IN THE COURT OF THE LOKPAL (OMBUDSMAN),

 ELECTRICITY, PUNJAB,

66 KV GRID SUB-STATION, PLOT NO. A-2,

INDUSTRIAL AREA, PHASE-1, S.A.S NAGAR (MOHALI)

Appeal No. 55 / 2017 Date of Order : 25.01.2018

Account No. U11AD01/00009

Parkash Rice & General Mills,

Village Raqba, Tehsil Mullanpur ,

District Ludhiana.

*Through:*

Shri Sukhminder Singh, Petitioner’s Representative (PR)

….Petitioner

Versus

Punjab State Power Corporation Limited ...Respondent

*Through*

Er. Jagdev Singh ,

Additional Superintending Engineer,

DS Adda Dakha Division,

PSPCL, Adda Dakha (Ludhiana).

Petition No. 55/2017 dated 01.09.2017 was filed against order dated 11.08.2017 in case no. CG-127 of 2017 of the Consumer Grievances Redressel Forum (Forum) which decided that:

*“The bill issued to the Petitioner dated 1.5.2017 for the period 31.3.2017 to 28.4.2017 for 8872 kWH units and 57372kVAh units is for actual 57372kVAh consumption consumed by the Petitioner and is correct and recoverable”.*

2. Arguments, discussions and evidence on record were held on 25.01.2018.

3. Shri Sukhminder Singh (PR) attended the Court proceedings on behalf of the Petitioner, Er. Jagdev Singh, Addl. S.E/DS Division, PSPCL, Adda Dakha alongwith Er. Jagdeep Singh, AEE, DS Suburban Sub Division, PSPCL, Adda Dakha, appeared on behalf of the Respondent – Punjab State Power Corporation Limited (PSPCL).

 4. Presenting the case on behalf of the Petitioner, Shri Sukhminder Singh, Petitioners, Representative (PR) stated that the Petitioner was having a Large Supply category connection with Sanctioned Load/Contract Demand as 361.496kW/375kVA. The reading of the Energy Meter was taken every month and the bills raised by the department, from time to time on the basis of measured consumption, had been duly paid.

PR stated that the Respondent issued bill dated 01.05.2017 pertaining to the period 31.03.2017 to 28.04.2017 with kWh consumption of 8872 units and kVAh consumption of 57372 units and resultant PF as 0.15 lag, amounting to Rs. 4,08,690/-. The consumption of kVAh, as shown in the bill, was abnormal but the Petitioner had deposited the entire amount of the bill vide receipt no. 87 dated 10.05.2017 to avoid disconnection. PR stated that the bill issued by the Respondent was very much on the higher side, considering the consumption as recorded during the corresponding period of previous year, therefore the Petitioner approached the Forum for review of case. Accordingly, the case of the Petitioner (CG-127 of 2017) was registered in the Forum. But, the Forum did not consider the genuine pleadings of the Petitioner and decided that *“the bill issued to the Petitioner dated 1.5.2017 for the period 31.3.2017 to 28.4.2017 for 8872 kWh units and 57372kVAh units is for actual 57372kVAh consumption consumed by the Petitioner and is correct and recoverable”.*

The Petitioner was not satisfied with the decision of the Forum, therefore, filed the present Appeal.

PR stated that the supply from the connection was being used for Rice Sheller (seasonal industry). The work of shelling and consequent consumption of electricity of the Petitioner varied from month to month. The officer of the Respondent - PSPCL was recording readings every month and bills for seasonal consumption (for the period prior to the bill of disputed period 31.03.2017 to 28.04.2017), as issued on the basis of recorded consumption of kVAh, were normal and the same had been paid in due course, without protest. However, bill pertaining to the period 31.03.2017 to 28.4.2017 with kWh consumption of 8872 units and kVAh consumption of 57372 and resultant PF as 0.15 lag, was not correct, considering the use of supply during this period and at such a low PF of 0.15 lag, which is not possible in normal course with accurate Energy Meter. Thus, the consumption of 57372kVAh units could be due to erratic behavior of the Energy Meter (kVAh part) and bill issued for the period 31.03.2017 to 28.04.2017, was required to be revised by converting kWh consumption into kVAh consumption by taking average PF of previous 3 months or the bill could be revised on the basis of consumption as recorded during the same month of previous year. PR further stated that the Respondent did not revise the disputed bill issued to the Petitioner and the Forum also upheld the amount of the bill issued for the period 31.03.2017 to 28.04.2017, which was unjustified. PR also stated that the work of shelling in the Sheller of the Petitioner was almost over up to the month of March and during the same month (April) of previous year, consumption of only 2489kVAh was recorded. The consumption of 57372kVAh is due to erratic behavior of kVAh part of the Energy Meter. The accuracy of the Energy Meter (probably kWh) part had been reported within limits in ME. Lab, vide report dated 22.06.2076. As such, the bill pertaining to the period 31.03.2017 to 28.04.2017 (peiod of the disputed bill) with kWh consumption of 8872 units and kVAh consumption of 57372 units could be revised by converting consumption of kWh into kVAh by adopting average PF as 0.90 viz 8872kWh / 0.90 = 9858 kVAh/units.

PR reiterated that kVAh consumption recorded during the period 31.03.2017 to 28.04.2017 was very much on the higher side, considering the consumption as recorded during the corresponding period of previous year. The consumption of 1924 kVAh, 1504 kVAh and 2468 kVAh units, was recorded in the same month of the year 2014, 2015 and 2016 respectively. Further*,* PF of 0.15 lag, as worked out from the consumption of the period 30.3.2017 to 28.4.2017 (against normal average PF of 0.90 lag) also suggested that abnormal consumption of 57372 kVAh was due to some internal defect in the Energy Meter, otherwise such a low PF was not possible even with any type of light load.

PR contended that the daily consumption as per DDL print-out (billing report) for 31.03.2017 and 01.04.2017 was 2475 kWh, 2618 kVAh and 2450 kWh, 2638 kVAh with resultant PF as 0.94 lag and 0.93 lag. On the next day i.e. 2.4.2017, the consumption was 1814 kWh, 2605 kVAh with resultant PF as 0.70 lag. Thereafter, the consumption of 438 kWh, 2671 kVAh, 178 KWh, 2863 kVAh and 162 kWh, 2772 kAh with resultant PF as 0.16 lag, 0.06 lag and 0.06 lag was recorded on 03.04.2017, 04.04.2017 and 05.04.2017 respectively. This trend also continued almost during the entire billing period of 31.3.2017 to 28.4.2017. These figures, as per DDL print-out also indicated that Energy Meter developed some fault on 2.4.2017 when PF of 0.70 lag had been worked out from the kWh/kVAh consumption as per DDL print-out.

PR stated that the Forum was aware that Hon’ble PSERC had given clear directions for discussing all the pleadings of the Petitioner and decision should be speaking one. As such, Forum was supposed to discuss each and every pleadings of the Petitioner before arriving at any conclusion. However, the Forum did not discuss all the submissions and decided the case against the Petitioner. Besides, the Forum did not even consider the possibility of kVAh part of Energy Meter being defective. Even (for the sake of arguments) it was assumed that kVAh consumption was higher due to non-maintaining optimum PF around unity under all working conditions, but, the Forum had earlier taken decisions in favour of the Petitioners in similar cases of Smt. Rajni Oberoi Jalandher (CG-172 of 2016) vide order 14.03.2017 and of VIR Food Ltd (CG-162 of 2016) vide order dated 02.02.2017. However, in the present case of the Petitioner, although the observations of the Forum were similar to the cases mentioned above, yet the decision was taken against the Petitioner.

PR requested this Court to set-aside the decision of the Forum, allow the Appeal, quash the demand of Rs. 4,08,690/- as per bill and order the revision of bill for the period 31.3.2017 to 28.4.2017 with kWh consumption of 8872 units (by converting it into kVAh), in the interest of natural justice and fairness.

5. Defending the case on behalf of the Respondent, Er. Jagdev Singh, Addl.S.E., DS Division, PSPCL, Adda Dakha stated that the Petitioner was having a Large Supply category connection for Rice Sheller with Sanctioned Load 361.496 kW and Contract Demand 375 kVA. The Petitioner was issued bill for the period from 31.03.2017 to 28.04.2017, based on consumption of 8872 kWh units and 57372 kVAh units, for Rs. 4,08,690/-. The Petitioner deposited the billed amount on 28.04.2017. A reference was made by DS Division, Adda Dakha, vide letter no. 356 dated 28.04.2017, to MMTS to check the Energy Consumption due to significant variation between kWh and kVAh consumption. Accordingly, the Energy Meter was checked by MMTS vide ECR no. 44/3018 dated 05.06.2017. Thereafter, the MMTS, vide letter no. 322 dated 16.06.2017, directed to replace the disputed Energy Meter and send the same to ME Lab for checking. In compliance to the said direction of MMTS, the Energy Meter, installed at site, was replaced vide MCO no. 138/45065 dated 16.06.2017, effected on 17.06.2017. The disputed Energy Meter was checked in ME Lab, in the presence of the consumer, vide challan no. 317 dated 22.06.2017 and its accuracy was found within limits. The Respondent stated that the Petitioner was not satisfied with the billed amount and filed a Petition in the Forum which, vide Order dated 11.08.2017, decided that the bill issued to the Petitioner was correct and recoverable.

 The Respondent submitted that the Petitioner was charged correctly and prayed that the Petition may be dismissed.

**Decision:**

6. The relevant facts of the case are that the Petitioner is having a Large Supply Seasonal Category Connection with Sanctioned Load of 361.496 kW and Contract Demand of 375 kVA. The Petitioner received Energy Bill dated 01.05.2017 amounting to Rs. 4,08,690/- for the period 31.03.2017 to 28.04.2017 with consumption of 8872kWh units and 57372 kVAh units implying that the Power Factor was 0.15. Though the Petitioner considered the consumption as abnormal taking into account the consumption of corresponding period of previous years, it still deposited the full amount of the bill to avoid disconnection. Since the variation between kWh and kVAh consumption was quite significant, the Addl. S.E/DS Division, PSPCL, Adda Dakha requested the MMTS, vide letter no. 356 dated 28.04.2017, to check the Energy Meter and the same was checked by MMTS on 05.06.2017 in the presence of the consumer’s representative. The MMTS issued speaking orders dated 16.06.2017 and directed to replace the Energy Meter and send the same to ME Lab for further checking. Though, the MMTS did not check its accuracy at site but DDL was taken. The disputed Energy Meter was replaced vide MCO dated 16.06.2017, effected on 17.06.2017. The Energy Meter was got checked in ME Lab on 22.06.2017 in the presence of the Consumer’s Representative and it was reported that:

 *“n?e{o/;h ;hwK ftZu j? .”*

 Not satisfied with the above checking and also the bill, the Petitioner filed a Petition in the Forum, which decided on 11.08.2017 that:

 “T*he bill issued to the Petitioner dated 01.05.2017 for the period from 31.03.2017 to 28.04.2017 for 8872kWh units and 57372kVAh units is for actual 57372kVAh consumption consumed by the Petitioner and is correct and recoverable.”*

 Aggrieved with the decision of the Forum, the Petitioner filed an Appeal in this Court and prayed to set aside the decision of the Forum, allow the Appeal, quash the demand of Rs. 4,08,690/- as per bill and order the revision of the bill for the period 31.03.2017 to 28.04.2017 with kWh consumption of 8872 units (by converting it into kVAh), in the interest of natural justice and fairness.

 I have gone through the written submissions made in the Petition by the Petitioner and written reply of the Respondent as well as oral arguments made by the Representative of the Petitioner and the Respondent alongwith material brought on record by both the sides.

 The issue requiring adjudication is the legitimacy of the billed amount of Rs. 4,08,690/-, based on the consumption of 57372kVAh units for the period from 31.03.2017 to 28.04.2017, charged to the Petitioner.

 *My findings on the points emerged and deliberated are as under:-*

1. PR argued that the dispute arose with the issuance of bill for the period 31.03.2017 to 28.04.2017 based on the consumption of 57372 kVAh units (8872 kWh units), amounting to Rs. 4,08,600/-. PR stated that supply from the connection was being used for Rice Sheller (seasonal industry). The work of shelling and consequent consumption of electricity of the Petitioner varied from month to month. The officer of the Respondent - PSPCL was recording readings every month and bills for seasonal consumption (prior to the period of billed period 31.03.2017 to 28.04.2017) as issued on the basis of recorded consumption of kVAh were normal and the same had been paid in due course, without protest. However, bill pertaining to the period 31.03.2017 to 28.4.2017 with kWh consumption of 8872 units and kVAh consumption of 57372 units and resultant PF as 0.15 lag, was not correct, considering the use of supply during this period and such a low PF of 0.15 lag, which was not possible in normal course with accurate Energy Meter. Thus, consumption of 57372 kVAh could be considered as due to erratic behavior of the Energy Meter (kVAh part) and bill issued for the period 31.03.2017 to 28.04.2017, was required to be revised by converting kWh consumption into kVAh consumption (by taking average PF of previous three months) or the bill could be revised on the basis of consumption as recorded during the same month of previous year. However, the Respondent did not revise the bill issued to the Petitioner and the Forum also upheld the amount of the bill issued for the period 31.03.2017 to 28.04.2017, which was unjustified. PR also stated that the work of shelling in the Sheller of the Petitioner was almost over up to the month of March and during the month of April of previous year, consumption of only 2489kVAh was recorded. Apparently, the consumption of 57372 kVAh was due to erratic behavior of kVAh part of the Energy Meter.

 The Respondent, in its defence, stated that the bill under dispute was raised on the basis of measured consumption and was correct and recoverable as also decided by the Forum.

*I have perused the Consumption Data placed on record and noticed that earlier, the Energy Meter was replaced during the month of October 2015 and also in the month of February 2017 before replacing the disputed Energy Meter which was replaced in June 2017. The consumption for the year 2016 and 2017 during the months of January, February, March and April are comparable but in the month of May and June, there is huge difference between kWh and kVAh consumption while during the corresponding months in the year 2017, the Power Factor is very low due to erratic behavior of the Energy Meter.*

1. PR next argued that the accuracy of the Energy Meter (probably kWh part) had been reported within limits in ME. Lab, vide report dated 22.06.2016. As such, the bill pertaining to the period 31.03.2017 to 28.4.2017 (period of the disputed bill) with kWh consumption of 8872 units and kVAh consumption of 57372 units could be revised by converting consumption of kWh into kVAh by adopting average PF as 0.90 viz 8872kWh / 0.90 = 9858 kVAh units. PR reiterated that kVAh consumption recorded during the period 31.03.2017 to 28.04.2017 was very much on the higher side, considering the consumption as recorded during the corresponding period of the previous years. The consumption of 1924 kVAh, 1504 kVAh and 2468 kVAh, was recorded in the same period of the year 2014, 2015 and 2016 respectively. Further*,* PF of 0.15 lag, as worked out from the consumption of the period 31.03.2017 to 28.04.2017 (against normal average PF of 0.90lag) also suggested that abnormal consumption of 57372 kVAh was due to some internal defect in the Energy Meter, otherwise such a low PF was not possible even with any type of light load.The daily consumption as per DDL print-out (billing report) for 31.03.2017 and 01.04.2017 was 2475kWh, 2618 kVAh and 2450 kWh, 2638 kVAh with resultant PF as 0.94 lag and 0.93 lag. In the next day i.e. 2.4.2017, the consumption is 1814 kWh, 2605 kVAh with resultant PF as 0.70 lag. Thereafter, the consumption of 438kWh/2671kVAh, 178 kWh/ 2863 kVAh and 162 kWh/2772 kVAh with resultant PF as 0.16 lag, 0.06 lag and 0.06 lag was recorded on 03.04.2017, 04.04.2017 and 05.04.2017 respectively. This trend also continued almost during the entire billing period of 31.03.2017 to 28.04.2017. These figures, as per DDL print-out also indicated that Energy Meter developed some fault on 02.04.2017 when PF of 0.70 lag had been worked out from the kWh / kVAh consumption as per DDL print-out.

 *I observe that the accuracy of the disputed Energy Meter was found within limits after the same was checked in ME Lab vide Challan dated 22.06.2017. The ME Lab report does not mention that accuracy in Active Mode (kWh) or Reactive Mode (kVAh) of Energy Meter was taken.*

 *In case, there was dispute of Reactive Mode of the Energy Meter, the ME Lab should have taken the Accuracy and Dial Test in Reactive Mode. Moreover, the MMTS should have checked the accuracy of the Energy Meter at site as per provisions contained in instruction no. 59.4 of ESIM. I also perused the DDL report dated 05.06.2017 and noticed that:*

*a) the instantaneous values shows that the PF on Red, Yellow and Blue Phase was 0.80, 0.00, -0.916 respectively.*

*b) Commulative Energy kWh (import) = 255765*

 *Commulative Energy kVAh ( import) = 334495*

 *Hence PF = 0.76*

*c) Daily Commulative Energy Data for 00.00 hrs shows that daily consumption for 31.03.2017 and 01.04.2017 is 2475kWh, 2619kVAh and 2450kWh, 2638kVAh with resultant PF as 0.94 and 0.93.*

*d) Next day i.e. on 02.04.2017, the consumption was 1814kWh, 2605 kVAh and thus the PF = 0.70. Thereafter, the consumption of 438kWh, 2671kVAh, 178kWh, 2863kVAh and 162 kWh, 2772 kVAh with resultant PF as 0.16, 0.06 and 0.06 respectively, was recorded on 03.04.2017, 04.04.2017 and 05.04.2017.*

 *I am of the view that since the billing was being done by taking consumption in kVAh units, hence, accuracy and Dial Test of the Energy Meter on kVAh pulse was required to be done either at site or in ME Lab to reach at the conclusion whether the Energy Meter was correctly working in Reactive Mode.*

In view of the above discussions, it is concluded that Energy Meter was defective and due to which, the account of the Petitioner for the disputed period of billing period 31.03.2017 to 28.04.2017 is required to be overhauled as per provisions contained in Regulation 21.5.2(a) of Supply Code-2014 i.e. by taking the consumption of corresponding period of previous year.

**As a sequel of above discussions, the bill dated 01.05.2017 for the period 31.03.2017 to 28.04.2017 amounting to Rs. 4,08,690/- prepared for 57372kVAh units, is set-aside, hence, not recoverable. The Respondent is directed to revise the bill for the above period as per provisions contained in Regulation 21.5.2 (a) of Supply Code-2014 and recover/refund the amount short/excess without any interest.**

7. The Appeal is disposed off accordingly.

8. In case, the Petitioner or the Respondent (Licensee) is not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate Bodies in accordance with Regulation 3.28 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations – 2016.

 ( VIRINDER SINGH)

 LokPal (Ombudsman)

Place: S.A.S. Nagar (Mohali) Electricity, Punjab,