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

 **ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 40/2020**

**Date of Registration : 20.08.2020**

**Date of Hearing : 18.09.2020**

**Date of Order : 22.09.2020**

**Before:**

**Er. Gurinder Jit Singh,**

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

**In the Matter of:**

 Ram Babu Gupta,

# 439, Sector 4-C,

Shashtri Nagar,

Mandi Gobindgarh-147301.

**Contract Account Number: 3003010705**

 ...Appellant

Versus

Addl. Superintending Engineer,

DS Division (Special), PSPCL,

Mandi Gobindgarh.

 ...Respondent

**Present For:**

Appellant : Sh. Ram Babu Gupta,

 Appellant.

Respondent : Er. J.S. Tiwana

 Addl. Superintending Engineer,

 DS Division (Special), PSPCL,

 Mandi Gobindgarh.

 Before me for consideration is an Appeal preferred by the Appellant against the order dated 02.07.2020 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-72 of 2020, deciding that:

*“The decision of DDSC taken in its meeting held on 08.05.2019 is upheld.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 20.08.2020. While submitting this Appeal, the Appellant intimated that the order dated02.07.2020 was dispatched by the Forum vide Memo No. 1348/49/CGP-72/2020 dated 17.07.2020 and was received by him in last week of July 2020. Accordingly, he submitted the present Appeal on 20.08.2020 i.e. within one month of the receipt of decision of the Forum. It was also noticed that the Appellant had deposited the requisite 40 % of the disputed amount charged to him by the Respondent and submitted evidence in support of amounts deposited alongwith the Appeal. Accordingly, the Appeal was registered and a copy of the same was sent to the Addl. Superintending Engineer/DS Division (Special), PSPCL, Mandi Gobindgarh for furnishing written reply/parawise comments and also to the office of the CGRF, Patiala for sending the case file under intimation to the Appellant vide letter nos. 750-52/OEP/A-40/2020 dated 20.08.2020.

**3.** **Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 18.09.2020 and intimation to this effect was sent to both the sides vide letter Nos. 853-54/A-40/2020 dated 14.09.2020.As scheduled, the hearing was held on 18.09.2020 in this Court and copies of the proceedings were sent to both the sides vide this office letter nos. 876-77/OEP/
A-40/2020 dated 18.09.2020.

**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 the 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 in this Court on 20.08.2020 for consideration:

1. The Appellant was having a DS category connection installed at his residence i.e. House No. 439, Sector 4-C, Shashtri Nagar, Mandi Gobindgarh. The sanctioned load of this connection, bearing Account No. 3003010705, was 7.713 kW.
2. The Appellant was regularly receiving correct energy bills.
3. But, the Appellant received energy bill for the period from 24.05.2018 to 28.07.2018 for consumption of 2220 units amounting to ₹ 19,340/-which was more than all the previous bills.
4. The Appellant had approached the concerned official of the Respondent who suggested that the Appellant may challenge the working of meter. As such, the Appellant paid the requisite meter challenge fee for checking of the meter.
5. The Respondent had neither called the Appellant nor gave him report of checking by the ME Lab. The Respondent had intimated that the Energy Meter of the Appellant was checked and found OK in ME Lab& also that the Appellant should pay the bill.
6. The Appellant filed a Petition before the CGRF, Patiala and the Appellant was advised to make the payment of current bill. However, Accounts Officer, Mr. Puri insisted for payment of entire bill otherwise, the connection of the Appellant would be disconnected.
7. The Appellant had suffered accident on 19thApril, 2019 and his foot was fractured in the said accident due to which, his movement was restricted.
8. The amount of disputed bill and the current bill became ₹63,000/-. Therefore, the connection of the Appellant was disconnected by the Respondent.
9. The Appellant had paid the amount of ₹ 63,000/- in three instalments. Further, the Respondent got deposited from the Appellant a sum of ₹ 45,800/- on account of interest/surcharge.
10. The Appellant had deposited the said amount for restoration of his connection which was disconnected by the Respondent due to non-payment of the bills.
11. The Appellant had received the decision of CGRF, Patiala in the last week of July, 2020. It was prayed that justice be given to him in this Appeal.
12. **Submissions during Hearing**

During hearing on 18.09.2020, the Appellant reiterated the submissions already made in the Appeal and prayed that Appeal be allowed in the interest of justice.

1. **Submissions of the Respondent**
2. **Submissions made in the Written Reply**

The Respondent, in its reply sent vide e-mail dated 14.09.2020, made the following submissions for consideration of the Court:

1. The Appellant was a Domestic Supply Category consumer, having Account No. 3003010705.
2. An energy bill amounting to ₹ 19,340/- was issued to the Appellant for the period from 24.05.2018 to 28.07.2018(65 days) for consumption of 2220 kWh.
3. The Appellant challenged the accuracy of the Energy Meter.
4. As a result, the Energy Meter was replaced on 17.10.2018 vide Device Replacement Application No. 100006745703 dated 11.10.2018.
5. The accuracy of the Energy Meter was checked in ME Lab as depicted in Challan No. 1356 dated 20.11.2018. ME Lab reported that the working of Energy Meter was within limits.
6. The Appellant represented to DLDSC which decided on 08.05.2019 that the amount of bill dated 09.08.2018 was rightly charged. But, the Appellant was not satisfied and filed a Petition before CGRF, Patiala.
7. The Forum considered the Consumption Data of the Appellant and came to the conclusion that the consumption of 2220 kWh was OK as per actual reading and observed that the amount charged to the Appellant was correct and recoverable. The Forum upheld the decision dated 08.05.2019 of DLDSC in this case.
8. But, the Appellant was not satisfied with the decision of the Forum and filed the present Appeal in this Court.
9. **Additional Written Submissions of the Respondent:**

In response to this office letter nos. 863/OEP/A-40/2020 dated 14.09.2020 and 868/OEP/A-40/2020 (sent by e-mail)on 15.09.2020 directing to send additional information/documents, the Addl. S.E., DS Division (Special), PSPCL, Mandi Gobindgarh submitted the following, vide e-mail dated 17.09.2020, for consideration:

1. The Appellant had deposited the bill issued on 09.08.2018 for ₹ 19,340/- alongwith current bill and surcharge in instalments. The detailed calculation sheet was annexed.
2. The Forum had passed order on 02.07.2020 directing the Appellant to pay the bill in instalments. The Appellant had given the request to pay the bill of ₹ 63,320/- in three instalments. The Appellant had paid the disputed bill in instalments.
3. The Appellant had given his consent in writing for checking the Meter by ME Lab. The Appellant had requested in writing for challenge of the Energy Meter on 11.09.2018 and deposited

₹ 690/- as meter challenge fee on 12.10.2018.

1. The Appellant submitted an application dated 31.08.2019 addressed to the SDO stating that he would pay the bill for ₹ 63,320/- in three instalments. The Appellant also stated that it was not possible for him to deposit the billed amount in one go as he had met with an accident on 19.04.2019 and was in financial distress. Accordingly, the request of the Appellant to pay in three instalments was allowed.
2. The Energy Meter installed at the premise of the Appellant was disconnected vide DCO No. 100005454148 dated 27.03.2019.
3. **Submission during Hearing**

During hearing, on 18.09.2020, the Respondent reiterated the submissions in its written reply sent vide e-mail dated 14.09.2020 and also vide e-mail dated 17.09.2020.

**5.** **Analysis and Findings**

The issue requiring adjudication is the legitimacy of the energy bill dated 09.08.2018 (for the period 24.05.2018 to 28.07.2018) for energy consumption of 2220 kWh amounting to ₹ 19,340/- and surcharge/interest thereon.

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

1. The relevant facts of the case are that the Appellant was having a Domestic Supply Category connection with sanctioned load of 7.713 kW. He was served with an energy bill dated 09.08.2018, relating to the period from 24.05.2018 to 28.07.2018 (65 days), for the energy consumption of 2220 kWh amounting to ₹ 19,340/-. The Appellant challenged the working of the Energy Meter by depositing the Meter Challenge Fee of ₹ 690/- on 12.10.2018.Thereafter, the Energy Meter was replaced vide Device Replacement Application No. 100006745703 dated 11.10.2018 effected on 17.10.2018. The removed Energy Meter was sent, vide Store Challan No. 1356 dated 20.11.2018, to M.E. Lab which reported that accuracy of the Energy Meter was within permissible limits. The Energy Meter installed at the premise of the Appellant was disconnected vide DCO No. 100005454148 dated 27.03.2019 due to defaulting dues. The Appellant represented to the DLDSC which decided on 08.05.2019 that the amount charged to the Appellant was in order and recoverable. Aggrieved, the Appellant filed a Petition in the office of the CGRF, Patiala on 11.02.2020. After hearing both the sides, the Forum, vide order dated 02.07.2020, upheld the decision of DLDSC.
2. The details of energy consumption, as per reading recorded by the Energy Meter installed at the premise of the Appellant are as under:

|  |  |  |  |
| --- | --- | --- | --- |
| Period | Days | Energy Consumption (kWh) | Status |
| 30.11.2016 to 25.01.2017 | 56 | 105 | O |
| 25.01.2017 to 29.03.2017 | 63 | 143 | O |
| 29.03.2017 to 26.05.2017 | 58 | 360 | O |
| 26.05.2017 to 21.07.2017 | 56 | 388 | O |
| 21.07.2017 to 25.09.2017 | 66 | 329 | D |
| 25.09.2017 to 29.11.2017 | 65 | 373 | D |
| 29.11.2017 to 28.12.2017 | 29 | 54 | D |
| 28.12.2017 to 12.04.2018 | 105 | 311 | O |
| 12.04.2018 to 24.05.2018 | 42 | 290 | O |
| 24.05.2018 to 28.07.2018 | 65 | 2220 | O |
| 28.07.2018 to 26.09.2018 | 60 | 1259 | O |
| 26.09.2018 to 23.11.2018 | 68 | 380 | C |
| 26.09.2018 to 25.01.2019 | 121 | 338 | O |
| 25.01.2019 to 28.03.2019 | 62 | 545 | O |
| 28.03.2019 to 28.05.2019 | 61 | 1422 | O |
| 28.05.2019 to 24.07.2019 | 57 | 2269 | O |
| 24.07.2019 to 24.09.2019 | 62 | 1264 | O |
| 24.09.2019 to 25.11.2019 | 62 | 564 | O |
| 25.11.2019 to 27.01.2020 | 63 | 590 | O |

 It is observed that energy consumption of the Appellant for the period from 28.05.2019 to 24.07.2019 (57 days) was 2269 kWh which was slightly more than consumption of 2220 kWh during the almost corresponding period of previous year i.e. from 24.05.2018 to 28.07.2018 (65 days) which is the period of present dispute.

1. The Appellant submitted that on receipt of bill dated 09.08.2018 for ₹ 19,340/-, he approached the concerned official of the Respondent who suggested that the Appellant may challenge the working of meter installed at his premise. As such, the Appellant paid the requisite meter challenge fee. He stated that the Respondent had neither called the Appellant nor gave him report of checking by the ME Lab. He contended that the Respondent had intimated that his Energy Meter was checked and found OK in ME Lab and also that the Appellant should pay the bill.

I find that the Respondent, vide its e-mail dated 17.09.2020 and also during hearing on 18.09.2020, submitted a copy of application given by the Appellant (addressed to the SDO/Commercial, DS Sub Division, PSPCL, Mandi Gobindgarh) stating as under:

“ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸੰਬੰਧ ਵਿੱਚ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਮੇਰਾ ਮੀਟਰ ਆਪ ਜੀ ਦੇ ਦਫ਼ਤਰ ਵੱਲੋਂ ਬਦਲੀ ਕਰਕੇ ਮੇਰੀ ਹਾਜ਼ਰੀ ਵਿੱਚ ਸ਼ੀਲ ਪੈਕ ਕਰ ਲਿਆ ਸੀ। ਇਸ ਸੰਬੰਧੀ ਮੈਂ ਬੇਨਤੀ ਕਰਦਾ ਹਾ ਕਿ ਮੈਂ ਆਪਣੇ ਘਰੇਲੂ ਕਾਰਨਾਂ ਕਰਕੇ ਐਮ. ਈ. ਲੈਬ ਵਿੱਚ ਨਿੱਜੀ ਤੌਰ ਤੇ ਪੇਸ਼ ਹੋ ਕੇ ਆਪਣੀ ਹਾਜ਼ਰੀ ਵਿੱਚ ਇਹ ਮੀਟਰ ਚੈਕ ਨਹੀਂ ਕਰਵਾ ਸਕਦਾ । ਇਸ ਕਰਕੇ ਮੇਰਾ ਇਹ ਸ਼ੀਲ ਪੈਕ ਮੀਟਰ ਮੇਰੀ ਗੈਰ ਹਾਜ਼ਰੀ ਵਿੱਚ ਖੋਲ ਕੇ ਚੈਕ ਕਰ ਲਿਆ ਜਾਵੇ ਜੀ ਅਤੇ ਜੋ ਵੀ ਐਮ. ਈ. ਲੈਬ ਦੀ ਰਿਪੋਰਟ ਹੋਵੇਗੀ ਉਸਦਾ ਮੈਂ ਪਾਬੰਦ ਹੋਵਾਂਗਾ ਅਤੇ ਭਵਿੱਖ ਵਿੱਚ ਐਮ. ਈ. ਲੈਬ ਦੀ ਟੈਸਟਿੰਗ ਰਿਪੋਰਟ ਨੂੰ ਕਿਸੇ ਵੀ ਕੋਰਟ /ਮਹਿਕਮੇ ਵਿੱਚ ਇਸ ਵਿੱਰੁਧ ਕੋਈ ਕਾਰਵਾਈ ਨਹੀਂ ਕਰਾਂਗਾ।’’

The Respondent also brought on record of this Court a self- declaration signed by the Appellant and submitted in the office of the SDO/Commercial, DS Sub Division stating as under:

“ਮੈਂ ਰਾਮ ਬਾਬੂ ਗੁਪਤਾ ਪੁੱਤਰ ਸ੍ਰੀ ਚੂਨੀ ਲਾਲ ਗੁਪਤਾ ਵਾਸੀ ਮਕਾਨ ਨੰ. 439, ਵਾਰਡ ਨੰ. 4 ਸੀ, ਸ਼ਾਸਤਰੀ ਨਗਰ, ਮੰਡੀ ਗੋਬਿੰਦਗੜ੍ਹ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ, ਪੰਜਾਬ ਦਾ ਰਹਿਣ ਵਾਲਾ ਹਾਂ ਅਤੇ ਘੋਸ਼ਣਾ ਕਰਦਾ ਹਾਂ:-

* 1. ਇਹ ਕਿ ਕੁਨੈਕਸ਼ਨ ਨੰਬਰ 3003010705 ਜੋ ਕਿ ਮੇਰੇ ਘਰ ਮਕਾਨ ਨੰ. 439,ਵਾਰਡ ਨੰ. 4 ਸੀ, ਸ਼ਾਸਤਰੀ ਨਗਰ, ਮੰਡੀ ਗੋਬਿੰਦਗੜ੍ਹ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਵਿਖੇ ਚੱਲ ਰਿਹਾ ਹੈ। ਜੋ ਕਿ ਅਸਲ ਖਪਤ ਤੋ ਤੇਜ ਚੱਲ ਰਿਹਾ ਹੈ ਅਤੇ ਪਾਵਰ ਬੰਦ ਕਰਨ ਤੇ ਵੀ ਮੀਟਰ ਚਲਦਾ ਰਹਿੰਦਾ ਹੈ।
	2. ਇਹ ਕਿ ਮੈਂ ਆਪਣੇ ਉਪਰੋਕਤ ਮੀਟਰ ਨੂੰ ਚੈਲੰਜ ਕਰਨਾ ਚਾਹੁੰਦਾ ਹਾਂ ਅਤੇ ਇਸ ਸੰਬੰਧ ਵਿੱਚ ਕਾਰਪੋਰੇਸ਼ਨ ਦਾ ਜੋ ਵੀ ਫੈਸਲਾ ਹੋਵੇਗਾ ਉਹ ਮੇਰੇ ਤੇ ਲਾਗੂ ਹੋਵੇਗਾ।’’

I also find that the challenged Energy Meter was checked, vide Store Challan No.1356 dated 20.11.2018, in ME Lab which reported as under:

*“ਨਤੀਜੇ ਸੀਮਾਂ ਵਿੱਚ ਹਨ । ਵਾਰ ਵਾਰ DDL ਕਰਨ ਤੇ ਵੀ DDL ਨਹੀ ਹੋ ਰਿਹਾ ।”*

From the above, it is evident that the Appellant gave his express consent for checking of the challenged Energy Meter in his absence in the M.E. Lab. He also gave a declaration, duly signed, in the office of the AEE/Commercial, DS Sub Division, Mandi Gobindgarh to abide by the findings of the ME Lab in this regard and not to challenge the same in any Court/Deptt. The aforesaid documents brought on record of this Court, were shown to the Appellant during hearing on 18.09.2020 and the Appellant confirmed that he had signed these documents/declarations while giving his request letter for challenge of the working of the Energy Meter. Accordingly, M.E. Lab Report dated 20.11.2018, declaring the Energy Meter as OK with accuracy in permissible limits, is binding on the Appellant.

 I observe that the Respondent defaulted in not informing the Appellant in writing about the findings of M.E. Lab Report regarding checking of the Challenged Energy Meter of the Appellant in accordance with the provisions contained in Regulation 21.3.6(b) of Supply Code-2014 which reads as under:

**“21.3.6Testing of Inaccurate Meters**

*(b)**A consumer may also request the distribution licensee to test the meter, if he doubts its accuracy. The distribution licensee shall undertake such testing either at site or in the laboratory within seven (7) days on payment of fee by the consumer as specified in the Schedule of General Charges approved by the Commission. The standard reference meter of better accuracy class than the meter under test shall be used for site testing of consumer meter upto 650 volts. The testing of consumer meter above 650 volts should cover entire metering system including CTs, VTs and may be carried out in the laboratory. The onsite testing may be carried out as per regulations 18(2) of CEA (Installation and Operation of Meters) Regulations, 2006, as amended from time to time. A copy of the test results indicating the accuracy of the meter shall be provided to the consumer immediately.”*

In view of the above, the Respondent is directed to ensure in future that the consumers should invariably be informed in writing about the results of checking of Challenged Energy Meters.

1. After reiterating the submissions made in the Appeal, the Appellant prayed during hearing on 18.09.2020 for grant of relief against the disputed energy bill dated 09.08.2018 paid by him. He was then asked to refer to any Regulation of Supply Code-2014 under which relief in the given circumstances (in case of accuracy of Energy Meter reported within limits by ME Lab on checking) could be given. But, the Appellant had no reply.

I observe that the existing Regulations of Supply Code do not provide for overhauling accounts of a consumer whose Energy Meter, on checking in ME Lab, is declared /reported accurate.

1. From the above analysis, it is concluded that the Appellant failed to prove that the energy bill dated 09.08.2018 for the period from 24.05.2018 to 28.07.2018 (65 days) for energy consumption of 2220 kWh amounting to ₹ 19,340/- is illegal/incorrect. On the other hand, the Respondent (PSPCL) got the challenged Energy Meter checked, with the written consent of the Appellant, from the M.E. Lab which reported on 20.11.2018 that accuracy of the said Energy Meter was within limits.

As a result, it is proved beyond doubt that the disputed energy bill dated 09.08.2018 issued on the basis of actual reading of energy consumption recorded by the Energy Meter is correct and thus recoverable.

**6.** **Decision**

As a sequel of above discussions, the order dated 02.07.2020 of CGRF, Patiala in Case No. CGP-72 of 2020is set aside. It is held that energy bill dated 09.08.2018 issued to the Appellant for the period from 24.05.2018 to 28.07.2018 (65 days) for energy consumption of 2220 kWh amounting to ₹ 19,340/- is correct and recoverable from the Appellant. Further, surcharge/interest on the above amount will be levied, if applicable, as per instructions of PSPCL. Accordingly, the Respondent is directed to recalculate the demand and refund/recover, the amount found excess/short after adjustment, if any, as per instructions of PSPCL.

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

**8**. 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)

 September 22, 2020 Lokpal (Ombudsman)

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