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

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

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

 **APPEAL NO. 11/2020**

**Date of Registration : 13.01.2020**

**Date of Hearing : 18.03.2020**

**Date of Order : 12.05.2020**

**Before:**

**Er. Gurinder Jit Singh,**

 **Lokpal (Ombudsman), Electricity, Punjab**.

**In the Matter of :**

Sunder Lal,

Main Bazar,

Near Post Office-Sohana,

S.A.S Nagar (Mohali)

**Contract Account Number: 3004740082**

...Appellant

 versus

Additional Superintending Engineer,

DS Division (Special),

PSPCL, S.A.S. Nagar (Mohali)

 ...Respondent

**Present For:**

Appellant : Dr. S.M. Khera,

 Appellant’s Representative (AR).

Respondent : 1. Er. G.S Sandhu,

 Additional Superintending Engineer,

 DS Division (Special),

 PSPCL, S.A.S.Nagar (Mohali).

 2. Er. Mohit Nagpal

 AEE/Commercial 2,

 DS Division (Special),

 PSPCL, S.A.S.Nagar (Mohali).

 Before me for consideration is an Appeal preferred by the Appellant against the order dated 22.01.2020 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-340 of 2019, deciding that :

*“The connection in the name of Bhara Mal be deemed to have been disconnected on 13.07.2017 and outstanding amount against the same connection be worked accordingly and recovered from the Petitioner as per the provisions of Reg.30.13 & 30.15. The decision of the CDSC is modified to that extent.”*

**2*.* Registration of the Appeal**

The present Appeal was received on 12.02.2020. On scrutiny of the documents received along with the Appeal, it was found that the Appellant had deposited ₹ 46,785/- as the requisite 40% of the disputed amount of ₹ 1,16,910/-. Besides, the Appeal filed was within the prescribed period of one month of receipt of decision dated 22.01.2020 of the CGRF Patiala. Thereafter, the Appeal was registered and copies of the same were forwarded to the Addl. S.E, DS Division (Special), PSPCL, S.A.S Nagar to send written reply/parawise comments and also to the office of the CGRF, Patiala for sending the case file under intimation to the Appellant vide Memo No.124-126/OEP/A-11/2020 dated 13.02.2020.

**3.** **Proceedings**

A hearing to adjudicate the present dispute was held in this Court on 18.03.2020 and was attended by the representatives of both the sides. Copies of the proceedings were sent to both the Appellant and the Respondent vide Memo No.280-281/OEP/A-11/2020 dated 18.03.2020.

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

With a view to adjudicate the dispute, it is necessary to go through written submissions made in the Appeal by the Appellant and reply of the Respondent as well as oral submissions made by their respective representatives along with material brought on record by both the sides.

1. **Submissions of the Appellant**
2. **Submissions made in the Appeal**

The Appellant made the following submissions in the Appeal, received on 12.02.2020, for consideration of this Court:

1. The Appellant was served an inflated Electricity Bill of

₹ 1,16,910/- of A/c No. 30001792015 (in the name of Bhara Mal) at Village Sohana, Mohali.

1. As per information received under RTI Act , from the Asstt.

Executive Engineer, PSPCL, DS Sub Division Tech 3, Mohali; the meter reading of the burnt Energy Meter of A/c No. 30001792015 was 7684 kWh and consumption was shown as 2833 units.

1. The burnt Energy Meter was removed and new one was

installed at the same premise which was now owned by the Appellant (Sh. Sunder Lal).

1. Instead of issuing the bill on the actual consumption, an

enhanced bill of ₹ 1,15,245/- was included as Sundry Charges in the bill of the Appellant.

1. The Appellant filed a complaint with Dispute Settlement

Committee, Mohali on 05.12.2019 and also requested for One Time Settlement (OTS) of the disputed bill. But no settlement had been done by the Respondent-PSPCL.

1. Thereafter, the Appellant filed a case in office of the CGRF,

Patiala against the decision of CDSC, DS Circle, Mohali on 05.12.2019.

1. The Forum decided that the connection in the name of Bhara

Mal be deemed to have been disconnected on 13.07.2017 and outstanding amount against the same be worked accordingly and recovered from the Appellant as per provisions of Regulations 30.13 & 30.15 of Supply Code-2014. The decision of the CDSC was modified to that extent.

1. Pursuant to the said decision of the Forum, AEE/Commercial

Unit 2, DS Division (Special), PSPCL, Mohali, vide its Memo No. 230 dated 31.01.2020 intimated that a refund of ₹ 30,068/- had been posted in Account No. 3004740110 on 31.01.2020 but still an amount of ₹ 68,413/- was outstanding as on 31.01.2020.

1. The Appellant had already paid an amount of ₹ 40,085/-

against the said bill of ₹ 1,16,910/-. But inspite of refund of ₹ 30,068/- posted as per Memo No. 230 dated 31.01.2020 issued by AEE/Commercial Unit 2, an amount of ₹ 68,413/- was still shown outstanding as on 31.01.2020.

1. As per decision of CGRF, Patiala, the outstanding payable

amount should have been calculated and shown recoverable from the Appellant as per the reading of Energy Meter which got burnt and deemed to have been disconnected on 13.07.2017.

1. The Appellant be allowed to pay the said bill as per the

reading of the disputed Energy Meter without any interest and surcharge.

1. **Submissions during Hearing**

In the hearing held in this Court on 18.03.2020, the Appellant’s Representative reiterated the submissions already made in the Appeal.

1. **Submissions of the Respondent**
2. **Submissions in the written Reply to the Appeal**

The Respondent, vide Memo No. 1736/37/DB-86 dated 28.02.2020 submitted the following in its defense, for consideration of this Court:

1. A Domestic Supply Category connection bearing Account

No. 3004740082, with sanctioned load of 1 kW was released to the Appellant on 20.07.2017 and the Metering was being done by providing Single Phase, Two Wire, 10-60A, Static Energy Meter.

1. An energy bill dated 27.11.2018 was issued to the Appellant

for the period 26.09.2018 to 27.11.2018 for consumption of 247 units, amounting to ₹ 1,16,910/- wherein “Sundry Charges” amounting to ₹ 1,15,245/- relating to another Account bearing No. 300179205 (in the name of Sh. Bhara Mal) were transferred as per provisions of Regulation 30.13 and 30.15 of Supply Code-2014.

1. On receipt of the aforesaid bill, the Appellant requested for deposit of the same in installments. But after deposit of the first installment, the Appellant filed a complaint challenging the disputed bill in Circle Level Dispute Settlement Committee (CDSC) which, after hearing, decided on 30.07.2019 as under:-

*“ ਅੱਜ ਮਿਤੀ 30.07.2019 ਨੂੰ ਹੋਈ ਮੀਟਿੰਗ ਵਿੱਚ ਖਪਤਕਾਰ ਕਮੇਟੀ ਸਾਹਮਣੇ ਹਾਜਰ ਹੋਏ । ਪੇਸ਼ਕਰਤਾ ਅਫਸਰ ਵੱਲੋਂ ਪੇਸ ਕੀਤੇ ਗਏ ਦਸਤਾਵੇਜ ਕਮੇਟੀ ਵੱਲੋਂ ਘੋਖੇ ਗਏ । ਪੇਸ਼ਕਰਤਾ ਅਫਸਰ ਵੱਲੋਂ ਦੱਸਿਆ ਗਿਆ ਕਿ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ 19.07.2017 ਵਿੱਚ ਸੜਿਆ ਸੀ ਅਤੇ ਨਿਗਮ ਦੀਆਂ ਹਦਾਇਤਾ ਅਨੁਸਾਰ ਐਵਰੇਜ ਦੇ ਬਿੱਲ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ, ਜੋ ਕਿ ਖਪਤਕਾਰ ਵੱਲੋਂ ਜਮਾ ਨਹੀ ਕਰਵਾਇਆ ਗਿਆ । ਇਸ ਤੋਂ ਇਲਾਵਾ ਪਹਿਲਾ ਜਾਰੀ ਹੋਏ ਬਿੱਲ ਵੀ ਖਪਤਕਾਰ ਵੱਲੋ ਜਮਾਂ ਨਹੀ ਕਰਵਾਏ ਗਏ ਅਤੇ ਉਸ ਸਮੇਂ ਤੋਂ ਖਪਤਕਾਰ ਦੇ ਖਾਤੇ ਵਿੱਚ ਕੁਤਾਹੀ ਰਕਮ ਖੜੀ ਹੋ ਗਈ । ਕਮੇਟੀ ਵੱਲੋਂ ਖਪਤਕਾਰ ਦਾ ਕੇਸ ਵਿਚਾਰਦੇ ਹੋਏ ਫੈਸਲਾ ਕੀਤਾ ਕਿ ਖਪਤਕਾਰ ਦੇ ਬਿੱਲਾਂ ਦੀ ਰਕਮ ਹੋਣ ਕਾਰਨ ਇਹ ਰਕਮ ਸਹੀ ਅਤੇ ਵਸੂਲਣ ਯੋਗ ਹੈ।”*

1. Not satisfied with the above decision of CDSC, the Appellant

filed a Case on 11.12.2019 in the office of the CGRF, Patiala who, after hearing decided thatthe connection in the name of Sh. Bhara Mal be deemed to have been disconnected on 13.07.2017 and outstanding amount against the same connection be worked accordingly and recovered from the Appellant as per the provisions of Regulations 30.13 and 30.15 of Supply Code-2014. The Forum also decided that the decision of CDSC was modified to that extent.

1. As per decision of the Forum, the Account of the Appellant

was overhauled and a refund of ₹ 30,068/- was given in another account, bearing No. 3004740110, of the Appellant. As a result, the recoverable amount from the Appellant was ₹68,413/- for which a Notice vide Memo No.280 dated 31.01.2020 was issued to the Appellant to deposit the same.

1. The Forum had already given sufficient relief to the

Appellant and decision of the Forum had already been implemented by giving a refund of ₹ 30,068/- which was correct. The remaining amount on account of actual consumption was recoverable from the Appellant as per provisions of Regulation 30.13 and 30.15 of Supply Code-2014.

1. In view of the submission made, the Appellant should not be

allowed the refund claimed and the Appeal may be dismissed.

1. **Submissions during Hearing**

During the course of hearing, the Respondent reiterated the submissions made in its written reply and contested the averments made by the Appellant’s Counsel during hearing.

**6.** **Analysis and Findings**

The issue requiring adjudication is the legitimacy of the prayer of the Appellant to revise the amount recoverable after overhauling the account of a connection (installed previously at its premise) in the name of Sh. Bhara Mal bearing Account No.3000179205 as per reading/consumption of the burnt Energy Meter without surcharge and interest.

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

* 1. The dispute arose when a bill dated 27.11.2018 ( for the

period 26.09.2018 to 27.11.2018) for ₹ 1,16,910/- was issued to the Appellant in respect of Domestic Supply Category connection bearing Account No. 3004740082 installed at its premise. The bill included “Sundry Charges” amounting to ₹ 1,15,245/- relating to another connection bearing Account Number 3000179205 in the name of Sh. Bhara Mal (previous owner/consumer) installed in the same premise (i.e. of the Appellant) with sanctioned load of 0.800kW. The property (premise) where these connections were installed was purchased by Sh. Sunder Lal on 30.05.2007 but the connection continued to exist in the name of Sh. Bhara Mal as change in name of the consumer was not got effected by the Appellant. The Energy Meter got installed by Sh. Bhara Mal became defective during 01/2016 and was replaced during 04/2016. Thereafter, Sh. Bhara Mal was billed for bi-monthly consumption of 1586, 1596, 1158, 1036, 148 units from 05/2016 to 05/2017 on ‘O’ code as is evident from the consumption data. The said Energy Meter burnt out during 07/2017 and the consumer (Sh. Bhara Mal) was billed on the basis of assessed consumption of 1560, 1704 and 1129 units during 07/2017, 09/2017 and 11/2017 respectively when this Energy Meter was removed against defaulting amount vide Disconnection Order No.100004873389 dated 02.11.2017 at Final Reading of 7684 kWh. However, a new Energy Meter in the name of Sh. Sunder Lal was installed in the same premise on 20.07.2017 and this connection was released from same PVC which was earlier provided for the connection of Sh. Bhara Mal and burnt Energy Meter was removed. The burnt Energy Meter relating to A/c No. 3000179205, in the name of Sh. Bhara Mal, was replaced vide Device Replacement Application No. 100004534713 dated 02.09.2017 and returned to ME Lab at Reading of 7684 kWh. I find thatthe Forum has decided that connection of Sh. Bhara Mal be deemed to be disconnected on 13.07.2017 though the connection of Sh. Sunder Lal, bearing Account No 3003740082 was installed on 20.07.2017.

I am of the view that the decision of the Forum was not correct because as per record, the connection of Sh. Bhara Mal was actually disconnected on 02.11.2017 i.e. after release of connection to Sh. Sunder Lal on 20.07.2017 and defaulting amount in the account of Sh. Bhara Mal was transferred to the account of the Appellant (Sh. Sunder Lal) as per provisions of Regulations 30.13 and 30.15 of Supply Code-2014.

* 1. It is clear that when the connection of Sh. Sunder Lal was released on 20.07.2017, the connection of Sh. Bhara Lal was also existing in the same premise which was later on disconnected on 02.11.2017. Since, this premise/property was transferred in the name of Sh. Sunder Lal, the purchaser/heir is liable to pay all charges due with respect to such property and found subsequently recoverable from the previous consumer as per provisions of Regulation 30.15 of Supply Code-2014.
	2. The Respondent is also responsible for not disconnecting the connection in the name of Sh. Bhara Mal (A/c No. 3000179205) immediately on noticing that the payment of last two bills worth ₹ 1,15,245/- was outstanding. As per record, the connection of Sh. Bhara Mal (A/c No.3000179205) was disconnected on 02.11.2017 and bills for 07/2017, 09/2017 and 11/2017 were prepared on ‘R’ code basis i.e. burnt Energy Meter. Hence, the account of Sh. Bhara Mal is required to be overhauled for the months of 07/2017 to 2.11.2017 (date of disconnection) as per provisions of Regulation 21.5.2 (a) of Supply Code-2014 i.e. on the basis of consumption of corresponding period of previous year and the amount due is to be recovered from the present consumer/occupant (Appellant) i.e. from the A/c No.30034740082.
	3. The Appellant shall also be liable to pay surcharge/interest on the amount recoverable from it as it did not pay the electricity bills on due dates after purchase of the disputed premise from the previous consumer (Sh. Bhara Mal).

7. **Decision**

**As a sequel of the above discussions, the order dated 22.01.2020 of the CGRF, Patiala, in Case No. CGP-340 of 2019 is set aside. It is held that:**

1. **The account of Sh. Bhara Mal (previous consumer/owner**

**of the premise at which connection, bearing Account No. 3000179205 was installed) shall be overhauled for the period from 7/2017 to 02.11.2017 (date of disconnection) on the basis of consumption recorded during the corresponding period of previous year in terms of provisions contained in Regulation 21.5.2 (a) of Supply Code-2014. The amount so worked out will be payable by the Appellant having a connection at the same premise (purchased from Sh. Bhara Mal) bearing Account No. 3004740082 as per provisions contained in Regulation 30.13 and 30.15 of Supply Code-2014. Apart from this unpaid energy bills relating to A/c 3000179205 in the name of Sh. Bhara Mal shall also be payable by Sh. Sunder Lal (Appellant) as per provision of Regulations 30.13 and 30.15 of Supply Code-2014.**

1. **Surcharge and Interest will also be levied on the amount**

**worked out after overhauling (as decided at serial (i) above) and shall be payable by the Appellant as per instructions of the PSPCL.**

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

**9.** In case, the Appellant 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.

 (GURINDER JIT SINGH)

May 12, 2020 Lokpal (Ombudsman)

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