**COURT OF THE LOKPAL (OMBUDSMAN),**

**ELECTRICITY, PUNJAB,**

 **PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,**

 **S.A.S NAGAR (MOHALI)**

**Appeal No. 97/2017**

**Date of Registration : 22.12.2017**

**Date of Hearing : 24.05.2018**

**Date of Order : 31.05.2018**

**Before:**

 **Er. Virinder Singh, LokPal (Ombudsman) Electricity**

**In the matter of**

Parampal Singh,

Bhai Himmat Singh Nagar,

Dugri, Ludhiana

...Petitioner

Versus

Additional Superintending Engineer

DS Sub-urban Sub Division,

 PSPCL,

Lalton Kalan, Ludhiana.

 ...Respondent

**Present For :**

Petitioner **:** Shri Sukhminder Singh,

Petitioner’s Representative (PR).

Respondent **:** .

Er.J.A. Jandu,

 Addl. Superintending Engineer.

 Before me for consideration is an Appeal preferred against the order dated 28.08.2017 of the Consumers Grievances Redressal Forum (Forum) in Case No. CG-160 of 2017 deciding that:

*“The amount charged to the petitioner on account of both Red and Yellow Phase potentials of meter was not contributing for 298 days and Red Phase potential was not contributing for 433 days prior to 31.08.2016 (date of replacement of meter) is correct and chargeable. However, revised notice be served to the petitioner after getting the amount pre-audited from concerned AO/Field as the disputed amount has been decreased from Rs. 7,32,578/- of Rs. 6,77,172/- as per revised calculations submitted by the respondent in the proceedings dated 11.08.2017.”*

**2. Condonation of Delay:**

*At the outset, the issue of condonation of delay in the Appeal by the Petitioner in this Court was taken up.*

During the course of the hearing, PR submitted that though a copy of order dated 28.08.2017 of the Forum was delivered to it in the Forum itself on the same date, intimation of the amount charged, in view of the said decision, was sent to the Petitioner by the AEE,DS Sub Division, PSPCL, Sarinh vide letter no.1397 dated 19.12.2017 whereafter, the Petitioner deposited the requisite amount payable on 20.12.2017 for filing the Appeal in this Court. PR added that filing the Appeal in this Court got delayed due to non-supply of the intimation of the charges recoverable by the Respondent despite repeated requests. PR submitted that the Petitioner was not at fault at all in this regard and prayed to hear the case in the interest of justice.

 The Respondent, in its defence, stated that it took time to study all the aspects involved and also get the calculations pre-audited. Accordingly, the Respondent did not object to the condonation of delay in filing the Appeal by the Petitioner in this Court.

 *I find that the order dated 28.08.2017 of the Forum in this case was delivered to the Petitioner in the Forum itself on the same date, but, the Petitioner did not prefer the Appeal in this Court within the stipulated period of one month of receipt of the order as per Regulation 3.18 (ii) of Punjab State Electricity Regulatory Commission (Forum and Ombudsman)Regulations-2016 and got the same registered in this Court on 22.12.2017 i.e. after about a lapse of 3 months and 26 days of the receipt of the order ibid of the Forum. I have noted the contention of the PR stating that the Petitioner was not at fault for the delay in filing the Appeal, rather, the delay was attributable to the Respondent for not giving timely intimation about the amount chargeable/recoverable based on the decision dated 28.08.2017 of the Forum.*

 *I observe that the reasons given by the Petitioner for the delay in filing the Appeal in this Court are based on facts and as per evidence on record, I also observe that the Respondent has, while giving its justification for the delay in intimating the Petitioner about the sum charged, did not object to condonation of delay in filing the Appeal in this Court. In view of the above, I have no hesitation to condone the delay of 3 months 26 days in filing the Appeal in this Court in the interest of justice and allow the Petitioner to present the case.*

 **3. Facts of the Case:**

 **The relevant facts of the case are that:**

1. The Petitioner was having a Medium Supply Category connection with Sanctioned Load of 89.660kW and Contract Demand (CD) of 99.620kVA and the Metering was being done by providing LT CT operated static Energy Meter.
2. The connection was checked vide LCR No. 17/412 dated 19.08.2016 by AEE, DS Sub Division, Sarinh, who observed that the display of Energy Meter was off and the readings were also not coming through Battery Mode. These observations were conveyed to the Enforcement for further checking/investigation.
3. As directed by the AEE, DS Sub Division, PSPCL, Sarinh, the Energy Meter was replaced with Device Language Message Specification (DLMS) Compatiable Static Energy Meter vide MCO No. 41/104557 dated 22.08.2016, effected on 31.08.2016.
4. The removed Energy Meter was got tested, with the consent of the consumer from ME Lab on 14.10.2016 which reported that the accuracy of the Energy Meter was within limits. The DDL was also taken.
5. The Addl. S.E., Enforcement-1, checked the connection, vide ECR No. 25/462 dated 01.03.2017 in the presence of the consumer’s representative and noted that no potential (voltage) was coming on Meter Terminal and after cutting the potential leads from CT Chamber (CTC), the potential was coming out on the Meter Terminal. The DDL was also taken.
6. On the basis of the said checking, the Addl. S.E, Enforcement-1 issued speaking order, vide memo no. 129 dated 24.03.2017, that after reading the tamper data of the DDL of the disputed Energy Meter taken in ME Lab (which was replaced on 31.08.2016), it was found that Yellow Phase Potential was not contributing for 298 days and that of Red Phase was not contributing for 433 days.
7. In view of the above speaking orders of the Addl. S.E, Enforcement-1, the AEE, DS Sub Division, Sarinh, vide letter no. 1228 dated 27.04.2017, charged a sum of Rs. 7,32,578/- by issuing a notice to the Petitioner.
8. Subsequently, on the basis of Enforcement’s Report dated 01.03.2017, a sum of Rs.1,55,093/- was charged for the period from 08/2016 to 03/2017 by issuing a notice to the Petitioner vide memo no. 3521 dated 24.02.2017.
9. The Petitioner did not agree with the said notice and filed a Petition in the Forum which, after hearing, passed the order dated 28.08.2017 (Reference: Page 2, Para 1).
10. As per the decision dated 28.08.2017 of the Forum, the revised calculations were done and intimated, and notice dated 19.12.2017 was issued to the Petitioner asking it to deposit the balance amount.
11. Aggrieved with the decision of the Forum, the Petitioner preferred an Appeal in this Court to set-aside the decision of the Forum and prayed to allow the same.

**4. Submissions made by the Petitioner and the Respondent:**

 Before undertaking analysis of the case, it is necessary to go through the written submissions made by the Petitioner and reply of the Respondent as well as the oral submissions made by the Representatives of the Petitioner and the Respondent alongwith the material brought on record by both the sides.

1. **Submissions of the Petitioner**:

The Petitioner made the following submissions for consideration of this Court:

1. The Petitioner was having a Medium Supply Category connection with Sanctioned Load of 89.660kW and Contract Demand as 99.660kVA. The reading of the Energy Meter was taken every month and the bills, as raised by the Respondent from time to time on the basis of measured consumption, were duly paid.
2. The connection of the consumer was checked on 19.8.2016 at site by the AEE, DS Sub Division, PSPCL, Sarinh, vide LCR No.17/412 and it was reported that reading was not appearing on the display of the Energy Meter.
3. The Energy Meter was replaced on 31.8.2016 and was tested in ME Lab on 14.10.2016, where the accuracy of the removed Energy Meter was reported within limitsand the DDL of the Energy Meter was taken.
4. After a study of DDL print-out, the Addl. S.E/Enf-1, vide memo no.129 dated 24.3.2017 (i.e. more than 6 months after the checking), informed the AEE, DS. Sub Division, PSPCL, Sarinh, that **“***as per checking report dated 19.8.2016, the display of the meter was off. The DDL of the meter was taken on 14.10.2016 in ME Lab. As per tamper data of DDL, the potentials of Red & Yellow phase were not contributing for 298 days, whereas the potential of Red phase was not contributing for 433 days”*.
5. The Addl. S.E, Enforcement-1, directed the AEE, DS Sub Division, PSPCL, Sarinh to overhaul the account accordingly. On the basis of this report, the AEE, DS Sub Division, PSPCL, Sarinh, vide notice bearing memo no. 228 dated 27.04.2017, asked the consumer to deposit a sum of Rs.7,32,578/- within 10 days. The amount was raised without reference to any rule/regulation of Supply Code or Electricity Act-2003, especially considering the fact that the huge amount had been charged.
6. The Petitioner approached the Forum for registration and review of disputed case. But, the Forum did not consider the genuine pleadings of the Petitioner and decidedthat the amount charged to the Petitioner on account of both Red and Yellow Phase potentials of the Energy Meter not contributing for 298 days and Red Phase potential was not contributing for 433 days prior to 31.08.2016 (date of replacement of meter) was correct and recoverable.

**(vii)** The Forum did not issue any separate judgement (which was normally issued in every case), and only copy of final proceedings dated 28.08.2017, vide which the case of the Petitioner had been decided, was delivered to the PR on 28.08.2017 itself. This was one of the rare cases wherein the pleadings of the Petitioner had not been even discussed (while arriving at the conclusion), in the order of the Forum.

1. The Petitioner was not satisfied with the decision of the Forum, therefore, the present Appeal was being filed.
2. The officer of the Respondent was recording regular readings and the bills as issued on the basis of recorded consumption had been paid within time. The official taking the readings never pointed out any defect in the Energy Meter. However, burdening the Petitioner with such a huge amount of Rs. 7,32,578/- after overhauling its account for a period of 433 days, without referring to relevant regulation, was unjustified and liable to be withdrawn.
3. The energy consumption of the Petitioner was commensurating with the Connected Load and work in the factory. There was some variation in consumption from June/July-2016 and the defect in the Energy Meter (if any) might have occurred from June/July-2016, as such, overhauling the account (without specifying the date to date period/interval of 433 days) on the basis of very vague order of the Addl. S. E, Enforcement-1, given vide memo no. 129 dated 24.03.2017, without referring to any rules/regulations, was totally unwarranted and liable to be set-aside.
4. After coming into force of Electricity Act-2003 and Supply Code-2007 (revised 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 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, PSPCL, Patiala, vide CC no. 53/2013 and CC No. 59/2014, issued instructions (on the basis of order dated 26.09.2013 passed by the Hon’ble Punjab & Haryana High Court, in CWP No. 10644 of 2010) that while initiating proceedings against any consumer, the Competent Authority of the PSPCL must quote the relevant regulations of the Supply Code-2014 or any other regulations framed by the Competent Authority under the Electricity Act-2003. These instructions were again reiterated vide CC No. 30/2015 dated 05.08.2015 for strict compliance as the Hon’ble PSERC had taken serious view of non-compliance of these instructions.
5. The account pertaining to inaccurate Energy Meter could be overhauled as prescribed in Regulation 21.5.1 of the Supply Code-2014, as mentioned below:

*“if a consumer meter on testing is found to be beyond 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:*

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 Lab of the distribution licensee”.*

**(xiii)** The accuracy of the Energy Meter of the Petitioner was not tested at site by the AEE, DS Sub Division, PSPCL, Sarinh. However, testing of Energy Meter in ME Lab was conducted on 14.10.2016 and its accuracy was observed within limits.

**(xiv)** The consumption, as recorded for the last so many years, was very consistent which made clear that the above parameters of Current/Voltage failure could not be considered as continuous/reliable. The Addl. S.E, Enforcement-1, in its vague/non-speaking order, did not mention the date to date period/interval of 433 days and also did not mention the reasons of voltage failure on Red and Yellow Phases. The possible reasons may be carbonization of potential wires. Further, data as per tamper report was available from 21.04.2016 to 05.08.2016. As per the data, there was complete voltage failure on Red and Yellow Phases (zero voltage) only from 21.04.2016 to 13.05.2016, then, from 13.05.2016 to 20.05.2016, voltage on Yellow Phase was between almost 50V to 87V and again from 22.05.2016 to 02.08.2016, the voltage on Yellow Phase was between almost 50V to 232V (normal). Similar was the position of voltage as depicted on Red Phase. Thus, this was a case of make-breakand not a case of complete failure of voltage on Red and Yellow Phases, as considered by the Addl S.E, Enforcement-1. This position was also substantiated by ME Lab Report as per which, the accuracy of the Energy Meter was reported within limits.

**(xv)** Thus, the data as per DDL could not be taken as the basis for overhauling the Petitioner’s account by considering non-contribution of Red and Yellow Phases for a period of 433 days, considering complete Voltage Failure on Red and Yellow Phases without specifying the date to date period/interval of 433 days). The absence of voltage (if any) partial or complete may relate to any unspecified period from the date of installation of the Energy Meter about 6-7 years ago. Therefore, parameters of failure of current/voltage, as depicted in the DDL may be due to many reasons, which could be confirmed only by manufacturer of the Energy Meter.

1. The Forum decided the case against the Petitioner, without understanding either the Data/Parameters as per Tamper Report of the DDL print-out or the provisions contained in Regulation 21.5.1 of the Supply Code-2014.
2. From the above position, it was clear that raising of huge demand by overhauling the Petitioner’s account for 433 days, was unwarranted and illegal. As such, the decision of the Forum be set-aside and the Appeal be allowed by ordering the overhauling of account from 06/2016 to the date of replacement of the Energy Meter or for a maximum period of six months, keeping in view the findings of ME Lab, Tamper Report of the DDL print-out and Regulation 21.5.1 of Supply Code-2014, in the interest of natural justice and fairness.
3. **Submissions of the Respondent:**

The Respondent, in its defence, submitted the following for consideration of this Court:

1. The connection bearing Account no. U44MS44/0153, having Sanctioned Load of 89.660kW was checked by the AEE, DS Sub Division, PSPCL, Sarinh vide its LCR No 17/412 on dated 19.08.2016.
2. During checking, it was found that the display of the Energy Meter was OFF and the Battery Mode was also not working. This was conveyed to the Enforcement for investigation/checking.
3. The disputed Energy Meter was replaced on 31.08.2016 and was brought to ME Lab for checking on 14.10.2016 vide ME Challan No. 4/25 dated 13.10.2016 alongwith consent form of the Petitioner. During checking of the Energy Meter in the ME Lab DDL was taken.
4. The Addl. S.E, Enforcement-1 issued speaking orders, vide memo no. 129 dated 24.03.2017 stating that on checking of the temper data of the Energy Meter, it revealed that potentials of both Red and Yellow Phases did not contribute in recording the consumption for 298 days, while the Red Phase potential did not contribute for 433 days.
5. A Notice was served to the Petitioner in compliance to the speaking orders of Addl. S.E, Enforcement-1. In this case, only the display of the Energy Meter was OFF, however it continued to record the readings which was evident from the fact that the readings recorded on 30.07.2016 were (0660770kWh, 0717852kVAh) and the readings mentioned and verified in the ME Challan No. 4/25 dated 13.10.2016 were (0663994kWh, 0721462kVAh) so a consumption of 3224kWh and 3610kVAh was recorded therefore the amount of Rs. 8,04,074/- was charged after pre audit, according to Regulation 21.5.1. of the Supply Code-2014 which read as under:

***“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*

1. *date the defective meter is removed for testing in the*

*Laboratory of the Distribution Licensee.*

|  |  |  |  |
| --- | --- | --- | --- |
| ***Sr.******No.*** | ***Consumer Meter*** | ***Accuracy class as per CEA Metering Regulations\**** | ***In-Service maximum permissible error as per IS Code \*\**** |
| *1* | *UPTO 650 VOLT* | *1.00 OR BETTER* | *+ - 2.5%* |
| *2* | *ABOVE 650 VOLTS AND UPTO 33 KV* | *0.5S OR BETTER* | *+ - 1.00%* |
| *3* | *ABOVE 33 KV* | *.02S OR BETTER* | *+ - 0.5%* |

\* *Central Electricity Authority (Installation and Operation of*

 *Meters) Regulations, 2006, as amended from time to time.*

 *\*\* IS 15707: 2006 & IS 14697:1999*

***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.”***

Thus, the amount was charged as per note (above) to Regulation 21.5.1 of the Supply Code-2014.

**(vi)** It was correct that the Chief Engineer, Commercial, vide CC no. 53/13, CC no. 59/14 and 30/15 issued instructions to quote relevant Clause while initiating proceedings against any consumer by the PSPCL.

1. The Addl. S.E, Enforcement-1 was the authority competent to issue the speaking order on DDL report. In this case, the Addl. S.E, Enforcement-1 studied the DDL report and issued the speaking order vide memo no. 129 on dated 24.03.2017. On the basis of this speaking order, the AEE, DS Sub Division, PSPCL, Sarinh, charged the amount.
2. The case was heard and deliberated in the Forum, which decided that the amount charged to the Petitioner was according to the instructions of the Supply Code-2014 and correct and recoverable.

 **5. Analysis:**

 The issue requiring adjudication is the legitimacy of the overhauling of the account of the Petitioner due to non-contribution of the Red and Yellow Phase potentials of the Energy Meter for 298 days and of Red Phase potential for 433 days prior to the date of replacement of the disputed Energy Meter i.e. 31.08.20016.

 *The issues emerged are deliberated and analysed as under:*

1. PR contended that the connection of the Petitioner was checked by the AEE, DS Sub Division, PSPCL, Sarinh, at site on 19.8.2016. The metering was done by providing LT CT operated Static Energy Meter which was installed in the premises of the consumer about 6-7 years before the said checking. The DDL (tamper report) of the Energy Meter depicted the Voltage Failure on Red Phase as25 counts (make/break) and 434 days and Voltage Failure on Yellow Phase, as 3 counts (make/break) and 299 days. Further, at the same place, DDL showed current failure on Red Phase for 108 days, current failure on Yellow Phase for 121 days and current failure on Blue Phase for 79 days. These parameters were not continuous. Had it been so, consumption of the consumer would have been Nil at least for 79 days, when there was no current on all the three phases and very negligible consumption for 299 days, when there was voltage failure on both Red and Yellow Phases, during the period before 31.08.2016 (date of replacement of Energy Meter). The consumption, as recorded for the last so many years, was very consistent which made clear that the above parameters of Current/Voltage Failure could not be considered as continuous/reliable. The Addl. S.E. Enforcement-1, in its vague/non-speaking order, did not mention the date to date period/interval of 433 days and also did not mention the reasons of Voltage Failure on Red and Yellow Phases. The possible reasons may be carbonization of potential wires. Further, data as per Tamper Report was available from 21.04.2016 to 05.08.2016. As per the Data, there was complete voltage failure on Red and Yellow Phases (zero voltage) only from 21.04.2016 to 13.05.2016. Then, from 13.05.2016 to 20.05.2016, voltage on Yellow Phase was between almost 50V to 87V and again from 22.05.2016 to 02.08.2016, the voltage on Yellow Phase was between almost 50V to 232V (normal). Similar was the position of the voltage as depicted on Red Phase. Thus, this was a case of make-breakand not a case of complete failure of voltage on Red and Yellow Phases, as considered by the Addl S.E, Enforcement-1. This position is also substantiated by ME Lab Report as per which, the accuracy of the Energy Meter was reported within limits. Thus, the data as per DDL could not be taken as the basis for overhauling the Petitioner’s account by considering non-contribution of Red and Yellow Phases for a period of 433 days, considering complete Voltage Failure on Red and Yellow Phases without specifying the date to date period/interval of 433 days). The missing of voltage (if any) partial or complete may relate to any unspecified period from the date of installation of the Energy Meter about 6-7 years ago. Therefore, parameters of failure of current/voltage, as depicted in the DDL, may be due to many reasons, which could be confirmed only by the manufacturer of the Energy Meter.

 The Respondent in its defence, stated that in this case, only the display of the Energy Meter was OFF, however it continued to record the readings which was evident from the fact that the readings recorded on 30.07.2016 were (0660770 kWh, 0717852 kVAh) and the readings mentioned and verified in the ME Challan No. 4/25 dated 13.10.2016 were (0663994 kWh, 0721462 kVAh) so a consumption of 3224 kWh and 3610 kVAh was recorded, Therefore, the amount of Rs. 8,04,074/- was charged after pre audit, according to Regulation 21.5.1 of the Supply Code-2014 and as per order dated 28.08.2017 of the Forum.

 *I find that as per tamper Event Data it is clear that under the Head, “Failure Type Status/Count/Duration, there was voltage failure on Red Phase for 434 Days 04 Hours 30 Minutes and event was "ON" when the Data was dumped i.e. on 14.10.2016. I also find that the voltage failure on Yellow Phase was for 299 Days 06 Hours and 58 Minutes whereas the voltage failure on Blue Phase was for 01 Day 23 Hours 11 Minutes.*

 *I agree with the contention of the PR that the Respondent did not ensure to comply with essential requirement of testing the accuracy of the disputed Energy Meter at site before its removal and replacement on 31.08.2016 as per directions given by the AEE, DS Sub Division, PSPCL, Sarinh after checking the connection on 19.08.2016.*

1. PR next contended that the officer of the PSPCL (of the rank of AAE) was recording regular readings and the bills as issued on the basis of recorded consumption had been paid in due course. The said officer, taking the readings, never pointed out any defect in the Energy Meter. However, burdening the consumer with such a huge amount of Rs. 7,32,578/- (subsequently revised to Rs. 8,04,074/-) after overhauling its account for a period of 433 days, without referring to relevant regulation, was unjustified and liable to be withdrawn. The energy consumption of the Petitioner was commensurating with the connected load and work in the factory. There was some variation in consumption from June/July-2016 and the defect in the Energy Meter (if any) might have occurred from June/July 2016, as such, overhauling the account (without specifying the date to date period/interval of 433 days) on the basis of very vague order of the Addl. S.E/Enforcement-1, given vide memo no.129 dated 24.03.2017, without referring to any rules/regulations, was totally unwarranted and liable to be set-aside.

 I have studied the Data of the energy consumption recorded by the disputed Energy Meter and noticed considerable fall in consumption recorded during the period from 06/2015 to 08/2016 as compared to the consumption recorded during the previous years as evidenced by the details brought on record as under:

|  |  |  |
| --- | --- | --- |
|  **Year/Month** | **Minimum monthly consumption in kVAh** | **Maximum monthly consumption in kVAh** |
| 2014 | 6366 | 17773 |
| 2015 (upto 06/2015) | 6990 | 14114 |
| From 06/2015 to 08/2016 | 2936 | 8300 |

 *I find that the Respondent failed to keep a vigil on the variation in the energy consumption recorded and available in Energy Variation Register/SAP, in respect of this Medium Supply Category connection, analyse the reasons for considerable decrease in energy consumption of current vis-à-vis previous months and thereafter, take corrective action accordingly an in time. At the same time, the AAE concerned of DS Sub Division Sarinh also defaulted in noticing the fault/defect in the Energy Meter while taking monthly readings of the disputed Energy Meter. Had the said AAE exercised necessary vigilance and prudence, at the time of taking monthly readings, the defect in the Energy Meter could have been noticed earlier.*

  *I also observe that though the results of the checking dated 19.08.2016 of the connection by the AEE, DS Sub Division, PSPCL, Sarinh were conveyed to the Addl. S.E, Enforcement-1, for further checking/investigation, the requisite checking was done by the Enforcement, after a lapse of about 6½ months, on 01.03.2017 and its findings were conveyed vide order dated 24.03.2017. Evidently, this undue delay on the part of the Enforcement was avoidable and cannot be considered as a Best Practice aimed at good governance and speedier delivery of services and justice to the Stakeholders.*

From the above analysis, it is concluded that since the metering equipment was defective/faulty (display defective), the provisions contained in Regulation 21.5.2 (a) of the Supply Code-2014 are relevant as per which, the account of the Petitioner is required to be overhauled for a maximum period of six months prior to replacement of the disputed Energy Meter (i.e. 31.08.2016) by taking the consumption of the corresponding period of the previous year.

**6. Decision:**

 **As a sequel of above discussions, the order dated 28.08.2017 of the Forum in Case No. CG-160 of 2017 is set-aside. It is held that the account of the Petitioner be overhauled for a period of six months prior to 31.08.2016 (date of replacement of the disputed Energy Meter) based on the energy consumption recorded during corresponding period of previous year in terms of provisions contained in Regulation 21.5.2 (a) of Supply Code-2014. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short, if any, after adjustment without any interest.**

**7.** The Appeal is allowed.

**8**. Engineer-in-Chief, Commercial, PSPCL, Patiala shall also issue instructions to all the Additional Superintending Engineer/Senior Executive Engineers to keep a vigil on the variations in the energy consumption recorded and available in Energy Variation Register/SAP in respect of all categories of consumers falling within their respective jurisdiction, analyse the cases of abnormal decrease in consumption of current vis-a-vis previous month(s) and take immediate corrective action, wherever required, with a view to protect the interests of both the Utility and the consumers.

**9.** Engineer-in-Chief, Commercial, PSPCL, Patiala shall issue instructions to all the Engineers-in-Chief / Chief Engineers of DS Zones to direct all the field officers/officials to ensure during the installation of LT CT operated Energy Meters alongwith LT CT that the Potential Wires tapped from the main cable shall be of the same material as that of the main cable (directly or preferably through bi-metallic thimble) to avoid bi-metallic resistance due to which, the carbonization takes place and with the passage of time, the wires get disconnected contributing to less recording of consumption by the Energy Meter and leads of the CTs and PTs should be connected at Meter Terminal through Ferrules provided by the Manufacturer.

**10.** In case, the Petitioner or the Respondent (Licensee) is not satisfied with the above decision, it is 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)

May 31, 2018 LokPal (Ombudsman)

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