

**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-45 of 2013

Instituted On: 30.04.2013

Closed On: 28.05.2013

**M/S Sunil Foods & Biogas
Daunkalan Road, Bahadurgarh,
Patiala.**

.....Appellant

A/c No.: **MS-41/0031**

Through

Sh. Manmohan Singh, Advocate, PC

V/s

**PUNJAB STATE POWER CORPORATION LTD
Name of Op/Division: Suburban Divn. Patiala.**

.....Respondent

Through

Er. Manmohan Lal, ASE/OP. Divn. Suburban, Patiala.

BRIEF HISTORY

The petitioner has filed appeal No. CG-45 of 2013 against order dated 28.02.2013 of ZDSC Patiala deciding that the account of the consumer overhauled for the period 04/2010 to 08/2012, on the basis of 33% slowness of energy meter reported by Sr.Xen/Enf.-II, Patiala.

The petitioner is having MS category connection in the name of M/s Sunil Foods & Biogas, with sanctioned load 34.88 KW operating under Bahadurgarh S/D Patiala.

The connection of the consumer was checked by Sr.Xen/Enf.Patiala and vide ECR No. 06/3651 dated 03.04.2010, it was reported that 'The meter of the consumer was slow by 33% when accuracy checked on running load of 9.20 KW (PF 0.99) with ERS meter. The meter was not contributing on 'R' phase. On the basis of this report, the account of the account of the consumer was overhauled for a period of six months, prior to date of checking and an amount of Rs. 31,993/- charged in the energy bill of 06/2010 were deposited by the consumer. The energy meter of the consumer was not replaced by the Sub- Division.

The energy meter of the consumer was again checked by Sr.Xen/Enf., Patiala vide ECR No. 48/89 dated 28.07.2012, it was reported that 'The lead of 'B' phase was burnt, same was set right and accuracy of the meter was checked with LT ERS meter, the energy meter was 33% slow'. However no action was taken by the S/Divn. for replacement of meter and for overhauling of account.

The energy meter of the consumer was checked by Sr.Xen/Enf., Patiala for the third time on 15.0-9.2012 and vide ECR No. 11/94, the energy meter was reported dead stop on 'R' phase. It was also mentioned in the report that energy meter be replaced and energy meter of new version may be installed. On the basis of this report, the account of the consumer was overhauled for the period 04/2010 to 08/2012 and notice was issued to the consumer by SDO, Bahadurgarh Sub- Division, Patiala vide memo No. 2206 dated 16.11.2012 for depositing Rs. 404988/-. For the replacement of defective energy meter, MCO No. 31/100901 dated 16.09.2012 was issued but the consumer did not allow changing the energy meter and insisted for installing check meter for verification of accuracy of disputed meter.

The consumer got referred his case for review in ZDSC, Patiala after depositing 20% of disputed amount of Rs. 404988/-.

The ZDSC heard the case and decided on 28.02.2013 that the amount charged to the consumer on the basis of slowness of the energy meter pointed out by Sr.Xen/Enf., Patiala, is in order and recoverable along with surcharge/ interest as applicable. The ZDSC did not find any merit on the request of the consumer for installing check meter at site.

The consumer was not satisfied with the decision of ZDSC and made an appeal in the Forum. The Forum heard the case on 30.04.2013, 07.05.2013, 14.05.2013 and finally on 28.05.2013, when the case was closed for passing speaking orders.

Proceedings:-

Representative of PSPCL submitted authority letter vide Memo No. 3971 dated 30.04.2013, in his favour duly signed by ASE/Op. Suburban Division, Patiala and the same has been taken on record.

Representative of PSPCL submitted four copies of the reply and the same has been taken on record. One copy thereof has been handed over to the PC.

Representative of PSPCL submitted authority letter No. 4188 dt. 07.05.2013 in his favour duly signed by ASE/Op. Suburban Divn. Patiala and the same has been taken on record.

PC submitted four copies of the written arguments and the same has been taken on record. One copy thereof has been handed over to the representative of PSPCL.

Representative of PSPCL stated that the reply submitted on 30.04.2013 be treated as their written arguments.

Representative of PSPCL is directed to get the energy meter checked at site at different possible loads, from Enforcement Department in his presence and in the presence of the consumer within 12 days.

After site checking the energy meter be replaced and be got checked from the ME Lab at the earliest.

In the proceeding dated 14.05.2013, representative of PSPCL was directed to get the energy meter checked at site at different possible loads, from Enforcement Department in his presence and in the presence of the consumer within 12 days and ME lab. report and the same has been supplied and taken on record.

PC contended that in compliance with the orders of the Hon'ble forum dated 14.05.2013 the meter was checked at site by the Sr.Xen/Enf-II, Patiala in the presence of the consumer and ASE/Op. Suburban Divn. Patiala and AE/Op. Bahadurgarh Patiala. The accuracy of the meter was found correct. Old meter was replaced and duly sealed was brought to the ME Lab. where the same has been checked by the ME Lab. on dated 27.05.2013 and the accuracy was correct.

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 petitioner is having MS category connection in the name of M/s Sunil Foods & Biogas with sanctioned load 34.88 KW operating under Bahadurgarh S/D Patiala.

The Sr.Xen/Enf., Patiala checked the connection of the consumer on 03.04.2010 and energy meter was reported slow by 33%. The account of the consumer was overhauled for a period of preceding six months and amount of Rs. 31993/- charged through energy bill was paid by the consumer. The energy meter of the consumer was not replaced.

The energy meter of the consumer was again reported slow by 33% vide ECR No. 48/89 dated 28.07.2012 of Sr.Xen/Enf., Patiala. **However, neither the account of the consumer was overhauled nor the meter was**

changed for testing in ME Lab. This is gross negligence on the part of concerned officer/officials.

ZDSC turned down the request of the consumer for installing check meter at site, on the ground that the energy meter was reported 33% slow in all the three checking conducted by Sr.Xen/Enf., Patiala and non- existence of any rules to install check meter at site.

Sr.Xen/Enf. checked the energy meter for the third time on 15.09.2012 and once again the meter was found slow by 33%. The account of the consumer was overhauled for the period 04/2010 to 08/2012 i.e. from the date of first checking of Sr.Xen/Enf. conducted on 03.04.2010.

ZDSC decided the case on the basis of different checking by Sr.Xen/Enf. Patiala, found the overhauling of account in order and amount recoverable from the consumer.

The Forum directed the representative of PSPCL to get the energy meter checked at site and in ME lab. at different possible loads. The accuracy of the meter was checked with ERS meter jointly by Sr.Xen/Enf.II, Patiala, ASE/op. Suburban Divn., Patiala and AE/Op. Bahadurgarh, Patiala. The accuracy of the meter was reported within limits on running load of 15.02 KW, vide ECR No. 11/160 dated 23.05.2013. The accuracy of the meter was also checked in ME lab. on 27.05.2013 and report was given on store challan No. 22 dated 27.05.2013. The accuracy of the meter was within limits when checked on test bench and on dial mode, on all the three phases.

The overhauling of accounts for the period 04/2010 to 08/2012 with 33% slowness factor is not justified, keeping in view the report given by Enforcement vide ECR No. 11/160 dated 23.05.2013 and findings in ME lab. recorded on SC No. 22 dated 27.05.2013.

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 overhauled for the period 04/2010 to 08/2012 with 33% slowness factor is not in order and charges of Rs. 404988/- raised on the consumer are not recoverable.
- That the amount deposited by the consumer against the disputed case may be refunded to the consumer along with interest 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.

(Rajinder Singh)
CAO/Member

(K.S. Grewal)
Member/Independent

(Er. Ashok Goyal)
EIC/Chairman