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

**ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 08/2018**

**Date of Registration : 17.01.2018**

**Date of Hearing : 06.07.2018**

**Date of Order : 16.07.2018**

**Before:**

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

**In the Matter of :**

 M/s Joginder Singh-Tejvinder Singh,

 Opposite Perfect Forgings,

 Dhandari Kalan,

 Ludhiana.

 ...Petitioners

 Versus

 Additional Superintending Engineer/DS

 Estate Division (Special) ,

PSPCL, Ludhiana.

 ...Respondent

**Present For:**

Petitioner : 1. Sh.Jaswant Singh,

 Petitioner’s Representative (PR)

 2. Sh.Angad Singh

 Petitioner’s Representative (PR)

Respondent : 1. Er. Shiv Kumar,

Assistant Engineer/Commercial

 2. Sh.Kishan Singh,

 Assistant Accounts Officer.

Before me for consideration is an Appeal preferred by the Petitioner against the order dated 13.12.2017, in Case No. CG-242, of 2017, of the Consumers Grievances Redressal Forum (Forum) deciding that:

 *“The Petition is not maintainable and is dismissed. Amount charged by way of surcharge due to part payment of electricity bills is as per regulations of the PSPCL and therefore, recoverable from the Petitioner. Rs.10,000/- as litigation charges which include charges for the official time spent of litigation to be paid by the Petitioner to the Respondent ”.*

2. **Facts of the Case:**

 The relevant facts of the case are that:-

1. Presently, the Petitioners were having a Large Supply

Category connection with Sanctioned Load of 1047.191 kW and Contract Demand (CD) of 800 kVA in the name of M/s Joginder Singh - Tejvinder Singh.

1. The connection was earlier in the name of Big Ben

Exports and was got changed in the name of M/s Joginder Singh-Tejvinder Singh vide Service Connection Order (SCO) dated 17.08.2016, effected on 22.08.2016.

1. The Petitioners were served a bill of Rs.27,02,240/- in

11/2016, which included Arrears of Current Financial Year, amounting to Rs.16,27,495/- for the period from 30.09.2016 to 30.11.2016.

1. The bill was corrected by DS Office, however, this

 arrear amount was never adjusted/rectified.

1. The amount of surcharge continued to be levied on the

 unpaid amount in each billing cycle and the Petitioners deposited the billed amount, without surcharge regularly.

1. The Petitioners filed a Petition in the Forum to settle the

dispute of surcharge amounting to Rs.9,12,978/-. The Forum heard the matter and passed order dated 13.12.2017 (Reference: Page-2, Para-1).

1. The Petitioners did not approach the Forum of its own,

actually Petitioners were directed by the Respondent on instructions from Centralized Billing Cell (CBC) for getting the remedy of setting right the Sundry column entries as per CC No. 40/2016 and 50/2016. The Forum ignored this point while deciding the matter.

1. Not satisfied with the decision of the Forum, the

Petitioners preferred an appeal in this Court and prayed not to levy any surcharge on the bill for the period 22.08.2016 to 31.08.2016 which had not been issued by the Respondent/CBC till date and also not to charge any surcharge on the current bill payments (accepted by the Respondent by making cutting on the bills), as the Respondent had failed to make the necessary entry in the Sundry Register and uploaded the same on SAP billing system immediately after correction of the bill.

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 Petitioners in the Appeal and reply of the Respondent as well as the oral submissions of the Representatives of the Petitioners and the Respondent alongwith material brought on record by both the sides.

1. **Submissions of the Petitioners**:

The Petitioners submitted the following for consideration of this Court:

1. Presently, the Petitioners were having a Large

 Supply Category connection with Sanctioned Load of 1947.191 kW and CD of 800 kVA for manufacturing of the cycle parts.

1. The connection was previously running in the name

of Big Ben Exports and change of name of the consumer was effected w.e.f. 22.08.2016 to M/s,Joginder Singh-Tejvinder Singh after completing usual formalities vide Service Connection Order (SCO) no.62/13910 dated 17.08.2016.

1. The first bill after change of name with

Sr.No.5000040221268 dated 04.10.2016 for billing cycle of 08/2016 for the period 01.09.2016 to 30.09.2016 amounting to Rs.13,07,568/- was issued to the Petitioners who made the payment of the same on 13.10.2016 i.e. before the due date.

1. The Respondent did not serve any bill for the period

 30.09.2016 to 31.10.2016 to the Petitioners.

1. The Respondent issued bill for the period from

31.10.2016 to 30.11.2016 for Rs.27,02,240/-, which contained an amount of Rs.16,27,495/- in ‘Sundry Charges’ column. The Petitioners approached the Respondent to have the details of the bill, but the Respondent corrected the bill for the said period (30.09.2016 to 31.10.2016) for Rs.22,32,720/- by making cutting/overwriting on the bill itself issued by the Centralised Billing Cell (CBC) and the same was paid by the Petitioners before the due date. Thus, the payment was accepted by the Respondent but no entry of ‘Sundry Charges’ item was made in the ‘Sundry Register’ and the requisite updation/uploading in the Computer System for approval of the Centralised Billing Cell (CBC) was not done by the Respondent.

1. The Respondent issued the bill for the period from 30.11.2016 to 31.12.2016 for Rs.15,71,230/- on 11.01.2017 with grace date 23.01.2017, This bill contained the ‘Sundry Charges’ of Rs.4,91,465/-. On the request of the Petitioners for adjustment of balance Security of Big Ben Exports amounting to Rs.8,17,750/- in the bill, the Respondent, vide Sundry Item no.114/69/R-160, adjusted the excess Security of Big Ben amounting to Rs.8,17,750/- and corrected the amount payable as Rs.2,10,544/-, which was paid/deposited by the Petitioners. The due date of payment was 23.01.2017. This Sundry Charges and Allowances (SCA) entry No.114 for Rs.8,17,750/- was made in the Sundry Register in January-2017 on 11.01.2017, but posting in the SAP chronology system was done by the Respondent on dated 18.04.2017 vide transaction No. SCI TXN No.8001724813 dated 18.04.2017 i.e. after a period of more than three months. The delayed posting of ‘sundry’ item into Computer SAP system by more than three months resulted in levy of surcharge by the computer on the bill for 01/2017 due to laxity on the part of the Respondent. The petitioners were unnecessarily penalised for the lapses on the part of Respondent. Thus, the petitioners were not liable to pay the surcharge for the said bill.
2. The bill issued for the period from 31.12.2016 to

31.01.2017, 31.01.2017 to 28.02.2017 and from 28.02.2017 to 31.03.2017 by Centralised Billing Cell (CBC) were corrected by the Respondent and accepted the current bill amount only. The Petitioners made the payment of the bills before the due dates.

1. When the Petitioners received the bill for the period

from 31.03.2017 to 30.04.2017, it requested the Respondent in the month of May 2017 to set right/clear the amount in the ‘Sundry Charges’ column because the Petitioners had to approach every time to the Respondent for correction of the bill. The Respondent corrected the bill for the period from 31.03.2017 to 30.04.2017 and issued an advice No. 8001828439 dated 10.05.2017 (item 53 of Sundry Register) for Rs.7,46,636/- for setting right of the amount being shown in the bills every month under ‘Sundry Charges’ column for adjustment and also posted in the SAP system. The payment of corrected bill was made before the due date on 17.05.2017. The Respondent also corrected the bills for the period from 30.04.2017 to 31.05.2017, 31.5.2017 to 30.06.2017 and 30.06.2017 to 31.07.2017 to the current amount of the bill and payment had been made before the due date of payment.

1. The Petitioners had to approach the Respondent again

in 08/2017 for correction of the bill for 07/2017 as the ‘Sundry Charges’ column amount had not been cleared. The Respondent then directed the Petitioner to seek the remedy from the Forum for Redressal of Grievances of Consumers, PSPCL, Patiala. As the advice for credit under ‘sundry charges/allowances’ posted had not been accepted in computer by the Centralised Billing Cell (CBC) with the observation that refund related to the audited period and compliance of CC No.40/2016 and 50/2016 was required to be done.

1. As per details of cash statement of debit and credit for

the period from 10.06.2016 to 22.08.2017supplied by the Respondent, the outstanding balance as on 22.08.2017 was Rs.9,12,978/- as the Respondent had not sent the advice in the beginning at the time of correction of bill and the Computer had taken the monthly bill payment made by the Petitioners, as the part payments and added the surcharge every month taking the amount deposited as less payment of bill. As the Respondent had not cleared the ‘Sundry Charges’ column amount despite repeated requests every month. There was no default on the part of the Petitioners who had made payments of billed amount of current billing period regularly as per correction done by the Respondent in time before the due date. The Petitioners filed a Petition before the Forum for resolving the dispute of balance amount of Rs.9,12,978/- i.e. the difference of amount between debit and credit (Rs.1,61,88,343/-+ Rs.1,52,75,365/-) for getting justice. The Forum admitted the disputed Case No.242 of 2017 without asking for deposit of any amount.

1. The Forum dismissed the Petition as not maintainable vide order dated 13.12.2017.
2. The decision of the Forum was not acceptable to the Petitioners, as per the facts stated above. Hence, the Appeal was filed against the decision of the Forum.
3. The Respondent incorrectly stated that the first bill of

the consumer for the period 22.08.2016 to 30.09.2016 had been debited in SAP on 14.10.2016 for Rs.17,43,295/-, but print out of the bill was for Rs.13,07,568/-. The first bill, after change of name with Sr.No.50004021268 dated 04.10.2016 in respect of the billing cycle 08/2016, for the period 01.09.2016 to 30.09.2016 was issued to the Petitioners by the Respondent for Rs.13,07,568/-. The Petitioners made the payment of the same on 13.10.2016 i.e. before the due date. A copy of the bill down-loaded and printed on 29.12.2017 and the snapshot of print taken on 29.12.2017 showed the billed amount as Rs.13,07,568/-. On 14.10.2016, the Centralised Billing Cell (CBC), Ludhiana, posted debit entry of Rs.17,43,995/- through SAP, but the bill still showed Rs.13,07,568/-. The Centralised Billing Cell (CBC), neither sent a separate bill for the period from 22.08.2016 to 30.08.2016 nor issued any revised bill for the period from 22.08.2016 to 30.09.2016. The Respondent incorrectly mentioned the date of reference made to Centralised Billing Cell (CBC) as 24.10.2016. The Respondent was not aware of the factual position at the time of submission of its reply to the Forum. This was evident from the reply of the Centralised Billing Cell (CBC) sent vide e-mail dated 26.10.2017, as per which, it informed the Respondent that the bill must be from 23.08.2016 to 30.09.2016 and asked the DS Office to check and correct the bill on urgent basis. It was strange as to how a bill issued an year ago could not be corrected. The Respondent should issue a separate bill for Rs.17,43,995/- minus Rs.13,07,568/- = Rs.4,36,427/- for the period from 22.08.2016 to 30.08.2016 now. It , thus, proved beyond doubt that the Respondent did not issue any supplementary bill. The snapshot of print taken on 29.12.2017, posting of amount as Rs.17,43,995/- instead of Rs.13,07,568/- resulted in pendency of a sum of Rs.4,36,427/- with surcharge leviable every month.

1. Regulation 30.1.2 of Supply Code-2014 provided that

bill-cum-notice for arrears in the case of under-assessment shall be initially tendered separately and shall not be clubbed with the current electricity bill. Similarly, Instruction No.93.1 of ESIM provided as under:

*“There may be certain cases where the consumer is billed for some of the dues relating to previous months/years or otherwise as arrears on account of under assessment. In all such cases, separate bills shall be issued”.*

The Respondent, instead of issuing the separate bill for Rs.4,36,427/-, just uploaded the amount of Rs.17,43,995/- through SAP system.

1. When the bill for the period from 31.10.2016 to

30.11.2016 was prepared by the Centralised Billing Cell (CBC), then there was no necessity of making the corrections in this bill by the Revenue Accountant of the Respondent’s office who made the corrections in the bill for the period from 31.10.2016 to 30.11.2016 to 30.09.2016 to 31.10.2016 for two months. The Respondent confirmed that Revenue Accountant had corrected the bill.

1. The Respondent, in its reply, incorrectly stated that the

Petitioners had not made the payment of bill for the period from 30.11.2016 to 31.12.2016 for Rs.15,71,230/- issued on 11.01.2017 with grace date of 23.01.2017. In fact, the total amount of Security of Big Ben with the PSPCL was Rs.19,44,740/-, out of which, the Respondent adjusted the amount of Rs.11,26,988/- relating to the bill of Big Ben for the period from 30.11.2016 to 31.12.2016 vide Sundry Item 113 of Sundry Register in the month of January, but Sundry was posted on 20.04.2017. Similarly, balance Security of Rs.8,17,752/- was also got adjusted in the bill of M/s Joginder Singh-Tejvinder Singh for the period from 30.11.2016 to 31.12.2016. The Revenue Accountant corrected the bill amount to Rs.2,10,544/- which was paid on 11.01.2017, thus, the reply of the Respondent was incorrect. The Respondent had entered the Sundry in the Register in 01/2017 and posted it on the Computer in SAP System on 18.04.2017 after more than three months. Thus, the Respondent was responsible for the delay and not the Petitioners. Therefore, no surcharge should be levied.

1. The Revenue Accountant had been authorised to correct

and make Sundry item entry. As per Instruction No.88.2 of ESIM, Control and Responsibilities of various billing/revenue activities for billing more than 20kW and as per procedure laid down in Instruction No.88.2.1 of ESIM, Sundry Charges/Allowances, all the entries of Sundry Charges and Allowances and bill reversal should be entered in Sundry Charges and Allowances Register by the Revenue Accountant authorised by the AE/AEE and advice should then be sent to Centralised Billing Cell, for billing purpose as required in terms of provisions of the ESIM. From the above, it was again clear that Revenue Accountant was the authorised official for making corrections in the bill and entry in Sundry Register under the supervision of an AEE/Commercial, in-charge of Revenue Wing.

1. **Submissions of the Respondent:**

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

1. The Petitioners were presently having a Large Supply

Category Connection with Sanctioned Load of 1047.191 kW and Contract Demand of 800 kVA.

**(ii)** This said connection was released by effecting change of name from Big Ben Exports to the names of the Petitioners M/s Joginder Singh - Tejvinder Singh vide Service Connection Order (SCO) No. 62/13910 dated 17.8.2016, effected on 22.8.2016.

**(iii)** The first bill of the Petitioners for the period from 22.08.2016 to 30.09.2016 was debited in SAP chronology dated 14.10.2016 for Rs. 17,43,295/-. But the printout of the bill was for Rs.13,07,568/- which was paid by the Petitioners on 13.10.2016. The consumption as per this bill was 2,41,620 kVAh units and the bill was prepared as under:-

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Consumption in kVAh | SOP in INR | ED in INR | OCT in INR | Meter Rent in INR | TotalIn INR |
| 241620 | 1092359 | 199625 | 18115 | 469 | 13,07,568 |

The bill for the said period( 22.08.2016 to 30.09.2016) of consumption of 241620kVAh units as per tariff was calculated as Rs. 17,43,854/- which probably reconciles with chronology amount of Rs 17,43,995/- as per the following details:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Consumption in kVAh | SOP in INR | ED in INR | OCT in INR | Meter Rent inINR | TotalIn INR |
| 241620 | 1456969 | 262254 | 24162 | 469 | 17,43,854 |

A reference was made to Addl.SE,CBC, Ludhiana vide letter no. 2955 dated 24.10.2016 in this regard that in chronology, the amount of this bill was Rs. 17,43,955/-, but the bill no. 50004021268 dated 14.10.2016 was Rs. 13,07,568/-. The Centralised Billing Cell (CBC) was requested to examine and find out the error/discrepancy so that the correct amount of this may be ascertained. The Centralised Billing Cell (CBC ), Ludhiana, informed vide email letter dated 26.10.2017 that the correct billed amount was Rs,17,43,854/-.

**(iv)** The bill for the period 30.09.2016 to 31.10.2016 was prepared in SAP System in chronology dated 15.11.2016 for Rs. 11,19,397/- which was paid by the Petitioner within grace period/ date

**(v)** The bill for the period from 31.10.2016 to 30.11.2016 for 30 days was correctly prepared in SAP for Rs. 27,02,241/- which included previous balance of billed amount of Rs. 11,19,397/- and arrears of bill dated 14.10.2016 and interest/ surcharge. This bill was corrected to Rs. 22,32,719/- by the Revenue Accountant by computing total consumption 303970 kVAh units of two months i.e. 30.09.2016 to 30.11.2016. The Petitioner deposited a sum of Rs. 22,32,720/- on dated 13.12.2016.

**(vi)** The bill for the month of January 2017 was issued on 11.01.2017 (Grace Date 23.01.2017) for Rs. 15,71,230/- was not deposited by the Petitioners. This bill was corrected by the Revenue Accountant manually with remarks on the bill sundry item no. 114/69/R-160. This SCI TXN No. 8001724813 dated 18.4.2017, DOC No. 010002398549 dated 20.4.2017 for Rs. 8,17,750/- was credited by the computer SAP chronology on dated 02.05.2017. As a result, the SAP system charged surcharge/interest as per PSPCL rules.

**(vii)** The Petitioners were informed vide letter dated 08.12.2017 that the refund of Rs.7,43,936 given by the Revenue Accountant vide Sundry No 53 was incorrect in the light of the CBC’s email letter dated 26.10.2017.

**(viii)**The bill for the month of 09/2016 was wrongly prepared

for Rs.13,07,568/-, instead of Rs.17,43,854/-. The arrear of this bill was correctly shown in the future bills but the Petitioners continued to remain unaware and deposited only billed amount of current period by getting the same corrected from the Revenue Accountant. The bill for the period 31.10.2016 to 30.11.2016 for 30 days was correctly prepared in SAP for Rs. 27,02,241/- which included previous balance of Rs.16,27,495- (arrear amount Rs. 11,19,397/- of previous month bill for the period from 30.09.2016 to 31.10.2016+ and interest/ surcharges + balance of bill for the period from 22.08.2016 to 30.9.2016 for Rs.4,36,286/-). This bill was corrected to Rs.22,32,719/- by the Revenue Accountant by computing total consumption as 303970 kVAh units of two months i.e. 30.09.2016 to 30.11.2016. The Petitioners deposited Rs. 22,32,720/- on dated 13.12.2016.

1. The bill for the month of January 2017 issued on

11.01.2017(Grace Date 23.01.2017) for Rs. 15,71,230/- was not deposited by the Petitioners. This bill was corrected by the Revenue Accountant manually with remarks on the bill Sundry item no. 114/69/R-160. This SCI TXN No. 8001724813 dated 18.04.2017, DOC No. 010002398549 dated 20.04.2017 for Rs. 8,17,750/- was credited by the computer SAP chronology on dated 02.05.2017. As a result, the SAP system charged surcharges/interest as per PSPCL rules. Besides, this refund related to refund of Advance Consumption Deposit (ACD) of old Account no. EST4-00148 Big Ben Exports. The current bill issued on 11.01.2017 (with grace date 23.01.2017) was of Rs. 10,79,765/-. But the Sundry Allowance amount for the refund of the Advance Consumption Deposit ( ACD ) was Rs. 8,17,750/-. The Petitioners had not paid the balance amount of current bill for Rs. 2,62,015/- by due date and the surcharge/interest was correctly levied in SAP system as per rules and regulations of PSPCL.

1. Keeping in view the submissions made. Appeal may

 kindly be dismissed.

4. **Analysis:**

The issue requiring adjudication is the legitimacy of the surcharge levied in the bill for the period from 22.08.2016 to 31.08.2016, which was not issued by the Respondent and also of the surcharge on the payments of billed amount of current period accepted by the Respondent by making cuttings manually on these bills.

*The points emerged are deliberated and analysed as under:-*

In the present dispute, the Petitioners got changed the name of the holder of the connection from Big Ben Exports to M/s Joginder Singh-Tejvinder Singh, vide Service Connection Order (SCO) dated 17.08.2016, effected on 22.08.2016. As per the said SCO, the readings of the energy meter, when replaced were 322296 kWh, 327901 kVAh and 59.14 kVA. Earlier PDCO of Big Ben Exports, was effected on 22.08.2016. After the change in name of the consumer, the Centralized Billing Cell (CBC), Ludhiana, issued the bill, in the first instance, for the period from 30.8.2016 to 30.09.2016 for Rs.13,07,573/-, but did not issue the bill for the period from 23.08.2016 to 31.08.2016. The last bill of the Petitioners in the name of Big Ben Exports was issued on 01.09.2016 ( for the period 28.07.2016 to 22.08.2016) for Rs.10,75,520/-. The Respondent did not issue any bill for the period from 30.09.2016 to 31.10.2016, but issued the bill for the period from 30.09.2016 to 30.11.2016 for Rs.27,02,240/-. The said amount was corrected for the said period of 30.09.2016 to 30.11.2016 with billed amount of Rs.22,32,720/- by the Respondent’s Revenue Accountant (RA) with due date being 12.12.2016. Since the SAP billing system was not functional on 12.12.2016, the Petitioners made payment of the billed amount on 13.12.2016. Subsequently, all the future bills were corrected manually by the Respondent’s Revenue Accountant (RA), but the requisite advices were not sent to the Centralised Billing Cell (CBC). The Petitioners have, in the present Appeal, objected to the action of the concerned Revenue Accountant to make corrections in the disputed bills at its own level, without getting the corrections made therein and entries in Sundry Register initialled from the Assistant Engineer/Commercial as per rules and instructions of the PSPCL.

The Respondent in its defence stated that the bill for the month of 09/2016 was wrongly prepared for Rs.13,07,568/-, instead of 17,43,854/-. The arrear of this bill was correctly shown in the future bills but the Petitioners continued to remain unaware and deposited only the billed amount of current period by getting the same corrected from the Revenue Accountant. The bill for the period 31.10.2016 to 30.11.2016 for 30 days was correctly prepared in SAP for Rs. 27,02,241/- which included previous balance 16,27,495- (arrear amount of Rs. 11,19,397/- of previous bimonthly

 bill for the period from 30.09.2016 to 31.10.2016+ interest / surcharges + balance of bill for the period from 22.08.2016 to 31.08.2016) Rs.4,36,286/-. This bill was corrected to Rs. 22,32,719/- by the Revenue Accountant and computed total consumption as 303970 kVAh units of two months i.e. 30.09.2016 to 30.11.2016. The Petitioners deposited Rs. 22,32,720/- on dated 13.12.2016. The bill for the month of January-2017, issued on 11.01.2017 (Grace Date 23.01.2017) for Rs. 15,71,230/-, was not deposited by the Petitioners. This bill was also corrected by the Revenue Accountant manually. The refund of Rs.8,17,750/- on account of Advance Consumption Deposit (ACD) of Big Ben Exports was credited by the SAP system on 02.05.2017. The SAP system charged surcharge/interest as per rules of the PSPCL. Besides, this refund related to refund of Advance Consumption Deposit (ACD) of old Account no. EST4-00148 in the name of Big Ben Exports. The current bill issued on 11.01.2017 (with Grace Date 23.01.2017) was of Rs. 10,79,765/-. The refund of Advance Consumption Deposit (ACD) was for Rs. 8,17,750/-. The Petitioners had not paid the balance amount of current bill Rs. 2,62,015/- by due date, hence, the surcharge/interest was correctly levied in SAP system as per PSPCL rules and regulations.

 *I observe that the dispute arose due to omissions on the part of both the parties i.e. Petitioners and Respondent. The Petitioners, being Large Supply Category Consumers can not escape from the responsibility for not bringing the matter, of non-issuance of the bill for the period from 22.08.2016 to 31.08.2016 to the notice of the Respondent. It was the duty of the Petitioners to ensure that the bill for the period from 22.08.2016 to 31.08.2016 was received/collected and paid.*

*I also observe that the Respondent showed gross negligence in not taking care of observance of the codal provisions by first not issuing the last bill (22.08.2016 to 31.08.2016) of the connection after change of name and thereafter corrections were made manually by the Revenue Accountant(RA) of the Respondent in the bill. However, it is clear that the Revenue Accountant(RA) of the Respondent acted hand in glove with the representative of the Petitioners as observed by the Forum at Page No.7 Para-2. Thus the role of the Petitioners in getting repeated alterations in the bill by the Revenue Accountant without getting the approval of Assistant Executive Engineer/Commercial and not sending the correction in the bill as a Sundry Item to the Centralised Billing Cell (CBC), is not above Board.*

*Further, I am of the view that the Forum erred in deciding that the Petition filed by the Petitioners was not maintainable. I also do not find merit in the order dated 13.12.2017 of the Forum imposing penalty of Rs.10,000/- as litigation expenses on the plea of wastage of official time spent in litigation.*

From the above analysis, it is concluded that surcharge levied for non-payment for the period from 22.08.2016 to 31.08.2016 is correct (except for the three months when the ‘Sundry Charges’ item was not sent to the Centralised Billing Cell (CBC) by the Respondent) and recoverable from the Petitioners who did not bother about issuance of the bill for making payment by due date.

The Petitioners are not liable to pay Rs.10,000/- as litigation expenses as ordered by the Forum, as the Petitioners did not approach the Forum on their own, but were directed to do so on instructions from the Centralised Billing Cell (CBC), Ludhiana, for seeking the remedy of setting-right the ‘Sundry Charges’ Column entry ( as the amount related to audited period) as per CC No,40/2016 and CC No.50/2016.

5. **Decision:**

**As a sequel of above discussions, the Appeal is disposed off as per conclusions arrived at in Para-4 above. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short, if any, after adjustment**. **As the Respondent is equally responsible for the lapses made by it, hence, it is directed that no interest should be charged from the Petitioners on the pending payments**.

**6.** In case, the Petitioner or the Respondent 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)

July 16, 2018 LokPal (Ombudsman)

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

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