

**IN THE COURT OF SOHAIB AHMED RUMI DISTRICT &
SESSIONS JUDGE/PRESIDING OFFICER DISTRICT CONSUMER
COURT SARGODHA.**

Case No. 57/2013
Date of institution 18.04.2013
Date of Decision 29.04.2013

Malik Mazhar Hayat
84 NB Jhang Road Sargodha.
(Complainant)

Versus
Chief Executive FESCO etc
Sargodha.
(Respondent)

JUDGMENT
29.04.2013

Arguments heard and record perused.

Case of the complainant is that he is bonafide consumer of the respondents. An electricity connection bearing Number 1713412167800 R is installed at the premises of the complainant situated at 84 NB Jhang Road Sargodha. In the month of April 2013 he has received the bill from the respondents of an exorbitant amount of Rs. 60642/- showing 3622 units monthly consumption of the electricity only in the month of March, 2012 which reflects defective and faulty service on the part of the respondents.

The respondents were summoned. The concerned SDO and M.S appeared alongwith the record and submitted their reply. According to the respondents in the month of November 2012 meter of the consumer become defective for which he was charged estimated average 531 units. In 12/2012 meter was replaced vide MCONo.5134 and 395 units were charged as per corresponding month of last year. In January 2013 the Meter Reader recorded new reading as 83 units for which consumer was charged only 49 units due to wrong reading recorded by the Meter Reader. In Feb 2013 defective code was allotted to the consumer and 852 units

were again charged on defective basis as per consumption of corresponding month of last year whereas the meter was running Ok and meter reader has again wrongly reported the meter as defective. A formal MCO NO. 91F was made to adjust reading and consumer was charged as per reading shown by the meter as 4567 at that time. According to the respondents electricity bill was issued on actual reading at site.

I have heard the parties at length and perused the record minutely according to which the meter No. SP 1594949 installed at the premises of the consumer/complainant was declared defective by the respondents in the month of November 2012 and the same was charged 531 units. In the month of November 2012 the meter was replaced with new one bearing numbers SP-1131334 and consumer was again charged 395 units. In January 2013 the meter has shown 49 units consumption to the disliking of the respondents who in order to charge the consumer on higher side declared it as defective because according to the respondents the meter has failed to record the actual consumption due to some faults, therefore, on the basis of consumption of corresponding month of the last year 852 units were charged. If this contention of the respondents is taken as gospel truth than they were duty bound to replace the said defective meter. Surprisingly in the next month the declared defective meter has shown 4567 reading with the consumption of 3622 units. Finding it favourable and beneficial performance of the meter the respondents absolutely in contradiction to their previous conduct now declared the same meter as correct and instead of replacing it at site prepared a fabricated MCO in order to satisfy the computer software showing replacement of the meter at site. In other words this was a false exercise by the respondents in the papers showing replacement of the meter which was totally against the fact. There is no justification for the existence

of formal MCO. This very act of the respondents is a mere deception and creating false document, tempering with the record because they have now shown in the documents as the meter has been replaced. This arbitrary act of the respondents to once they declared the meter as defective on showing consumption less favourable to them and in the next coming months declaring the same meter as correct on showing a huge consumption is a clear summer salt of ulterior motives which cannot be approved on the touch tune equity, justice and fare play. It's a self-contradictory act on the part of the respondents. I am surprised to know that according to reply of the respondents in January 2013 Meter Reader recorded reading wrongly as 49 units, therefore, on the basis of consumption of the corresponding month of the previous year consumer was charged 852 units. The respondents version is that the meter was running ok and was wrongly reported defective. If this was actual position how the respondents can take the stance that meter reader has wrongly recorded the consumption of 49 units. This amount is to blow hot & cold in the same breath. In this case the respondents became every time judge of their own cause as per their mercurieus desire. The consumption of 3622 units shown by the meter does not justify in any manner getting in view the consumption recorded of previous 02 years of the consumer. The respondents have categorically failed to point out extraordinary special circumstances prevailing for site at this dramatic consumption. In this case while relying on formula adopted by the respondents themselves the consumer is charged on the basis of his consumption of the corresponding month of the previous year from November 2011 to April 2012 according to the data consumption:-

November, 2011	434 Units
December, 2011	395 Units
Janaury, 2012	944 Units

February, 2012	852 Units
March, 2012	480 Units
April, 2012	350 Units

Total amounting to 3455 units, therefore, the reading charged by the respondents to the consumer from November 2012 to April 2013 is declared bogus, illegal and without any justification. The respondents are directed to charge the consumer accordingly and completely overhauling the account. Any amount of surcharge paid by the consumer shall also be adjusted. The above said units shall be charged after segregation from November, 2012 to April, 2013. The controversial meter present at site shall be replaced within a week after passing of this judgment. Compliance report be submitted to the court within weeks' time. Complaint is disposed off. File be consigned to record room after due completion.

Announced
29.04.2013

Sd/-
Presiding Officer,
District Consumer Court,
Sargodha.

