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

 **ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 43/2020**

**Date of Registration : 18.09.2020**

**Date of Hearing : ­­07.10.2020**

**Date of Order : 12.10.2020**

**Before:**

 **Er. Gurinder Jit Singh,**

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

**In the Matter of:**

 Kamlesh Kaur,

 # 480-F, Shaheed Bhagat Singh Nagar,

Pakhowal Road, Ludhiana.

**Contract Account Number: 3002845838**

 ...Appellant

Versus

Addl. Superintending Engineer,

DS Model Town Division (Special),

PSPCL, Ludhiana.

 ...Respondent

**Present For:**

Appellant : Sh. Narinder Singh,

 Appellant’s Representative (AR).

Respondent : 1. Er. M.P. Singh,

 Addl. Superintending Engineer,

 DS Model Town Division (Special),

 PSPCL, Ludhiana.

 2. Sh. Satnam Singh,

 Assistant Accounts Officer.

Before me for consideration is an Appeal preferred by the Appellant against the order dated 08.06.2020 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-135 of 2020, deciding that:

 *“The a/c of the Petitioner be overhauled from 09.09.2018 to 25.12.2018 i.e. date of change of meter, with the consumption of corresponding period of succeeding year as per Reg. 21.5.2(d) of Supply Code-2014.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 18.09.2020 i.e. after more than one month of receipt of the decision dated 08.06.2020 of the CGRF, Ludhiana in Case No. CGL-135 of 2020. An application for condoning of delay was also received with the Appeal. The dispute related to refund of the disputed amount of ₹ 29,201/- already deposited by the Appellant who was charged after overhauling of the account due to the burnt meter. Thus, the Appellant had already deposited the full disputed amount. Accordingly, the Appeal was registered and a copy of the same was sent to the Addl.S.E./DS Model Town Division (Special), PSPCL, Ludhiana for furnishing written reply/parawise comments and also to the Office of the CGRF, Ludhiana for sending the case file under intimation to the Appellant vide this office letter nos. 882-84/OEP/A-43/2020 dated 18.09.2020.

**3.** **Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 07.10.2020 at 11.00 AM and intimation to this effect was sent to both the sides vide letter numbers 913-14/OEP/A-43/2020 dated 30.09.2020. As scheduled, the hearing was held on 07.10.2020 in this Court on the said date and time. Copies of the minutes of the proceedings were sent to the Appellant and the Respondent vide this office letter numbers 941-42/OEP/A-43/2020 dated 07.10.2020.

**4. Condonation of Delay**

At the start of hearing on 07.10.2020, the issue of condoning of delay was taken up. The Appellant’s Representative (husband of the Appellant) stated that the prevailing COVID-19 Pandemic had restricted the movements of Senior Citizens. He could not prepare the Appeal in time due to old age related ailments/problems. The Appellant and her husband had foreign travel history. Thus, their movements were restricted and they were advised to avoid outdoor activities. The order dated 08.06.2020 passed by the Forum was received by the Appellant on 17.06.2020 and thus occurred a delay of about 63 days, beyond the stipulated period of one month. This delay was beyond the control of the Appellant and was not intentional. Therefore, the Appellant’s Representative requested to entertain the Appeal and to condone the delay beyond the stipulated time limit.

I find that the Respondent did not object to the condonation of the delay in filing the Appeal in this Court either in its written reply or during hearing in this Court.

In this connection, I have gone through Regulation 3.18 of PSERC (Forum and Ombudsman) Regulations, 2016 which reads as under:

*“No representation to the Ombudsman* shall lie unless:

*(ii) The representation is made within one month from the date of receipt of the order of the Forum.*

*Provided that the Ombudsman may entertain a representation beyond one month on sufficient cause being shown by the complainant that he/she had reasons for not filing the representation within the aforesaid period of one month.”*

It was observed that refusal to condone the delay would deprive the Appellant of the opportunity required to be afforded to defend the case on merits. Therefore, with a view to meet the ends of ultimate justice, the delay in filing the Appeal in this Court beyond the stipulated period was condoned and the Appellant’s Representative was permitted to present the case.

**5.** **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 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 18.09.2020, for consideration:

1. The Appellant was having a DS category connection, bearing Account No. 3002845838 with sanctioned load (SL) as 11 kW, installed at her residence 480-F, Shaheed Bhagat Singh Nagar, Pakhowal Road, Ludhiana.
2. The Appellant had received energy bill on 31.01.2020, from the Respondent, in which an amount of ₹ 29,201/- was included as sundry charges, without giving any prior proper notice or reasons for the same.
3. On enquiring from the Respondent’s office, the Appellant was told that the said amount had been charged due to the replacement of the meter in December, 2018 by considering the meter as burnt and as per Audit Note & variations in consumption as compared to the same period of the previous year.
4. The Energy Meter installed at the Appellant’s premise was not burnt as all the bills of the disputed period were of ‘O’ Code meter status as detailed below:-

|  |  |  |
| --- | --- | --- |
| Bill date | Code shown in bill  | Sr. No. of the Meter |
| 11.10.2018 | ‘O’ | 8892 |
| 05.11.2018 | ‘O’ | 8892 |
| 03.12.2018 | ‘O’ | 8892 |
| 03.01.2019 | ‘O’ | 8892 |
| 02.02.2019 | ‘O’ | 635056 |

1. This proved that the replaced Meter bearing Sr. No. 8892, was not burnt and it was replaced without quoting any reason.
2. The Audit Note was based on the false assumption of burnt meter. The Audit Note was for guidance/instructional purpose which required the Respondent to examine the case and then take necessary action. There were no clear instructions to charge the amount. So, the Audit Note, prepared on the false ground of burnt meter, was required to be cancelled.
3. The energy consumption against a connection was variable and the same was supplied through Energy Meter. This variation was due to so many reasons.
4. The major reason was that during 2017, the residents in the house were four i.e. the Appellant, her husband and two servants to look after the Appellant who was sick. The servants were employed in 06/2017 and intimation in this regard was also given to the Police.
5. The Appellant had remained abroad from 15.02.2018 to 26.09.2018 and from 22.10.2018 to 08.11.2018. The details of energy consumption of six months during the years 2017 to 2019 were as under:

|  |  |  |
| --- | --- | --- |
|  2017 |  2018 |  2019 |
| Period | Consumption ( kWh) | Period | Consumption (kWh) | Period | Consumption (kWh) |
| 05.06.17 to05.07.17 | 851  | 05.06.18  to03.08.18 | 371  | 08/19 | 771 |
| 08/17 | 1226  | 09/18 | 425  | 09/19 | 766  |
| 09/17 | 1014  | 10/18 | 303  | 10/19 | 672 |
| 10/17 | 799  | 11/18 | 183  | 11/19 | 428 |
| 11/17 | 522  | 12/18 | 198  | 12/19 | 269  |
| 12/17 | 406  |  |  |  |  |
| Total | 4818  |  | 1482  |  | 3106  |
| No. of user |  4 | 1 | 2 |
| Consumption per person | 1205 | 1482 | 1551 |

1. These details showed that per person energy consumption was in the increasing order which established its proper use and correctness of the Meter.
2. The consumption would get reduced when the land lady (owner of the house) was away as the use of press, AC, Geysers, washing machine and other gadgets in the kitchen like mixi, food processor, oven, toaster etc. were reduced to much less/almost negligible level.
3. Moreover, the meter system was there only because of variation in consumption otherwise fixed charges system would have been there in the Department.
4. Any payment claimed and received in full was considered as full and final payment and no further claim was legally valid.
5. The Appellant had submitted to the SDO concerned that she desired to challenge the bill but she was asked to deposit ₹ 9,000/- and declined to pass order on the bill. So under compelling circumstances, the Appellant deposited the full amount of the bill on 07.02.2020 under protest.
6. By presuming the Appellant as defaulter, Mr. Ashok, Lineman came to disconnect the power supply on 13.02.2020 without DCO whereas the Appellant was not a defaulter and this was required to be investigated.
7. The main issue before the Forum was about the alleged Burnt Meter (actually this was not so), a base created by the Respondent. The meter was said to be a burnt one since 11.10.2018 upto its replacement which was done after 03.01.2019. However, in the MCO, it was shown as replaced on 25.12.2018, a fictitious date. The said Meter, bearing No. 8892, had remained at site in proper functioning during the disputed period, the status of the meter was shown as ‘O’ code throughout in all the energy bills raised by the Respondent. The copies of the bills were shown to the Forum but these were not placed on record as it was stated by the Forum that the facts were there in the consumption data statement submitted by the Respondent.
8. The Forum had told the Appellant’s Representative that the amount of ₹ 29,201/- will be withdrawn and refunded and written order in this regard will be issued after a week.
9. The Appellant received the copy of the order which was against the verbally announced decision. The Appellant did not agree to the decision of the Forum as the same was not based on facts but on wrong and false statements made before the Forum by the Respondent. The grievance of the Appellant was taken into consideration but was not decided and the burning of the meter was taken care of by the Forum.
10. The Device Replacement Job Order was prepared on 11.10.2018 to replace the burnt meter (‘O’ Code status meter) with date of start as 11.10.2018 and compliance order date 18.10.2018. This was done assuming the running Meter bearing Sr. No. 8892, as burnt. It showed the replacement of meter on 25.12.2018 with a new meter with Sr. No. 635056 and the said meter was got issued on 03.01.2019. It was not clear as to how the meter made available on 03.01.2019 had been put at site on 25.12.2018. In fact, the Meter with Sr. No. 8892 with ‘O’ Code continued beyond 03.01.2019. Further, on the same date i.e. 11.10.2018, energy bill was prepared which showed the old meter with Sr. No. 8892 as of ‘O’ status.
11. The replaced meter was without number and giving two readings as 41877 and 42182. It was not understood as to how a new meter on the same/very day of its installation, could show the consumption/reading as 42182 kWh with old reading as 41877. These readings actually related to the old meter.
12. The bill dated 05.11.2018 related to the old meter with ‘O’ code status and bill dated 03.12.2018 also related to the old meter with ‘O’ code. The readings shown also related to the old meter and not to the installed new meter. Similarly, bill dated 03.01.2019 also pertained to the old meter with ‘O’ code.
13. The bill dated 02.02.2019 belonged to the new meter with Sr. No. 635056 with readings as ‘0’ and ‘297’ with consumption of 297 units. The old meter readings in the bill were‘42563’ and ‘42845’ showing consumption of 282 units. This meant that two meters were functioning at site whereas no meter was there as per record of the Department, one meter was removed on 25.12.2018 and there was no meter with the Department to take place of the removed meter.
14. The data in Challan No. 75 dated 22.01.2019 proved that the old meter Sr. No. 8892 of ‘O’ code status had remained with the Respondent for a week. However, as per record, it remained with the Respondent from 25.12.2018 to 22.01.2019 for a period of 28 days.
15. The alleged burnt meter was measuring the correct consumption of being ‘O’ status and the last reading recorded by the ME Lab was 42730 whereas it was 42845 on the day of removal. How it got decreased when remained in the custody of the Respondent? Further, the meter number as quoted by the ME Lab was 8892. The space provided for this meter on the face of the meter was 2 cm x 0.5 cm. It was not known as to how it remained readable when the meter was stated to have been burnt.
16. These two facts proved that Meter Sr. No. 8892 of ‘O’ code status was tempered with, before sending to the ME Lab or it might be some other meter. Thus, the ME Lab report could not be relied upon as correct.
17. The Forum, in its order at page 7, had mentioned that the Audit Party while overhauling the account of the Appellant presumed that the meter got defected before it was burnt whereas there was no such report to authenticate that the meter was recording less consumption before burning. Hence, the report of ME Lab was not true and correct and actually, the removed meter no. 8892 was of ‘O’ code status and not burnt.
18. The Forum observed that the Meter was OK upto 03.12.2018, the next bill dated 03.01.2019 was also with ‘O’ code meter status and old meter No. 8892 proved beyond any doubt the correct billing and the extra amount of ₹ 29,201/- was not justified in any way.
19. The penalty of ₹ 29,201/- had been based on the assumption of alleged burnt meter which, in actuality, was not. All the bills relating to the disputed period were having ‘O’ code status of the meter, meaning that the meter at the Appellant’s premise was giving correct readings. The fact was also admitted by the Forum in its decision at page 7.
20. The only link between the consumer and the Department was through energy bills. The meter was provided by the Respondent on monthly rent for its correct functioning. Surety was given to the Appellant by putting code in the bill. ‘O’ code status of the meter confirmed the correctness of the meter.
21. It was prayed that Audit Note be quashed and orders be passed to refund the unjustified amount of ₹ 29,201/- alongwith the interest @ 1.5 % per month.
22. **Submissions during Hearing**

During hearing on 07.10.2020, the Appellant’s Representative reiterated the submissions already made in the Appeal and pleaded that the disputed Energy Meter was not checked in the presence of the Appellant or her Representative. Moreover, the consent of the Appellant for checking of the disputed Energy Meter in M.E. Lab was not obtained.

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

The Respondent, in its written reply, made the following submissions for consideration of the Court:

1. The Appellant was served with a bill-cum-notice dated 31.01.2020 for ₹ 33,190/- including Sundry Charges of ₹ 29,201/- charged on the basis of Audit observations for overhauling the account of the Appellant for the period 05.06.2018 to 03.12.2018 due to burnt Meter.
2. The Energy Meter of the Appellant, bearing serial no. 8892, was burnt and replaced with new meter bearing Sr. No. 635056 on 25.12.2018 vide Meter Change Order No.100006743328 dated 11.10.2018. ME Challan No.75 dated 22.01.2019 also authenticated the fact of the burning of Energy Meter installed at the premise of the Appellant.
3. The Audit checked the records and facts of the case of the Appellant and observed variations in consumption. Audit also studied ME Challan No.75 dated 22.01.2019as per which, status of the Meter was also found burnt. So, the average charged by the Audit was as per instructions & actual facts and not based on presumption.
4. The Respondent was never informed, regarding use of electricity by the Appellant in respect of numbers of her family members including servants etc. In regard to the plea of the Appellant to calculate quantum about use of per capita electricity, it was worth mentioning that electricity was not just like ‘GROCERY’. It made least/little difference in consumption of electricity when being used by one person or two persons. Moreover, Kitchen gadgets also consumed very less energy.
5. The Appellant was also explained the reasons for the amount charged and she felt satisfied/convinced with the facts and reasons. However, after 5 weeks, the Appellant submitted her application in the Office of the CGRF, Ludhiana whose decision has been challenged now in this Appeal.
6. The Meter of the Appellant was actually burnt, which was reported by the Meter Reader on 06.10.2018 and MCO was generated in SAP against its exception of being burnt. So, MCO No. 100006743328 was issued on 11.10.2018. SAP System also generated the bill of the Appellant on average basis on 06.10.2018 but the same was reversed in the system. The meter of the Appellant was replaced on 25.12.2018 and removed Meter was sent to ME Lab vide Challan No.75 dated 22.01.2019 as per which, it was reported that meter was burnt.
7. CGRF, Ludhiana rightly decided the case on merits and ordered to overhaul the account of the Appellant as per Regulation no. 21.5.2 (d) of Supply Code-2014i.e.corresponding period of succeeding year, after going through contents and records of the case, nothing was unjustified.
8. The old Energy Meter with Sr. No.8892 was got replaced with new one bearing Sr. No. 635056 on 25.12.2018. The Appellant was having doubt about the date of issue of meter i.e.03.01.2019 which she might had noticed from the MCO no.100006743328. Actually, this was the date shown on MCO i.e. date on which MCO was completed in SAP system. However, Meter Sr. No. 635056 was issued to the Sub Divisional office on 24.12.2018.
9. In bill dated 02.02.2019, system showed the readings of both the old and new Meters which was in order.
10. Three phase Energy Meter of the Appellant, replaced on 25.12.2018, was sent to ME Lab vide Challan No. 75 dated 22.01.2019 as per Enforcement Wing schedule at ME Lab for checking of meters.
11. The main reason of difference of reading in ME Challan and last bill of old meter was that SAP system, after charging average against the said meter status code i.e. Burnt etc., enhanced the reading to that extent, as it was done in this case, reading shown in bill dated 02.02.2019 was 42845 against ‘R’ code, whereas actual reading shown on ME Challan was 42730. Thus, nothing had been concealed.
12. Burnt Meter did not mean ‘Ashed’ Meter. There was no reason to temper with the disputed meter, as no one had enmity with the Appellant, neither any tempering remarks were given on ME Challan by the ME Lab.
13. It was, therefore, prayed that Appeal of the Appellant may be filed as she had already been heard in the Forum and given relief to the extent that overhauling of account be done for a period of 09.09.2018 to 25.12.2018 instead of 05.06.2018 to 03.12.2018 on succeeding period consumption basis instead of same period of previous year. The Appellant was given credit/relief to the tune of ₹ 25,622/- vide SC & A no. 54/54/421 as per decision of the Forum.

**(b) Submissions during Hearing**

During the hearing on 07.10.2020, the Respondent contested the submissions of the Appellant’s Representative and stated that copies of the relevant documents showing the signatures of the Appellant on the MCO and consent letter for checking in ME Lab would be sent by e-mail to this Court.

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

The issue requiring adjudication is the legitimacy of the overhauling of the account of the Appellant for the period from 05.06.2018to 03.12.2018 due to burnt meter and thus charging of ₹ 29201/- as per Half Margin no. 44 dated 24.10.2019.

*My findings on the above issues deliberated and analyzed are as under:*

1. The relevant facts of the case are that the Appellant was having a Domestic Supply Category connection, bearing Account No. 3002845838, with sanctioned load of 11 kW. While taking reading of the Energy Meter (Sr. No. 8892) installed at the premise of the Appellant, the Meter Reader reported on 06.10.2018 that the said Energy Meter was burnt and recorded its status as ‘R’ Code. As a result, Job Order for Device Replacement No. 100006743328 was generated in SAP system on 11.10.2018 for replacement of the said Energy Meter. Accordingly, new Energy Meter, bearing Serial No. 635056, was installed on 25.12.2018. The energy bill generated in the SAP System on 06.10.2018 was reversed. After taking the consent of the Appellant’s Representative, the removed Energy Meter was got checked vide Store Challan No. 75 dated 22.01.2019 in M.E. Lab which declared the Energy Meter “Burnt”. Accuracy of the disputed Energy Meter could not be checked and DDL could not be taken. The Internal Audit Party overhauled the account of the Appellant, vide Half Margin No. 44 dated 24.10.2019, for the period from 05.06.2018 to 03.12.2018 on the basis of consumption during the period 05.06.2017 to 03.12.2017 and charged the Appellant with a sum of ₹ 29,201/- as short assessment for the same. Accordingly, the Appellant was served with a bill-cum-notice dated 31.01.2020 amounting to ₹ 33,190/- which included Sundry Charges of ₹ 29,201/- on account of the amount charged by the Audit. The Appellant deposited the amount under protest and got its grievance registered in the office of the CGRF, Ludhiana on 16.03.2020. After hearing both the sides, the Forum decided on 08.06.2020 that account of the Appellant be overhauled from 09.09.2018 to 25.12.2018 (date of replacement of disputed Energy Meter) on the basis of consumption of the corresponding period of succeeding year as per Regulation No. 21.5.2 (d) of Supply Code-2014.

In compliance to the said decision of the Forum, the Respondent provided relief to the Appellant of ₹ 25,622/- vide S.C & A No. 54/54/421. In the meantime, the Appellant challenged the decision of the Forum by filing the present Appeal with the prayer that Audit Note be quashed and orders be passed to refund the unjustified amount of ₹ 29,201/- alongwith the interest @ 1.5% per month.

(ii) The Appellant’s Representative stated in the Appeal that when he enquired about the reasons/details of Sundry Charges of ₹ 29,201/- raised in the bill dated 31.01.2020 from the office of the Respondent, he was told that the said amount had been charged due to the replacement of the meter in December, 2018, taking the meter as burnt and as per Audit Note & variations in consumption as compared to the same period of the previous year. The Energy Meter installed at the Appellant’s premise was not burnt as all the bills of the disputed period were of ‘O’ Code meter status. This proved that the replaced Meter bearing Sr. No. 8892, was not burnt and it was replaced without quoting any reason. The Audit Note was based on the false assumption of burnt meter.

 The Respondent, in its defence, stated that the Appellant’s Representative was apprised (during his visit to the Sub Divisional Office) of the factual position/details in respect of the amount charged to the Appellant and he felt satisfied. The Appellant’s Representative was also apprised that the disputed Energy Meter was not OK as is evident from the consumption data available on record. He was also informed that the disputed Energy Meter was reported as burnt by the Meter Reader on 06.10.2018. The Respondent added that the Appellant’s Representative was satisfied and deposited the bill dated 31.01.2020 with the PSPCL.

 I find that as per SAP record of the readings, the disputed Energy Meter was OK upto the reading of 42563 on 03.12.2018 and the Meter Reader put ‘R’ Code (Meter Burnt) on 24.12.2018. But, MCO to replace the burnt meter was issued on 11.10.2018 which was effected on 25.12.2018. The meter was replaced as burnt meter and its accuracy/DDL could not be checked in ME lab. The audit party while overhauling the account of the Appellant presumed that the meter got defective before it was burnt but there is no concrete evidence to prove that the meter was recording less consumption before burning. The MCO to replace the burnt meter was issued on 11.10.2018, so, the meter of the Appellant got burnt somewhere between 08.09.2018 (date of recording of meter reading) & 06.10.2018 (date of reporting of meter as burnt by the Meter Reader) and was replaced on 25.12.2018. Therefore, only the consumption recorded during the period 09.09.2018 to 25.12.2018 is required to be overhauled. It is established beyond any doubt that energy meter bearing Sr. No. 8892 was burnt. It is supported by report of ME lab on Challan No. 75 dated 22.01.2019 which was signed by five officials/officers of PSPCL. The Appellant representative had given written consent for checking of the disputed meter in his absence.

 I also find that the Appellant’s Representative had signed the MCO/Job order for Device Replacement no. 100006743328 dated 11.10.2018 for replacement of the disputed Energy Meter. Moreover, the Appellant’s Representative had given his consent for the checking of the disputed Energy Meter in ME Lab to the AEE, Unit No. 1, Model Town, Ludhiana mentioning as under:

 “ਮੇਰਾ ਮੀਟਰ ਐਮ.ਈ.ਲੈਬ ਵਿਖੇ ਮੇਰੀ ਗੈਂਰ-ਹਾਜ਼ਰੀ ਵਿੱਚ ਚੈੱਕ ਕਰ ਲਿਆ ਜਾਵੇ। ਮੈਨੂੰ ਕੋਈ ਇਤਰਾਜ਼ ਨਹੀਂ ਹੋਵੇਗਾ। ਐਮ.ਈ.ਲੈਬ ਦਾ ਜੋ ਨਤੀਜਾ ਹੋਵੇਗਾ ਉਹ ਮੈਨੂੰ ਮਨਜੂਰ ਹੋਵੇਗਾ। ਇਸ ਸਬੰਧੀ ਮੈਂ ਕੋਈ ਕੋਰਟ ਕੇਸ ਜਾਂ DSC ਕੇਸ ਨਹੀਂ ਕਰਾਂਗਾ/ਕਰਾਂਗੀ।”

 I also observe that the disputed Energy Meter was checked, vide Store Challan No. 75 dated 22.01.2019, in ME Lab which reported as under:

 “ਮੀਟਰ ਸੜਿਆ ਹੈ । ਐਕੂਰੇਸੀ ਨਹੀਂ ਹੋ ਸਕਦੀ । DDL ਨਹੀਂ ਆ ਰਿਹਾ। ਖਪਤਕਾਰ ਦੀ ਪਿਛਲੀ ਖਪਤ ਰਿਕਾਰਡ ਤੋਂ ਘੋਖਦੇ ਹੋਏ ਮਹਿਕਮੇ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਖਾਤਾ ਸੋਧਿਆ ਜਾਵੇ।”

1. It is observed that the Respondent defaulted in complying with the provisions contained in Regulation no. 21.4.1 of Supply Code- 2014 which reads as under:

“*In case a consumer’s meter becomes defective/dead stop or gets burnt, a new tested meter shall be installed within the time period prescribed in Standards of Performance on receipt of complaint [or detection by the distribution licensee]. If the meter is burnt due to reasons attributable to the consumer, the distribution licensee shall debit the cost of the meter to the consumer who shall also be informed about his liability to bear the cost. In such cases the investigation report regarding reasons for damage to the meter must be supplied to the consumer within 30 days. However, supply of electricity to the premises shall be immediately restored even if direct supply is to be resorted to, till such time another tested meter is installed.”*

Had the requisite investigation regarding burning of disputed Energy Meter been done by the Respondent and the Appellant apprised of the findings of the report, her apprehensions/doubt about genuineness or otherwise about the burning of the meter would have been cleared.

1. It is observed that the Appellant was having doubt about the date of issue of meter i.e.03.01.2019which she might had noticed from MCO No.100006743328.

I find that the Respondent correctly stated that this was the date shown on MCO i.e. date on which MCO was completed in SAP system. However, Meter Sr. No. 635056 was issued to the Sub Divisional office on 24.12.2018 and was installed at site on 25.12.2018.

1. From the above analysis, it is established that the account of the disputed Energy Meter which was declared as burnt is required to be overhauled for the period from 09.09.2018 to 25.12.2018 (date of Replacement of Energy Meter). With a view to overhaul the account of the Appellant in the present dispute, the provisions contained in Regulation no. 21.5.2 of Supply Code-2014 are relevant and are reproduced as under:

**“*21.5.2 Defective (other than inaccurate)/Dead Stop/Burnt /Stolen Meters***

*The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop subject to maximum period of six months. In case of burnt/stolen meter, where supply has been made direct, the account shall be overhauled for the period of direct supply subject to maximum period of six month. The procedure for overhauling the account of the consumer shall be as under:*

*a) On the basis of energy consumption of corresponding period of previous year.*

*b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.*

 *c) If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.*

*d) Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para -4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.*

*e) The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts.”*

I am of the view that the account of the Appellant is required to be overhauled for the period 09.09.2018 to 25.12.2018 (date of Replacement of Energy Meter) on the basis of energy consumption recorded during the corresponding period of previous year when status of the Energy Meter was OK.

 I observe that overhauling of the accounts pertaining to burnt Energy Meter under Regulation no. 21.5.2 (d) of Supply Code-2014 is not in order in the present dispute as decided by the forum because consumption data of the corresponding period of the previous year (09.09.2017 to 25.12.2017) is available and the same is reliable due to OK status of the Energy Meter during that period. The Appellant failed to prove the contention about the Energy Meter having not been burnt. As such, she is not legitimately entitled to claim interest as prayed in the Appeal.

**7.** **Decision**

As a sequel of above discussions, the order dated 08.06.2020 of the CGRF, Ludhiana in Case No. CGL-135 of 2020 is set-aside. It is held that the account of the Appellant shall be overhauled for the period 09.09.2018 to 25.12.2018 (date of Replacement of Energy Meter) on the basis of energy consumption recorded during the corresponding period of previous year when status of the Energy Meter was OK. Further, no interest shall be payable to the Appellant as prayed in the Appeal. Accordingly, the Respondent is directed to recalculate the demand and recover/refund the amount found excess/short after adjustment, if any, as per instructions of 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)

 October 12, 2020 Lokpal (Ombudsman)

 SAS Nagar (Mohali) Electricity, Punjab.