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

**66 KV GRID SUBSTATION, PLOT NO. A-2, INDL. AREA PHASE-I, S.A.S. NAGAR, (MOHALI).**

 **APPEAL No. 14/2017** **Date of Order: 06-06-2017**

Shri Inderpal Singh

Village Bholepur, Near Bonn Bread

Chandigarh Road,

Ludhiana

 **………………..**PETITIONER

*Account No. MS-47 / 0676*

*Through:*

*Sh. Sukhminder Singh, Authorized Representative.*

VERSUS

 **PUNJAB STATE POWER CORPORATION LIMITED.**

 …….….RESPONDENTS.

*Through:*

Er. Bhupinder Khosla

Addl. S.E. / OP

Focal Point Special Division

P.S.P.C.L, Ludhiana.

 Petition No.14/2017 dated 27.03.2017 was filed against order dated 15.02.2017 of the Consumer Grievances Redressal Forum (Forum) in case No.CG - 144 of 2017 deciding that the account of the petitioner be overhauled for the period from 30.04.2013 to 11.05.2016 with 5123KVAh units per month. The Forum also decided that Deputy Chief Engineer / OP City East Circle, Ludhiana would initiate disciplinary action against AAE / Focal point Special Division, PSPCL, Ludhiana who has made the checking in back date and also against the delinquent officer / official who made wrong connections at the time of the installation of meter.

2. Arguments, discussions and evidences on record were held on 06.06.2017.

3. Shri Sukhminder Singh, Authorised Representative attended the Court proceedings on behalf of the petitioner. Er. Bhupinder Singh, Additional Superintending Engineer / “OP”, Focal Point, Special Division, PSPCL, Ludhiana alongwith Shri Gursatinder Singh, Revenue Supdt. appeared on behalf of the Respondents – Punjab State power Corporation Limited (PSPCL).

4. Presenting the case on behalf of the Petitioner, his authorized representative, Shri Sukhinder Singh started that the petitioner is having MS category connection with sanctioned load as 39.860 KW, under Focal Point, Special Division, PSPCL, Ludhiana. The bills raised by PSPCL on the basis of measured consumption were being paid in time. The said connection was checked at site by ASE/Enforcement, PSPCL, Khanna on 11.5.2016 and the meter was reported slow by 80%, when checked with ERS meter. The reason of slowness has been mentioned as wrong connections & carbonization of Potentials Wires. The accuracy of the meter was again checked after making correct connections & clearing the carbon and slowness was observed as (-) 5%. The meter was replaced and tested in ME Lab, on 13.05.2016 where the accuracy was reported within limits and DDL of the meter was not taken.

 The authorized representative of the Petitioner stated that on the basis of this report of ASE/Enforcement, PSPCL, Khanna, the ASE/”OP”, Focal Point Division, PSPCL, Ludhiana overhauled the account for the period 5/2013 to 5/2016 for alleged slowness of meter by 80%and issued notice dated 19.05.2016 of Rs. 22,15,479/-. The demand raised for a period of more than 3 years with slowness of 80% was against the rules and unjustified. Therefore, the Petitioner approached CE / DS, Central Zone, PSPCL, Ludhiana for review of case in ZDSC, accordingly, the case was registered for adjudication. The Petitioner deposited Rs. 2,21,548/- on 24.05.2016, as per directions of CE / Central Zone. However, the ZDSC decided the case on 29.07.2016 and given partial relief to the Petitioner and decided to overhaul the account with LDHF formula for the period 5/2013 to 5/2016 (more than 3 years) without referring to any rule / regulation under which, the overhauling of account has been ordered for a period of more than 3 years. As per decision of ZDSC, the disputed amount was revised to Rs. 12,51,659/-.

 He further stated that an appeal was filed in the Forum against the decision of ZDSC. However, the CGRF did not consider the genuine pleadings of the Petitioner for overhauling of account as per instructions, and ordered the overhauling of account for the period 30.04.2013 to 11.05.2016 with average of 5123KVAh units per month, ignoring the provisions of restricting the period of overhauling to maximum six months as provided in regulation 21.5.1 of Supply Code-2014. The copy of judgment in CG-144 of 2016 was sent to the Petitioner vide Memo. No. 340 dated 16.02.2017. On the basis of order of the Forum, AEE / Commercial, Focal Point Division revised the amount to Rs. 7,27,285/- and issued notice vide Memo. No. 650 dated 01.03.2017 to deposit balance amount of Rs. 5,40,487/- (including interest of Rs. 35,250/-). As the Petitioner is not satisfied with the decision of the Forum, therefore, the present appeal is filed.

 The petitioner’s authorised representative argued that the meter was accurate and recording correct readings upto 3/2016 and the bill for 03/2016 was issued for 3365KVAh units which is normal (keeping in view the sanctioned load/load used & production in the factory) and was paid accordingly. Thereafter, there was some fall in consumption considering the production in the factory & use of Power Supply. Thus, the defect in the meter might have occurred sometime after 03/2016. The copy of DDL (incomplete), as obtained from Lab, also clearly indicates normal voltage & current on all the three phases upto 03/2016 and from 04 / 2016, the voltage on Y & B phase is comparatively less.

 He next submitted that the complete carbonization occurred sometime on 10.05.2016, as during this date also, there is voltage on Y & B phase with some intervals (half hour integration) as per DDL report. Due to this status of the meter, the slowness factor was observed as 80% but the accuracy was not affected by the wrong connections, may be due to in-built features of the ‘Secure Make’ meter. There is no evidence in the DDL report to suggest that accuracy of the meter was affected with wrong connections, as all the parameters i.e. voltage, current and power factor are normal upto 03 / 2016. Thus, billing from 04 / 2016 can be revised (account can be overhauled) on the basis of consumption as recorded during the previous period or during the period after the replacement of meter.

 The Petitioner’s authorised representative submitted that as already explained above, the meter was accurate and recording correct readings upto 03 / 2016. For the sake of arguments, if it is presumed that working of the meter was effected with wrong connections & carbonization of Potential Wires from the date of connection i.e. 30.4.2013 to the extent of slowness of 80% before 3/2016, then by applying this slowness factor, the resultant consumption from 07 / 2015 to 03 / 2016 comes to the range of 18000 units to 23000KVAh units per month. However, this much of consumption is not possible with sanctioned load of 39.860KW, by applying any standard formula approved by PSPCL. The consumption with approved LDHF formula comes to less than 7200KVAh units per month.

 At the time of checking, the connected load was very less but the same has not been mentioned by the Enforcement while working out slowness of meter, which is required as per rules of PSPCL. Further, the slowness of the meter (after making correct connections & clearing the carbon) was observed as 5% but the meter was declared accurate / within limits in ME Lab, Lab. All these things prove that the checking of Enforcement is defective and not reliable at all, as such, demand raised on the basis of this checking is liable to be quashed.

 He further argued that after the coming into force of Electricity Act – 2003 & Supply Code - 2007, every penal action on the consumer should be supported by rules / regulations because it is the consumer who is to bear the liability and has every right to know under which regulation he is being penalized. The Chief Engineer, Commercial vide CC No. 53 / 2013 & CC No. 59 / 2014 has issued instructions (on the basis of order dated 26.09.2013 passed by Hon’ble Punjab & Haryana High Court, in CWP 10644 of 2010) that while initiating proceedings against any consumer, the competent authority of PSPCL must quote the relevant regulations of the Supply Code or any other regulations framed by the competent authority under the Electricity Act-2003. These instructions have been again reiterated vide CC No. 30 / 2015 dated 5.8.2015 for strict compliance as PSERC has taken serious view of non-compliance of these instructions.

 The notice of Rs. 22,15,479/- was issued to the Petitioner by the concerned office, without mentioning any rule / regulation of Supply Code under which it has been raised. Thus, the notice of demand (revised to Rs. 12,51,659/- as per decision of ZDSC & Rs. 7,27,285/- as per decision of (Forum) is liable to be quashed being illegal i.e. without supported by any rule / regulation of Supply Code or EA-2003.

 He also stated that the account against inaccurate meter can be overhauled as prescribed under Regulation 21.5.1 of Supply Code - 2014. The accuracy of the meter was tested at site and it was found slow by 80%, the reasons of slowness as alleged in the report are wrong connections & carbonization of Potential Wires. But in every case of inaccurate meter and where slowness is determined on testing, the overhauling can be done only for maximum period of six months, as provided in the regulation. If there is any other instruction/rule to overhaul the account for such a long period, then the same should be mentioned as per position explained above, so that appropriate objections can be raised.

 The Petitioner’s authorized representative further argued that in Supply Code 2014 (in the note below Reg. 21.5.1) it has been specially mentioned that only in case of wrong Multiplying Factor (MF) only, the account can be overhauled for the period, the mistake continued. In all other cases of inaccurate meter (due to any reason), the overhauling can be done only for maximum period of six months. It is also mentioned here that in the case of Petitioner, the connection was checked on 11.05.2016 i.e. after coming into force of Supply Code-2014, as such, Regulation 21.5.1 of Supply Code - 2014 is squarely applicable prescribing the period of overhauling for a maximum period of six months only.

 He also contended that the monthly readings of the meter are recorded by competent official of PSPCL and he is supposed to report the defect in the meter (if any), whereupon the department is to ensure the replacement of meter within prescribed time. There are also instructions for checking of every MS connection, on regular basis as prescribed in ESIM 104. In such a situation, if the connection is not checked as per instructions, then the fault lies on the part of concerned officials.

 He further stated that the Forum was convinced with the submission of the Petitioner that the officials of PSPCL has committed lapses, and directed SE/OP, East Circle, PSPCL, Ludhiana to initiate disciplinary action against the delinquent officers / officials but surprisingly did not reduce the period of overhauling to maximum six months, as provided in the Supply Code - 2014. The Forum did not discuss (only reproduced submissions) and give weightage to any of the submissions but surprisingly decided the case with wrong assumptions and by misinterpreting regulation 21.5.2 of Supply Code-2014. It is very interesting to note the following observations of the Forum( at page No. 12 of the judgment):

*“The meter of the petitioner was not inaccurate* *as it was recording less energy. But due to wrong connections, the meter was slow by (-) 80% and this falls under Clause 21.5.2 of Supply Code-2014, which provides as under:-*

 *“The accounts of a consumer shall be overhauled / billed for the meter remained defective / dead stop and…”*

*So as per above Clause of Supply Code -2014, the account of the petitioner is to be overhauled for the period 30.04.2013 (date of connection) to 11.5.2016 (date of removal of meter)”.*

 The above observations / conclusion of the Forum itself speak that the Forum is not aware of the meaning / implication of regulation 21.5.2 of Supply Code-2014 and also has not applied its mind properly while arriving at conclusion. First of all if the Forum has considered that the meter was not inaccurate, then what is the need of overhauling the account of the consumer and why the meter was considered slow by 80% when checked at site by the Enforcement. Secondly, the Forum has not quoted the complete relevant para / portion of regulation 21.5.2 of Supply code-2014, which is as under:-

*“The account of a consumer shall be overhauled / billed for the 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.”*

 From the above regulation, there is hardly any doubt that account can be overhauled for the period the meter remained defective / dead stop ( if the period is less than six months) but the period of overhauling cannot exceed six months in any of the case (s) mentioned in this regulation. Further, the Forum decided to overhaul the account of more than three years on the basis of average of consumption of only 42 days only ( from 6.12.2016 to 17.1.2017) i.e. 5123KVAh units. This is also against the regulation. The average of consumption from replacement of meter i.e. from 12.5.2016 to 02.11.2016 (six months) comes to 2804 units & from 12.05.2016 to 17.1.2017 (eight months) works out to be 3190 units. Thus, the Forum should have considered the overhauling of account for maximum period of six months, with average of 2804 units or maximum 3190 units instead of 5123 units. The Forum also failed to consider the fact that during initial stages of every business, the work is always less and picks up gradually. From the consumption pattern of the petitioner, it is evident that consumption increased gradually from 05/2013 (after the release of connection on 30.04.2013 viz. start of production in the factory).

 The Petitioner’s authorized representative also prayed that since it is very much clear that the meter became defective sometimes after 03 / 2016, thus account can be revised from 04/2016 on the basis of consumption as recorded during the previous period or during the period after the replacement of meter. Further, in every case of inaccurate / defective meter, the overhauling of account can be done for maximum period of six months only, as provided in the Regulation 21.5.1 of Supply Code-2014. He prayed to allow the appeal.

 Defending the case on behalf of the Respondents, Er. Bhupinder Khosla, Addl. S.E./OP, Focal Point Division (Special), PSPCL, Ludhiana stated that connection of the consumer was checked by Addl. S.E., Enforcement, PSPCL, Khanna vide ECR No.58 / 3727 dated 11.05.2016 and reported as under:-

“whNo dk vkfJb N?;N LT ERS meter Bkb ehsk frnk i" fe (-) 80% slow gkfJnk frnk .

**B"NL** whNo dh ;b"B?; ikBD bJh gVskb ehsh rJh . t/fynk fe whNo d/ e[B?eµB rbs gkJ/ rJ/ s/ whNo B{ nk ojhnK g'N?;b skoK d/ i"V s/ ekopB gkJh rJh . w"e/ s/ jkio n?;HvhHTH B{z efje/ e[B?eµB mhe eotkJ/ rJ/ ns/ g'N?;b skoK dh ekopB ;kc eotke// i"V brtkJ/ rJ/ T[gozs whNo dh n?e[o/;h u?e ehsh rJh i' (-) 5% gkJh rJh . fJ; bJh whNo ns/ ;hNh;h s[ozs pdbh eoe/ nrb/oh gVskb ns/ vhHvhHn?b eoB bJh n?wHJhH b?p ftu fbnKd/ ikD .

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gktoekw dhnK jdkfJsK nB{;ko pDdh ekotkJh eoe/ s[ozs fJ; dcso B{z ;{fus ehsk ikt/ . “

 He also stated that the working of the meter and dial test with LT ERS meter was done and found meter slow by 80%. It is further reported that the carbon on potential wires was got cleared and the connection got corrected. Afterwards, the accuracy of the meter was found to be (-) 5%.

 The connection was released on 30.04.2013 vide SCO No. E32 / S / 13 / 16402 / 11886 dated 04.04.2013. It is further analyzed that Seal No. mentioned on MSR No. 33/33 dated 30.04.2013 and seal No. mentioned on Enforcement checking dated 11.05.2016 has been got matched, so, it is concluded that the connection is recording 80% slow consumption from the date of its release. The consumer has been charged Rs. 22,15,479/- on account of 80% slowness of meter from the period 05 / 2013 to 05/2016. The consumer approached the Zonal Level dispute Settlement Committee on 20.05.2016 and the ZDSC decided the case on 29.07.2016 as under:-

*“The committee decided that the account of the consumer be overhauled as per LDHF formula (i.e. 39.860 x 25 x 12 x 60 / 100) = 7175 units per month from the date of release of connection to the date of checking (i.e. dt. 11.05.2016).”*

 The Respondent further submitted that the consumer was served the notice vide Memo. No. 2751 / DSC dated 09.09.2016 for Rs. 10,50,713/- after adding the interest and deducting the amount already deposited. The petitioner was not satisfied with the decision of ZDSC and further challenged the same before Hon’ble Consumer Grievance Redressal Forum which decided the case on 15.02.2017 as under:-

  *“The account of the Petitioner be overhauled for the period from 30.04. 2013 to 11.05.2016 with 5123KVAh units per month.”*

 Accordingly, PSPCL issued notice No. 650 dated 1.3.2017 for depositing Rs. 5,40,487/- after adding the interest and deducting the amount already deposited by the consumer. But the consumer was not satisfied with the decision dated 15.02.2017 of Hon’ble Forum and further challenged the same before Hon’ble Ombudsman, Electricity, Punjab, SAS Nagar (Mohali).

 While submitting parawise reply of the petition, the Respondents clarified that the KVAh consumption for the month of 03/2016 is 4205 units instead of 3365 units and stated further that seal mentioned on Enforcement checking dated 11.05.2016 has been got matched with original Seal affixed at the time of release of connection. So, it was concluded that the meter was recording 80% less consumption from the date of its release. The details of voltage and the current on all the three phases for the month of 03 / 2016 & 04 / 2016 is irrelevant as far as the accuracy of the meter is concerned. He argued that the Respondent’s office does not agree with the claim of Petitioner in this para as is claimed by the Petitioner that accordingly to the standard LDHF formula the units per month is less than for sanctioned load 39.860KW. The respondent’s office was of the opinion that if the standard LDHF formula was applied to this case then the following units could be calculated:-

 (39.860 x 25 x 20 x 60%) = 11958 units

 Further, the days used in the above formula is only 25 instead of 30 even then the consumption by this formula comes to 12000 units per month. It is very clear from the above standard formula that the consumer is charged at very low consumption of 20% since the release of the connection. The respondents clarified that this case is not related to the accuracy of meter but relates to the less billing.

 The Respondents further stated that a per note given under Clause 21.5.1 of supply Code-2014, it is clearly mentioned that the amount on account of wrong Multiplying Factor (MF) could be charged without any limit of time. If the constructive interpretation of this clause could be made, it could easily be concluded that the amount charged on account of less billing could be charged without any time limit. The quantum of energy consumed by the consumer was not recorded by the meter accurately due to slowness factor, hence, the amount charged is correct and is in accordance with Regulations.

 The Respondents further argued that the case is not related to the defectiveness of meter / accuracy of meter. This case is very similar to the case given under the note of regulation 21.5.1 of Supply Code-2014. In the light of above regulation, the amount charged is correct, recoverable and is right from all legal aspects. The respondents, therefore, prayed to dismiss the appeal.

6. The relevant facts of the case are that the connection of the Petitioner was checked by Addl. S.E. / Enforcement, PSPCL, Khanna on 11.05.2016 and the meter was reported running slow by 80% when tested with LT ERS meter. As per checking report, carbon on Potentials Wires was got cleared and connection were corrected. Afterwards, the accuracy of the meter was found (-) 5%. The checking authority then ordered to replace the meter and LT CT’s and sent it to ME Lab for testing and DDL.

 Accordingly, meter and LT CT’s of the connection were replaced vide Job Order No. 100001954412 dated 11.05.2016, effected on 12.05.2016. The meter was checked in M.E. Lab. on 13.05.2016 and the accuracy of the meter was found within limits. Considering that the connection was released on 30.04.2013 vide SCO No. E32 / S / 13 / 16402 / 11886 dated 04.04.2013 and also that Seal No. mentioned on MSR 33 / 33 dated 30.04.2013 and Seal No. mentioned on Enforcement checking dated 11.05.2016 has been matched, the Respondents concluded that the connection was recording 80% slow consumption from the date of it’s release. Accordingly, the consumer was charged Rs. 22,15,479/- on account of 80% slowness of meter for the period from 05/2013 to 05/2016. Aggrieved, the Petitioner approached the Zonal Level Dispute Settlement Committee which decided on 29.07.2016 that “the account of the consumer be overhauled as per LDHF formula ( i.e. 39.860 x 25 x 12 x 60 / 100) = 7175 units per month from the date of release of connection to the date of checking (i.e. 11.05.2016). The Petitioner was served the notice dated 09.09.2016 for Rs. 10,50,713/- after adding the interest and deducting the amount already deposited. Not satisfied, the Petitioner challenged this decision before CGRF which decided on 15.02.2017 that the account of the Petitioner be overhauled for the period from 04/2013 to 11.05.2016 with 5123 KVAh units per month.

 In view of the above decision, the petitioner was issued notice No. 650 dated 01.03.2017 for depositing Rs. 5,40,487/- adding the interest and deducting the amount deposited by him. Aggrieved, the petitioner has approached this Court seeking appropriate remedy.

 The authorized representative of the Petitioner, apart from averments made in written submissions, argued that the Forum erred in observing that the meter of the Petitioner was not inaccurate as it was recording less energy due to wrong connections and the meter was slow by (-) 80% and thus falls under Clause 21.5.2 of Supply code – 2014. He argued that if the meter was not inaccurate as observed above by the Forum, it is not understood as to what was the need of overhauling the account of the Petitioner and why the meter was considered slow by 80% when checked at site by the Enforcement Staff. He further argued that the Forum did not mention complete relevant / para / portion of Regulation 21.5.2 of Supply Code - 2014 vide which the account of a consumer can be overhauled for the period, the meter remained defective / dead stop and in case of burnt / stolen meter for the period of direct supply subject to a maximum period of six months. He contended that the meter became defective sometimes after 03 / 2016, thus the account can be revised from 04 / 2016 on the basis of consumption as recorded during previous period or during the period after the replacement of meter. He further stated further that in every case of defective / inaccurate meter, the overhauling can be done for a maximum period of six months only as provided in Regulation 21.5.1 of Supply Code-2014. He also prayed for setting aside the decision of the Forum which is absolutely wrong and biased.

 The Respondents contested the submissions made by the Petitioner’s authorized representative by stating that the account of the Petitioner was overhauled for the period for which his connection remained under wrong connection i.e with effect from the date of release of connection i.e. 30.04.2013 to the checking of Enforcement vide ECR No. 58 / 3727 dated 11.05.2016 and the meter was recording 80% less consumption from the date of its release and previously he was charged at low consumption of 20% since the release of the connection. The respondents also argued that the case does not relate to the accuracy of the meter but relates to escaped billing and this case is similar to the case given under note of Regulation 21.5.1 of Supply Code-2014. The respondents prayed that in the light of above regulation, the amount charged is correct, so, the petition may be dismissed.

 Written submissions made in the petition, written reply of the respondents as well as arguments made by the authorized representative of the petitioner and also of the respondents – PSPCL alongwih the evidences placed on record were perused, the parties were heard at length after granting due opportunity of hearing and further all the points raised by both the parties were considered objectively in order to reach at the just and proper conclusions.

 In the present case, the issue requires to be adjudicated, is as to whether or not the meter of the petitioner was inaccurate as it was recording less energy due to wrong connection and cabonization of Potential Wires due to which the meter was slow by 80% and whether the case falls under Regulation 21.5.2 of Supply Code - 2014 as a result of which the account of the petitioner was overhauled from the date of connection (30.04.2013) to 11.05.2016 by the CGRF.

 I noted the petitioner’s contention that if the connection was not accurate, then what was the need of overhauling his account and why the meter was considered slow by (-) 80% when checked at site by the Enforcement. The petitioner also objected that the Forum, in its decision had not quoted complete relevant para / portion of Regulation 21.5.2 of Supply Code-2014, I would like to reproduce this regulation as under:-

“*The accounts of a consumer shall be overhauled / billed for the meter remained defective / dead slow and in case of burnt / stolen meter for the period of direct supply subject to maximum period of six months.”*

 From the perusal of the above regulation, there is hardly any doubt that the account can be overhauled for the period the meter remained defective / dead stop but in the present case, the meter was not defective but inaccurate due to carbonization and wrong connections of the Potential Wires (Yellow and Blue Phases).

 I have also gone through the DDL dated 13.05.2016, and noted that instantaneous voltage on yellow and Blue Phase are negligible ( about 3V) whereas on Red phase, the voltage was correct. Due to less voltage, the meter was found running slow at site. The DDL dated 13.05.2016 also shows that unbalance voltage occurred w.e.f. 15.03.2015 at 08.31 hrs. I also noted that Carbonization of wires does not take place immediately but slowly and slowly. Hence, overhauling of the account for full period with slowness factor of 80% is not correct.

 Another contention of the petitioner’s authorized representative was that notices issued by the office of Respondent, are illegal i.e. without supported by any regulation of Supply Code - 2014 or Electricity Act 2003. There is also merit in his submission that the account against inaccurate meter can be overhauled as prescribed in Regulation 21.5.1 of Supply Code - 2014 which read as under:-

***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”.*

 I noted that accuracy of the meter was tested at site and it was found slow by 80%. The reasons of slowness as mentioned in checking report was wrong connections and carbonization of potentials wires. But, I find that in case of inaccurate meter and where slowness is determined on testing, overhauling can be done only for a maximum period of six months as provided in the Regulation ibid and if there is any instruction / rule to overhaul the account for such a long period, then the same should be duly mentioned so as to afford opportunity to raise appropriate objections, if any. Here, I have also gone through Note given under *Regulation 21.5.1 of Supply Code – 2014:-*

*“Wherein it has been specifically mentioned that in case of wrong Multiplying Factor only, the account shall be overhauled for the period, the mistake continued while in all other cases of inaccurate meter (due to any other reason), the overhauling can be done for maximum period of six months”.*

 In the present case, the connection was checked on 11.05.2016 i.e. after coming into force of Supply Code - 2014, as such, Regulation 21.5.1 of Supply Code - 2014 is squarely applicable.

 I also agree with the petitioner’s contention that officials concerned are responsible for non-compliance of instructions prescribed in ESIM 104 for checking of every MS connections on regular basis and in the event of their failure to do so, the fault lies on the part of these officials / officers. Moreover, the monthly Readings of MS connection is being taken by AAE and he did not notice the fault lying in the meter because the blinking of pulse LED was affected with less Voltage.

 As a sequel of above, discussions, it is held that the account of the petitioner should be overhauled under the provisions of Regulation 21.5.1 (a) of Supply Code – 2014 for a period of six months from the date of replacement of defective meter on 12.05.2016 by applying slowness factor of 80% determined during checking dated 11.05.2016 by Enforcement. Accordingly, the respondents are directed to recalculate the demand as per above directions and the amount excess / short, after adjustment, if any , may be recovered / refunded from / to the petitioner with interest under the provisions of ESIM-114.

7. The appeal is disposed of accordingly.

8. Dy. Chief Engineer / “OP”, City East Circle, PSPCL, Ludhiana may ensure initiating disciplinary action against delinquent officers / officials who made wrong connections at the time of installation of meter as per decision dated 15.02.2017 of CGRF and did not notice the fault for such long period.

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

 (MOHINDER SINGH)

 Ombudsman,

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

Dated: 06.06.2017 S.A.S. Nagar (Mohali)