

**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-96 of 2013

Instituted on : 30.07.2013

Closed on : 09.09.2013

**M/S Jai Jagdambey Rice Mills,
Ghamurghat Road, Vill. Maniana
Moonak.**

.... Appellant

Name of the Op. Division: Lehragaga.

A/c No. LS-05

Through

Sh.R.S.Dhiman, PR

V/s

PUNJAB STATE POWER CORPORATION LTD.Respondent

Through

Er. Balram Singh, ASE/Op. Divn., Lehragaga.

BRIEF HISTORY

Petition No. CG-96 of 2013 was filed against order dated 21.05.2013 of the CDSC, Sangrur, deciding that the amount charged to the consumer is correct and recoverable.

The consumer is having LS category connection with sanctioned load of 129.59 KW operating under AEE/Op. Sub-Divn.. Moonak.

The consumer was served a bill-cum-notice of 88951 units amounting to Rs. 5,59,180/- for the period of 05.01.2012 to 06.02.2012. The consumer did not deposit the bill but challenged the accuracy of the meter by depositing meter challenge fee on 23.02.2012. Sr.XEN downloaded the data of the meter on 23.02.2012 and took print-out. After examination of the DDL print-out, Sr.XEN/MMTS declared the behaviour of the meter as erratic. However the accuracy of the meter was reported within limits in ME Lab, vide SC No. 3 dated 22.03.2012.

The energy bill for the period 06.02.2012 to 05.03.2012 was issued for 75447 units & bill amount, including previous outstanding balance became Rs. 10,92,790/-. The connection of the consumer was disconnected temporarily on 24.03.2012 due to non-payment of energy bills. The consumer approached Chief Engineer/South, Patiala on 29.03.2012 for registration of disputed case, for review by ZDSC. The Chief Engineer/South, sought report from Dy.CE/Op.Circle, Sangrur, before registration of case. The matter remained in correspondence between various offices of PSPCL and the disputed case was finally registered on 26.06.2012. The consumer deposited 20% of the disputed amount alongwith MMC for the period 12.04.2012 to 26.06.2012, amounting to Rs. 1,45,080/- & reconnection fee Rs. 250/-, on 26.06.2012. The connection of the consumer was reconnected on 26.06.2012.

The disputed case of Rs. 10,92,790/- was decided against the consumer by ZDSC. However, the Forum provided partial relief to the consumer, vide its order dated 07.01.2013.

The consumer also referred his case for refund of MMC and RCO fee amounting to Rs. 1,45,330/- for review by CDSC.

The CDSC heard the case on 11.05.2013 and decided that the amount charged to the consumer on account of MMC/RCO fee is correct and recoverable as per instructions of ESIM.

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 contented that the petitioner's meter jumped during 1/2012 and showed the sign tAnP on its display. The petitioner challenged the meter by depositing the requisite fee on 23.2.12. Noting the abnormal sign on the meter display on 6.2.12, SDO Moonak also referred the matter to XEN MMTS Patiala on 8.2.12. Accordingly the meter was checked by XEN MMTS on 23.2.12 and SDO Moonak was informed that the meter had gone defective from 19.1.12 as it had started recording almost double the normal consumption. He also directed SDO Moonak to replace the meter immediately and bring the same to ME Lab Patiala so that it may be checked in the presence of Manufacturer's Engineer to find out the real cause of defect.

As a sequel to above, the disputed meter was checked in ME lab Patiala on 22.3.12. Here the meter accuracy was found within limits but the main issue of jumping still remained unresolved. The

petitioner who was also present in the lab was told that the issue of jumping will be taken up with the manufacturer of meter. While the matter was still pending, the petitioner's connection was disconnected on 24.3.12.

In the above backdrop, the petitioner's grievance is that its rice sheller was kept disconnected during peak season for more than three months without resolution of its complaint regarding jumping of meter. The petitioner suffered huge financial loss due to disruption of its power supply. To add insult to injury a sum of Rs 145330/- was got deposited from the petitioner on account of MMC and RCO fee. There was no fault on the part of petitioner to call for disconnection. It is evident from record that the defect of jumping of petitioner's meter was in the knowledge of all officers of PSPCL. It was later confirmed by Forum that the disputed meter had indeed jumped. Still the petitioner's connection was disconnected. Restoration of supply was delayed for nearly three months although the petitioner approached CE/South immediately after disconnection. As such the MMC recovered from the petitioner under duress need to be set aside.

PSPCL contended that the connection of the consumer was permanently disconnected on 12.04.2012 due to non-payment of outstanding amount of energy bill for Rs. 10,92,790/-.PSPCL further contended that MMC for the period of disconnection have been rightly recovered in lieu of ESIM instruction No. 31.4 .

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 connection of the petitioner was disconnected on 24.03.2012 due to outstanding amount of Rs. 10,92,790/- against energy bills issued in 02/2012 & 03/2012. The petitioner requested CE/South on 29.03.2012 for registration of disputed case. However, instead of registration of disputed case immediately or within reasonable time, CE/South sought report from Dy.CE/Op. Circle, Sangrur. The matter remained in correspondence between various offices of PSPCL for about three months. The case was admitted for review on 26.06.2012, where after the consumer deposited 20% of disputed amount along-with MMC and reconnection was made on 26.06.2012.

The contention put both by the PR is that the reading of the meter jumped and meter was challenged on 23.02.2012. The issue of jumping of reading was pending even then the connection was disconnected on 24.03.2012. The petitioner approached CE/South immediately after disconnection, but supply was not restored. The connection remained disconnected during peak season for more than three months without resolution of complaint regarding jumping of meter, for which heavy financial losses were suffered. The disconnection was not due to the fault of the petitioner as such MMC

recovered for the disconnection period, under duress needs to be set aside.

PSPCL contended that connection of the petitioner was disconnected due to non-payment of energy bills and MMC have been recovered as per ESIM Instruction No. 31.4.

Forum observed that the time of about 3 months taken for registration of case in ZDSC is abnormal. The unwanted procedural delay clearly shows lapses on the part of various officers of PSPCL. The Dy.CE/Sangrur, vide letter dated 29.05.2012 and again vide letter dated 18.06.2012, confirmed to CE/South that the behaviour of the energy meter is erratic and case is required to be registered in ZDSC.

The abnormal billing during 02/2012 & 03/2012 was apparently evident as such the delay of about three months for registration of disputed case was uncalled for. There is well connected communication network in PSPCL and desired information could have been obtained on phone, through fax or e-mail, within same day or next working day. The consumer had informed the CE/South vide his request dated 29.03.2012, that the connection stand disconnected, so prompt action was required for resolving the complaint of the consumer.

The petitioner was also at fault for not adopting proper procedure for lodging his complaint. As per instruction No. 111(IV) of ESIM, the petitioner was required to deposit 20% of the disputed amount before submission of complaint and copy of the receipt was to be attached

with the complaint. He was required to follow this procedure when he was delivered abnormal bill of Rs. 5,59,180/- in 02/2012, for the period of 05.01.2012 to 06.02.2012.

Further, as per instruction No. 35 of the Electricity Supply Code and related matters Reg. 2007, that a consumer will effect full payment of the billed amount even if it is disputed, failing which the licensee may initiate action treating it as a case of non-payment. Provided that no action will be initiated if such a consumer deposits under protest:-

- a) An amount equal to the sum claimed from him, or
- b) The electricity charges for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

In this case neither the consumer had deposited the bill amount under protest nor deposited 20% of the disputed amount.

Thus keeping in view all the facts of the case, the Forum is of the view that both the petitioner as well as PSPCL are at fault for the disconnection of connection of the consumer for about 3 months.

Therefore recovery of entire amount of MMC from the petitioner for the period of disconnection is not justified. Hence, it will be just fair enough to recover 50% of the MMC from the petitioner and for the remaining amount, the responsibility of various PSPCL officers is required to be fixed.

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 Forum decides that 50% of the MMC (i.e. 50% of Rs.1,45,080/-) already charged be refunded to the consumer .**
- **That the case for further investigation and for taking appropriate action thereon, against various officers/officials of PSPCL (including recovery of 50% amount of MMC) be referred to Chief Administration, PSPCL, Patiala.**
- **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