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

**ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 50/2019**

**Date of Registration : 26.08.2019**

**Date of Hearing : 24.10.2019**

**Date of Order : 07.11.2019**

**Before:**

**Er. Virinder Singh, Lokpal (Ombudsman), Electricity.Punjab**

**In the Matter of**

Satnam Kaur,

# 590, Jagat Colony-II

Khanna.

...Petitioner

Versus

Senior Executive Engineer,

DS Division,

PSPCL, Khanna

...Respondent

**Present For:**

Petitioner : Smt.Satnam Kaur

Petitioner

Respondent : Er.Gurvinder Singh

Senior Executive Engineer,

DS Division,

PSPCL, Khanna.

Before me for consideration is an Appeal preferred by the Petitioner against the order dated 12.07.2019 in Case No. CGP-174 of 2019 of the Consumer Grievances Redressal Forum (Forum), Patiala deciding as under:

*“ a. The account of the Petitioner for the period*

*14.06.2016 to 09.01.2017 be overhauled on the basis of actual consumption recorded in the corresponding period of the succeeding year as per Supply Code Regulation 21.5.2(d).*

*b. The amount charged to the Petitioner be*

*recovered in 5 equal monthly instalments without charging any surcharge/interest”.*

**2. Facts of the Case:**

The relevant facts of the case are that:

1. The Petitioner was having Domestic Supply Category connection in

the name of her husband, Sh.Charanjit Singh with sanctioned load of 2.640 kW.

1. The Petitioner received the bill issued in the month of 12/2016 for

the period 14.10.2016 to 22.12.2016 for Rs 3,820/- for the consumption of 576 kWh units on ‘O’ code basis.

1. The Petitioner did not agree with the above bill and challenged

the working of Energy Meter on 09.01.2017.

1. The Energy Meter was replaced vide Device Replacement

Application No.100003197037 date 09.01.2017, affected on 16.01.017 at the reading of 3464 kWh.

1. The removed Energy Meter was got checked from M.E.Laboratory

on 11.04.2017 and its accuracy was found to be within limits.

1. The Petitioner did not agree with the report of M.E.Laboratory and

approached the Divisional Dispute Settlement Committee (DDSC) on 24.11.2017. The DSC, after hearing the case, decided on 28.12.2017 that the consumption recorded by the Energy Meter from 14.06.2016 to the date of its replacement be divided equally during the months and account of the Petitioner be overhauled accordingly.

1. Not satisfied with the decision of DDSC, the Petitioner filed a

Petition dated 09.07.2019 in the CGRF, Patiala who, after having, passed the order dated 12.07.2019. (Reference: Page-2, Para-1).

1. As per CGRF decision, the Petitioner was issued a Notice by the

Respondent, vide Memo No.1230 dated 14.08.2019, to deposit an amount of Rs 14,160/-.

1. Not satisfied with the decision of the Forum, the Petitioner preferred an Appeal in this Court and prayed that *ਕਿਰਪਾ ਕਰਕੇ ਮੇਰੇ 2016 ਦੇ ਬਿੱਲ ਦਾ ਨਿਪਟਾਰਾ, ਮੇਨੂੰ ਸੁਣ ਕੇ ਕੀਤਾ ਜਾਵੇ ਅਤੇ BPL ਕਾਰਡ ਦੇ ਆਧਾਰ ਤੇ ਮੇਰਾ ਮੀਟਰ ਮੇਰੇ ਨਾਮ ਲਗਾਉਣ ਲਈ ਉਪ-ਮੰਡਲ ਅਫਸਰ ਸਿਟੀ-1,ਸਮਾਧੀ ਰੋਡ ਨੂੰ ਕਿਹਾ ਜਾਵੇ ਜੀ।* "

**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 Domestic Supply Category connection

in the name of Sh.Charanjit Singh with sanctioned load of 2.640kW.

**(ii)** The Petitioner was served an energy bill dated 22.12.2016 for the period from 14.10.2016 to 22.12.2016 for a sum of Rs.3820/- for a consumption of 576 kWh units for 69 days on ‘O’ Code basis.

**(iii)** The Petitioner did not agree with the aforesaid energy bill of Rs.3820/- and filed a complaint in the Divisional Dispute Settlement Committee which heard the matter on 28.12.2017 and held that the account of the Petitioner be overhauled by splitting the consumption of 911 kWh units from 14.06.2016 (Meter Reading) to the date of replacement of Energy Meter on 09.01.2017 (Meter Reading 3464) equally during this period.

1. Not satisfied with the decision dated 28.12.2017 of the Divisional Dispute Settlement Committee (DDSC), the Petitioner filed a Petition dated 09.07.2019 in the CGRF, Patiala who, after hearing, passed the order dated 12.07.2019. (Reference Page-2, Para-1).
2. Aggrieved with the decision of the Forum, the Petitioner preferred an Appeal in this Court and prayed for issuing directions to the Respondent to correct the disputed bill and transfer/install an Energy Meter in its name on the basis of Below Poverty Line (BPL) card.
3. That Petitioner’s dispute is of the energy bill for the month of December, 2016 which was received inspite of locking of the house during the said period. The Petitioner was facing great difficulty due to receipt of illegal energy bills from January, 2017 to till date.
4. The Asstt .Executive Engineer, City-I, sub-division, PSPCL, Khanna asked the Petitioner, to contact the Revenue Accountant, Sh.Rajinder Kumar as every work of its Office had to be done after consulting the Revenue Accountant. The Petitioner alleged that the dealing of the said Sh. Rajinder Kumar was very rough with the public and consumers used to make a number of complaints against him to the Senior Executive Engineer.
5. The Senior Executive Engineer decided the Petitioner’s application without hearing the Petitioner. Dy.Chief Engineer, DS Circle, Khanna to whom an Appeal was submitted never called the Petitioner. The Petitioner was suffering due to the negligence/inaction of the Department since long.
6. As per the decision of the CGRF, Patiala, the AEE, DS Sub Division City, Khanna on 14.08.2019 issued notice to deposit Rs 14,160/-, but with this decision, no effect for the disputed energy bill (of 12/2016) took place and the same was outstanding.
7. For filing this Appeal, the Petitioner had deposited 40% amount in the shape of Demand Draft and sent the same to the AEE, City-I, sub division Khanna because the said AEE did not allow the Petitioner to deposit 40% of the billed amount in the Sub Division. It was only after sending the draft for this amount to the AEE that the Petitioner could come to the Court of Lokpal.
8. In view of the submission made, the Appeal be allowed.

(**b) Submissions of the Respondent:**

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

1. The Petitioner was having Domestic Supply Category connection in the name of her husband, Sh.Charanjit singh with sanctioned load of 2.640 kW.
2. The Petitioner was served an energy bill dated 22.12.2016 for the period from 14.10.2016 to 22.12.2016 for Rs 3820/- for a consumption of 576 kWh units for 69 days on ‘O’ Code basis.
3. The working of the Energy Meter was challenged by the Petitioner on 09.01.2017.
4. The Energy Meter installed at premises of the Petitioner was replaced vide Device Replacement Applicaiton dated 09.01.2017, affected on 16.01.2017 at a Meter reading of 3464 kWh. The disputed Energy Meter was got checked on 11.04.2017 from M.E.Laboratory where its accuracy was found to be within limit.
5. The Petitioner did not agree with the results of the report of M.E.Laboratory and filed a case in the Divisioinal Dispute Settlement Committee (DDSC).
6. The Divisional Dispute Settlement Committee heard the Petitioner and decided on 28.12.2017 that the account of the disputed connection be overhauled by splitting the consumption of the Energy Meter from 14.06.2016 to the date of its replacement equally during the said period.
7. Not satisfied with the said decision of the Divisional Dispute Settlement Committee (DDSC), the Petitioner filed a Petition in the Forum who, after hearing, passed the order dated 12.07.2019 (Reference:Page2, Para1).
8. The Petitioner was informed about the meeting of the DDSC by the AEE, City-I, sub division Khanna vide Memo No.2351 dated 22.12.2017, but the Petitioner was not present. However, its Representative, Sh.Jaspreet Singh, her son was present in the meeting.
9. The energy bill was prepared as per the decision of the Forum and the same was sent to the Petitioner vide letter No.1230 dated 14.08.2019.
10. The Petitioner sent the Demand Draft amounting to Rs.5664/- to the Respondent. But as the Petitioner had applied for a new connection at the same premises in the name of its son Sh.Jaspreet Singh, having account No.3005073906 the said Demand Draft was deposited in the said account in the name of its son as the connection bearing old Account No.3001106583 (in the name of Sh.Charanjit Singh), was disconnected permanently on 17.01.2019.
11. The Petitioner requested to resolve the issue and provide connection against BPL category by attaching BPL and Ration Card.
12. The Petitioner did not have any electricity connection in its own name.
13. The Respondent in view of above, prayed to dismiss the appeal.

**4. Analysis**

The issue requiring adjudication is the legitimacy of overhauling the account, bearing Account No.3001106583 (in the name of Petitioner’s husband) for the period from 14.06.2016 to 09.01.2017 as per applicable regulations.

*The points emerging in the present dispute are deliberated and analysed as under:*

1. Before start of the hearing of the case on 24.10.2019 in this Court, the Petitioner submitted a Rejoinder, to the written reply given by the Respondent, stating, inter-alia, as under:

***(ਓ) ਅਪੀਲ ਕਰਤਾ ਦਾ ਬਿੱਲ ਬਾਬਤ ਮਹੀਨਾ ਦਸੰਬਰ 2016 ਤਕਰੀਬਨ 6000/ ਰੁਪਏ ਦਾ ਭੇਜਿਆ ਗਿਆ ਸੀ ਜਦ ਕਿ ਮਿਤੀ 22.10.2016 ਤੋਂ 31.12.2016 ਦੌਰਾਨ ਕੁੱਲ 8 ਦਿਨ ਮੈਂ ਆਪਣੇ ਘਰ ਰਹੀ ਹਾਂ ਜਿਸ ਸੰਬੰਧੀ ਮੇਰੇ ਵਲੋਂ ਦਰਖਾਸਤ ਮਿਤੀ 16.06.2017 ਰਾਹੀ ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ, ਸਬ ਡਿਵੀਜਨ ਸਿਟੀ-1 ਖੰਨਾ ਨੂੰ ਲਿਖਤੀ ਤੌਰ ਤੇ ਸੂਚਿਤ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ।***

***(ਅ) ਅਪੀਲ ਕਰਤਾ ਨੂੰ ਖੁੱਦ ਇਹ ਕੇਸ*** DDSC***ਕੋਲ ਲਗਾਇਆ ਸੀ ਪ੍ਰੰਤੁ ਅਪੀਲ ਕਰਤਾ ਨੂੰ ਕਿਸੇ ਵੀ ਪੜਤਾਲੀਆਂ ਅਫਸਰ ਵਲੋਂ ਗਾਈਡ ਨਹੀ ਕੀਤਾ ਗਿਆ ਅਤੇ ਅਪੀਲ ਕਰਤਾ ਦੀ ਗੈਰ-ਹਾਜ਼ਰੀ ਵਿੱਚ ਹੀ ਹੁਕਮ 28.12.2017 ਰਾਹੀ ਇਸ ਕੇਸ ਦਾ ਇੱਕ ਤਰਫਾ ਫੈਸਲਾ ਕਰ ਦਿੱਤਾ ਗਿਆ।***

***(ੲ) ਅਪੀਲ ਕਰਤਾ ਨੇ ਘਰ ਤੋਂ ਬਾਹਰ ਜਾਣ ਸਮੇਂ ਨਵੰਬਰ 2017 ਦੇ ਅੰਤ ਵਿੱਚ ਨਿਜੀ ਤੋਰ ਤੇ ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ ਸ੍ਰੀ ਰਵਿੰਦਰ ਸਿੰਘ ਨੂੰ ਮਿਲ ਕੇ ਬੇਨਤੀ ਕੀਤੀ ਸੀ ਕਿ ਮੇਰਾ ਕੇਸ ਸੁਣਵਾਈ ਲਈ ਦਸੰਬਰ 2017 ਤੋਂ ਬਾਅਦ ਰਖਿਆ ਜਾਵੇ ਜਿਨ੍ਹਾਂ ਨੇ ਭਰੋਸਾ ਦਿੱਤਾ ਕਿ ਇਹ ਕੇਸ ਤੁਹਾਡੀ ਹਾਜ਼ਰੀ ਵਿੱਚ ਹੀ ਸੁਣਿਆ ਜਾਵੇਗਾ ਪ੍ਰੰਤੁ ਇਸ ਦੇ ਬਾਵਜੂਦ ਵੀ ਮਹਿਕਮੇ ਵਲੋਂ ਪਤੱਰ ਨੰਬਰ 2351*/**22.12.2017 ***ਨੂੰ ਮੇਰੀ ਘਰ ਤੋਂ ਗੈਰ ਹਾਜਰੀ ਦੌਰਾਨ ਹੀ ਜਾਰੀ ਕਰ ਦਿੱਤਾ ਗਿਆ ਜਿਹੜਾ ਕਿ ਮੇਰੇ ਬੇਟੇ ਜਸਪ੍ਰੀਤ ਸਿੰਘ ਨੇ*** DDSC ***ਦੀ ਮੀਟਿੰਗ ਵਿੱਚ ਨਿੱਜੀ ਤੋਰ ਤੋ ਹਾਜ਼ਰ ਹੋ ਕੇ ਬੇਨਤੀ ਕੀਤੀ ਕਿ ਅਪੀਲ ਕਰਤਾ ਘਰ ਤੋਂ ਬਾਹਰ ਹੋਣ ਕਰਕੇ ਅਗਲੀ ਪੇਸ਼ੀ ਦਿੱਤੀ ਜਾਵੇ ਪ੍ਰੰਤੁ ਫਿਰ ਵੀ ਕੇਸ ਦਾ ਫੈਸਲਾ ਮੈਨੂੰ ਸੁਨੇ ਬਿਨਾ, ਮੇਰੀ ਗੈਰ-ਹਾਜ਼ਰੀ ਵਿੱਚ ਹੀ ਕਰ ਦਿੱਤਾ ਗਿਆ। ਜਨਵਰੀ 2018 ਵਿੱਚ ਵਾਪਸ ਆ ਕੇ ਜਦੋਂ ਮੈਂ ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ ਸਾਹਿਬ ਜਾ ਨੂੰ ਨਿਜੀ ਤੌਰ ਤੋ ਇਸ ਕੇਸ ਬਾਰੇ ਪੁਛਿਆ ਤਾਂ ਉਨ੍ਹਾਂ ਨੇ ਮੈਨੂੰ ਇਹ ਅਪੀਲ ਦਾਇਰ ਕਰਣ ਦੀ ਸਲਾਹ ਦਿਤੀ। ਦਾਇਰ ਕੀਤੀ ਗਈ ਅਪੀਲ ਦਾ ਡਾਇਰੀ ਨੰਬਰ*:-*1116*/**15.03.2018 ***ਤੇ ਦਰਜ ਹੈ। ਇਸ ਅਪੀਲ ਦੀ ਸੁਣਵਾਈ ਲਈ ਮੈਨੂੰ ਉਪ-ਮੁੱਖ-ਇੰਜੀਨੀਅਰ ਸੰਚਾਲਨ, ਵੰਡ ਹਲਕਾ,*** PSPCL, ***ਖੰਨਾ ਵਲੋਂ ਕਦੇ ਬੁਲਾਇਆ ਹੀ ਨਹੀ ਗਿਆ।***

***(ਸ) ਕੋਈ ਇੰਨਸਾਫ਼ ਮਿਲਦਾ ਨਾ ਦੇਖ ਮੈਨੂੰ*** CGRF ***ਪਟਿਆਲਾ ਅਪੀਲ ਪਾਉਣੀ ਪਈ, ਜਿਸ ਦੇ ਆਧਾਰ ਤੇ ਮੇਰੇ ਬਿੱਲ ਦੀ ਕੁੱਲ ਰਕਮ ਵਿੱਚੋਂ ਤਕਰੀਬਨ 4000*/-*ਰੁਪਏ ਦੀ ਕਟੌਤੀ ਕਰ ਦਿੱਤੀ ਗਈ। ਇਸ ਕਟੋਤੀ ਸੰਬੰਧੀ ਪੁਛੱਣ ਤੇ*** AEE ***ਸਿਟੀ-1 ਨੇ ਇਹ ਦਸਿਆ ਕਿ ਇਹ ਕਟੌਤੀ ਦਸੰਬਰ 2016 ਤੋਂ ਮੀਟਰ ਕਟੱਣ ਦੀ ਮਿਤੀ ਤੱਕ ਸਾਰੇ ਹੀ ਬਿੱਲਾਂ ਦਾ ਚੱਕਰਵ੍ਰਿਧੀ ਵਿਆਜ, ਹਰ ਮਰੀਨੇ ਦੀ ਡਿਸਕੁਨੈਸਨ ਫੀਸ*,** DSC**, *ਅਤੇ ਮੀਟਰ ਦੀ ਸਕਿਓਰਟੀ 200*/-*ਰੁੱਪਏ ਸ਼ਾਮਲ ਹੈ, ਪਰ ਦਸੰਬਰ 2016 ਦੇ ਬਿੱਲ ਤੇ ਕੋਈ ਫਰਕ ਨਹੀ ਪਿਆ। ਇੱਥੇ ਇਹ ਸਪਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਇਹ ਕੇਸ ਸਿਰਫ਼ ਦਸੱਬਰ 2016 ਦੇ ਬਿੱਲ ਨਾਲ ਹੀ ਸੰਬੰਧਤ ਹੈ। ਝਗੜੇ ਦੇ ਫੇਸ਼ਲੇ ਦੌਰਾਨ ਅਗਲੇ ਸਮੇਂ ਦੇ ਬਿੱਲਾਂ ਵਿੱਚ ਚੱਕਰ ਵ੍ਰਿਧੀ ਵਿਆਜ ਤੇ ਡਿਸਕੁਨੈਕਸ਼ਨ ਫੀਸ ਸ਼ਾਮਿਲ ਕਰਨਾ*** PSPCL ***ਦੇ ਨਿਯਮਾਂ ਦੇ ਬਿੱਲਕੁਲ ਖਿਲਾਫ਼ ਹੈ।*** CGRF ***ਦੇ ਫੈਸਲੇ ਤੋਂ ਬਾਅਦ*** AEE, ***ਸਿਟੀ-1 ਨੇ ਮੀਮੋ ਨੰਬਰ*:-**1230 ***ਮਿਤੀ 14.08.2019 ਨੂੰ ਜੁਆਬ ਦਾ ਇੱਕ ਵਰਕਾ ਦਿੱਤਾ ਜਿੱਸ ਵਿੱਚ ਬਿੱਲਾਂ ਦੀ ਕੁੱਲ ਰਕਮ 14,160*/-*ਰੁਪਏ ਦੱਸੀ ਗਈ। ਇੱਹ ਰਕਮ ਜੂਨ 2017 ਤੋਂ 16.01.2019 ਤੱਕ ਦੱਸੀ ਗਈ ਜਦੋਂ ਕਿ 15.06.2017 ਤੋਂ 18.08.2017 ਦਾ ਬਿੱਲ 2423 ਰੁਪਏ ਅਤੇ 18.08.2017 ਤੋਂ 17.10.2017 ਦਾ ਬਿੱਲ 1420*/-*ਰੁਪਏ ਦੀ ਰਸੀਦ ਮੇਰੇ ਕੋਲ ਹੈ।***

***(ਹ) ਅਪੀਲ ਕਰਤਾ ਨੂੰ*** Ombudsman, Electricity Punjab ***ਅਪੀਲ ਪਾਉਣ ਲਈ ਕੁਲ ਰਕਮ ਦਾ 40*%  *ਜਮਾਂ ਕਰਉਣ ਲਈ*** AEE, ***ਸਿਟੀ-1 ਖੰਨਾ ਤੋਂ ਮੰਨਜੂਰੀ ਲੈਣ ਲਈ(ਲਿਖਤੀ ਰੂਪ ਵਿੱਚ) ਬੇਨਤੀ ਕੀਤੀ ਪ੍ਰੰਤੁ ਉਨ੍ਹਾਂ ਵਲੋਂ ਮੰਨਜੂਰੀ ਨਾ ਦੇਣ ਤੇ ਮੈਨੂੰ 5664*/- *ਰੁੱਪਏ ਦਾ*** Demand Draft  ***ਬਣਵਾ ਕੇ ਭੇਜਵਾ ਦਿਆ। ਇੱਹ ਕਹਿਣਾ ਗਲਤ ਹੈ ਕਿ ਅਪੀਲ ਕਰਤਾ ਨੇ ਆਪਣੇ ਬੇਟੇ ਦੇ ਨਾਮ ਨਵਾਂ ਕੁਨੈਕਸ਼ਨ ਲਿਆ ਹੈ। ਇੱਥੇ ਇੱਹ ਦਸੱਣਯੋਗ ਹੈ ਕਿ ਜਸਪ੍ਰੀਤ ਸਿੰਘ ਦਾ ਚਰਨਜੀਤ ਸਿੰਘ ਨਾਲ ਕੋਈ ਸੰਬੰਧ ਨਹੀਂ ਹੈ ਅਤੇ ਉਹ ਆਪਣੇ ਘਰ ਦਾ ਡਿਕਰੀ ਹੋਲਡਰ ਹੈ।***

***(ਕ) ਅਪੀਲ ਕਰਤਾ ਨੇ ਆਪਣੇ ਪਤੀ ਸ਼੍ਰੀ ਚਰਨਜੀਤ ਸਿੰਘ ਦੇ ਨਾਮ ਵਾਲਾ ਮੀਟਰ ਕਟਾਉਣ ਅਤੇ* BPL *ਮੀਟਰ ਲਗਾਉਣ ਦੀ ਦਰਖਾਸਤ 05.03.2018, 26.10.2018 ਅਤੇ 05.02.2019 ਨੂੰ ਦਿੱਤੀ ਸੀ ਅਤੇ 06.09.2019 ਨੂੰ*** AEE, ***ਸਿਟੀ-1 ਨੂੰ ਰਜਿਸਟਰੀ ਕਰੀ ਸੀ ਪ੍ਰੰਤੁ ਅੱਜ ਤੱਕ ਮੇਰੇ ਨਾਮ ਤੇ* BPL *ਮੀਟਰ ਨਹੀਂ ਲਗਾਇਆ ਗਿਆ। ਮੇਰੇ ਵਲੋਂ ਦਿੱਤੀ ਹਰ ਦਰਖਾਸਤ ਨਾਲ* BPL  *ਕਾਰਡ ਦੀ ਫੋਟੋ ਕਾਪੀ ਨਾਲ ਦਿੱਤੀ ਜਾਂਦੀ ਰਹੀ ਹੈ।***

***ਮੇਰਾ ਝਗੜਾ ਸਿਰਫ ਇੱਕ ਬਿੱਲ ਦਸੰਬਰ 2016 ਦਾ ਸੀ ਪ੍ਰੰਤੁ ਡਿਪਾਰਟਮੇਂਟ ਦੀ ਅਣਗਹਿਲੀ ਕਾਰਣ ਪਿਛਲੇ* 2½ *ਸ਼ਾਲਾ ਤੋਂ ਮੈਨੂੰ ਆਰਥਿਕ, ਮਾਨਸਿਕ ਅਤੇ ਸਰੀਰਕ ਪ੍ਰੇਸਾਨੀਆਂ ਦਾ ਸਾਹਮਣਾ ਕਰਨਾ ਪੈ ਰਿਹਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਰੇ ਤੱਥਾਂ ਨੂੰ ਦੇਖਦੇ ਹੋਏ ਮੈਨੂੰ ਇੰਨਸਾਫ ਦਿੱਤਾ ਜਾਵੇ ਜੀ।***

The Respondent, in its defence, reiterated the submission, already made in the written reply. During the course of hearing, the Respondent stated that the amounts, stated to have been deposited by the Petitioner but not accounted for, were duly adjusted in the accounts and deducted from the amount shown chargeable in the present dispute. The Respondent added that an official of the DS Division, PSPCL, Khanna visited the premises of the Petitioner twice (22.10.2019 and 23.10.2019) to check the load but the premises was found locked as the Petitioner was not available there.

As the Petitioner did not agree with the figures of amounts deposited by it but not adjusted in the accounts, the Respondent was directed to reconcile the discrepancy, if any, in its office on 30.10.2019 in the presence of the Petitioner. The Respondent was also directed to install the BPL Energy Meter at the premises of the Petitioner, if permissible and on completion of requisite formalities, as per rules of the PSPCL. The Respondent was also asked to apprise this Court of the action taken immediately after doing the needful.

1. In compliance to the above directions of this Court, the Petitioner attended the office of the Senior Executive Engineer, DS Division, PSPCL, Khanna on 30.10.2019 to sort out the points/issues raised in the present dispute. After having discussions with the Petitioner in the presence of AEE, City Sub Division No.1, PSPCL, Khanna and Revenue Accountant, the said Senior Executive Engineer intimated, vide its office letter No.7281 dated 04.11.2019 (received through e-mail), that the Petitioner was shown the details of the amounts (pertaining to present dispute) deposited by it and accounted for /adjusted in SAP Billing System. In the letter ibid, it was also mentioned that the Petitioner felt satisfied with the relevant details of amounts deposited by it and adjusted in PSPCL System. In addition, Senior Executive Engineer, DS Division, PSPCL, Khanna also forwarded vide its letter ibid (e-mailed on 04.11.2019) **an application of the Petitioner stating that its dispute related only to the bill for December, 2016 and requested that surcharge and interest on the billed amounts from 11/2016 and 12/2016 till the date of permanent disconnection (installed in the name of the Petitioner’s husband) alongwith disconnection fee be waived off.** The Petitioner also requested, in its application, to set aside the decision dated 12.07.2019 of the CGRF, Patiala.
2. Oral and written submissions made alongwith evidence brought on record by both the sides have been gone through.

I find that the Respondent defaulted in installing a new connection in the name of the Petitioner’s son Sh.Jaspreet Singh in the same premises (wherein a connection in the name of Sh.Charanjit Singh, Petitioner’s father, was installed and disconnected on 17.01.2019) without clearance of outstanding dues of the earlier connection installed there, as per provision contained in Regulation 30.1.3 of Supply Code-2014.

I have perused the consumption details of the disputed connection and noticed that energy consumption of 911 kWh units was recorded for the period from 14.06.2016 (Meter Reading-2553kWh) to 09.01.2017 (Meter Reading 3464 kWh) for 209 days at average of 4.39 kWh units per day or bi-monthly consumption of 263 kWh units. I also find that after replacement of disputed Energy Meter, consumption of 943 kWh units was recorded for the period from 15.06.2017 (Meter Reading 687 kWh) to 21.02.2018 (1630 kWh) for 250 days at an average of 3.75 kWh unit per day or bi-monthly consumption of 225 kWh units. Thus, average of energy consumption recorded by the new Energy Meter during succeeding corresponding period was less as compared to that recorded by the disputed Energy Meter during disputed period.

I observe that considering the facts and circumstances of the case, it will be just and fair to overhaul the account of the disputed connection (in the name of the Petitioner’s husband) for the period from 14.10.2016 to 22.12.2016 ( bill dated 22.12.2016) on the basis of LDHF Formula as per provisions contained in Regulation 21.5.2 (d) read with Annexure-B of Supply Code-2014, since the Petitioner was out of station as per evidence produced by it i.e. Railway tickets.

I am also of the view that no surcharge/interest be levied on the disputed amount and the Petitioner be not made liable to pay Disconnection Fee on account of disconnection of the disputed connection in the name of its husband.

**5. Conclusion:**

From the above analysis, it is concluded that the account of the disputed connection (in the name of Petitioner’s husband) for the period from 14.10.2016 to 22.12.2016 be overhauled on the basis of LDHF formula as per provisions contained in Regulation 21.5.2 (d) read with Annexure B of Supply Code-2014. In the LDHF formula, L,D,H and F are as under:

L : is Load in kW detected during inspection.

D : is Number of days.

H : is Number of hours.

F : is Demand Factor.

The connection under BPL category shall be installed as per PSERC/PSPCL instructions.

**6.** **Decision:**

**As a sequel of above discussions, the order dated 12.07.2019 of the CGRF, Patiala in Case No. CGP-174 of 2019 is set aside. It is held that the account of the disputed connection (in the name of Petitioner’s husband) for the period from 14.10.2016 to 22.12.2016 (bill dated 22.12.2016) shall be overhauled as per conclusion arrived at in Para 5 above. It is also held that no surcharge/interest be levied on the disputed amount. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short after adjustment, if any, without interest/surcharge. It is further held that the connection under BPL category shall be installed as per PSERC/PSPCL instructions.**

7**.** The Appeal is disposed of accordingly.

**8**. 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)

November 07, 2019 Lokpal (Ombudsman)

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