**COURT OF THE LOK PAL (OMBUDSMAN),**

**ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 13/2018**

**Date of Registration :05.02.2018**

**Date of Hearing :26.07.2018**

**Date of Order :02.08.2018**

**Before:**

**Er. Virinder Singh, Lok Pal (Ombudsman) Electricity**

**In the Matter of :**

Surinder Kumar,

C-95, Focal Point,

Patiala.

...Petitioner

Versus

Additional Superintending Engineer,

DS West Division,

PSPCL, Patiala.

...Respondent

**Present For:**

Petitioner : Sh. Mayank Malahotra, Advocate,

Petitioner’s Counsel (PC).

Respondent : Er. Jatinder Kumar Garg,

Addl. Superintending Engineer.

Before me for consideration is an Appeal preferred by the Petitioner against the order dated 10.11.2017 of the Consumer Grievance Redressal Forum (Forum) in Case No. CG-185 of 2017 deciding that:

*“The account of the Petitioner be overhauled for a period of six months preceding the date of checking i.e. 10.08.2016 by taking into consideration slowness of the meter by 9.4% and Petitioner’s old bills to be revised from the date of replacement of the meter in 2009 by application of correct MF 1 instead of 0.5.”*

**2. Facts of the Case:**

The relevant facts of the case are that:

1. The Petitioner was having a Medium Supply (MS) Category connection with sanctioned load of 39.890kW and contract demand (CD) of 44.320kVA and metering was done by providing LT CT operated Static Energy Meter.
2. The Metering Equipment was challenged by the Petitioner on 05.08.2016 whereafter, the Device Replacement Application No. 100002363603 dated 05.08.2016 was issued and the Addl. S.E, Enforcement-1, PSPCL, Patiala, was requested by the AEE/Commercial (West) to check the connection. Accordingly, the connection was checked by the Enforcement-1 vide ECR No. 12/226 dated 10.08.2016. During this course, the accuracy of the Energy Meter was checked with LT ERS Meter and found to be within limits. However, the Enforcement directed to replace the Meter Cup Board (MCB) due to its defective cover and also the CT Chamber.
3. The MCB and CT Chamber alongwith LT CTs were replaced on 10.08.2016 having capacity of 100/5A and Energy Meter of capacity remained the same i.e. 100/5A.
4. The connection was again checked by the Addl. S.E, Enforcement-1, PSPCL, Patiala, vide ECR No. 28/31 dated 26.12.2016 in view of reference made by the AEE, West (Commercial), PSPCL, Patiala vide Memo No. 3570 dated 11.11.2016.
5. After checking on 26.12.2016, the Addl. S.E/Enforcement-1 reported that the Energy Bill for the month of 03/2016 showed the Multiplication Factor (MF) as 0.5 despite the fact that the Energy Meter of capacity 100/5A and LT CT’s of 100/5A stood installed, hence, MF should be 1. The accuracy of the Energy Meter was checked with LT ERS Energy Meter on running load of 11.500kW and Power Factor 0.91 and the Energy Meter was found slow by 9.54% when checked on Pulse Mode and slow by 9.4% when checked on Dial Mode. DDL of Energy Meter was also taken.
6. Based on the said checking, the Addl. S.E/Enforcement-1 directed the Respondent to replace the Energy Meter and get the same tested from the ME Lab.
7. The Energy Meter was replaced vide Job Order No. 3521878 dated 07.03.2017 and got checked from ME Lab on 16.03.2017 for status of ME seals which were found intact, but the accuracy of the disputed energy Meter was not checked and DDL was also not taken (as the same had already been taken on site).
8. On the basis of the Checking Report dated 26.12.2016 of the Enforcement, the account of the Petitioner was overhauled for a period of 87 months (06/2009 to 08/2016) and Notice bearing No. 443 dated 13.02.2017 was issued for Rs. 6,02,149/- for change of Multiplication Factor and slowness of the Energy Meter by 9.4% (Rs. 5,89,293/- due to MF + Rs. 12,856/- on account of slowness).
9. The Petitioner did not agree with the Notice bearing No. 443 dated 13.02.2017 and filed a Petition in the Forum who, after hearing, passed the order dated 10.11..2017 (Reference: Page-2 Para 1).
10. Not satisfied with the decision of Forum, the Petitioner preferred an Appeal in this Court and prayed to set-aside the decision of the Forum and allow the Appeal in the interest of justice.

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

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Petitioner and reply of the Respondent as well as oral submissions made by the Representatives of the Petitioner and the Respondent alongwith 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 (MS) Category connection with sanctioned load of 39.890kW and contract demand (CD) of 44.322kVA bearing Account No. 3000000230.
2. The connection was checked by the Addl. S.E/Enforcement-1, PSPCL, Patiala, vide ECR No. 28/231 dated 26.12.2016 wherein it was reported that Multiplication Factor (MF) of 0.5 was shown in the bill for the month of 03/2016, instead of actual MF 1. The said Checking Officer also reported that the Energy Meter was found to be running slow by 9.54% on Pulse Mode and 9.4% on Dial Mode at running load of 11.500kW.
3. Based on the checking by the Enforcement, the AEE/Commercial, PSPCL, Patiala, issued a Notice bearing No. 443 dated 13.02.2017 to the Petitioner asking it to deposit an amount of Rs. 6,02,149/-, but did not refer to rules and regulations according to which, the account had been overhauled which was necessary as per Commercial Circular (CC) No. 04/2008. The notice had been 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 Petitioner. The calculations of the demand raised also seemed to be incorrect.
4. The Petitioner approached the Forum for redressal of the disputed case and deposited Rs. 1,60,000/- i.e. 20% of the disputed amount vide Demand Draft No. 246989 dated 07.07.2017.
5. The Respondent failed to place on record of the Forum, ME-II (Entry No. 63492) wherein the Energy Meter bearing Sr. No. 04209806 might have been entered. The Respondent also failed to place on record pertaining to the procurement (including Purchase Order) of the above Energy Meter from which, the capacity/specifications of the Energy Meter could be ascertained. Similarly, no record regarding procurement of LT CTs, as mentioned in MCO, was submitted. Moreover, Sr. No. of LT CTs as mentioned on MCO (i.e. 1123, 1663 and 1612) and on the Load Checking Report (LCR) No. 24/360 dated 18.10.2011 (1412, 1443 and 1123) were different, so, the correct ratio of LT CTs on the basis of which, the account of the Petitioner had been overhauled could not be ascertained. A copy of the Challan, vide which the Energy Meter had been drawn from the ME Lab had also not been placed on record from which the ratio of the Energy Meter could be ascertained. The copy of the Energy Meter movement card, CA-21, CA-22 relating to the Energy Meter in question had also not been placed on record.
6. In terms of provisions contained in Instruction No. 51.1 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.
7. According to Regulation 21.3 (d) Electricity Supply Code and Related Matters, Regulations-2014, the Licensee had to conduct periodical inspection/testing of the Energy Meters installed at the consumer’s premises. There was nothing adverse on record against the Petitioner. The Instruction No. 104.1 of ESIM provided schedule for checking of the connections. There was no allegation of any type of slowness etc. with regard to working of the metering equipment.
8. The account of the Petitioner had been overhauled for a period of 87 months (i.e. 06/2009 to 08/2016) in violation of instructions contained in Regulation 21.5 of Supply Code-2014, which stipulated that the Account could not be overhauled for a period of more than six months.
9. The Checking Officer had mentioned slowness of the Energy Meter as 9.54% on Pulse Mode and 9.4% on Dial Mode, which was contradictory. The Checking Officer failed to establish the compliance of conditions of Instruction No. 59.6 of ESIM. The Respondent – PSPCL failed to produce the checking Report of the Energy Meter done in ME Lab.
10. The Respondent issued the bill before the date of checking i.e. 26.12.2016 as per “O” Code and the presumption was there that the Energy Meter was OK upto that period and the account could not be overhauled for the period, the status of the Energy Meter was shown as “O”. The Respondents - PSPCL could not penalize the Petitioner due to deficiencies of the Respondents – PSPCL.
11. The Respondents – PSPCL included the disputed amount in the bill issued on 22.06.2017 in violation of statutory provisions of law contained in Section-56 (2) of “The Electricity Act, 2003”. This Section provided that the recoverable amount, if any, could not be claimed after a period of two years from the date, when such amount becomes due. The Respondent had claimed the amount from the Petitioner w.e.f. 06/2009 vide Notice dated 13.02.2017, which was against the provisions of the Electricity Act, 2003.
12. According to instruction No. 102.2 of ESIM, it was the responsibility of the concerned officer to ensure correctness of the connections and correct working of the Energy Meter which also needed to be checked by Meter Testing equipments and the Energy Meter should, thereafter, be sealed properly by the concerned officer. There was no allegation of any seal tampering etc. against the Petitioner.
13. According to Instruction No. 102.7 of ESIM, an Energy Variation Register was maintained in the office to watch variance in monthly consumption of consumers. The bill dated 22.06.2017, was abnormal, unrealistic and contained imaginary amount and was not sustainable in the eyes of law and was against the instructions of the Respondent - PSPCL.
14. The Appeal of the Petitioner may be accepted and the illegal demand of Rs. 7,62,780/- be quashed and the excess amount deposited by the Petitioner be refunded in the interest of justice.
15. **Submissions of the Respondent:**

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

1. The Energy Meter installed in the premises of the Petitioner was replaced in 2009 vide MCO No. 101/76070 dated 18.05.2009 bearing Sr. No. 04209806 of L&T Make. As per Store Challan, the Energy Meter was having ratio of 100/5A but on the Billing Advice, the LT CTs ratio was 100/5A and the capacity of the Energy Meter as 200/5A was recorded, so, Multiplication Factor (MF) 0.5 was applied in place of 1. According to this advice, the billing was being done with MF as 0.5 and the same was migrated to SAP billing system. As per LCR No. 254/360 dated 18.10.2011, the Sr. No. of the Energy Meter was 04209806 and was having ratio of 100/5A, the same as per MCO 101/76070 dated 18.05.2009. The LT CTs had been recorded as of Saraf Make with Sr. No. 1412, 1443 and 1123. Further, during the checking dated 18.10.2011, the Seal No. 50690823 had been applied on the CT chamber. The connection was checked by the Enforcement on 10.08.2016 and as per ECR No. 12/226 the Seal applied on 18.10.2011 was opened and old LT CTs of Saraf Make with Sr. No. 1412, 1443 and 1123 were replaced with new LT CTs. Moreover, the Sr. No. of LT CTs as mentioned on MCO No. 100002363603 dated 05.08.2016 wrongly written as (1123, 1663 and 1612) which was later on corrected at the time of checking in ME Lab vide ME Challan No. 123 dated 17.10.2017.
2. It was the responsibility of the Respondents – PSPCL to install a correct Energy Meter and the same was done in the case of the Petitioner, but, whenever the Energy Meter became in-operative/inaccurate, the account of the Petitioner was to be overhauled accordingly.
3. The account of the Petitioner had been overhauled for the period from 06/2009 to 08/2016 due to application of wrong Multiplication Factor. Besides, Regulation 21.5.2 of Supply Code-2014 did not apply in the case of the Petitioner as the same was applicable only when the Energy Meter was defective/dead stop.
4. The accuracy of the Energy Meter was checked on site with LT ERS Meter on running load of 11.500kW and Power Factor (PF) = 0.91 and found to be running slow by 9.54% on Pulse Mode and by 9.4% on Dial Mode. The consumer was liable to be charged for this less consumption recorded by the Energy Meter.
5. The case related to the less consumption due to application of wrong MF. So, the charges were correct and recoverable from the Petitioner. “OK” Code on bill only indicates the outer status but as per internal checking by the Addl. S.E/Enforcement-1, the amount was charged to the Petitioner.
6. The charges levied were correct and justified in compliance of the order passed by the Forum and demand of Rs. 7,62,780/- and was therefore recoverable from the Petitioner. As such, the present Appeal deserved to be to be dismissed.

**4. Analysis:**

The issue requiring adjudication is the legitimacy of the plea of the Petitioner for refund of excess amount deposited (with interest) due to overhauling of its account for a period of six months preceding the date of checking of disputed Energy Meter i.e. 10.08.2016 with slowness factor of 9.4% and revision of old bills from the date of replacement of the Energy Meter on 181.05.2009 to 08/2016 by application of correct MF as 1 instead of 0.5.

*The points in this case emerged are deliberated and analysed as under:*

1. The Petitioner’s Counsel (PC) contended that the connection of the Petitioner was checked by the Addl. S.E/Enforcement-1, PSPCL, Patiala, vide ECR No. 28/231 dated 26.12.2016 and it was reported that Multiplication Factor (MF) of 0.5 was shown in the bill for the month of 03/2016, instead of actual MF 1 (One). The said Checking Officer also reported that the Energy Meter was found to be running slow by 9.54% on Pulse Mode and 9.4% on Dial Mode on running load of 11.500kW. Based on the checking by the Enforcement, the AEE/Commercial, PSPCL, Patiala, issued a Notice, bearing No. 443 dated 13.02.2017, to the Petitioner for depositing an amount of Rs. 6,02,149/-, without referring to rules and regulations according to which, the account had been overhauled. PC added that mention of reference to rules/regulations was necessary as per Commercial Circular (CC) No. 04/2008. Besides, the notice had been 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 Petitioner. The calculations of the demand raised also seemed to be incorrect. The Respondent failed to place on record of the Forum, ME-II (Entry No. 63492) wherein the Energy Meter, bearing Sr. No. 04209806, might have been entered. The Respondent also failed to place on record the Purchase Order pertaining to the procurement of the above Energy Meter from which, the capacity/ratio and specifications of the Energy Meter could be ascertained. Similarly, no document regarding procurement of LT CTs, as mentioned in MCO, was brought on record. Moreover, Sr. No. of LT CTs as mentioned on MCO (i.e. 1123, 1663 and 1612) and on the Checking Report No. 24/360 dated 18.10.2011 (1412, 1443 and 1123) were different, so, the correct ratio of Lt CTs on the basis of which, the account of the Petitioner had been overhauled, could not be ascertained. A copy of the Challan, vide which the Energy Meter had been drawn from the ME Lab had also not been placed on record. The copy of the Energy Meter movement card, CA-21, CA-22 relating to the disputed Energy Meter had also not been placed on record. The decision of Forum, ignoring the above omissions, was, thus, not just and fair.

The Respondent, in its defence, stated that the Energy Meter installed in the premises of the Petitioner was replaced in 2009 vide MCO No. 101/760-70 dated 18.05.2009 bearing Sr. No. 04209806. As per Store Challan, the Energy Meter was having ratio of 100/5A, but on the Billing Advice, the LT CT ratio was 100/5A and the capacity of the Energy Meter as 200/5 Amp was recorded, so, Multiplication Factor (MF) 0.5 was applied in place of 1. According to this advice, the billing was being done with MF as 0.5 and the same was migrated to SAP billing system. As per LCR No. 24/360 dated 18.10.2011, the Sr. No. of the Energy Meter was 04209806 and was having ratio of 100/5A, the same as per MCO No. 101/76070 dated 18.05.2009. The CTs had been recorded as of Saraf Make with Sr. No. 1412, 1443 and 1123. Further, during the checking dated 18.10.2011, the Seal No. 50690823 had been applied on the LT CTs chamber. The connection was checked by the Enforcement on 10.08.2016 and as per ECR No. 12/226, the Seal applied on 18.10.2011 was opened and old LT CTs of Saraf Make with Sr. No.1412, 1443 and 1123 were replaced with new LT CTs. Moreover, the Sr. No. of LT CTs as mentioned on MCO No. 100002363603 dated 05.08.2016 (effected on 10.08.2016) were wrongly written as (1123, 1663 and 1612) which was later on corrected at the time of checking in ME Lab vide ME Challan No. 123 dated 17.10.2017. The account of the Petitioner had been overhauled for the period from 06/2009 to 08/2016 due to application of wrong Multiplication Factor. The Respondent added that the Regulation 21.5 of Supply Code-2014 did not apply in the case of the Petitioner as the same was applicable only when the Energy Meter was inaccurate. The accuracy of the Energy Meter was checked with LT ERS Meter on running load of 11.500kW and Power Factor (PF) = 0.91 and found running slow by 9.54% Pulse Mode and 9.4% on Dial Mode. The consumer was, thus, liable to be charged accordingly for slowness of the Energy Meter and application of incorrect MF.

I have perused the material available on record and found that the Energy Meter installed at the premises of the Petitioner was replaced in 2009 vide Meter Change Order (MCO) No. 101/76070 dated 18.05.2009. The CT Ratio of the Energy Meter was 100/5A and Sr. No. 04209806 which tally with the entries in the Store Challan No. 40 dated 21.05.2009 showing the same Energy Meter having CT Ratio as 100/5A. I also find that on Load Checking Register (LCR) No. 24/360 m dated 18.10.2011, the Sr. No. of the Energy Meter is 04209806 and CT Ratio as 100/5A, which is the same as per Meter Change Order (MCO) dated 18.05.2009 and CT Ratio of LT CTs was 100/5A, as such, Multiplication Factor (MF) should have been 1 instead of 0.5 as billed. I observe that discrepent billing continued to be done even after Load Checking on 18.10.2011. Had the corrective action been taken then, the chargeable amount would have been minimised. As per the checking by the Enforcement on 10.08.2016, it is clear that seal applied on 18.10.2011 on CT Chamber, is the same. It thus, proves beyond doubt that the same Energy Meter and LT CTs remained installed since 18.05.2009. The Petitioner also charged for slowness of the Energy Meter for six months preceding the date of checking i.e. 10.08.2016 by taking slowness factor as 9.4% which is not as per provisions contained in Regulation 21.5.1 of Supply Code-2014.

I observe that the Enforcement during its checking dated 26.12.2016 found the Energy Meter slow by 9.54% on Pulse Mode and 9.4% on Dial Mode. Out of the two modes of checking the slowness, Dial Mode is considered more accurate as there are more chances of human error creeping into while counting the pulses. I find that the Forum, in its order, correctly observed that the Respondent erred while overhauling the account considering the slowness as per Pulse Mode and that the account need to be overhauled with slowness as per Dial Mode.

**I observe that the Forum inadvertently mentioned in its order that the account of the Petitioner was required to be overhauled due to slowness for a period of six months preceding the date of checking i.e. 10.08.2016. I am of the view that the account of the Petitioner is actually required to be overhauled for a period of six months preceding the date of replacement of the disputed Energy Meter i.e. 07.03.2017 with slowness factor of 9.4%, in terms of provisions contained in Regulation 21.5.1 (a) of the Supply Code-2014. I am also of the view that the bills of the Petitioner are required to be revised by taking into consideration MF 1 instead of by MF 0.5, from the date of replacement of previous Energy Meter i.e. 18.05.2009 till the date when correction was made in the bill of the Petitioner as per provisions contained in the Note below the Regulation ibid, which reads 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***
2. *Date the defective meter is removed for testing in the laboratory of the distribution licensee.*

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

*I am also of the view that levy of interest/surcharge on the demand raised is not just and fair as the Respondent did not take care to ensure periodical checking of the connection and application of correct MF, despite pointed out during checking by the Enforcement, which resulted in avoidable litigation.*

1. PC referred to the provisions contained in Regulation 21.5.3 of the Supply Code-2014 and Instruction No. 104.1 of ESIM requiring periodical checking of the Energy Meter and contended that there was nothing on record showing that the Energy Meter was running slow during the disputed period. PC added that as per Instruction No. 102.2 of ESIM, it was the responsibility of the concerned officer to ensure correctness of the connections and correct working of the Energy Meter. The Energy Meter also needed to be checked by Meter Testing equipments and the Energy Meter should, thereafter, be sealed properly by the concerned officer. There was no allegation of any seal tampering etc. against the Petitioner.

*I find that the Distribution Licensee defaulted in complying with its own instructions in this regard. Had the compliance of the provisions ibid been ensured, the present dispute would not have arisen.*

1. PC argued that the Respondent issued the bill before the date of checking i.e. 26.12.2016 as per “O” Code and the presumption was there that the Energy Meter was OK upto that period and the account could not be overhauled for the period, the status of the Energy Meter was shown as “O”. The Respondents - PSPCL could not penalize the Petitioner due to deficiencies in the working of the Respondent – PSPCL.

The Respondent, in its defence, stated that the case was related to the less consumption due to application of wrong Multiplying Factor, so, the charges levied were correct and recoverable from the Petitioner. “OK” Code on bill only indicated the outer status but as per internal checking by the Addl. S.E/Enforcement-1, the amount involved was charged to the Petitioner.

1. PC also contended that the Respondent – PSPCL included the disputed amount in the bill issued on 22.06.2017 in violation of statutory provisions of law contained in Section-56 (2) of the Electricity Act-2003. This Section provided that the recoverable amount, if any, could not be claimed after a period of two years from the date, when such amount became due. The Respondent had claimed the amount from the Petitioner w.e.f. 06/2009 vide Notice dated 13.02.2017, which was against the provisions of the Electricity Act, 2003.

The Respondent contested the contention of the Petitioner and stated that as per provisions of Section 56 (2) of the Electricity Act 2003, and Regulation 35.2 of the Supply Code-2014, no sum due from any consumer shall became first due unless such sum had been shown continuously as recoverable as the arrear of charges for the electricity supply in view of Commercial circular No. 05/2012.

I have perused the order dated 09.09.2011of the Hon’ble Punjab and Haryana High Court in *LPA No. 605 of 2009* deciding that, “*Section 56 (2) of the Electricity Act does not wipe off the recovery of arrear for more than two years. The right to recovery of arrear by way of suit have been specifically protected.”*

I observe that in pursuance of the above decision of the Hon’ble High Court, the PSPCL, vide its Commercial Circular (CC) No. 05/2012 dated 14.03.2012, clarified that the limitation period of two years for charging the amount under Section 56 (2) of the Electricity Act, 2003, shall start from the date of detection of mistake by the officer(s)/Official (s)/demand raised by the PSPCL.

*I agree with the averment of the Respondent that it had raised the demand on detection of mistake in the mis-matching of the CTs of the Energy Meter and LT CTs, on 13.02.2017, which was within the limitation period of two years as per Section 56 (2) of the Electricity Act, 2003 read with CC No.05/2012 dated 14.03.2012.*

From the above analysis, it is concluded that the account of the Petitioner is required to be overhauled on account of slowness of the Energy Meter for a period of six months preceding the date of replacement of the disputed Energy Meter i.e. 07.03.2017, by taking the slowness factor as 9.4% in terms of provisions contained in Regulation 21.5.1 (a) of the Supply Code-2014. Besides, overhauling of the Petitioner’s account is also required to be done by taking into consideration MF 1 (instead of MF 0.5) from the date of replacement of previous Energy Meter i.e. 18.05.2009, till the date of correction made in its bill as per provisions contained in Note below Regulation 21.5.1 (a), Supply Code-2014. However, no interest/surcharge is required to be levied as the Respondent was also responsible for not ensuring the observance of codal provisions requiring conduct of periodical checking of the Energy Meter and not taking corrective action on deficiencies noticed during checking by the Enforcement which led to the present dispute.

**5. Decision:**

**As a sequel of above discussions, it is held that the account of the Petitioner for the disputed period should be overhauled as per conclusions arrived at in Para 4 above. It is also held that no interest/surcharge should be levied on the Petitioner on this account as the Respondent defaulted in taking precautions to ensure avoidance of accumulation of charges becoming due and raising the same at a belated stage. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short, if any, without interest/surcharge.**

**6.** The Appeal is disposed off accordingly.

7. In case, the Petitioner or the Respondent (Distribution 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 the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations – 2016.

(VIRINDER SINGH)

August 02, 2018 LokPal (Ombudsman)

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