

**PUNJAB STATE POWER CORPORATION LIMITED
FORUM FOR REDRESSAL OF GRIEVANCES OF CONSUMERS
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Case No. CG-95 of 2013

Instituted on : 29.07.2013

Closed on : 09.09.2013

**Sh. Harjit Singh,
72, Sarv Mangal Society-II,
Lohgarh Road,
Zirakpur.**

.... Appellant

Name of the Op. Division: Zirakpur.

A/c No. ZS-55/2861

Through

Sh.R.S.Dhiman, PR

V/s

PUNJAB STATE POWER CORPORATION LTD.Respondent

Through

Er. M.P.Singh, ASE/Op. Divn., Zirakpur.

BRIEF HISTORY

Petition No. CG-95 of 2013 was filed against order dt. 21.05.2013 of the CDSC, Mohali deciding that the amount charged to the consumer is correct and recoverable.

The consumer is having DS category connection with sanctioned load of 10.98 KW operating under AEE/Op. Sub-Divn., . Zirakpur.

The energy bill-cum-notice amounting to Rs. 1,14,220/- for the consumption of 16514 units was issued to the consumer in the month of 10/2012. Instead of depositing the bill of Rs. 1,14,220/-, the consumer challenged the energy meter by depositing meter challenge fee of Rs. 450/- vide BA-16 No. 570/6640 dt. 11.10.2012 and the meter was replaced vide MCO No. 64/50506 dt. 11.10.2012. The challenged meter was sent to ME Lab, Ropar vide memo. No.725 where the meter was tested and the results of the meter were found within permissible limits.

Then the consumer made an appeal in the CDSC, Mohali. The CDSC heard the case on 21.05.2013 and decided that the amount charged to the consumer is correct and recoverable.

Being not satisfied with the decision of the CDSC, the consumer made an appeal in the Forum. The Forum heard the case on 13.08.2013, 06.09.2013 and finally on 09.09.2013. Then the case was closed for passing speaking orders.

Proceedings:

PR contended that the petitioner's meter jumped some time between 05.08.2012 to 06.10.2012 and recorded an abnormal consumption of 16514 units during this period. The petitioner challenged the meter on 11.10.2012 and also challenged the undue bill amount of Rs 1,14,220/- before CDSC Mohali.

CDSC upheld the charges on the basis of report of ME lab which found the accuracy of disputed meter within permissible limits. The other plea taken by CDSC to dismiss the petitioner's claim is that he has two ACs. Strangely, the learned committee has also observed in its decision that it appeared that the meter reader had accumulated consumption by recording wrong readings.

Now, it is a well-known and well established fact that accuracy test of meters in ME lab is of no value in complaints of jumping which is a transient defect of software in electronic meters. As such the plea of accuracy is not tenable to brush aside the petitioner's complaint of jumping of his meter. With regard to the question of two ACs, the petitioner has to submit that the pattern of his consumption before and after the disputed period (5.8.12 to 6.10.12) is clear enough to disprove the baseless allegation of accumulation of consumption due to wrong readings recorded by the meter reader. No consumer can be punished on the basis of such conjectures and speculation. CDSC should have ordered recovery of the disputed amount from the meter reader concerned if it had any solid proof of wrong readings recorded by him. In any case, the casual approach of DSCs in such cases is a matter to be taken note of. It is pertinent to add here that the petitioner's load was got checked during proceedings before CDSC and the same was found to be 7.07KW against the sanctioned load of 10.98 KW. This further goes to prove the petitioner's bonafides.

Regarding consumption of 6025 units in 04/13 shown in the consumption data submitted by respondents on 06.09.2013, the petitioner has to clarify that this is not the actual consumption. The bill was prepared on average basis due to the premises being locked and was corrected as per actual on the representation of the consumer.

PSPCL contended that from the consumption data of the consumer between the period Feb,2010 to June, 2013, it can be made out that the consumption of the consumer with A/C No. ZS-55/2861 is not consistent and it varies from the 383 bi-monthly consumption in Feb, 2010 to 3391 in Aug, 2012 with meter status code 'O'. The billing in April, 2013 is on 'N' code status and average billing is done. The consumption between the period Aug,2012 to Oct, 2012 is abnormal if compared with the consumption pattern as mentioned above between period Feb,2010 to June, 2013.

Therefore, the consumption pattern of the consumer does not lead to any concrete conclusion. However, the connected load checked at the consumer's premises is 7.07 KW against sanctioned load of 10.98 KW and there are 2 No. ACs installed at the consumer's premises. As per LDHF formula, the monthly consumption of the consumer= 790.56 units per month (load taken= 10.98 KW for calculation purpose).

Therefore, it could be accumulated reading case and amount is chargeable from the petitioner.

PR further contended that seasonal variations during winter and summer are a normal feature of all domestic consumers. So the variations from 383 to 3391 during different seasons is not unusual. As regard ACs it is pertinent to mention that almost all consumers have two ACs in Zirakpur area, the petitioner's consumption can be compared with other consumers of similar sanctioned load and family size. Mention of LDHF formula in the present case is totally irrelevant as this formula is meant for cases of theft of electricity and unauthorized use of electricity. This formula is punitive and is rightly applicable in cases of Sec. 126 and Sec. 135 of EA-2003. Consumption of 16514 units in a period of two months is not justified by any standard.

PSPCL further contended that comparison of the consumption during the peak summer season of Aug,2011 and Aug, 2012 shows a wide variation of units consumed. In the period of June, 2011 to Aug, 2011 consumption is 1502 units and June, 2012 to August, 2012 is 3391 units which shows that it is not seasonal variation case but could be accumulated reading case. LDHF formula is an indicative for calculation of average units and applicable in stringent cases of theft/UUE also.

Regarding above it is stated that the petitioner Sh. Amarjit Singh is residing in West Bengal. His flat is occupied by his son Sh. Raminder Singh. The variation in August 2011 and August, 2012 is due to the fact that in Aug, 2012 Sh. Harjit Singh stayed with his son for about a month. As such the 2nd AC was also extensively used in Aug, 2012.

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 carefully and considered.

Forum observed that the consumer is having DS category connection with load of 10.98 KW. In the month of 10/2012 energy bill of 16514 units amounting to Rs. 1,14,220/- was issued to the consumer. The consumer challenged the meter, the same was replaced and sent to ME Lab for checking. The ME Lab reported that the meter was OK.

The consumer contended that the meter installed at his residence jumped sometime between 05.08.2012 to 06.10.2012 and recorded an abnormal consumption of 16514 units, which is not possible with such meager load of 10.98 KW.

PSPCL contended that the consumption of the consumer is not consistent and it varies from 383 to 3391 units from Feb, 2010 to Aug, 2012 with meter status code 'O'.

Forum concludes that though the accuracy of the meter was found within permissible limit in the ME Lab, but the jumping of the meter can not be denied. Further the bi-monthly consumption of the consumer varies from 383 to 3391 units from the period Feb, 2010 to Aug, 2012. So the consumption of 16514 units in the month of 10/2012 is probably due to erratic behavior of the meter.

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:

- * The energy bill for the month of 10/2012 be overhauled on the basis of consumption recorded during 08/2012 i.e. 3391 units.**
- * 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