**IN THE COURT OF OMBUDSMAN, ELECTRICITY, PUNJAB,**

**66 KV GRID SUBSTATION, PLOT NO. A-2, INDL. AREA,**

**PHASE-I, SAS NAGAR ( MOHALI).**

**APPEAL No: 15 / 2017 Date of order 14/06/2017**

**PUNJAB STATE TRANSMISSION**

**CORPORATION LIMITED**,

Through

Additional Superintending Engineer

P&M Division, 220KV Sub-station,

PSTCL, Jamsher (Jalandhar)……………..PETITIONER

**Account No. 3002556376**

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED.

………..…. RESPONDENTS

Through:

Er. Ravinder Singh,

Addl. Superintending Engineer

Operation Cantt. Division,

P.S.P.C.L. Jalandhar.

Petition No. 15 dated 06.04.2017 was filed against order dated 21.02.2017 of the Consumer Grievances Redressal Forum (Forum) in case No. CG-161 of 2016 deciding that the account of the petitioner be overhauled for the period from 08/2013 to 06/2016 with 2747kWh units per month. The Forum also decided that Deputy Chief Engineer ‘OP” Circle, PSPCL, Jalandhar would initiate disciplinary proceedings against delinquent officials / officers for delay in meter replacement.

2. Arguments, discussions and evidences on record were held on 13.06.2017 and 14.06.2017.

3. Er. M.K. Singal, Addl. S.E., P&M Division, PSTCL, Jamsher (Jalandhar) attended the Court proceedings on behalf of the Petitioner – PSTCL. Er. Ravinder Singh, Addl. S.E. “OP” Cantt. Division, PSPCL, Jalandhar alongwith Ms Chinky, Revenue Accountant, appeared in the Court on behalf of the Respondents – PSPCL.

4. Presenting the case on behalf of the Petitioner – PSTCL, Er. M.K. Singal, Addl. S.E. stated that as per notice & bill dated 04.10.2016 raised by SDO (OP), Cantt Sub Division, PSPCL (Commercial-5) Cantt. Jalandhar has charged an amount of Rs. 6,03,927/- which includes Rs. 3633/- as current cycle, Rs. 4,97,289/- debited through sundry charges & Rs. 25,466/- of arrear of current Financial Year. The Petitioner’s office filed an appeal against the amount charged in the CGRF, Patiala which gave its decision on 21.02.2017 favouring PSPCL. But the Petitioner does not agree with the said decision on the ground that the Forum has ignored regulation 21.5.1 of Supply Code – 2014 which states as follows:-

*“If a consumer ‘s meter on testing is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months immediately preceding the:*

*a) date of test in case the meter has been tested at site to the satisfaction of the consumer or replacement of inaccurate meter whichever is later;*

*Or*

*b) date the defective meter is removed for testing in the laboratory of the distribution licensee.*

The Petitioner stated that as per records available in his office, the status of meter was OK in bill raised by PSPCL in the month of 01/2016 but the status of meter was ‘D’ in the bill raised by PSPCL in the month of 02/2016. As per Regulation 21.5.1 & 21.5.1 Para (a), electricity charges shall be charged for not exceeding six months beyond the date mentioned in the Sub Para (a) and (b). But PSPCL has overhauled the account for more than two years which is against the regulations and Forum has given undue benefit to PSPCL.

The Petitioner also stated that this meter is installed on the overhead water tank motor. This tank feeds water to various offices working in the premises of 220KV Sub-station only for drinking and sanitary usage, due to which the daily consumption of electricity on this account is very low. Forum has also ignored the petitioner’s office request that the reason of lowered consumption was the less usage of water which is also clear from the consumption pattern of new meter installed by PSPCL on dated 06.09.2016. The consumption recorded by new meter from 06.09.2016 to 03.01.2017 was only 1569 units which shows that the average monthly consumption of this account is about 395KWh units. It was also stated that the Forum has given undue benefit to PSPCL by allowing the whole averaged charged by their Audit Party which was totally baseless. Hence, the average charged by PSPCL @ 2747KWh units / month is not correct and on this basis the decision taken by the Forum requires to be amended for the sake of justice. He prayed to allow the appeal.

5. Defending the case on behalf of the Respondents – PSPCL, Er. Ravinder Singh, Addl. S.E., stated that the Account Number 3002556376 is running in the name of Sr. Sub-Station Engineer (SSE), 220KV Grid Sub-station, Jamsher. The consumer had received bill dated 04.10.2016 for Rs. 6,03,927/-, which included Rs.5,26,390/- as total amount payable, Rs.77,470/- and surcharge amount of Rs. 67/-. were added subsequently. The consumer is having NRS connection with sanctioned load of 17.400KW. The meter of the consumer is installed on the overhead Water Tank motor, which feed water to various offices working in the premises of 220KV Grid Sub-station as well as three residences. The meter of the consumer was found defective in the month of February, 2016 and MCO No. 100001776938 dated 26.03.2016 was issued which was effected by JE on 06.09.2016. The account of the consumer was overhauled by the Audit Party through Memo. No. 378 dated 29.07.2016 for the period 08 / 2013 to 06 / 2016 on the basis of the consumption of previous year which was charged to the consumer vide Memo. No. 953 dated 10.08.2016.

The Respondent stated that the consumer has used this connection for NRS purposes which is used for providing water supply to SSE office, TLSC office, TRW cum-Crane Bay Office, Store of TLSC and three residences. The consumption of the consumer drastically got reduced in the month of 08/2013 and to cover up the revenue loss, Audit Party overhauled the consumer account and has charged Rs. 5,92,531/- through Memo. No. 378 dated 10.08.2016 for the period of 08/2013 to 06 / 2016 based on the consumption recorded during the same period of preceding year. The load of connection is 17.4000Kw and capacity of water tank is above 10000 Ltrs. On perusal of consumption data for the period 2011, 2012, 2013, it was found that there was substantial consumption of electricity, which had suddenly decreased during the subsequent years. Moreover, there is negligible consumption recorded in many months for which the account of the consumer is overhauled by the Audit party. As per records available, it is correct that the status of meter was ‘OK’ in bill for the month of 01/2016 but consumption data shows that the consumption of consumer is very much low as compared to past records. It is also pertinent to mention here that there is no reduction of load in Consumer Records. So there is no chance of reduction of consumption as per conditions prevailing in this case. The account of the consumer was overhauled with the consumption on the basis of same month of previous year.

The Respondent contended that the meter was used for commercial purposes and account of consumer was overhauled by the Audit party on the basis of the consumer’s actual consumption recorded in the past on the same load. Moreover, it is pertinent from the Petitioner’s complaint that the connection is being used for same purpose for feeding water and or sanitary purposes. So, question does not arise of reduction of consumption in the period 08 / 2013 to 06 / 2016 as compared to 08 / 2012 to 06 / 2013. The Audit Party while checking the account of the consumer observed that the consumption has fallen drastically since last few months. The Bi-monthly consumption recorded from 08/2012 to 06/2013 have been 5993, 4452, 4169, 4724, 5753 and 6783 and correspondingly consumption was reduced from 08/2013 to 06 / 2016 as 1101, 491, 360, 301, 351 and 2791 respectively. Due to this fall in consumption, there was huge financial loss to department and therefore account was overhauled from 08 / 2013 to 06 / 2016.

The Respondents also stated that the Forum had scrutinized the details of staff position of 2011, 2012, 2013, 2014 and 2015 as submitted by the Petitioner an noted that the manpower position is comparable and accordingly the Forum formed the opinion that operation hours of the 20HP motor pump for overhead tank, which is the only connected load at the Petitioner’s premises as per LCR No. 63/89 dated 03.01.2017 are also comparable. Forum further noted from the Petitioner’s consumption data that units consumed during the period from 04.05.2011 to 05.05.2013 is 65922 (221118 - 155196) kwh units with a monthly average of 2747 kwh units. Hence, The Forum decided that the Account of the Petitioner be overhauled for the period from08/2013 to 06/2016 with 2747kwh units per month.

The Respondents also stated that the decision of Consumer Grievance Redressal Forum (CGRF) is correct, as per rules and regulations of the PSPC and prayed that the petitioner of the Petitioner before the Court of Ombudsman, SAS Nagar (Mohali) be dismissed and decision of CGRF be implemented.

6. The relevant facts of the case are that the Petitioner (PSTCL), having NRS category connection with a sanctioned load of 17.400KW, was issued notice vide Memo. No. 953 dated 10.08.2016 by the Respondent – AEE, East Commercial, PSPCL, Jalandhar for Rs. 5,92,531/- overhauling of account of the petitioner for the period from 08/2013 to 06/2016 on average basis by the Audit party with the directions to deposit the same within 7 days. The Petitioner vide memo. No. 06.09.2016, requested the Respondents to give details and intimate the basis for charging the amount and reasons for delay in replacement of meter. The respondent, vide memo. dated 04.10.2016, informed the petitioner that the amount has been charged by the Audit Party and can not be amended by Respondent and is chargeable. The Petitioner received the bill dated 04.10.2016 for Rs. 6,03,927/- which included Rs. 5,26,390/-, Rs. 77,470/- and surcharge amount of Rs. 67/- were added subsequently. Aggrieved, the Petitioner approached the Forum which decided on dated 21.02.2017 in case No.CG-161 of 2016 that the account of the Petitioner be overhauled for the period from 08/2013 to 06/2016 with 2747KWh units per month. The Forum also decided that the Dy. Chief engineer, Operation Circle, PSPCL, Jalandhar would initiate disciplinary proceedings against the delinquent officials / officers for delay in meter replacement.

The Petitioner, in this appeal, contested the decision of the Forum on the ground that the Forum has ignored Regulation 21.5.1 of Supply Code-2014. The Petitioner argued that status of the meter was O.K. in the electricity bill raised for the month of 01/2016 but the status of the meter was changed to ‘D’ in the bill raised for 02/2016. The Petitioner further stated that as per Regulation 21.5.1 and 21.5.1 (a), electricity charges shall be charged for not exceeding six months beyond the date mentioned in 21.5.1 (a) & (b) but the Respondents overhauled the account for more than two years.

It was further contended that the meter was installed on the overhead water tank motor and the tank feeds various offices working in the premises of 220KV Grid Sub-station (where petitioner’s office is located) only for drinking and sanitary purpose due to which daily consumption of electricity is very low. The petitioner raised his eye-brows on the objections raised by Audit Party which, without considering that there may be another reason of decrease in consumption, raised observation for overhauling on wrong conceptions. He prayed to allow the appeal.

The Respondents, in their defence, argued that the meter of the Petitioner was found defective in February 2016 and MCO issued on 26.03.2016 was effected by Junior Engineer on 06.09.2016 and the account was overhauled as per observations dated 29.07.2016 of Internal Audit for the period from 08 / 2013 to 06 / 2016 on the basis of consumption of previous year and the same was charged vide Memo dated 10.08.2016. The Respondents further argued that the Petitioner used the connection for NRS purposes for providing water supply to offices of SSE, TLSC, TRW-cum-Crane Bay Store of TLSC and three residences. The Respondents argued, by providing consumption data for the years 2011, 2012 and 2013, that there was substantial consumption of electricity which had subsequently decreased in subsequent years and there was negligible consumption in many months for which the account was overhauled on the basis of the consumption of the same month of previous year by the Audit Party. The Respondents prayed to dismiss the appeal and implement the decision of the Forum which is correct and as per rules and regulations.

I have perused the written submissions of the petitioner, written reply of the Respondents as well as arguments made by the representatives of the Petitioner and the (Respondents alongwith the evidences on record and heard the parties after granting due opportunities of hearing.

After deliberations, the Respondents were directed to supply the copy of Meter Reading Record to the Court by 14.06.2017Accordingly, the respondent supplied the copy of the meter reading record vide Email dated 14.06.2017 at 11:12 hours alongwith copy of ME Lab report dated 22.12.2016.

The issue, required to be adjudicated in the present case, is as to whether the order dated 21.02.2017 of the CGRF in case no. CG-161 of 2016 deciding to overhaul the account of the Petitioner for the period from 08 / 2013 to 06 / 2016 with 2747KWh units per month on the basis of consumption pattern is as per applicable rules and regulations ? With this in view, I noted that status of the meter was O.K. prior to 01 / 2016 but at the time of taking meter reading in 02/2016, the Meter Reader recorded status of meter as ‘D’ (Defective) Code. I observed that the Petitioner’s meter was changed vide Job Order dated 26.03.2016 effected on 06.09.2016. The removed meter was checked by ME Lab, PSPCL, Jalandhar on 22.12.2016 with the report giving remarks “Pulse Dead”, counter dead and meter defective”, with the footnote that DDL of the meter was not taken as it was a whole current meter. I find that bills were prepared on ‘D’ Code (on average basis) for the defect period (from February, 2016) till replacement of the meter on 06.09.2016. I also observed that the Respondents defaulted in not checking the variation in consumption as required under instruction No. 102.7 of ESIM, not meeting minimum standard of performance under para-3 of Complaints about Meters (Aannexure-1) of Supply Code - 2007 and not replacing the meter within 10 working days from the date of defect. I have gone through Regulation 21.5.1 of Supply Code - 2014 which has been referred to in the present petition by the Petitioner and reads as follows:-

“**Inaccurate Meters:**

*“If a consumer meter on testing is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months immediately preceding the:*

1. *Date of test in case the meter has been tested at site to the satisfaction of the consumer or replacement of inaccurate meter whichever is late; or*
2. *Date the defective meter is removed for testing in the laboratory of the distribution licensee.”*

I enquired during the course of hearing, from the Petitioner as to how the Regulation ibid was applicable as stated in the petition knowing well that the meter was declared defective by the M.E. Lab., PSPCL, Jalandhar vide report dated 22.12.2016. The Petitioner then admitted that reference to Regulation 21.5.1 of Supply Code – 2014 was quoted inadvertently and the overhauling of accounts is actually required from the date, the Meter Reader recorded ‘D’ (defective) Code in 02 / 2016 till the date of replacement of meter on 06.09.2016, in terms of provisions contained in Regulation 21.5.2 (a) of Supply Code-2014 stating as under:-

“***Defective ( other than inaccurate) /Dead Stop / Burnt / Stolen Meters:***

*The account of a consumer shall be overhauled / billed for the period meter remained defective / dead stop and in case of burnt / stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:-*

1. *On the basis of energy consumption of corresponding period of previous year.”*

I also noted the contention of the Petitioner who rightly stated that average consumption recorded by new meter from 06.09.2016 to 03.01.2017 was 395 KWh units per month ( total consumption being 1569 units) against the average charged by the Respondent @ 2747 units / month and the Forum wrongly decided to allow the Respondent (PSPCL) to charge the average consumption by the Audit for whole period on the basis of consumption pattern and accordingly, the decision of the Forum needs to be amended.

In view of the above and considering that status of the meter as per bill raised upto 01 / 2016 as OK which became defective during 02 / 2016 as the Meter Reader quoted the status of meter as “D” i.e. defective. I, thus, find merit in the contention of the Petitioner that overhauling of the account for more than two years is against the regulations.

I also noted the contention of the Petitioner that the meter is installed on the overhead water tank motor and the tank feeds various offices working in the premises of the Petitioner for drinking and sanitary usage due to which daily consumption of electricity on this account is very low. There is thus, justification in the Petitioner’s contention that the Forum ignored its plea that reason of lowered consumption was less usage of water as evidenced by consumption pattern of new meter installed by the Respondent on 06.09.2016.

I have also gone through the documents supplied by the Respondent vide E-Mail dated 14.06.2017 and noticed that the KWH reading during 01/2016 was 231529 and during 02/2016 the meter was declared defective and “D” Code was applied and no reading was taken by the Meter Reader. Hence, I agree with the arguments of the Respondent that in the SAP Billing System when “D” Code was applied for billing, the final reading was taken in the bill whereas no reading was taken by the Meter Reader as evident from the record submitted by the Respondent. I have also gone through the ME Lab report dated 22.12.2016 wherein the final reading was shown as 231529KWH which was same as taken by Meter Reader during 01/2016, meaning thereby that the meter was defective from 01/2016. Furthermore, the DDL was not taken, as the meter was not equipped with optical port. Hence, the overhauling of the account is required to be done from 01/2016 upto the replacement of the meter (06.09.2016) as per provisions contained in Regulation 21.5.2 (a) of Supply Code – 2014 i.e. on the basis of energy consumption of corresponding period of previous year.

As a sequel of above discussions, I have no hesitation to set aside the decision dated 21.02.2017 of CGRF in case no. CG-161 of 2016 and Respondents are directed to overhaul the account of the Petitioner from 01 / 2016 upto replacement of meter ( 06.09.2016) as per provisions contained in Regulation 21.5.2 (a) of Supply Code – 2014.

Accordingly, the Respondents are directed to recalculate the demand and recover / refund the amount found excess / short, after adjustment, if any, from / to the Petitioner with interest under the provisions of ESIM – 114.

7. The appeal is disposed of accordingly.

8. Dy. Chief Engineer, “OP” Circle, PSPCL, Jalandhar may ensure to initiate disciplinary proceedings against the delinquent officers / officials in accordance with their service rules for delay in replacement of meter.

9. In case, the Petitioner or Respondents (Licensee) is not satisfied with the above decision, he is at liberty to seek appropriate remedy in accordance with Regulation 3.28 of Punjab State Electricity Regulatory Commission (Forum & Ombudsman) Regulation – 2016.

(MOHINNDER SINGH)

Ombudsman

Place: SAS Nagar (Mohali) Electricity, Punjab

Dated: 14.06.2017 SAS Nagar (Mohali)