

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

Case No. 88/2013
Date of institution 24.06.2013
Date of Decision 28.08.2013

Sultan Ahmed
r/o Gondal Tehsil Shahpur District Sargodha
(Complainant)

Versus
SDO WAPDA etc.
Thesil Sahiwal District, Sargodha
(Respondents)

J U D E M E N T
28.08.2013

Case of the complainant is that electricity connection bearing reference No.27133464176956-R Tariff Commercial is installed at his shop where he is doing his business of vulcanizing the punctured tyres and tubes as self-employed person. He has been served electricity bill in month of March, 2013 at an exorbitant amount of Rs, 19462/- whereas his electricity meter has already been removed from the site making him jobless. Respondents Muhammad Aslam, Line Superintendent alongwith Muhammad Yousaf Court Clerk has appeared alongwith record and stated that the digital meter installed at the premises recorded 19Kw connected load against the approval of 5Kw. The meter was working properly. The consumer has been charged as per actual reading plus MDI charges @ of 400 Rupees per KW load. The meter was removed and supply was disconnected due to non-payment.

The Electricity Meter was produced in the court which was dispatched to the Electricity Inspector Faisalabad for its inspection and retrieval of data to know correctness of charging of MDI to the consumer. The Learned Electricity Inspector Faisalabad Region Faisalabad tested the Electricity Meter in the laboratory in the

presence of Executive Engineer M & T Faisalabad on running load of 3.3 KW. MDI part was found correct and cumulative MDI was found 43.0 KW. However data was also retrieved on 10.07.2013 which was showing, total KWh=19597.881KWh, total KVARh=690552.812KVARh, Maximum Demand=1064.791-KW, Cumulative Demand=196.609 KW and Number of Resets=10. Therefore data in the memory was found disturbed with an error/malfunctioning.

The record was analyzed which revealed that consumer Mr. Sultan Ahmad was earlier being billed with sanctioned load = 5.0 KW and with tariff as A-1(A)(01). Later on his tariff was altered in the billing month of March/2012 as to A-2c(06)T with sanctioned load 5.0 KW. On the other hand, it is also mentionable that old 3-Phase meter (meter No. 120853) was removed and 3-Phase new TOU meter (meter No. 159274) was installed on 26.01.2012 (reading date of the consumer connection is 26th or 27th of every month). As per record of the Electricity bills, consumer was charged for Rs. 8099/- with 0 units without mentioning MDI for the month of February 2012 and whereas detail provided by SDO and AM(CS) was also silent regarding the charging of MDI/KWh for the month of February 2012 and this reveals that actual MDI was less than 5-KW for the month of February 2012 and therefore, it was made hidden to avoid recording of actual MDI in February 2012 with TOU meter already installed for the bill of February 2012.

Monthly Electricity bill for the month of March 2012 clarifies that cumulative KWh/MDI i.e. 309 KWh/ 6-KW MDI was charged for both months of February 2012 & March 2012, but detail as provided by AM(CS) gives another picture with charging of MDI as 7.50 instead of 6.0 as charged in the month of March 2012. Similarly contradiction in charging of MDI for the month of April 2012 was observed i.e. 18-KWh/ 6-KW MDI was found printed in the

Electricity bill of April, 2012 and whereas 7-KW MDI was shown in the detail as provided by AM(CS). This practice was continued for the month of May 2012 with 35 KW MDI as printed in the Electricity bill for May 2012 and whereas MDI was detailed as 19.82-KW by AM(CS). 18-KW MDI charged against sanctioned load of 5.0 KW only is not possible. This illegal practice was adopted to maneuver the justification of installation of TOU meter with tariff A-2c(06)T. It is also important to note that as per detail provided by FESCO, 9-numbers of re-sets were recorded and whereas the detail of only 3 months with effect from 03.2012 to 05.2012 was provided and this also narrates that charging of MDIs to the consumer are not sustainable on the merit.

As the charging of consumption and MDI for the disputed period of 26.01.2012 to May 2012 are not reliable, therefore the consumer, under the above summarized circumstances is liable to be charged for disputed period of February 2012 (date of MCO 26.01.2012) to May 2012 on the basis of previous corresponding month 's consumption of 02.2011 to 05.2011.

In the light of detailed report submitted by the learned Electricity Inspector Faisalabad, the respondents are directed to overhaul the consumer account and issue the amended bill accordingly. The Electricity Connection of the consumer is also ordered to be restored forthwith and compliance report shall be submitted in this court within the period of one week failing which punitive action under section 32 of the Act 2005 shall be initiated. Complaint is disposed off. File be consigned to record room after due completion.

Announced
28.08.2013

(Sohaib Ahmed Rumi)
Presiding Officer,
District Consumer Court,
Sargodha.

