74) being the present owner of the premises.

PR contended that the meter was never declared defective in ME Lab and the report of meter Inspector of dated 04.06.2007 is not required to be relied upon as the consumer had not signed the report. The account has been overhauled for 15 months viz 09/2006 to 11/2007, whereas average charges can be levied for a period of six months immediately preceding the date of test. The PR also contended that basis of average has been taken from the consumption of 05/2006 & 07/2006 when the owner & user of connection was different. PR further contended that reason of decrease in the consumption was less use of electricity & meter in question was recording consumption whereas dead meter cannot record even a single unit.

Representative of PSPCL contended that the account of A/C No. SM-60/192 was overhauled by audit vide HM dated 13.06.2008, however the amount was debited to A/C No. LS-74 (Raj Kumar) on the basis of report of Meter Inspector vide LCR dated 29.08.2012. The meter was accepted as dead stop in ME lab. During the checking by Meter Inspector on 04.06.2007, the reading was recorded as 038792 and after the change of meter on dated 17.11.2007, it was returned to ME lab at the same reading which clearly shows that meter was dead stop. The account was overhauled for the period

09/2006 to 11/2007 as there was fall in consumption after 07/2006. Representative of PSPCL further contended that the present owner never informed PSPCL about the purchase of property, so it is not clear who was using the supply at that time.

Forum observed that meter was declared defective/dead stop by Meter Inspector on dated 04.06.2007. The present owner of premises of Account No. SM-60/192, purchased the property on 29.06.2006, which substantiate that he was using the supply from the meter till permanent disconnection in 07/2008. Thus he is liable to pay for the less billing due to defective meter, for any period after 06/2006. The consumer (Raj Kumar, A/C No. LS-74) did not get the connection changed to his name after the purchase of property and never informed about the less use of electricity from the meter of account No. SM-60/192. It is correct that account against defective meter can be overhauled for a maximum period of six months preceding the date of detection of defect. Forum is also convinced with the plea of the consumer that basis of average taken from the electricity consumption of the previous owner is not justified.

Forum observed that the CDSC has not proceeded on the case as per the points of dispute. The decision of the CDSC is not self speaking and disputed average charges have not been considered at all. It has been simply mentioned in the decision that liability will automatically transfer to Sh. Raj Kumar (present owner) and amount charged to the consumer is correct & recoverable. There are no instructions/rules for automatic transfer of liability of previous owner to the present owner.

Forum further observed that the consumer (Raj Kumar) had paid the energy bills raised on average basis @2180 units, during 09/2007 and 11./2007, without any protest, which prove that he was using the electricity from the meter of account No. SM-60/192. However, the use of electricity may not be to the extent/quantum as used by the previous owner. Thus charging the average for the period 09/2006 to 11./2007, on the basis of average of

previous four months viz 05/2006 to 07/2006 is not justified. The consumption after replacement of meter is not available as the new meter installed on 17.11.2007 was permanently disconnected in 7/2008 at the reading of 20 units only. Thus charging the average for six months preceding the date of detection of defect by Meter Inspector i.e. 04.06.2007 upto the date of replacement of meter on 17.11.2007, with LDHF formula given in para-4 of Annexure-8 of Electricity Supply Code and Related Matters Regulations-2007, 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:

- **That the account of the consumer be overhauled from 01/2007 to 17.11.2007, on the basis of electricity consumption as per LDHF formula.**
- **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**