**COURT OF THE LOK PAL (OMBUDSMAN),**

**ELECTRICITY, PUNJAB,**

**PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,**

**S.A.S. NAGAR (MOHALI)**

**APPEAL NO. 31/2019**

**Date of Registration : 18.06.2019**

**Date of Hearing : 20.08.2019**

**Date of Order : 27.08.2019**

**Before:**

 **Er. Virinder Singh, Lokpal (Ombudsman), Electricity**

**In the Matter of:**

 Vipan Kumar,

 Plot No. 27, Bharti Colony,

 Dana Mandi , Jalandhar Bye Pass,

 Ludhiana

 ...Petitioner

 Versus

 Addl. Superintending Engineer,

DS, City West Division (Special),

PSPCL, Ludhiana

 ...Respondent

**Present For:**

Petitioner : Sh. Parvesh Chadha,

 Petitioner’s Representative (PR)

Respondent : Er. Shiv Kumar

 Asstt. Executive Engineer (Commercial)

 DS City West Division (Special),

 PSPCL, Ludhiana

Before me for consideration is an Appeal preferred by the Petitioner against the decision dated 03.05.2019 in Case No. CGL-064 of 2019 of the Consumers Grievances Redressal Forum (Forum), Ludhiana stating as under:

*“The bill issued due to difference of units 18,410 kWh to the Petitioner on the basis of final reading detected in the ME Lab i.e. 23,278 kWh and the reading up to which the Petitioner was billed i.e. 4,868 kWh amounting to Rs 1,59,395/- is justified and recoverable.”*

**2. Facts of the Case:**

 The relevant facts of the Case are that:

1. The Petitioner was having a Domestic Supply (DS) Category

connection with sanctioned load of 9.600 kW, for which, the metering was being done by providing Three Phase Four Wire, Whole Current, 10-60 Amp, Energy Meter.

1. The Energy Meter of the connection got defective and was replaced,

vide Device Replacement Application No. 100005118989 dated 18.12.2017, effected on 29.12.2017 with reading mentioned as 4,868 kWh.

1. The removed Energy Meter was got checked on 18.01.2018 from

M.E. Lab which reported that Energy Meter was burnt, accuracy could not be checked and DDL could not be taken. The final reading mentioned by ME Lab on the challan was kWh=23,278 and kVAh =25,124.

1. Internal Audit Party, vide Half Margin No. 246 dated 08.01.2019,

overhauled the account of the Petitioner on the basis of final reading reported by the ME Lab and charged difference of 18,410 kWh units, amounting to Rs.1,59,395/-.

1. The Respondent issued Notice, bearing No. 80 dated 28.01.2019,

asking the Petitioner to deposit the said amount within 7 days.

1. Aggrieved with the above Notice, the Petitioner filed a Petition

dated 06.03.2019 in CGRF, Ludhiana, who, after hearing, passed order dated 03.05.2019 (Page 2, Para 1).

1. Not satisfied with the decision of the CGRF, the Petitioner preferred

an Appeal in this Court and prayed that the bill for the period under dispute i.e. 07.12.2017 to 08.02.2018 may be issued on the average of previous year consumption or on the basis of consumption recorded after the installation of new Energy Meter as the DDL was not taken (Meter being burnt) and exact position had not been worked out.

**3. Submissions made by the Petitioner and the Respondent:**

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Petitioner and reply of the Respondent as well as oral submissions made by the Representatives of the Petitioner and the Respondent alongwith material brought on record by both the sides.

1. **Submissions of the Petitioner:**

The Petitioner made the following submissions for consideration of this Court:

1. The Petitioner was the user of a Domestic Supply (DS) Category

connection, bearing Account No. 300249957, with sanctioned load of 9.600 kW in the name of Sh. Arihant Parkash from whom, the Petitioner purchased the plot/house where, the said connection was installed.

1. The Energy Meter got defective and was replaced vide Device

 Replacement Application No 100005118989 dated 18.12.2017

affected on 29.12.2017.

1. The removed Energy Meter was sent to ME Lab for checking on

18.01.2018.

1. The Internal Audit Party charged Rs. 1,59,395/- vide HM No. 246

dated 08.01.2019 as difference of Final Reading reported by the ME Lab and that by the J.E. at the time of removal of defective Energy Meter, taken from the ledger on the basis of which, the Respondent issued Notice bearing No. 80 dated 28.01.1019, to deposit the said amount within 7days.

1. Subsequently, the amount was shown in the regular energy bill

issued on 12.02.2019, as Rs 1,61,315/-.

1. The reading as per display on the disputed Energy Meter was “N/V”

(Not Visible) as shown on the challan while sending the Meter in ME lab for checking by the JE but in ME Lab, the readings were recorded as 23,278 kWh and 25,124 kVAh despite the fact that the Energy Meter was declared burnt, accuracy could not be checked and DDL was also not taken in M.E. Laboratory.

1. Abnormal consumption of such magnitude was not recorded in the

past three years. As such, the amount charged to the Petitioner was not acceptable and needed to be reviewed in the interest of justice. The bill for the disputed period (07.12.2017 to 08.02.2018) be revised either on the basis of consumption of average of last year or on the basis of average consumption after installation of new Energy Meter.

(**b) Submissions of the Respondent:**

The Respondent, in its defence, submitted the following for consideration of this Court:

1. The Petitioner was the user of DS category connection with

sanctioned load of 9.600 kW bearing Account No.3002499657 running in the name of Sh. Arihant Parkash (previous owner) at Plot No. 27, Bharti Colony, Dana Mandi, Jalandhar Bye Pass, Ludhiana.

1. The Energy Meter of the Petitioner got defective and was replaced

vide Device Replacement Application No. 100005118989 dated 18.12.2017, affected on 29.12.2017.

1. The removed Energy Meter was sent to ME Lab, vide Challan

 No.11 dated 18.01.2018 .

1. As per report of ME Lab, the Energy Meter was burnt and its

accuracy could not be checked. DDL could not also be taken. The final reading mentioned on the challan by the ME Lab was 23,278 kWh and 25,124 kVAh .

1. The Petitioner was earlier billed up to reading of 4,868 kWh as per

 ledger.

1. Internal Audit Party, vide HM No. 246 dated 08.01.2019,

overhauled the account of the Petitioner on the basis of final reading detected in the ME Lab and charged the difference of 18,410 kWh units (23,278-4,868) amounting to Rs. 1,59,395/-.

1. A Notice, bearing No. 80 dated 28.01.2019, was issued to the

Petitioner to deposit the amount which was subsequently charged in the bill for February, 2018.

1. The Petitioner did not deposit the amount and approached the

CGRF, Ludhiana, who decided that the bill issued due to difference of 18,410 kWh units for Rs. 1,59,395/-to the Petitioner on the basis of final reading detected in the ME Lab i.e. 23,278 kWh and the reading up to which, the Petitioner was billed earlier i.e. 4,868 kWh was justified and recoverable. The Forum passed a well reasoned and speaking order and there was no infirmity in the orders passed by it.

1. It was incorrect that the reading of the Energy Meter had jumped.

The actual units of the energy consumption recorded by the Energy Meter had been billed and charged to the Petitioner and was correct and recoverable.

1. The Appeal may be dismissed with costs.

**4. Analysis:**

The issue requiring adjudication is the legitimacy of the charging of the amount of Rs. 1,61,315/- in the bill dated 12.02.2018 to the Petitioner for the period from 07.12.2017 to 08.02.2018 due to difference of 18,410 kWh units based on the final reading detected in ME Lab on 18.01.2018 at the time of testing of Energy Meter (23,278 kWh) and reading shown by the Junior Engineer at the time of removal of disputed Energy Meter on 29.12.2017 (4,868 kWh) .

*The points emerging from the present dispute are deliberated and analysed as under:*

1. In the present dispute, the Energy Meter of the connection got

defective and was replaced vide Device Replacement Application No. 100005118989 dated 18.12.2017 affected on 29.12.2017 with Final Reading mentioned as 4,868 kWh. The removed Energy Meter was got checked on 18.01.2018 from M.E. Lab which reported that Energy Meter was burnt, accuracy could not be checked and DDL could not be taken. The final reading mentioned by ME Lab on the challan was kWh=23,278 and kVAh =25,124.Internal Audit Party, vide Half Margin No. 246 dated 08.01.2019, overhauled the account of the Petitioner on the basis of final reading and charged the difference of 18,410 kWh units = (23,278-4,868), amounting to Rs.1,59,395/-. As a result, the Petitioner was issued Notice, bearing No.80 dated 28.01.2019 by the Respondent, to deposit the said amount within 7 days.

1. Petitioner’s Representative (PR) submitted that the reading as per

 display on the disputed Energy Meter was “N/V”(Not Visible) as shown by the J.E. at the time of checking of Meter in ME Lab but the ME Lab, after testing on 18.01.2018 mentioned the readings on the challan as 23,278 kWh and 25,124 kVAh despite the fact that the M.E. Lab declared the Energy Meter burnt. Besides, the accuracy could not be checked and DDL was also not taken in M.E. Laboratory. Abnormal consumption of such magnitude was not recorded in the past three years. As such, the amount charged to the Petitioner was not acceptable and needed to be reviewed in the interest of justice. PR prayed that the bill for disputed period be revised either on the basis of consumption of corresponding period of last year or on the basis of average consumption after installation of new Energy Meter.

 The Respondent, in its defence, stated that the Forum had passed a speaking and well reasoned order and upheld the amount charged to the Petitioner by observing that it was a case of accumulation of reading and the Petitioner was charged for the difference of energy consumption recorded by the disputed Energy Meter shown in the ledger/already billed (4,868 kWh units) and final reading of energy consumption recorded by the ME Lab in the challan after checking on 18.01.2018.

 I find from the perusal of the Consumption Data of the Consumer’s connection brought on record of this Court with effect from June, 2015 that the consumption for the seven months (June to December) of the years 2015, 2016, 2017 and 2018 was 505 kWh units, 3,202 kWh units, 2,020 kWh units and 2,095 kWh units respectively. Besides, the consumption of the consumer’s connection for the period from 07.10.2017 to 08.02.2018 was only 860 kWh units against 4,154 kWh units recorded after change of Energy Meter in 8/2018 to 02/2019, Based on these details, the Forum observed, in its order, as under:

“*The consumption of the Petitioner after change of meter on 11.08.2018 is more than 5 times its consumption recorded in the same period of previous year. As per Load Checking Register (LCR), the Petitioner has installed One No. AC besides other light load and water pump motor. The consumption of the Petitioner for the year 2015, 2016 and 2017 is not as per load installed.”*

1. After hearing oral submissions made by both the sides, the

AEE/Commercial, DS City West Division (Special), Ludhiana (Respondent) was directed to conduct complete checking of the Energy Meter and send a signed copy of LCR showing the details of the connected load etc.

 In response to the above direction, AEE/Commercial, DS City West Division (Special), PSPCL, Ludhiana sent a signed copy of LCR No. 29/330 dated 21.08.2019 after checking the connection of the consumer.

 As per LCR, the details of the Connected Load are as under:

|  |  |
| --- | --- |
| **Electrical Equipment**  | **Number** |
| Lamps | 24 |
| Fans | 3 |
| Plugs | 8 |
| Power Plugs | 2 |
| A.C. | 1 (2kW) |
| Motor | 1 (0.373kW) |

The above load matches with the connected load checked earlier vide LCR No 17/312 dated 09.04.2018 and 30/312 dated 27.04.2019.

I observe that the connected load is less than the sanctioned load of the Consumer’s connection.

1. As per material available on record, the connection was still running

in the name of Sh. Arihant Parkash from whom, the Petitioner had statedly purchased the plot in which, the electricity connection stood installed.

*I find that though the Forum had also observed, in its order, the necessity of change of the name of the consumer in the records of the PSPCL, the compliance has not been done. The same needs to be ensured on priority.*

**5**. **Conclusion:**

 From the above analysis, it is concluded that the account of the Petitioner for the disputed period is required to be overhauled, on the basis of LCR No.29/330 dated 21.08.2019, as per LDHF formula in terms of provisions contained in Regulation 21.5.2 (d) of the Supply Code-2014 as under:

L X D X H X F formula as mentioned in Annxure-8 of Supply Code-2014.

Where L= Load connected during the course of inspection in kW

 D= No. of days

 H= No. of Hours

 F= Demand Factor

The Respondent is also required to ask the Petitioner to apply for change in the name of the Consumer and allow the same after completion of the requisite formalities as per Regulations.

**6**. **Decision:**

As a sequel of above discussions, the order dated 03.05.2019 of the CGRF, Ludhiana in Case No. CGL-064 of 2019 is set aside. It is held that the account of the Consumer for the disputed period shall be overhauled as per conclusion arrived at in Para 5 above. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short, if any, after adjustment, without interest.

The Respondent is also directed to direct the Petitioner to apply for change in the name of the Consumer and allow the same after completion of the requisite formalities.

**7.** The Appeal is disposed of accordingly.

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

(VIRINDER SINGH)

August 27, 2019 Lokpal (Ombudsman)

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