IN THE COURT OF THE LOKPAL (OMBUDSMAN),

ELECTRICITY, PUNJAB,

66 KV GRID SUB-STATION, PLOT NO. A-2,

INDUSTRIAL AREA, PHASE-1, S.A.S NAGAR (MOHALI)

Appeal No. 47 / 2017 Date of Order : 28.11.2017

Ajay Gupta,

161, Bhadur Ke Road,

Ludhiana.

Account No.3002812188 …….Petitioner

*Through*

Shri Sukhminder Singh, Petitioner’s Representative (PR)

Versus

Punjab State Power Corporation Limited

…..Respondent

*Through*

Er. Ramesh Kaushal,

Addl.S.E,

DS City West Division (Special),

PSPCL, Ludhiana.

Petition No. 47 of 2017 dated 14.08.2017 was filed against order dated 21.07.2017 in case No. CG-137 of 2017 of the Consumer Grievances Redressal Forum (Forum) which decided that:

*“The amount charged to the petitioner vide memo no. 285 dated 28.03.2017, is correct and recoverable.”*

2. Arguments, discussions and evidence on record were held on 28.11.2017.

1. Shri Sukhminder Singh (PR), attended the Court proceedings on behalf of the Petitioner. Er. Ramesh Kaushal, Addl. S.E, along with Shri Ashwani Kumar, Revenue Superintendent, DS City West Division (Special), PSPCL, Ludhiana, appeared on behalf of the Respondent, Punjab State Power Corporation Limited (PSPCL).

4. Presenting the case on behalf of the Petitioner, Shri Sukhminder Singh (PR) stated that the Petitioner was having a Large Supply category connection with the Sanctioned Load/Contract Demand of 179.966kW / 180kVA, under DS City West Division (Special), PSPCL, Ludhiana. The reading of the Energy Meter was taken every month and the bills raised from time to time on the basis of measured consumption were duly paid. The DDL of the connecion was also being taken by Addl. S.E, MMTS, on regular basis.

PR stated that AEE, Commercial, City West Division (Special), Ludhiana vide notice bearing memo no. 285 dated 28.03.2017, directed the Consumer to deposit Rs. 9,73,851/- within seven days. The AEE, Commercial charged the said amount as per RBS no. 34/2017 dated 20.03.2017 of Sr. Executive Engineer, Centralized Billing Cell (CBC), PSPCL, Ludhiana, after overhauling the account from 19.10.2015 to 28.02.2017 on the basis of consumption as recorded during the corresponding period of previous year. It was mentioned in the RBS that “*as per Addl. S.E, MMTS-2, PSPCL,* Ludhiana's memo. no. 135 dated 16.02.2017, the account was overhauled from 19.10.2015 to date of change of CT/PT unit.”

PR also stated that the demand had been raised without reference to any rule/regulation of Supply Code or Electricity Act-2003, especially considering the fact that the amount had been charged for a period of more than 16 months.

The Petitioner deposited 20% of the disputed amount i.e. Rs. 1,94,800/- vide receipt dated 09.05.2017 and filed a Petition for review in the Forum. However, the Forum did not consider the genuine pleadings of the Petitioner and decided that the amount charged, on account of overhauling of account, vide memo. no. 285 dated 28.03.2017 was correct and recoverable.

PR added that the supply from the connection was being used for Hosiery unit. The consumption of the Petitioner varied from month to month, according to season and work in the factory. The official of the PSPCL was recording regular readings and bills, as issued on the basis of recorded consumption, had been paid in due course. However, burdening the Consumer with such a huge amount of Rs. 9,73,851/- without considering ME Lab report of testing of CT/PT unit and without quoting relevant regulation was unjustified. The energy consumption was commensurate with the connected load and work in the factory. The work in the Hosiery industry as well as of the Petitioner was on the decline every year and accordingly, consumption of electricity was also bound to be less, when compared with the consumption of previous years. However, as per RBS, Petitioner’s account for the period from 19.10.2015 to 28.02.2017 had been overhauled on the basis of consumption as recorded during the corresponding period of previous year, which was not justified and demand raised was liable to be withdrawn.

PR further stated that after the coming into force of EA-2003 &   
Supply Code-2007 amended as Supply Code-2014 w.e.f. 01.01.2015, every penal action on the Consumer should be supported by rules/regulations it was the Consumer who had to pay the difference due to less billing of previous period and it should be informed under which rule/regulation, the consumer was being penalized. The Chief Engineer, Commercial, vide Commercial Circular (CC) no. 53/2013 and CC No. 59/2014, issued instructions (on the basis of order dated 26.09.2013 passed by Hon'ble Punjab & Haryana High Court, in CWP no. 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 EA-2003. The instructions had again been reiterated vide CC no. 30/2015 dated 05.08.2015 for strict compliance as PSERC took a serious view of non-compliance of these instructions.

PR contended that the notice of Rs. 9,73,851/- issued by the Respondent was not supported by any rule/regulation of Supply Code or EA-2003 and was liable to be quashed being illegal.

PR also stated that PSERC had revised Supply Code-2007 and amended it with new Supply Code-2014, applicable w.e.f. 01.01.2015 which prescribed that the account against inaccurate meter could be overhauled as provided in Regulation 21.5.1 which read as under:

*"If a consumer’s 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 the categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months immediately preceding the:*

*a) 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*

*b) date the defective meter is removed for testing in the Lab of the Distribution Licensee".*

PR stated that the accuracy of the Energy Meter (which included CT/PT unit) was not tested at site by MMTS. The testing of CT/PT unit was done in ME Lab on 19.07.2017, when results of Blue Phase CTs were found within limits while results of Red Phase CTs could not be taken as the same was found burnt. Further, the results of all PTs were within limits. Thus, the account of the Petitioner was required to be overhauled with maximum 33% slowness by considering problem in contribution of Red Phase CTs. Moreover, in case of inaccurate metering equipment, the period of overhauling could not exceed six months. As such, the raising and upholding of huge demand of Rs. 9,73,851/- by overhauling the account from 19.10.2015 to 28.02.2017 (more than 16 months) was against the above said regulation of Supply Code and may be withdrawn by this Court.

PR reiterated that the connection of the Consumer was under a Large Supply category and DDL of the consumer was also being taken by Addl. SE, MMTS, on regular basis. If the problem in Red and Blue Phase CTs or contribution by any of the phase was less/zero since the long period (more than 16 months as mentioned in the report of Addl. S.E, MMTS), then, why it could not be noticed by the Addl. S.E, MMTS, while checking the connection (contribution on each phase) and taking DDL after about 70 days.

PR added that every Manufacturer/Service Provider fixed the rate of its service after considering all the input cost (including the cost of Power), establishment and other expenditure. Accordingly, the Petitioner was carrying on business and fixed the cost during the disputed period, keeping in view, all the expenditure including energy bills issued by the Respondent. However, after a period of more than 16 months, the Respondent raised huge demand of Rs. 9,73,851/- but the Petitioner even had not earned profit of this much magnitude during the period of overhauling of the account from 19.10.2015 to 28.02.2017. The Petitioner could not claim this amount from its customers and thus would be put to unbearable loss due to mistake of the Respondent. As such, the unreasonable demand was required to be recovered from all the delinquent officials/officers instead of burdening the Petitioner.

PR referred to order dated 10.05.2016 passed by this Court in the case of Mandeep Singh V/s PSPCL (Appeal No. 4/2016) and also dated 12.04.2017 in the case of Ravinder Singh V/S PSPCL, (Appeal No. 3/2017) as per which, the period of overhauling was restricted to six months. Similarly, in the case of Anmol Saluja and many other cases, the period of overhauling against inaccurate metering equipment, was reduced to six months, as per provisions contained in Regulation 21.5.1 of Supply Code -2014.

PR next stated that in the case of the Petitioner, the connection was checked on 31.01.2017 by Addl. S.E, MMTS-2, PSPCL, Ludhiana. The DDL of the Energy Meter was also taken at site. This was done after coming into force of Supply Code-2014, as such, Regulation 21.5.1 of Supply Code-2014 was squarely applicable as it prescribed the period of overhauling for a maximum period of six months only.

PR further stated that the Forum was fully aware that PSERC had given clear directions for discussing all the pleadings of the Petitioner and decision should be speaking one. As such, Forum was supposed to discuss each and every pleadings of the Petitioner and all the legal aspects before arriving at any conclusion. However, the Forum did not even discuss any of the submissions of the Petitioner. This may be the first case since the formation of the Forum wherein the pleadings of the Petitioner had neither been mentioned nor discussed. Further, the Forum was so biased as it had not issued any separate judgment (which was issued in every case), and had decided the case in the proceeding dated 21.07.2017. The Forum failed to consider the fact that as per ME Lab report, the results of Blue Phase CTs were within limits and results of Red Phase CTs could not be taken as the same was found burnt. Further, the results of all PTs were found within limits. Thus, the account of the Petitioner could be overhauled with PTs were found within limits. Thus, the account of the Petitioner could be overhauled with maximum 33% slowness by considering problem in contribution of Red Phase CTs. The account had been overhauled for a period of about 16 months on the basis of consumption recorded in the corresponding period of previous year. The total consumption shown as recorded/billed during the period from 19.10.2015 to 28.02.2017 (as per calculation sheet) was 114432 kVAh, whereas total consumption taken for this period against the account overhauled was 252759 kVAh (difference in billing had been charged for 252759 kVAh - 114432 kVAh = 138327 kVAh). This much difference (138327 kVAh) worked out with 55% slowness factor, (i.e. when contribution from two Phases was almost nil/negligible), which was not possible in the present case, considering the various parameters as per DDL print-out. But the Forum was in haste in deciding the case during the course of final proceedings and passed the order without discussing/considering all these factors/submissions. Further, the Forum altogether ignored the fact that in case of inaccurate metering equipment, the period of overhauling could not exceed six months in view of Regulation 21.5.1 of Supply Code-2014.

PR also stated that in view of submissions made, there may be hardly any doubt that raising of huge demand by overhauling of account for more than 16 months was unwarranted and illegal and prayed this Court to set-aside the decision of the Forum, allow the Appeal and consider to pass order to overhaul the account for a maximum period of six months, as per findings of ME Lab, in the interest of natural justice and fairness.

5.Defending the case on behalf of the Respondent PSPCL, Er. Ramesh Kaushal, Addl. S.E, DS City West Division (Special), PSPCL, Ludhiana, stated that the Petitioner was having a Large Suply category electric connection with the Sanctioned Load/Contract Demand of 179.966kW/180kVA. The Respondent further stated that the Addl. S.E, MMTS-2, Ludhiana, vide letter no. 135 dated 16.02.2017, intimated that as the data of the Consumer’s account was not coming properly in SAP, the connection was checked at site vide ECR No. 20/2939 dated 31.01.2017 in the presence of Er. Kulwant Singh, AAE and the Consumer. As per the Checking Report, the Blue Phase voltage recorded Zero Volts on display of the Energy Meter, the Red Phase current was also less and after opening the CT/PT unit, CT of Red Phase was found broken/burnt. After taking DDL and examining its print-out, it was observed that CT/PT was damaged on 19.10.2015 and from 19.10.2015 till 31.01.2017, Blue Phase voltage recorded Zero Volts and Red Phase current was also not recording and some time, recording very less energy. The Addl. S.E, MMTS-2, Ludhiana further directed that new CT/PT unit be installed and account of the Consumer be overhauled from 19.10.2015 to the date of change of CT / PT unit on the average basis. In view of the said report, the AEE, Commercial issued a notice bearing memo no. 285 dated 28.03.2017 to the Petitioner with the direction to deposit Rs. 9,73,851/- within seven days as its account was overhauled from 19.10.2015 to 28.02.2017 on the basis of the consumption recorded during the corresponding period of previous year. The Petitioner did not agree with the demand raised and filed a Petition before the Forum which studied the consumption data of the Petitioner and noted that during the year 2014, the monthly consumption of the Petitioner varied from 12106kVAh to 27482kVAh. Similarly, during the year 2015 (upto 10.10.2015), the monthly consumption of the Petitioner varied from 11073kVAh to 22145kVAh. However, during the disputed period i.e. from 19.10.2015 to 28.02.2017, the monthly consumption of the Petitioner varied from 4344kVAh to 9742kVAh. Further, monthly consumption of the Petitioner recorded after the disputed period was 19614kVAh during March 2017, 21860kVAh during April 2017, 22878kVAh during May 2017 and 17266kVAh during June 2017. Thus, there was a heavy fall in consumption of the Petitioner during the disputed period i.e. 19.10.2015 to 28.02.2017 as compared to the monthly consumption recorded before the disputed period and that recorded after the disputed period.

The Respondent stated that keeping in view the aforesaid position and taking into consideration all the relevant factors, the Forum decided that the amount charged to the Petitioner vide memo no. 285 dated 28.03.2017 was correct and recoverable. The Respondent also stated that there was no infirmity or illegality in the aforesaid order passed by the Forum and prayed to dismiss the Appeal on the following grounds:

1. *The accounts was overhauled as per the provisions prescribed in Regulation 21.5.1 of the Supply Code-2014 and there was no infirmity in the calculations.*
2. *The checking of the connection was done in the presence of the Consumer and Er. Kulwant Singh, AAE. As per the said checking report and on the basis of the speaking order given by the Additional S.E. MMTS-2, Ludhiana, the account was overhauled while taking the average of the corresponding months of the previous year.*
3. *The Forum passed well reasoned order after taking into consideration the MCO, ME Lab report, DDL, speaking order of the Additional S.E. MMTS-2, Ludhiana and also after giving full opportunity of being heard to both the parties.*

**Decision**

6. The relevant facts of the case are that the Petitioner was the holder of a Large Supply category electric connection for Hosiery Unit with the Sanctioned Load/Contract Demand of 179.966kW/180kVA, bearing Account No. 3002812188, operating under DS City West Division (Special), PSPCL, Ludhiana. The Petitioner received a notice bearing memo no. 285 dated 28.03.2017 issued by AEE/Commercial with the direction to deposit a sum of Rs. 9,73,851/- within seven days. The said amount was charged to the Petitioner, as per RBS no. 34/2017 dated 20.03.2017 received from Sr. Executive Engineer, CBC, PSPCL, Ludhiana, after overhauling the Petitioner’s account from 19.10.2015 (date on which CT/PT unit was burnt) to 28.02.2017 (actual date of replacement of CT/PT unit is 18.02.2017), on the basis of consumptions recorded during the corresponding period of previous year as per directions issued by the Addl. S.E, MMTS-2, PSPCL, Ludhiana vide memo no. 135 dated 16.02.2017. The Addl. S.E, MMTS-2 reported that the Data of the Consumer’s account was not coming properly in SAP, so, the connection was checked on 31.01.2017 at site vide ECR no. 20/2939 dated 31.01.2017 in the presence of Er. Kulwant Singh, AAE and the Consumer. During checking, it was found that Blue Phase voltage on Energy Meter display was Zero Volts. After opening CT/PT Unit Chamber, it was noticed that CT of Red Phase was broken/burnt, hence, directions were issued to replace the CT/PT unit. After taking DDL and examining its print-out, it was found that CT/PT unit was damaged on 19.10.2015 and from 19.10.2015 to 31.01.2017, Blue Phase Voltage was recorded as Zero Volts and current on Red Phase current was less. Hence, the Energy Meter was recording less consumption. Subsequently, the CT/PT unit was replaced on 18.02.2017 which was got checked from ME Lab on 19.07.2017. As per ME Lab Report, the results of Yellow and Blue Phase CTs were within permissible limits while results of Red Phase CT could not be taken. However, results of Red, Blue and Yellow PTs were within permissible limits.

The Petitioner did not agree with the demand raised for Rs. 9,73,851/- and approached the Forum which decided on 21.07.2017 that the demand charged was correct and recoverable. Not satisfied with the decision of the Forum, the Petitioner filed an Appeal in this Court by placing reliance on decisions in similar cases viz Appeals No. 4/2016 titled Mandeep Singh V/s PSPCL and 3/2017 titled Ravinder Singh V/s PSPCL wherein this Court passed the orders to overhaul the account for a maximum period of six months in the case of defective/inaccurate Energy Meters in terms of provisions of Regulation 21.5.1 of Supply Code-2014.

I have gone through written submissions made in the Petition by the Petitioner, written reply of the Respondent as well as oral arguments of the Representatives of the Petitioner as well as the Respondent along with material brought on record by both the sides.

The issue requiring adjudication is the legitimacy of the amount charged to the Petitioner due to overhauling of its account for a period of about 16 months (based on consumption of the corresponding period of previous year) for 11kV/110V, CT/PT unit found burnt during checking by MMTS as per applicable regulations.

*My findings on the points emerged and deliberated are as under:*

1. PR contended that after coming into effect of Electricity Act-2003 and Supply Code-2007 amended vide Supply Code-2014 (applicable w.e.f. 01.01.2015), every penal action on the Consumer should be supported by rules/regulations because it was the Consumer who had to pay for the less billing for the earlier period and it should be informed under which rule/regulation, the Consumer was being penalised.

*I agree with the PR that instructions circulated by the Chief Engineer, Commercial vide Commercial, Circular (CC) no. 53/2013 and 59/2014 and reiterated vide CC No. 30/2015 dated 05.08.2015, requiring the Competent Authority of the PSPCL to invariably quote the relevant regulations of the Supply Code or any rules framed under Electricity Act-2003 which were not complied with in the present case by the Respondent who did not refer to any rules/regulations while issuing the demand notice of Rs. 9,73,851/- vide memo dated 28.03.2017.*

1. *I find that DDL in the case of a Large Supply category connection, required to be taken once in every 70 days by MMTS, was not taken due to which, the fault remained un-noticed till the date of checking i.e. 31.01.2017.*
2. I also observe that Instruction No. 59.4 of ESIM states that such Energy Meters shall be tested by the officer of the Enforcement/MMTS (in as and found condition) with the help of Electronic Reference Standard (ERS) Meters at normal running load/power factor of the Consumers subject to the condition that the running load shall not be less than 15% of the sanctioned load. Before testing the meters, CT connections, wherever applicable, shall be thoroughly checked. If CT connections were found wrong or CTs were found out of circuit and thus, not contributing, the recorded consumption shall be enhanced proportionately, keeping in view non-contribution of CTs as applicable. This consumption shall be further subject to revision as per test results of the Energy Meter.

*I find that necessary compliance of the said provisions was not ensured by the Respondent resulting into avoidable dispute/litigation.*

1. I observe that the PR placed reliance on the decision dated 10.05.2016 of this Court in Appeal No. 4/2016 titled Mandeep Singh V/S PSPCL and decision dated 12.04.2017 in Appeal No. 3/2017 titled Ravinder Singh V/S PSPCL wherein the period of overhauling of the accounts was restricted to six months in terms of provisions of Regulation 21.5.1 of Supply Code-2014.

*I find that the order in Appeal No. 4/2016 was passed in terms of provisions contained in Supply Code-2007 while the Appeal No. 3/2017 was decided in terms of Regulation 21.5.1 of Supply Code-2014, hence, the facts in the present dispute are not similar to the cases ibid.*

1. PR next contended that supply from the Petitioner’s connection was being used for Hosiery Unit and the consumption varied from month to month according to the season and work in the factory. PR also argued that the office of the PSPCL was recording regular readings and bills as issued, on the basis of recorded consumption, had been paid in due course but burdening the Petitioner with a huge amount of Rs. 9,73,851/- without considering the ME Lab testing of CT/PT unit and without quoting relevant regulation was unjustified. PR further argued that energy consumption was commensurate with the connected load and work in the factory was on the decline every year, accordingly, electricity consumption of the factory was bound to be less as compared to that of previous years.

PR also contended that the Forum failed to consider the fact that as per ME Lab Report, the results of Blue and Yellow Phase CTs were within limits and results of Red Phase CT could not be taken as the same was found burnt. Besides, results of all PTs were found within limits. Thus, according to PR, the account of the Petitioner could be overhauled with maximum 33% slowness by considering the problem in Red Phase CT. PR added that the Petitioner’s account was overhauled for the period from 19.10.2015 to 28.02.2017 on the basis of consumption recorded in the corresponding period of previous year. The total consumption shown as recorded/billed during the said period as per calculation sheet was 114432 kVAh whereas consumption taken for this period against the account overhauled was 252759kVAh, accordingly, difference of 138327 (252759-114432) kVAh had been charged. PR argued that this difference of 138327kVAh consumption worked out with 55% slowness factor, when contribution from two phases was almost negligible or nil, was not possible in the present case considering the various parameters.

I observe that the Respondent, in its defence, stated that the Addl. S.E, MMTS-2, Ludhiana, vide letter no. 135 dated 16.02.2017, sent its speaking order mentioning that the data of the Consumer’s account was not coming properly in SAP and, as such, the connection was checked at site vide ECR No. 20/2939 dated 31.01.2017 in the presence of Er. Kulwant Singh, AAE and the Consumer. As per its checking report, Blue Phase voltage was recorded Zero Volts at display of Energy Meter. Red Phase current was also less. After opening the CT/PT unit chamber, it was found that CT of Red Phase was burnt and directions were issued to install new CT/PT unit. After taking DDL and examining its print-out, it was found that CT/PT was damaged on 19.10.2015 and from 19.10.2015 till 31.01.2017 (Date of checking), Blue Phase voltage was recorded Zero Volts and Red Phase current was less resulting into less recording of consumption. The Checking Authority directed that the account of the Consumer be overhauled from 19.10.2015 to the date of change of CT / PT on the average basis. Accordingly, the accounts were overhauled from 19.10.2015 to 28.02.2017 on the basis of the consumption as recorded during the corresponding period of previous year. A study of the consumption data of the Petitioner revealed that during the year 2014, the monthly consumption of the Petitioner varied from 12106kVAh to 27482kVAh. Similarly, during the year 2015, (upto 10.10.2015), the monthly consumption of the Petitioner varied from 11073kVAh to 22145kVAh. However, during the disputed period i.e. from 19.10.2015 to 28.02.2017, the monthly consumption of the Petitioner, varied from 4344kVAh to 9742kVAh. Besides, monthly consumption of the Petitioner recorded after the disputed period was 19614kVAh during March 2017, 21860kVAh during April 2017, 22878kVAh during May 2017 and 17266kVAh during June 2017. Thus, there was a heavy fall in consumption during the disputed period i.e. 19.10.2015 to 28.02.2017 as compared to the monthly consumption recorded before the disputed period and monthly consumption recorded after the disputed period.

*I studied the Tamper Data which clearly showed that Blue phase voltage failed on 19.10.2015 at 15.28 hrs and Blue Phase Voltage was Zero Volts whereas the current on Red Phase was 0.165Amp, which was much less as compared to Yellow and Blue Phases which was 2.176Amps and 1.473Amp respectively.*

1. PR argued that the demand raised against the Petitioner was unjustified because the energy consumption was commensurate with the connection load and work in the factory (Hosiery Unit) which was on the decline every year and accordingly, consumption of the Petitioner was found to be less as compared to that of previous years.

*I find that PR’s plea about less consumption during disputed period, as compared to that of the previous years, is not correct as per study of Consumption Data. The study reveals that consumption during pre disputed and post disputed period remained more than that in the disputed period as discussed in the preceding para.*

In so far as PR’s plea of decline in business is concerned, it would be appropriate to have a look at the following details of Annual Accounts (Balance Sheet) of the Hosiery Unit owned by the Petitioner:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Sr.**  **No.** | **Item** | **As on 31.03.2015 (Amount in rupees)** | **As on 31.03.2016 (Amount in rupees)** | **As on 31.03.2017** |
| 1. | Sales | 3,70,52,698 | 3,79,78,590 | Not supplied by the Petitioner despite repeated requests. |
| 2. | Closing Stock | 77,20,000 | 1,76,84,400 |

I observe from the above that PR’s contention of decline in business during the disputed period as compared to previous year is not correct as Sales and Closing Stock of the factory as on 31.03.2016 were on higher side than to that on 31.03.2015 and the Petitioner avoided supply of Annual Accounts (Balance Sheet) as on 31.03.2015 and the Petitioner avoided supply of copy of Annual Accounts (Balance Sheet) as on 31.03.2017. This clearly shows that the claim of the Petitioner that there was decline in business during the disputed period is not based on facts and the Petitioner is not making an honest claim of low consumption of Power during the disputed period.

1. *This being a case of Burnt Metering Equipment*

*(CT/PT unit), provisions contained in Regulation 21.5.2 of Supply Code-2014 are relevant and the same are reproduced below:*

***“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 broken/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.*
3. *If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.*
4. *Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para-4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.*
5. *The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts”.*

A perusal of the Regulation ibid reveals that in the case of Burnt Energy Meter, which includes CT/PT unit, the account can be overhauled for a maximum period of six months. Accordingly, this Court is constrained to hold that the account of the Petitioner should be overhauled for six months prior to the date of replacement of CT/PT unit as per provisions contained in Regulation 21.5.2 (a) of Supply Code-2014. The Respondent is directed to recalculate the demand and refund/recover the amount found excess/short after adjustment, if any, as per rules of PSPCL in terms of provisions contained in Regulation no. 35.1.3 of Supply Code-2014 i.e. to pay/recover the interest at RBI Base Rate prevalent on 1st of April of the relevant year.

viii) The Licensee may examine and consider, if necessary, the desirability of taking appropriate remedy for seeking regulatory/judicial review of relevant Regulations of Supply Code-2014 in view of the present and similar other disputes arising on noticing defective/inaccurate/burnt Meters including CT/PT units wherein maximum period of overhauling of account of the Consumer has to be restricted to six months irrespective of the production of the Unit and the period for which the Energy Meter remained defective/inaccurate.

7. The Appeal is disposed off accordingly.

8. If the Petitioner or the Respondent is not satisfied with this decision, they are at liberty to seek appropriate remedy from the appropriate Bodies in accordance with Regulation 3.28 of PSERC (Forum and Ombudsman) Regulations-2016.

(VIRINDER SINGH)

LokPal (Ombudsman)

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