

**BEFORE THE DISTRICT CONSUMER DISPUTES
REDRESSAL COMMISSION, KAPURTHALA**

Complaint No.39 of 2021

Date of Instt. 30.04.2021

Date of Decision: 21.12.2023

Balwinder Singh aged ___ Years son of Didar Singh r/o Village Dessal,
P.O. Saiflabad, Tehsil and District Kapurthala.

.....Complainant

Versus

1. Punjab State Power Corporation Ltd., The Mall, Patiala through its
Chairman/MD.
2. S.D.O. Sub Division Ucha, PSPCL, District Kapurthala.

..... Opposite Parties

Complaint Under Consumer Protection Act.

Before: Dr. Harveen Bhardwaj (President)
 Smt.Rajita Sareen (Member)
 S. Kanwar Jaswant Singh (Member)

Present: Sh. Chandan Puri counsel for the Complainant.
 Sh. K.S. Bawa counsel for OPs.

Order

Smt.Rajita Sareen (Member)

1. The instant complaint has been filed by the complainant, wherein it is alleged that complainant has got installed an electric connection bearing account No. X26UT650763L at his residence situated at village Dessal, P.O Saiflabad, District Kapurthala. The complainant is a poor person belongs to Schedule caste community and the said electric connection was also released under SC category. The connected load of

the said connection is 0.500kw. Under the said Schedule caste category, the charges on the bill cycle units upto 400 units for every bill cycle unit is exempted. It is further pertinent to mention here that the average consumption of the complainant is normally not more than 400 units for every bill cycle except few bills in which the consumption is bit high for more than 400 units, as the consumption of the connection in question is very low, which is evident from this very fact that the said connection is a domestic connection and the total load on the said connection is only $\frac{1}{2}$ Kw. Surprisingly, complainant received the bill dated 26/7/2018 for a period from 14/3/2018 to 26/7/2018 for an amount of Rs. 81,590/- which is highly exorbitant one. Since the said amount was claimed was quite high, so the complainant being poor person could not pay the same, and the opposite party disconnected the connection without any prior notice. Since, then the complainant and his family member approaching the opposite party to restore the connection and to redress the grievance of the complainant by way of rectifying the disputed bill, who has been assuring to do the same, but the OPs lingered on the matter on one pretext or the other. Complainant again received another bill dated 16/9/2018 for an amount of Rs. 1,74,120/- by adding Rs. 83,062/- as arrears and also charged Rs. 91,058/- for current consumption charges, although there was no such electric connection at that time in the house of the complainant, so the question of consuming any energy does not arise at all. Again the complainant received bill dated 18/11/2018, wherein an amount of Rs. 1,80,800/- has been demanded by mentioning

Rs. 1948/- as current bill charges. The OPs of its own again sent bill dated 17/3/2019, wherein an amount of Rs. 87,037/- has been shown under Sundry charges which has been deducted from the said bill and the bill was sent for Rs. 1,07,560/-. Thereafter the bills were sent, wherein consumption was shown to be "O". Thereafter complainant many times approached the OP No.2 with a request to correct the said bills as the complainant never used such highly exaggerated number of units and also requested to restore the connection. Every time OP No.2 after verifying the fact assured that he will get corrected the said bill, and thereby lingered on the matter on one pretext or the other. Even the Gram panchayat of village Desal District Kapurthala also met the OP No.2 in this regard and told that the complainant is a poor man and never used such highly exaggerated units of electricity and question of using the electricity to such an extent does not arise at all but inspite of that till date the same has not been corrected and the complainant is suffering a lot without any fault on his part. This amounts to unfair trade practice and deficiency in service on the part of OPs and complainant has prayed that the complaint of the complainant may be accepted and OPs be directed to restore the electric connection at the residence of the complainant and OP be also directed to correct the disputed bill and further OP be directed to pay Rs. 50,000/- as damages on account of mental tension and harassment and OP be also directed to pay Rs. 11,000/- as litigation expenses.

2. Notice of the complaint was given to the OPs and

accordingly, OPs appeared through its counsel and filed written reply and contested the complaint by taking preliminary objections that present complaint is not maintainable. The complaint is barred by his own act and conduct, omission and commission to file the present complaint. The complainant in connivance with the then meter reader appointed by private company through out source system was suppressing actual consumption. The electric connection of complainant was disconnected on 12/1/2020. SDO Sub Division Ucha alongwith JE visited the premises of complainant and in presence of ASI, Member Panchayat and son of complainant found that complainant has been committing theft of energy by way of joining one end of wire in the 20 meter box and joining other end with main circuit box of house wiring. The SDO noted his checking report in his checking register No. 530 page No.76 dated 21/8/2021. The above said JE, ASI, Member Panchayat signed the report and Jaspal Singh son of complainant also signed the report and received copy of checking at the spot. It show that complainant is habitual of committing theft the energy. Complainant has got no cause of action to file the present complaint against the OPs. The reading of the meter installed in the premises of the complainant was taken by private meter reader engaged by contractor and he with connivance of the complainant used to record reading by suppressing actual reading and took reading upto 14/3/2018 and recorded new reading as 10990. This fact of suppressing actual reading in connivance with the complainant is clear from the bills, which are always near about the concession units of 400. The new meter

reader recorded actual reading as 20808 on 14/5/2018, whereas old reading recorded by previous meter reader was 10990. Due to accumulated units the computer did not accept this high consumption so the bill dated 14/5/2018 was generated with "I" Code on average basis and accumulated consumption comes out 9818 units. The reading was accumulated by private meter reader of old company in connivance with the complainant, who was suppressing the reading continuously upto 14/3/2018. As per Govt. policy, if schedule cast consumer consumes 3000 units in the years then he is not entitled for exemption of 400 units per bill. On merits, the factum with regard to all the allegations as made in the complaint are categorically denied and lastly submitted that the complaint of the complainant is without merits and the same may be dismissed.

3. The complainant filed rejoinder to the written statement of OP reiterating the allegations made in the complaint by controverting those made in the written statement.

4. To prove its case, complainant submitted his affidavit alongwith documents Ex. C1 to Ex. C23 and affidavit of Nirmal Singh Ex. C24.

5. On the other hand, OPs submitted affidavit Ex. R1 alongwith documents Ex. R1 to Ex. R7.

6. We have heard the arguments from the learned counsel for the parties and have also gone through the case file very minutely.

7. The main facts are that the complainant Balwinder Singh son of Didar Singh resident of Village Dessal District Kapurthala got

installed an electric meter bearing account No. X26UT650763L at his residence under SC Category with sanctioned connected load of 0.500KW. Under this category, 400 units are exempted from any charges for every bill cycle. Most of the time, the average consumption of units is within the exempted limit. Complainant received a bill dated 26/7/2018 for a period from 14/3/2018 to 26/7/2018 for an amount of Rs. 81,590/- proved vide Ex. C2 which could not be paid being poor. As a result, the connection of the complainant was disconnected without any prior notice by the Ops. Thereafter, another electricity bill dated 16/9/2018 for an amount of Rs. 1,74,210/-, which includes arrears of Rs. 83,062/- and Rs. 91,058/- for current consumption charges was received by the complainant, even when the connection was already disconnected by the Ops due to non payment of previous bill Ex. C3. The Ops again issued a bill dated 18/11/2019 proved as Ex. C4 by mentioning Rs. 1948/- as current bill charges. After that complainant received a bill dated 17/3/2019 for an amount of Rs. 1,07,560/- after deducting Rs. 87,037/- shown as sundry charges Ex. C6. Afterwards further bills were issued with "O" consumption which are produced as Ex. C7 to Ex. C12. Ex. C14 to Ex. C22 prove less consumption by complainant in the previous bill issued by the Ops. The Ops did not listen to the requests made by complainant and even Gram Panchayat to restore the electric connection and he had to knock the door of this Commission for redressal of his grievance.

8. On the other hand, Ops have denied the allegations levelled

by complainant by stating that the electricity connection of the complainant was never disconnected as alleged. Rather it was disconnected on 12/1/2020. The consumer did not pay any amount of the this bill. The bill dated 18/11/2018 is also correct, which was sent for 298 units. The concession was withdrawn from the complainant as the total consumption of unit exceeded 3000 per year as per the policy of state Government. The concession of 400 unit was not given in this bill. However, the complainant did not pay any amount out of this bill. The next bill dated 16/1/2019 which was for 276 units. But again the complainant failed to pay any amount out of this bill. The next bill dated 17/3/2019 was issued in which sundry allowances of Rs. 87,937/- was given as bill of 16/9/2018 was sent for excess consumption of 10,000 Units. The bill was payable upto 1/4/2019 and surcharge of Rs 2151 if not paid in time and total bill was for Rs.1,09,711/-. Bills of Ex.C11 to Ex.C12 were never issued to consumer on spot billing but actually by adding interest amount accumulated in the system only. The complainant has filed bills by downloading from internet site of system but infact no bill was issued as connection was disconnected on 12/1/2020 vide DCO No. 645 dated 1/1/2020. The complainant is committing theft of energy. Since 12/1/2020 i.e. from disconnection of electric connection. This fact came in the knowledge of department when a raid was conducted in presence of son of complainant by the team comprising SDO Sub Division Ucha, JE, on the premises of the complainant and in the presence of son of the complainant, ASI, member Panchayat and it was

found that complainant has been committing theft of energy by way of joining one end of wire in the 20 meter box and joining other end with main circuit box of house wiring. The SDO noted the checking report in his checking register No. 530 page No.76 dated 21/8/2021. The above said JE, ASI, Member Panchayat signed the report and Jaspal Singh son of complainant also signed the report after admitting it correct and received copy of checking at the spot. The complainant has stopped depositing current consumption charges from 2018 and connection was correctly disconnected. There is no deficiency in service, negligence and unfair trade practice on the part of respondent. Since complainant in connivance with private meter reader was suppressing actual consumption so the consumption was accumulated and complainant never even challenge the meter in ME Lab.

9. It is admitted fact that bill Dated 26/7/2018 for a period from 14/3/2018 to 26/7/2018 for an amount of Rs. 81,590/- was issued by the OP No.2 to the complainant in the month of July 2018. Thereafter, another bill for the period from 26/7/2018 to 16/9/2018 for an amount of Rs. 1,74,120/- was issued again by the OP No.2 to the complainant in the month of September 2018 as per Ex. C3. It includes previous bill amounting to Rs. 83,062/- having surcharge amount added in it. Later on OP No.2 issued another corrected/ rectified bill for the period from 16/1/2019 to 17/3/2019 for amount of Rs. 1,07,560/- as per Ex. C6 in the month of March 2019 after deducting Rs. 87,937/- from the outstanding previous month bill amounting to Rs. 1,88,950/-. This rectification in the

bill was done due to incorrect recording of the reading in a bill for the month of July 2018. The actual new reading at site was 11238 whereas meter reader mistakenly recorded it as 21238 thus leading to issuing of inflated bill. The above deliberate act of the Ops itself is sufficient to prove the deficiency in service on the part of Ops which caused undue harassment to the complainant.

10. So far as the suppression of consumption of units of electricity by the complainant in connivance with the meter reader is concerned; it is primarily the responsibility of the Ops to watch and take care of the consumption of electricity at its own level by getting it checked from time to time as per departmental instructions. The complainant cannot be allowed to suffer due to this wrongful act of the Ops.

11. During the pendency of the complaint, counsel for the Ops filed an application for filing additional evidence to prove that complainant has been indulging into theft of energy due to disconnection of his electric connection vide checking report dated 21/8/2021 of SDO Ucha Sub Division vide Ex. R3. FIR No. 1134 dated 11/10/2021 under section 135 of Electricity Act stand lodged against the complainant Ex. R6. Counsel for complainant rebutted the contents of the above application by replying that this application is filed just to fill up the lacunas in defence taken by the Ops. The case is already at the stage of arguments and prayed for dismissal of the application.

12. As regarding the application for additional evidence filed by the Ops for theft of electricity by the complainant; it is inserted that as

per law settled by the Hon'ble Supreme Court in case titled as "UP Power Corporation Ltd. And Ors. Versus Anis Ahmad", in Civil Appeal No. 5466 of 2012, it has been held that

"(ii) A "complaint" against the assessment made by assessing officer under Section 126 or against the offences committed under Sections 135 to 140 of the Electricity Act, 2003 is not maintainable before a Consumer Forum".

Accordingly the application for additional evidence is dismissed being beyond jurisdiction.

13. On 25/9/2023, when the complaint was fixed for arguments. OP No.2 Er. Rajesh Kumar SDO Ucha Sub Division PSPCL appeared alongwith counsel for the Ops and stated that an amount of Rs. 1,39,544/- as consumption of electricity was standing in the account of complainant in the month of December 2022 and now according to CC/21/2022 this amount has been waived off in the account of complainant in January 2023 and now no amount of consumption charges are standing in the account of complainant and only Rs. 25,517/- are standing in the account, as complainant was found committing theft of energy on 21/8/2021.

14. From above all discussiion, it has become clear that inspite of rectification of the bill for the month of July 2018 amounting to Rs. 81,590/- and waiving off of the upto date balance amounting to Rs. 1,39,544/- as per policy of the state Government; still this Commission feels that the Consumer has been unnecessarily harassed due to

deficiency in service on the part of Ops. Therefore, the complainant needs to be compensated for the same.

15. In view of above detailed deliberation, we deem it fit to partly allow the present complaint. Since the outstanding defaulting amount already stands rectified/ waived off, therefore the electricity connection of the complainant which was disconnected due to non payment of the due amount of the electricity bill; be restored immediately. The Ops are further directed to pay Rs. 20,000/- as compensation for harassment suffered by complainant alongwith Rs. 5,000/- as litigation expenses. Compliance of payment of amount on account of compensation and litigation expenses be made within 30 days from the date of receipt of copy of this order failing which simple interest @6% will be levied till realization.

16. Copies of the order be supplied to the parties free of cost, as per Rules. File be indexed and consigned to the record room.

Dated
21/12/2023

S.Kanwar Jaswant Singh	Rajita Sareen	Dr. Harveen Bhardwaj
Member	Member	President

