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. 73 / 2017 Date of Order : 14.12.2017

Account No. LS-26/0002

Guru Nanak Industries,

Village: Chhanna, Tehsil Devigarh,

Distt. Patiala.

….Petitioner

*Through*

Shri Mayank Malhotra, Petitioner’s Counsel (PC)

Versus

Punjab State Power Corporation Limited

 ....Respondent

*Through*

Er. Manmohan Lal,

Addl. Superintending Engineer,

DS East Division,

PSPCL, Patiala.

Appeal No. 73 of 2017 was registered on 25.10.2017, in compliance to the order dated 04.09.2017, passed by the Hon’ble Punjab and Haryana High Court in CWP No. 20595 of 2014 ( challenging the decision of this Court in Appeal No. 13 of 2014 dated 17.07.2014) deciding that:

 *“Order dated 17.07.2014 is hereby set aside.*

*Matter is remitted to the same authority (Ombudsman Electricity, Punjab) for decision afresh after affording opportunity of hearing to the parties. Petitioner shall be at liberty to place reliance on the judgment of M/s Park Hyundai’s case (Supra)”.*

2. Arguments, discussions and evidences on record were held on 05.12.2017 and 14.12.2017.

3. Shri Mayank Malhotra, Advocate (PC) attended the Court proceedings on behalf of the Petitioner. Er. Manmohan Lal, Addl. Superintending Engineer, DS East Division, PSPCL, Patiala, appeared on behalf of the Respondent - Punjab State Power Corporation Limited (PSPCL).

4. Presenting the case on behalf of the Petitioner, Shri Mayank Malhotra, Petitioner’s Counsel (PC) stated that the present appeal/application had been filed for relisting/rehearing of the case of the Petitioner as per the order dated 04.09.2017 passed by the Hon’ble Punjab and Haryana High Court setting aside the order dated 17.07.2014 of the Ombudsman, Electricity, Punjab in Appeal No. 13/2014 and directing this Court to decide the matter afresh.

 PC submitted that an electric connection under Medium Supply category with Sanctioned Load of 94.960kW was running in the name of Guru Nanak Industries bearing Account No. MS-26/002 under DS Sub Division, PSPCL, Rohar Jagir. This was a seasonal connection for Rice Sheller. The connection was checked by the Senior Executive Engineer, Enforcement–II, PSPCL, Patiala vide ECR No. 35/100 dated 22.12.2012. PC alleged that the Checking Officer made a wrong report that secondary wires of Yellow and Blue Phase of CTs were interchanged and that the Energy Meter was running slow by 57.84% at running load of 60.200kW. It had also been stated in the said Checking Report that after correcting the alleged wrong connections, the Energy Meter was still 13.72% slow and directions were given to bring the Meter and CT/PT unit in ME Lab, Patiala in pack sealed position for internal checking.

 PC stated that the Petitioner approached Zonal Dispute Settlement Committee, Patiala on 11.02.2013 with the request to consider the case and deposited the 20% of disputed amount as required, on 13.02.2013. The ZDSC decided the case vide order dated 11.06.2013 to overhaul the account of the Petitioner for the period from 11/2009 to 12/2012 (38 months). The decision was conveyed to the Petitioner by the Respondent vide memo no. 1512 dated 23.07.2013 and directed to deposit the balance disputed amount of Rs. 6,79,492/- within one week. This notice was illegal, arbitrary and against the instructions of the Corporation. The notice was issued in violation of Instruction No. 57.5 of ESIM which provided that the recovery of charges could be done only after serving Show Cause Notice to the Consumer. But no such notice was issued to the Petitioner by the Respondents. PC added that the Respondent had issued the bills, before date of checking i.e. 22.12.2012, as per “O” Code and the presumption was that the Energy Meter was correct up to that period and account could not be overhauled for the period, the status of the Energy Meter was shown as ‘O’. Besides, the Respondent had not supplied the copies of rules and regulations according to which, the account had been overhauled, which was necessary as per CC No. 04/2008.

 PC contended that according to Instruction No.5 1.1 of ESIM, it was the responsibility of the Corporation to install a correct Energy Meter of suitable capacity. The Petitioner never interfered with the Energy Meter or its connection and there was no allegation as such against the Petitioner. PC also stated that according to Regulation 21.3 (d) of Supply Code-2007, the Licensee had to conduct periodical inspection/testing of Energy Meter installed at the Consumer’s premises. Also, according to Regulation 76 of ESR, where the error factor was more than +/- 20%, the account of a Consumer could be overhauled by adopting maximum error factor as 20% after comparing it with the consumption as worked out for ‘Dead Stop Meters’. PC next stated that the account of the Petitioner had been overhauled for a period of fifty seven months (i.e. 03/2008 to 11/2012) and this period had been further revised and reduced to thirty eight months (i.e. 11/2009 to 12/2012). This calculation had been carried out in violation of instructions of the Corporation. The account had been overhauled in violation of Regulation 21.4 (g) (i) of “Electricity Supply Code and Related Maters Regulations-2007” and Condition No. 19 of “Conditions of Supply.”

 This was despite the fact that the Checking Officer had mentioned slowness of the Energy Meter as 57.84% and further mentioned slowness as 13.72% (in the same Checking Report) even after correction of wrong connection, which was contradictory. The Checking Officer failed to ensure the compliance of Instruction No. 59.6 of ESIM.

 PC also stated that the Respondent overhauled the account of the Petitioner even for off seasonal period when there was only single phase supply. The Respondent Corporation failed to produce the report of checking of the Energy Meter done in ME Lab. The account of the Petitioner could be overhauled from the last reading date to the date of checking i.e. 22.12.2012 with maximum error factor of 20%. Besides, as per Instruction No. 59 of Condition No. 19 of “Condition of Supply”, Regulation 21.4 (g) (i) of ‘Electricity Supply Code 2007”, and Regulation 71.4.3 of ESR, the account of the Consumer could be overhauled for maximum for 6 billing months preceding the billing month in which error in the Energy Meter was detected.

 PC also referred to Regulation 35.2 of Supply Code-2007 and Section 56 (2) of the Electricity Act-2003 as per which, no sum due from any Consumer under this Section shall be recoverable after the period of 2 years from the date, when such sum became first due unless such sum had been shown continuously as recoverable as arrears of charges for electricity supplied and the Licensee shall not cut off the supply of the electricity.

 PC contended that the CGRF decided the case on 26.02.2014 by a non-speaking, arbitrary and illegal order which was not sustainable in the eyes of Law and was against the instructions of the Board/ Corporation, which provided that the decision should be speaking one. But the Forum up held the decision of ZDSC by ignoring genuine submissions of the Petitioner and also the rates/regulation referred to by the Petitioner in support of its claim/prayer for relief in the interest of justice.

PC stated that the Petitioner filed an Appeal before this Court which, vide order dated 17.07.2014, set-aside the decision dated 26.02.2017 of the Forum by ordering amendment of order dated 11.06.2013 of ZDSC to some extent. Not satisfied with this decision, the Petitioner challenged the said order before the Hon’ble Punjab and Haryana High Court by way of CWP No. 20595 of 2014 which was decided on 04.09.2017 with the direction to this Court to decide the matter as fresh after affording opportunity of hearing to the parties. Hon’ble Punjab and Haryana High Court further directed that the Petitioner was at liberty to place reliance on the Judgment passed by it in the case titled Park Hyundai V/S PSPCL.

PC prayed that in view of the position explained above, the illegal demand of Rs. 9,23,021/- may be quashed in the interest of justice and the Respondent Corporation be directed to refund the amount deposited by the Petitioner alongwith interest.

5 Defending the case on behalf of the Respondent – PSPCL, Er. Monmohan Lal, Additional Superintending Engineer, stated that an Electric Connection was running since November 1982 under Medium Supply category (Seasonal Industry) for Rice Sheller in the name of Guru Nanak Industries, with sanctioned load of 94.960 kW. The Energy Meter was replaced and reinstalled on 21.02.2008.

The connection was checked by Sr. Executive Engineer, Enforcement, PSPCL, Patiala vide ECR no. 35/100 dated 22.12.2012. As per Checking Report, secondary wires of Yellow and Blue Phase CTs were found interchanged. The accuracy of Energy Meter was checked at a running load of 60.200kW, PF 0.95 with LT ERS Meters and the Energy Meter was found 57.84 % slow. After setting right the connection of CT wire, the Energy Meter was again checked by Enforcement Staff on the same day and the slowness was found 13.72%. As per directions given by Enforcement in its checking report, the Metering equipment was changed vide MCO no. 30/64079 dated 26.12.2012 effected on 06.03.2013. The account of the Petitioner was over hauled for the period from 3/2008 to 11/2012 with 57.84% slowness and thereafter, a demand notice was issued vide memo no.325 dated 04-02-2013 for deposit of Rs.12,17,646/- within 7 days, as per prevalent instruction of PSPCL. The Respondent stated that the previous bills issued before the checking of connection were of as per ‘O’ Code.

 The Petitioner approached Zonal Dispute Settlement Committee, Patiala on 11.02.2013. which decided on 11.06.2013 that since seals of the metering equipment were affixed on 17.11.2009, the account be overhauled (due to defect in the Energy Meter) with slowness of 13.72% for six months prior to checking by the Enforcement wing and for the remaining slowness, the Petitioner should be charged from 17.11.2009 i.e. from the date of affixing seals on the metering equipment. ZDSC further decided that for the off season period consumption, the slowness factor of 13.72% be applied. Based on the said decision of ZDSC, the demand was revised to Rs 9,23,021/-.

 The Respondent also stated that the Metering Equipment was installed as per Instruction No. 51.1 of ESIM. The Respondent admitted that as per Regulation 11.3 (d) of Supply Code-2007, the Distribution Licensee was required to conduct periodical inspection/ testing of Metering Equipment installed at the Consumer’s premises of HT connection atleast once in two years.

 The Respondent clarified that the slowness of the Energy Meter was 57.84% due to wrong connection and 13.72% slowness was due to some internal defect in the Metering equipment (CT/PT unit).

 The Respondent stated that the provisions of Regulation 35.2 of Supply Code-2007 and Section 56 (2) of Electricity Act- 2003 were not applicable in this case.

 The Respondent denied that decision of the Forum was not speaking order or that there was any illegality in the order as had been alleged by the Petitioner. It claimed that the order of the Forum was absolutely legal and the same had been passed as per rules.

 The Respondent further stated that the Petitioner was not satisfied with the decision of the Forum and filed an Appeal before this Court and the same was decided on 17.07.2014 stating that the order dated 11.06.2013 of ZDSC is amended to the extent that the Petitioner's account should be overhauled for the period from 17.11.2009 to the date of replacement of the Energy Meter on the basis of average consumption to be calculated separately for seasonal/non-seasonal period for consumption recorded during previous one year from 21.12.2007 to 20.02.2008. But the Petitioner did not agree with this decision and filed CWP before the Hon’ble High Court and the same was decided on 04.09.2017 with direction to this Court to decide the matter afresh after hearing the parties. The Respondent further stated that it was incorrect that the Forum had failed to implement the instructions of the PSPCL. The Petitioner had misrepresented the facts. The circular, referred to as issued by the Power Regulation (PR), PSPCL, ceased to be irrelevant after the coming in to force of the Electricity Act-2003, Electricity Supply Code and Related Matters Regulation-2007 amended vide Supply Code-2014 and Electricity Supply Instruction Manual. The demand had been raised as per rules. The consumer was liable to make the payment of the demand for which the connection of the Energy Meter remained wrongly connected as had been described in the checking report. The Respondent added that it was incorrect on the part of the Petitioner to state that the Forum exceeded its jurisdiction and that the provisions of ESR were no longer applicable as ESR ceased to exist after coming into force of Supply Code-2007. The Petitioner was misrepresenting the provisions and was citing the provisions as were not in force. The Petitioner was to be charged for entire slowness as had been detected and reported by the checking officers in its report.

 The Respondent contested the contention of PC that liability of the Consumer was only to the extent of 20%. It was incorrect that a case like the present case i.e. of wrong connections of Energy Meter came into the definition of Defective Meter. The Respondent also stated that it was also incorrect that the liability of the Consumer was only to the extent of six months. The Respondent admitted that no periodical checking of the connection was conducted by any official (AAE) the Respondent prior to the period for which the demand had been raised. The Respondent added that the Forum rightly and legally considered all the provisions of the Electricity Act, 2003, Electricity Supply Code-2007 and also ESIM as were in existence then during the period of dispute and the case had been decided as per the provisions of the said Act and instructions. It was incorrect that PSPCL failed to prove its case. In fact, PSPCL had fully proved its case and the Consumer was accordingly ordered to make the payment of demand as had been raised as per the decision of the Forum. The Respondent added that there was a complete consideration of all the facts, statements, rules and instructions by the Forum before passing the orders and the records showed that the Forum had passed the orders as per the provision of the law and its officers had fully applied their mind before passing the orders. The Petitioner had already been allowed the relief to which it was entitled as per rules. The present application of the Petitioner was devoid of merit and deserved to be dismissed with a heavy cost.

**Decision**

6. The relevant facts of the case are that the Petitioner was having a Medium Supply Category connection with Sanctioned Load 94.960kW. It was a Seasonal Load industry for Rice Sheller working during part of a year upto maximum nine months during the period 1st September to 31st May next year. The connection of the Petitioner was checked by the Senior Executive Engineer, Enforcement, PSPCL, Patiala vide ECR No. 35/100 dated 22.12.2012 and it was reported that secondary wire of Yellow and Blue Phase of CTs were interchanged and accuracy of the Energy Meter was checked at running load of 60.200kW and was found to be 57.84% slow. After correcting the connections, the accuracy of the Energy Meter was checked and it was found slow by 13.72%. In the said Checking Report, directions were given to bring the Energy Meter and CT/PT Unit to ME Lab, Patiala for internal checking. As the Energy Meter was declared defective during the said checking by the Enforcement, the same was replaced on 06.03.2013. Based on the Checking Report, the account of the Petitioner was overhauled with the slowness of 57.84% for the period 03/2008 to 11/2013 (57 months) and the Petitioner was asked to deposit a sum of Rs. 12,17,646/-. The Petitioner did not agree with the demand raised and approached the ZDSC which, on considering that seals of the metering equipment were affixed on 17.11.2009, decided on 11.06.2013 to overhaul the account for slowness as 13.72%, due to defect in the Energy Meter, for six months prior to checking by Enforcement Wing. For the remaining slowness, ZDSC decided that the amount should be charged from 17.11.2009 i.e. from the date of affixing seals on the Metering Equipment. ZDSC also decided that for off seasonal period consumption, the slowness factor of 13.72% be applied. In compliance to the decision of ZDSC, the demand was revised to Rs. 9,23,021/-. The Petitioner did not agree with the said demand and challenged it in the Forum which, vide order dated 13.2.2014 in CG-136 of 2013, upheld the decision of the ZDSC. Aggrieved with the decision ibid of the Forum, the Petitioner filed Appeal No. 13/2014 in this Court which, vide order dated 17.07.2014, set-aside the decision of the Forum and decided that:

*"The order dated 11.06.2013 of ZDSC is amended to the extent that the Petitioner's account should be overhauled for the period from 17.11.2009 to the date of replacement of the meter on the basis of average consumption to be calculated separately for seasonal / non-seasonal period for consumption recorded during previous one year from 21.12.2007 to 20.02.2008."*

 The Petitioner was not satisfied with the aforesaid decision of this Court and filed CWP No. 20595 of 2014 in Hon'ble Punjab and Haryana High Court which decided on 04.09.2017 as under:

"*Order dated 17.07.2014 is set-aside. Matter is remitted to the same authority (Ombudsman, Electricity, Punjab) for decision afresh after affording an opportunity of hearing to the Parties. Petitioner shall be at liberty to place reliance on the judgment in M/s Park Hyundai's case (Supra)."*

 In compliance to orders ibid of Hon'ble High Court, I have heard the Appeal afresh after giving opportunities to the Parties to make written submissions, oral arguments and place the materials on record of this Court.

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

1. PC argued that the periodical checking of the connection

installed at consumer's premises, required to be conducted in terms of provisions of Regulation 21.3 (d) of Supply Code- 2007, was not conducted by the officials of the PSPCL and had the same been conducted at regular intervals, the defect in the metering equipment could have been noticed in time and the resultant litigation could have been avoided.

 *I observe that the Respondent admitted that it was a lapse on the part of the officials concerned for not ensuring conduct of periodical checking of the connection as required under the relevant rules/instructions.*

ii) PC referred to provisions contained in Clause 56 (2) of Electricity Act-2003 and Regulation 35.2 of Supply Code-2007 as per which, no sum due from any consumer shall be recoverable after the period of two years from the date, when such sum became due, unless such sum had been shown continuously as recoverable as arrears of charges for electricity supplied.

I find that this Court, while deciding this case earlier (in Appeal No. 13/2014), had given its findings suitably in this regard by inviting reference to order dated 14.11.2006 of Hon'ble Appellate Tribunal for Electricity in the case titled Ajmer Vidyut Vitran Nigam Limited V/S M/s Sisodia Marble & Granite Private Limited upheld by Hon'ble Supreme Court of India in Civil Appeal No. 13164 of 2007. *I find that the PC has not contested the findings of this Court in this regard and also not cited any new judgment of the Hon'ble Supreme Court in support of its contention. I also observe that the Respondent - PSPCL had, vide its Commercial Circular No. 05/2012, issued instructions clarifying the position.*

1. PC argued that copies of rules/regulations, on the basis of which the Petitioner’s account was overhauled, were not supplied to it as required vide CC No.04/2008. Besides, Show Cause Notice, prior to raising of disputed demand, under provisions of Instruction No. 57.5 of ESIM, was not issued. PC also contended that electricity bills, prior to checking by Enforcement Wing on 22.12.2012, were issued under ‘O’ Code, hence, charging of disputed demand was illegal and not justified. PC also contended that the account of the Petitioner could be overhauled from the last reading date to the date of checking i.e. 22.12.2012 with maximum error factor of 20%. Moreover, as per Instruction No. 59 of ESIM, Condition No. 19 of “Condition of Supply” and Regulation 21.4 (g) (i) of Supply Code-2007, and Regulation 71.4.3 of ESR, the account of the consumer should have been overhauled for maximum of six billing months preceding the month in which error in the Energy Meter was detected. PC also referred to the order dated 04.09.2017 of Hon’ble High Court in CWP No. 20595 of 2014 deciding that the case of the Petitioner should be heard afresh after giving opportunity to the parties and also that the Petitioner could place reliance on its judgment in the case titled ‘M/s Park Hyundai V/S PSPCL.’ PC further prayed to decide the case afresh in view of the above submissions and also the judgment in the above cited case and quash the demand illegally raised by the Respondent.

 The Respondent, in its defence, stated that there was no provision/practice for supplying or delivering copies of rules and regulations to any Consumer by the PSPCL and that the Petitioner was duly apprised of the criteria of raising the demand by the officials concerned of the Sub Division. The Respondent also stated that the Demand Notice had been issued strictly as per provisions of ESIM and that Clause 57.5 of ESIM was applicable in case, the Energy Meter was burnt or damaged and was not applicable to those Energy Meters whose connections had been found incorrect or the Energy Meters found defective due to slowness as was the dispute in the present case. The Respondent added that the PC had wrongly interpreted the CC No. 04/2008. The Respondent had not raised any demand against the Petitioner for indulging in theft of electricity or on the allegations that the Petitioner was found interfering in internal mechanism of the Energy Meter. The Respondent argued that it was a case in which the connections of the Energy Meter were found wrong due to which, the same was moving slow and according to provisions of ESIM, if the connections of the Energy Meter had been found wrong, the PSPCL was entitled to charge the Consumer for the whole period during which such wrong connections remained in existence. In the present case, the Energy Meter was installed on 21.02.2008 and was checked by the Senior Executive Engineer, Enforcement on 22.12.2012. As such, the Sub Division concerned had rightly raised the demand against the Petitioner from the date of installation (21.02.2008) to the date of checking (22.12.2012) when wrong connections were noticed and corrected. Even after correcting the wrong connections, the Energy Meter was found running slow by 13.72% implying that the demand raised was legal and as per rules. The Respondent also pleaded that the provisions of ESR ceased to exist in force with the coming into force of Supply Code-2007. Besides, judgment of Hon’ble High Court in the case of Park Hyundai V/S PCPCL related to Multiplication Factor (MF) was not relevant to the facts of the present case which involved slowness of Energy Meter. The Respondent further stated that the liability of the Petitioner had considerably been reduced by the ZDSC vide order dated 11.06.2013 amended vide order dated 17.07.2014 of this Court.

 *I observe that this is a case of phase dis-association due to wrong connection of S2 wire of Yellow and Blue Phase of CTs and consumption is depended on Power Factor and Current at different loads and the accuracy differed with change in Power Factor (PF) and Current. The Energy Meter and CT/PT units were checked at site by the Senior Executive Engineer/Enforcement on 22.12.2012 at a running load of 60.200kW but PF was not mentioned in the Checking Report, as per which, the Energy meter was slow by 57.84%. Even after correction of the connection, the Energy Meter was checked by LT ERS Meter and found slow by 13.72%. As the Enforcement declared the Energy Meter defective and issued directions for its replacement in its Checking Report, the same was replaced on 06.03.2013 and sent to ME Lab, Patiala for further testing. The disputed Energy Meter was tested in ME Lab, Patiala on 16.07.2014 and as per its report, accuracy of the Energy Meter and Red Phase CTs of CT/PT unit were within permissible limits while the accuracy of the Yellow Phase CT of CT/PT unit was not within permissible limits and the accuracy of Blue Phase CT of CT/PT unit at 20% load was out of limit. This was due to saturation of Yellow and Blue Phase CTs due to which, Energy Meter was slow by 13.72% even after correction of connections at site by Enforcement. I find that ME Lab had not tested the accuracy of the Energy Meter combined with CT/PT Unit because as per ME Lab report, there was no such facility at Lab.*

I observe that the PC strongly argued to overhaul the account of the Petitioner for the period not exceeding six month by inviting reference to the provisions contained in Regulation 21.4 (g) (i) of Supply Code-2007 and also by placing reliance on judgment of Hon’ble Punjab and Haryana High Court in CWP No. 17699 of 2014 decided on 19.12.2015 in the case of Park Hyundai Versus PSPCL. I would first like to reproduce Regulation 21.4 (g) of Supply Code-2007 stating that:

“21.4 (g) (i) Overhauling of consumer accounts

 *(i) If a meter on testing is found to be beyond the limits of accuracy as prescribed in the Regulations notified by the Central Electricity Authority under Section 55 of the Act, the account of a consumer will be overhauled and the electricity charges for all categories of consumers will be computed in accordance with the said test results for a period of six months immediately preceding, the:*

1. *date of testing in case the meter has been tested at site to the satisfaction of the consumer; or*
2. *date the defective meter is removed for testing in the laboratory of the Licensee where such testing is undertaken at the instance of the Licensee; or*
3. *date of receipt of request from the consumer for testing a meter in the laboratory of the Licensee.”*

I have also gone through the order dated 19.12.2015 of the Hon’ble Punjab and Haryana High Court in CWP No. 17699 of 2014 titled ‘Park Hyundai V/s PSPCL’ deciding that:

*“In the present case, the mistake was detected during inspection after four years of the installation of the connection at Petitioner’s premises. As per instructions and regulations, inspection is required to be made every six months. In view of the mandatory instructions/regulations, Petitioner can not be burdened with charges for four years. However, the Respondents are entitled to recover the amount for six months preceding the date of checking i.e. 24.09.2013. The present case is squarely covered under the ratio laid down by the Division Bench of this Court in Tagore Public School (Supra) which stands affirmed by the Hon’ble Supreme Court.*

*Petition is partly allowed in above terms.”*

 In view of the above, it proves beyond doubt that error/defect in the Metering Equipment installed at the Petitioner’s premises remained undetected prior to checking by the Enforcement Wing of the Respondent on 22.12.2012 due to failure of the Respondent to comply with its own rules/regulations requiring mandatory periodical checking of Medium Supply category connection. Therefore, taking into consideration the orders of the Hon’ble High Court in the present case and also its decision in the case of Park Hyundai V/S PSPCL in CWP No. 17699 of 2014 (although it being related to Multiplication Factor, is not directly applicable in the instant case) as well as provisions contained in Regulation 21.4 (g) (i) of Supply Code-2007, it is concluded that the Petitioner can not be burdened with charges for 38 months at a belated stage.

 As a sequel of above discussions, it is held that the account of the Petitioner should be overhauled for six months prior to the date of replacement of Energy Meter on 06.03.2013 on the basis of energy consumption of the corresponding period of previous year after calibrating for the change in load, if any. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short without interest.

7. The Appeal is disposed off accordingly.

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

 ( VIRINDER SINGH)

 LokPal (Ombudsman)

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