**IN THE COURT OF OMBUDSMAN, ELECTRICITY PUNJAB,**

**66 KV GRID SUBSTATION, PLOT NO: A-2, INDL AREA PHASE-I,**

**SAS NAGAR, (MOHALI)**

**APPEAL No: 75 / 2016 Date of order: 02 / 03 / 2017**

**M/S JAYCEE AUTOMOBILES PRIVATE LIMITED,**

**OPPOSITE DHANDARI KALAN RAILWAY STATION,**

**G.T. ROAD,**

**LUDHIANA-140010**  **.………………..** PETITIONER

**Account No. NRS- CS-01/0111**

*Through:*

Sh. RAKESH BANSAL,

 (Authorised Representative)

VERSUS

 **PUNJAB STATE POWER CORPORATION LIMITED.**

 **……………….** RESPONDENTS

*Through*

Er. C. S. Brar,

Addl. Superintending Engineer

Operation, Estate Division,

P.S.P.C.L, Ludhiana

 Petition No. 75 / 2016 dated 23.11.2016 was filed against order dated 21.10.2016 of the Grievances Redressal Forum (Forum) in case no: CG-90 of 2016 deciding to uphold the decision of the Zonal Dispute Settlement Committee (ZDSC) taken in its meeting held on 11.02.2016 that the charging of amount on enhanced consumption by 50% due to overhauling of Petitioner’s account for the period 20.08.2014 to 05.12.2015 (15½ months) is correct

2. Arguments, discussions and evidences on record were held on 02.03.2017.

3. Sh. Rakesh Bansal, authorised representative attended the court proceedings on behalf of the petitioner. Er. C. S. Brar, Addl. Superintending Engineer / Operation, Estate Division, PSPCL Ludhiana alongwith Sh. Krishan Singh, Revenue Supdt., appeared on behalf of the respondent, Punjab State Power Corporation Limited (PSPCL).

4. Sh. Rakesh Bansal, the petitioner’s counsel, stated that the petitioner is having a Commercial category connection with sanctioned load of 249.980 KW and Contract Demand (CD) of 200 KVA falling under Unit No.-II, Sub-Division, under Estate (Special) Division, Ludhiana. The connection of the Petitioner was checked by the Addl. S.E. Enforcement & MMTS-3, Ludhiana vide Enforcement Checking Register no: 42 / 2742 dated 14.06.2015 and 14 / 2745 dated 25.06.2015. It was reported by the Checking Officer that ‘Yellow phase CT is not contributing. The current as displayed on meter; when measured with clip-on meter, the current in metering wires of CTs was found as R = 3.21 Amp, Y = 0.00 Amp & B = 4.28 Amp respectively, so Y phase is not contributing for metering so CT / PT unit be changed”.

 Accordingly, the petitioner’s CT / PT unit having serial number 14405, make Meltek, was changed with CT / PT unit serial number 18765 of Adhunik Make, vide Device Replacement Order no: 100001230093 dated 17.09.2015, effected on 23.10.2015. As per Memo no: 4251 dated 24.06.2015 of the Addl. SE / MMTS-3, Ludhiana, the meter data was downloaded on 14.06.2015 and on scrutiny of data, it was observed from the tamper report that “Y-phase” was not contributing since 20.08.2014 and it was advised to overhaul the account of the appellant by increasing the consumption by 50%. As such, the petitioner was charged Rs. 4,45,983/- vide Revised Billing Statement (RBS) no: 52 / 2015 dated 17.08.2015. Not agreeing with the demand, the petitioner represented his case before ZDSC.

During the pendency of the case in ZDSC, the connection of the petitioner was checked by the Addl. SE / Enforcement-2, Ludhiana vide ECR no: 48 / 932 dated 28.10.2015 on the request of AEE(T) Unit-II, Estate (Special) Division, Ludhiana wherein it was reported that the current on the metering wires when checked with clip-on-meter was 1.20 A, 1.00 A and 0.00 Amp on Red, Yellow & Blue phase CTs respectively whereas the current on LT side of Distribution Transformer was 58.2 A, 84.0 Amp and 82.0Amp respectively.

On the basis of this report, it was concluded that the replaced CT/ PT was also defective and now the Blue Phase was found to be not contributing to the meter. Both the CT / PT units were checked in the M.E. Lab, Ludhiana against Challan no: 202 / 15 dated 21.12.2015 and 204 / 2015 dated 21.12.2015. The M.E. Lab also confirmed the non-contribution of one phase of CT/PT unit. The accuracy of the Secure make meter was also found within the limits as per Challan no: 86 dated 22.12.2015. The ZDSC totally relied on the checking reports and ordered the overhauling of account of the petitioner from 20.08.2014 to 05.12.2015 by enhancing the consumption by 50%.

Accordingly, the respondents PSPCL overhauled the account of the petitioner by making revised calculations for the period 20.08.2014 to 05.12.2015 for Rs. 8,82,217/- as per decision of the ZDSC and as such, the balance amount recoverable of Rs. 8,48,815/- was demanded from the petitioner. Being not satisfied with the decision of the ZDSC, an appeal was filed before the Forum which upheld the decision of the ZDSC. The decision of the Forum is unlawful, unjustified and harsh on the petitioner because the Forum has ignored the provisions of Rules 21.5.1 and 21.5.2 of the Supply Code-2014 which provides for overhauling of account only for six months preceding the removal of defective meter / metering equipment. The Forum has ordered overhauling for the period 20.08.2014 to 05.12.2015 for a period of 15 and half months. Even, if the meter is considered to be in-accurate beyond the limits of accuracy, the overhauling as per rules should have been carried out only for a period of six months. Thus, the relevant provisions have been reproduced below:-

 **Definition of Meter**:

 ***“2.0 Meter”***

*Means a device suitable for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include, wherever applicable, other equipments such as Current Transformer, Voltage Transformer with necessary wiring & accessories or Capacitor Voltage Transformer necessary for such purpose:*

***21.5.1***  *“****Inaccurate Meters:***

 *If a consumer meter on testing is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months immediately preceding the:-*

1. *Date of test in case the meter has been tested at site to the satisfaction of the consumer or replacement of inaccurate meter whichever is later;*

*OR*

1. *Date the defective meter is removed for testing in the laboratory of the distribution licensee”.*

***21.5.2 Defective (Other than inaccurate)/Dead Stop / Burnt / Stolen Meters.***

 ***“****The accounts of a consumer shall be overhauled/billed for the period meter remained defective /dead stop and in case of burnt/stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:-*

1. *On the basis of energy consumption of corresponding period of previous year.*
2. *In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6 months), during which the meter was functional, shall be adopted for overhauling of accounts”*

He next submitted that the Forum has decided the case on the basis of meter data submitted by the PSPCL which infect is not clear enough to prove that the phase was missing continuously for the period for which the overhauling has been ordered. The DDL supplied by the PSPCL officers’ only shows the timings when the current in all the three phases were zero. There is no evidence to the fact that during these periods, after recovering from the event, the Yellow or the Blue phase was contributing 0.0 Amp that has been claimed by PSPCL. The Event Records submitted by the PSPCL has only recorded the times when the current on all three phases was zero. Obviously, in such events, either phase of three will have zero value. Thus, after the recovery from any event, if the yellow phase was always indicating zero, does not mean that it continued at zero till the next event. There could be a possibility that because of unbalance load distribution at consumers end, the light load being connected to the two phases other than yellow, that’s why, the DDL did not show the load on yellow phase after a few minutes. When the three phase load was put in use by the consumer, the yellow phase might have contributed some consumption. The meter has not recorded any such event as failure of yellow phase continuously from 20.08.2014 to 23.10.2015 and Blue phase from 23.10.2015 to 05.12.2015. The load survey report submitted by the PSPCL does not provide phase wise load and thus not proves in any manner that the yellow or the blue phase was missing.

He contended that the respondents have also mis-stated the fact that the Blue phase was continuously not contributing between 23.10.2015 to 05.12.2015. It is clear from the event data that the blue phase has recorded the current of 0.90 Amp which is comparable to the current recorded by Red phase as 1.00 Amp on 28.10.2015. However, the respondents, in fact should have installed in parallel a check meter, which would have correctly calculated the slowness over a longer period of time rather than establishing slowness on the basis of instantaneous results. Moreover, the respondents have failed to adhere to the minimum Standards of Performance fixed by the Punjab State Electricity Regulatory Commission. Even after the detection of the slowness / inaccuracy of the meter on 14.06.2015, why the CT / PT was replaced on 23.10.2015 after a delay of more than four months. The subsequent replacement of CT / PT which was detected to not functioning accurately on 28.10.2015 was replaced on 05.12.2015 again after a lapse of more than one month. However, the minimum Standards of Performance notified by the State Electricity Regulatory Commission provides for the meter / equipment to be replaced within ten working days. The respondent is liable to the payment of minimum compensation of Rs. 50/- per day for the delay period beyond the limit prescribed in the Standards of Performance Regulations. The respondents have also failed to adhere to the instructions No. 104.1 of Electricity Supply Instructions Manual (ESIM), wherein it is provided that the meter and metering equipment of the petitioner had to be checked once in every six months. Had the respondents followed these instructions, the dispute would have been much less in quantum. As such, the impugned order 21.10.2016 of the CGRF (Forum) is bad in law, harsh, unjust and oppressive. The penalty for delay in replacement of defective metering equipment be ordered against the erring officials of PSPCL. In the end, he prayed to look into the merits of the case, set aside the decision of the Forum and allow the petition keeping in view the principles of natural justice and fairness.

5. Er. C. S. Brar, Addl. Superintending Engineer, Operation Estate (Special) Division, Ludhiana representing the respondents submitted that the petitioner is having NRS category connection with sanctioned of 249.980 KW and Contract Demand of 200 KVA operating under Unit no: II Sub-Division under Estate (Special) Division, Ludhiana. The connection of the consumer was checked by Addl. SE / EA & MMTS, PSPCL, Ludhiana vide ECR no: 42 / 2742 dated 14.06.2015 and 14 / 2745 dated 25.06.2015. As per report, the ‘Yellow’ phase was not contributing, the current was also measured with clip on meter in the metering wires of CT and found as 3.21 A, 000 Amp, 4.28 Amp in Red, Yellow and Blue Phase respectively. As such, ‘Y’ phase CT was not contributing and directed to replace the CT/ PT unit. Accordingly, the same was changed on 23.10.2015. The Enforcement checked the connection on 28.10.2015 and reported that the Blue Phase of CT/PT unit was not contributing. Hence, this CT/PT was replaced on 05.12.2015. Accordingly, the accounts of the consumer was overhauled for the period 20.08.2014 to 05.12.2015 by enhancing the consumption by 50%.

He next submitted that the case was represented before the ZDSC which decided the case in favour of PSPCL and the decision is reproduced as under:-

*“Committee studied the whole case and found that DDL of the meter was done on the 14.06.2015 by Addl. SE / MMTS-3 and its ‘Yellow’ phase was not contributing with effect from 20.08.2014. This CT / PT was replaced on 23.10.2015 and the second CT / PT was checked by the Addl. SE / Enforcement-2, Ludhiana vide ECR no: 48 / 932 dated 28.10.2015 and found that ‘Blue’ phase of CT / PT was not contributing and meter was slow by 33.98%. Both the CT / PTs were checked in the M.E. Lab vide Store challan no: 202 / 15 dated 21.12.2015 and 204 / 205 dated 21.12.2015. As per M.E. Lab report, Yellow phase CT of CT / PT, serial no: 14405, Meltek make, is not contributing and Blue phase CT of CT / PT, Adhunik Make Sr. no:18765 is not contributing”.*

Thus, the ZDSC concluded that both old CT / PT serial no: 14405 and 18765 whose one CT on Yellow phase and blue phase respectively were not contributing toward consumption with effect from 20.08.2014 till 05.12.2015 (till the replacement of CT / PT serial no:18765). Hence, the account of the consumer should be overhauled from 20.08.2014 to 05.12.2015 by enhancing the consumption by 50%. But the PSPCL overhauled the account by making revised calculations as per ZDSC decision for the period 20.08.2014 to 05.12.2015 for Rs. 8,82,217/- and Memo no: 2856 dated 23.05.2016 for the balance recoverable amount of Rs. 8,48,815/- was issued to the consumer. Being not satisfied with the decision of the ZDSC, an appeal was filed before the Forum which upheld the decision of the ZDSC.

He further contended that the Forum has rightly decided the appeal case in favour of PSPCL by giving detailed observations in its decision dated 21.10.2016. It is very clear from the DDL that the ‘Yellow’ Phase was contributing as ‘0’ (zero) current on all the dates continuously from 20.08.2014 to 23.10.2015. It is the feature of the meter that it has recorded the tampering in the event on the other two phases i.e. Red and Blue due to occurrence of un-balancing on the phases because of non-contribution of current by ‘Yellow Phase CT. Similarly, from 23.10.2015 to 22.12.2015, the current of Blue phase is continuously 0 (Zero) except on 28.10.2015 for very short period contribution is shown on the Blue phase, which happens due to any surge in the system. The account has correctly been overhauled as per Addl. SE / MMTS-3, speaking order given vide memo no: 4251 dated 24.06.2015 and Memo no: 7 dated 07.01.2016. He contended that six months overhauling is taken only in such cases where the exact period of such occurrence of defect is not known. In the present case, DDL clearly shows the exact date of occurrence of non-contribution of one phase (from 20.08.2014 to 05.12.2015) in the metering unit installed at the consumer’s premises.

He further submitted that due to introduction of new SAP System, there was delay in issuing of Device / Meter Change Order (MCO) no: 1000123093 dated 17.09.2015 which was effected on 23.10.2015 and the second MCO no: 100001326809 was issued on dated 04.11.2015; effected on 05.12.2015 in compliance to ECR no: 48/932 dated 28.10.2015. The ZDSC has considered the test results of both CT / PT units which were replaced on 23.10.2015 and 05.12.2015 and revised calculation has been made as per ZDSC decision by overhauling the account for the period 20.08.2014 to 05.12.2015 for Rs. 8,82,217/- and Memo no: 2856 dated 23.05.2016 for the balance recoverable amount of Rs. 8,48,815/- was issued to the consumer. The earlier demand for Rs. 4,45,983/- was for the period from 07 / 2014 to 04 / 2015 which was raised vide RBS no: 52 / 2015 dated 17.08.2015 and the revised demand of Rs. 8,82,217/- was made as per ZDSC’s decision for the total period of 20.08.2014 to 05.12.2015 for both the CT / PTs which were checked by MMTS on 25.06.2015 and by Enforcement on 28.10.2015.

He next submitted that this connection falls under NRS category having sanctioned load 249.980 KW with CD of 200 KVA. The MMTS Wing takes DDL only of Large Supply industrial connections on scheduled dates after every 70 days. However, the meters of NRS category are only checked by MMTS occasionally or especially on the intimation of concerned office. Concluding his arguments, the ASE reiterated that the CGRF (Forum) has correctly decided the case in favour of PSPCL and prayed to dismiss the appeal.

6. The relevant facts of the case are that the Petitioner’s NRS category connection was checked by MMTS on 14.06.2015 and 25.06.2015 wherein it was reported that Yellow Phase CT was not contributing. The current as displayed on the meter was measured with clip-on-meter in the metering wires of CT’s and found current on Red, Yellow and Blue Phase wire as 3.21 Amp, 0.00 Amp and 4.28 Amp respectively. It was concluded that Yellow Phase CT was not contributing for metering and directed to replace the Meltek make 11KV / 110 V, CT / PT Unit which was replaced with Adhunik make CT / PT unit on 23.10.2015. The DDL of the meter was taken on 14.06.2015; on scrutiny of Data, it was observed that Yellow Phase was not contributing since 20.08.2014. On the basis of DDL data, it was directed to overhaul the accounts of the Petitioner by enhancing the consumption by 50% and accordingly, after overhauling of his account, the Petitioner was charged a sum of Rs. 4,45,983/-. Not agreeing with the levy of these charges, the Petitioner challenged this amount in ZDSC. In the meantime, the connection was again checked by Enforcement on 28.10.2015 on the request of the “OP” Division wherein it was reported that the meter’s accuracy when checked with LT ERS meter, it was found running slow by 33.98% and during further checking, the Blue Phase of 11 KV CT / PT Unit was also found not contributing towards metering. Accordingly, it was directed to replace the CT / PT unit and meter which were replaced on 05.12.2015. Both CT / PT units and meter were got checked / tested in ME Lab. on 21.12.2015 wherein the Yellow Phase of Meltek make CT/PT Unit and Blue Phase of Adhunik make CT / PT unit were not contributing whereas the accuracy of the meter was found to be within limits. The ZDSC, on the basis of speaking orders dated 07.01.2016 of MMTS decided on 11.02.2016 that Meltek make CT / PT unit and Adhunik make CT / PT unit were not contributing towards consumption on Yellow and Blue Phase respectively. Hence, account of the Petitioner should be overhauled from 20.08.2014 to 05.12.2015 by enhancing the consumption by 50%. Accordingly, the Respondents issued revised notice on 23.05.2016 to the Petitioner for depositing Rs. 8,82,21/-. The Petitioner filed an Appeal in CGRF against the decision dated 11.02.2016 of ZDSC, which was rejected and the decision of ZDSC to charge the amount was upheld.

The Petitioner in his prayer has aired his basic grievance on the issue of period of overhauling of accounts for 15½ months and vehemently argued that as per MMTS report dated 14.06.2015 / 25.06.2015 and Enforcement report dated 28.10.2015, the Yellow Phase CT and Blue Phase CT respectively were found not contributing towards consumption and during checking of Enforcement on 28.10.2015, the meter was found running slow by 33.98%, as per test carried out at site meaning thereby that the working of the meter was inaccurate, therefore, the accounts of the Petitioner can be overhauled for a maximum period of six months as per provisions contained in Reg. 21.5.1 and 21.5.2 of Supply Code-2014. Next point raised by Petitioner was regarding determination of slowness factor of 33% throughout the total alleged period of default wherein It was argued that CGRF decision is based on the basis of Meter Data which itself is not clear enough to prove that one phase remained missing continuously for the whole period of alleged default for which overhauling has been done because the Phase missing as per Temper Data is intermediate and not continuous. Third issue argued by the Petitioner was regarding non-compliance of Standard of Performance (SOP), approved by the Commission and it was submitted that the respondents have failed to adhere to minimum SOP in replacement of defective equipment within ten working days whereas the defective metering equipment was replaced after delay of more than four months in first case and after more than one month in second case. Further, the Respondents have also failed to adhere to the Instructions no: 104.1 of ESIM which provides that meter / metering equipment should have been checked once in every six months. Thus the impugned order dated 21.10.2016 of CGRF is bad in Law, harsh, unjust and oppressive and prayed to allow the appeal.

The Respondents argued that the overhauling of account has been correctly done for the actual quantum of energy consumed by the petitioner but could not billed earlier, due to slow running of the meter during whole period of default which was done as per speaking orders of MMTS dated 07.01.2016. The condition for overhauling of account for a period of six month applies only where exact period of default is not known, whereas, in the present case, DDL clearly shows the exact date of occurrence for non-contribution of one phase by the Metering Equipment. Countering the arguments made by the Petitioner regarding determination of slowness factor of 33% throughout the total alleged period of default, the Respondents argued the version of Petitioner is technically wrong because any event in Tamper Report is recorded only when there is any change in the electrical parameters (Voltage / Current / Power factor) otherwise any event recorded will continue till it is rectified. Accordingly, the Zero current on Yellow and Blue phases respectively as shown in the Tamper Data is for the continuous period and not intermediate. Justifying the delay occurred in replacement of defective equipment, it was argued that the delay in issue of MCO occurred only due to the introduction of new SAP System for billing otherwise, the delay was neither deliberate nor intentional to replace the defective 11 KV / 110 V, CT / PT units declared defective by MMTS / Enforcement. Moreover, the Petitioner’s demand for compensation for delayed replacement of defective CT / PT units under SOP is not correct because the Petitioner has never raised this point in any of the lower Courts. In the end, he argued that quantum of energy consumed by the consumer was not recorded by the meter accurately due to slowness factor; hence, amount charged is correct and is in accordance with Regulation. He prayed to dismiss the appeal.

I have gone through the written submissions made in the petition, written reply of the respondents and oral arguments of the petitioner and the representative of PSPCL as well as other material brought on record. In the present case, arguments made by the Petitioner revolve around regulation 21.5.1 and 21.5.2 of Supply Code-2014 and main issue emerges whether the respondents are right to overhaul the accounts of the Petitioner for whole period of default as per DDL reports. While analyzing the evidences placed on record, I have observed that the data of the meter was downloaded by MMTS on 14.06.2015 which was read on 15.06.2015 and it was observed that the Yellow Phase was not contributing on all the dates from 20.08.2014 to 23.10.2015. On the basis of this report, the Petitioner’s account was overhauled and charged Rs. 4,45,983/- on account of slowness of meter, which was challenged by the Petitioner in ZDSC. The connection was checked on 25.06.2015 by MMTS and observed that the Yellow Phase CT was not contributing thus was directed to replace the CT / PT Unit, which was replaced on 23.10.2015, but the meter remained same. During the pendency of the case in ZDSC, CT / PT unit was replaced and meter were again checked by the Enforcement on 28.10.2015 with LT ERS meter wherein the meter was found running slow by 33.98% and directed to replace the CT / PT unit and meter and get the data of meter downloaded in ME Lab, which were replaced on 05.12.2015 and got checked from ME Lab on 22.12.2015 where DDL of the meter was also taken. On study of DDL dated 22.12.2015, it was found that from 23.10.2015 to 05.12.2015, the current contribution of Blue Phase is continuously Zero. In view of above both DDL reports, the MMTS vide letter dated 07.01.2016 ordered to overhaul the account of the Petitioner from 20.08.2014 to 05.12.2015 by enhancing the consumption by 50%. On the basis of MMTS letter dated 07.01.2016, the ZDSC decided to overhaul the account of the Petitioner for whole period of default and accordingly a sum of Rs. 8,82,217/- were charged in place of previous notice for Rs. 4,45,983/-, which was challenged by the Petitioner in CGRF. The CGRF upheld the decision of ZDSC.

I have gone through the decisions of ZDSC and the CGRF and observed that the ZDSC had not mentioned any Regulation / Law / Commercial Instruction under which the overhauling of account for whole period was decided whereas the CGRF, while deciding the present case (CG-90 of 2016) has mentioned that in the present case CT was not contributing since 20.08.2014 as per tamper report of DDL and the meter was OK, therefore, Regulation 21.5.2 of Supply Code-2014 is applicable which provides for overhauling / billing for the period the meter remained defective / dead-stop. After scrutiny of evidences, I am not convinced with plea of CGRF that the meter remained defective during the disputed period rather find some merits in arguments of the Petitioner that the meter was found inaccurate at the time of checking at site, hence, the accounts are required to be overhauled for maximum period of six months as per provisions contained in Regulation 21.5.1 of Supply Code-2014, which provides:-

***Overhauling of Consumer Accounts:***

*“21.5.1: Inaccurate Meters*

 *If a consumer meter on testing is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months immediately preceding the:*

1. *date of test in case the meter has been tested at site to the satisfaction of the consumer or replacement of inaccurate meter whichever is later; or*
2. *date the defective meter is removed for testing in the laboratory of the distribution licensee.”*

***Note:***

 *Where accuracy of meter is not involved and it is a case of application of wrong multiplication factor, the accounts shall be overhauled for the period this mistake continued.*

The above Regulation is clear on the issue and requires no explanations or discussions. Thus I have no hesitation to hold that the present case is covered under the provisions of Regulation 21.5.1 of Supply Code-2014.

Next issue raised by Petitioner was regarding determination of slowness factor of 33% throughout the total alleged period of default because the Phase missing as per Temper Data is intermediate and not continuous. In this connection, I find merits in the arguments of Respondents that any event in Tamper Report is recorded only when there is any change in the electrical parameters (Voltage / Current / Power factor) otherwise any event recorded will continue till it is rectified. Accordingly, the Zero current on Yellow and Blue phases respectively as shown in the Tamper Data, is for the continuous period and not for intermediate period. Thus, the arguments of Respondents are held maintainable on technical grounds.

I find arguments of the Petitioner regarding delay in replacement of defective CT / PT units as maintainable as the defective equipment was not replaced within the stipulated time period specified in Standard of Performance (SOP) by PSERC, due to which this whole dispute arose. But, simultaneously, did not find the Petitioner entitled for any compensation because of the fact that the demand for compensation was not raised by him before the Nodal Officer or any of the lower Courts before placing his claim in this Court, provided in Regulation 26.2 of Supply Code – 2014. He was required to raise his claim in accordance with the mandatory provisions.

As a sequel of above discussions, surely the account of the petitioner is required to be overhauled but in accordance with the applicable Regulations. Therefore, it is held that the accounts of the Petitioner should be overhauled in accordance with the provisions of Reg. 21.5.1 of Supply Code-2014 for a maximum period of six months or actual period of default, whichever is less, for each default separately, prior to the date of replacement of defective CT / PT unit. For first default, the overhauling of the account should be done for a period of six months prior to the date of replacement of CT / PT unit (23.10.2015) by enhancing the consumption by 50% and for second default, the overhauling of accounts should be done for the period from 23.10.2015 (when CT / PT unit was replaced) to 05.12.2015 (the date of replacement of CT / PT unit installed on 23.10.2015) by applying slowness factor of 33.98% (enhancing consumption by 50%), as determined during checking dated 28.10.2015 by the Enforcement. Accordingly, the Respondents are directed to re-calculate the demand as per above directions and amount excess / short, after adjustment, if any, may be recovered/refunded from / to the Petitioner with interest under the provision of ESIM-114.

7. The appeal is partly allowed.

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

 (MOHINDER SINGH)

Place: SAS Nagar (Mohali) OMBUDSMAN,

Dated: 02.03.2017 ElectricityPunjab SAS Nagar, (Mohali).