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

 **ELECTRICITY, PUNJAB,**

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

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

 **APPEAL NO. 60/2020**

**Date of Registration : 14.12.2020**

**Date of Hearing : 06.01.2021**

**Date of Order : 11.01.2021**

**Before:**

 **Er. Gurinder Jit Singh,**

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

**In the Matter of:**

 Kirtinder Singh,

 C/o Smt. Harminder Kaur,

 # 28, Street No. 10/2,

 Block-A, Gobind Enclave, Satjot Nagar,

 Ludhiana-141116.

 **Contract Account Number (Old) 3002751620**

 **(New) 3005870950**  ...Appellant

 Versus

 Addl. Superintending Engineer,

 DS Model Town Division (Special),

 PSPCL, Ludhiana.

 ...Respondent

**Present For:**

Appellant : 1. Sh. Kirtinder Singh,

 Appellant.

 2. Sh. G. S. Mittal,

 Appellant’s Representative (AR).

Respondent : 1. Er. Summit Arya,

 Assistant Engineer/Commercial,

 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 decision dated 02.11.2020 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-276 of 2020, deciding that:

*“The amount of Rs. 36039/- charged by Audit Party vide HM No. 74 dated 15.11.2019 for the period 25.04.2018 to 31.10.2018 is correct and recoverable.*

*Petitioner is directed to get the change of name done immediately otherwise Respondent is at liberty to take action as per Rules/ Regulation of PSPCL.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 14.12.2020 i.e. within 30 days of receipt of the decision (dated 02.11.2020 of the CGRF, Ludhiana in Case No. CGL-276 of 2020) on 13.11.2020. The Appellant submitted copies of receipt no. 152048545 dated 07.12.2020 for ₹ 7,200/- and receipt no. 216600207040 dated 08.06.2020 for ₹ 8,000/- as evidence of deposit of 40% of the disputed amount of ₹ 36,039/-. In the Appeal related documents, the Appellant mentioned that it had applied to the Respondent on 26.11.2020 by depositing the requisite fee for change of name and the case was under process in the office of the Respondent. Accordingly, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/ DS Model Town Division (Special), PSPCL, Ludhiana for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana for sending the case file under intimation to the Appellant vide letter nos. 1207-1209/OEP/A-60/2020 dated 14.12.2020.

**3.** **Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 06.01.2021 at 12.00 Noon and an intimation to this effect was sent to both the sides vide letter nos. 1258-59/OEP/A-60/2020 dated 24.12.2020. As scheduled, the hearing was held in this Court, on the said date and time. Copies of the minutes of the proceedings were sent to the Appellant as well as the Respondent vide letters bearing nos. 09-10/OEP/A-60/2020 dated 06.01.2021.

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

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral submissions made by the Appellant and the Respondent alongwith material brought on record by both the sides.

1. **Submissions of the Appellant**

**(a) Submissions made in the Appeal**

The Appellant made the following submissions in its Appeal for consideration of this Court:

1. The Appellant was having a Domestic Supply Category Connection, bearing Account No. 3002751620, with sanctioned load of 2.96 kW.
2. The impugned order was passed on 02.11.2020 and the Appellant was informed to get the certified copy as per SMS message on 13.11.2020. Accordingly, the Appellant collected it personally on the same day i.e 13.11.2020 from the office of the Forum. Thus appeal was filed within limitation period as prescribed under the law.
3. The burnt meter of the Appellant was replaced as per MCO No. 100006859741 dated 31.10.2018 effected on 01.11.2018. The same was sent to ME Lab vide Challan No. 37 dated 05.04.2019 where meter was found burnt and reading was “NV” meaning non-visible. The Audit Party overhauled the account from 25.04.2018 to 31.10.2018 on the basis of previous year consumption and raised a demand of ₹ 36,039/- with the bill dated 06.05.2020 without issuing any notice and without considering the fact that due to lockdown period even the current bills were very difficult to pay and resulted into increased liability of extra interest/ surcharge. However, after taking some money on loan, the minimum challenge amount was deposited during COVID-19 period with the hope of getting some justice. Although the Appellant tried his best to settle the issue by pleading his grief before the Forum but the legitimate relief was not allowed by the Forum and a wrong decision on wrong presumptions was taken due to which, the Appellant filed the present Appeal.
4. The Forum had allowed to overhaul the account of the Appellant for six months before the change of meter i.e. 25.04.2018 to 31.10.2018 on the basis of consumption of corresponding period of previous year as per Regulation 21.5.2(a) of Supply Code, 2014 whereas as per this Regulation, in case, the meter was burnt, then, the overhauling was only to be done for the period, the direct supply was given. Further, as per this Regulation, overhauling of the account was to be done for maximum 6 months means if under any circumstances, the meter was not changed even within 6 months, then, overhauling will be restricted to 6 months. The Regulation is reproduced hereunder:

*“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 months.”*

1. The meter was found burnt on 31.10.2018 as per MCO No. 100006859741 dated 31.10.2018, which was issued on the verbal intimation of the Appellant. Although no documentary evidence can be produced yet it may be got authenticated by this Court by examining the consumption data and bill data as no “R” code or even “D” code had been put prior to this and direct “C” code bill had been received in the month of 11/2018. Secondly, this Court was requested to examine the basis of MCO as the Appellant was unable to submit any written poof in support of his request. To know this fact, it was very important to prove that the meter was giving correct reading prior to 31.10.2018 and burnt meter remained installed only for one day. Therefore, the overhauling can only be done for one day instead of 6 months as per Regulation 21.5.2 of Supply Code-2014. Prior to this, the Appellant was being served with OK status bills with actual consumption and no abnormality was noticed by any Officer/Checking Authority of the Respondent. Therefore, no rule/regulation allowed the Respondent to reverse its own bills which had been served on OK meter status basis.
2. The overhauling was done on the basis of presumption that the consumption of the Appellant was less as compared to previous year and the Forum did not take into account this fact that fall in consumption was not due to burnt meter but this fall was due to the fact that the Appellant was jobless during this period and less consumption was due to cutting short of all expenses in the year 2018. This fact was also brought to the notice of the Forum but the Forum erred in giving justice and ignored the facts of the Appellant being jobless during 2018-19 and instead relied on his statement of current income which was simply mentioned to justify that current consumption was also less due to less income in COVID-19 pandemic. Although consumption was less in start of COVID-19 pandemic spread months when everybody was trying to cut short his expenses with no source of future income. The consumption of the Appellant was admittedly on higher side in mid of 2020 due to extra usage of residential occupancy but the Forum had not given importance to his statement that he was jobless during 2018-19 which was the only reason of using less energy in the year 2018-19.
3. In the rejoinder before the Forum, the Appellant had mentioned that during the period from April, 2018 to March, 2019, he was not having any work. April, 2018 was mentioned because the Appellant had put his resignation in the said month. The Appellant was not having any work between August, 2018 to March, 2019 and he squeezed all his expenses including electricity. The Appellant was talking about squeezing of expenses of the year 2018-19. It had been clearly mentioned in Regulation 21.5.3 of Supply Code-2014 that:

*“Any evidence provided by the consumer about conditions of working and/or occupancy of the concerned premises during the said period(s) which might have a bearing on computation of electricity consumption shall, however be taken into consideration by the distribution licensee.”*

1. Had the Forum considered the above Regulation in true letter and spirit, the low consumption would have been given weightage and no need of overhauling the account would have arisen. It was the duty of Respondent to verify the reasons of less consumption as enumerated in Instruction No. 104.7 of ESIM 2017 which provide that:

“*Procedure to be adopted for checking energy variation: For keeping check on energy variation of various categories, consumption of a particular month shall be compared with consumption of the same month of the preceding year/ average consumption of the preceding year/ season and if there is variation of +/-10% in case of HT/ EHT consumer, +/-20% in case of LT category of consumers, the same shall be recorded in the energy variation register and necessary investigation carried out so as to ascertain reasons for the said variation.”*

1. As per LCR dated 01.10.2020 , the connected load was shown as 4.031 kW against sanctioned load of 2.96 kW and load had been mentioned as “lamp 25, plug 12, fan 6, water motor 1 BHP, AC 1.5 ton 1x1735 watt AC 1x990 watt. As per Supply Code Regulation the calculation are as under: -

L 25/13x40 = 520 Watt

P 12/4x60 =240 Watt

F 6/2x60 = 120 Watt

Motor 1 BHP = 746 Watt

AC 2 No./1 ton = 1735 higher load taken

Total load = 520+240+120+746 +1735 W = 3.361 kW

Due to wrong calculation of load on higher side, this had also adversely affected in taking a favourable decision in the mind of Forum and the Appellant demanded re-calculation of above load.

1. As per ME Lab report, accuracy could not be checked then how the Audit Party concluded that the meter was recording less consumption even without consulting the DDL or any checking report which showed that less energy was being recorded by Energy Meter.
2. This Court, in Appeal No. 21/2019, ordered as under:

*“From the above analysis, it is concluded that account of the Petitioner for the period from 25.03.2017 to 12.04.2017 (the date of replacement of the Energy Meter) is required to be overhauled on the basis of energy consumption of corresponding period of previous year in terms of provisions of Regulation 21.5.2(a) of Supply Code-2014.”*

1. This Court had also given a decision in Appeal No. 45/2020 decided on 27.10.2020 in the case of Tejwinder Singh v/s DS Estate Division (Special), Ludhiana holding that the account of the Appellant shall be overhauled for the period 02.01.2020 (date of reading when meter was OK) to 16.03.2020 (date of change of burnt Energy Meter) on the basis of energy consumption recorded during the corresponding period of previous year when the status of the Energy Meter remained OK in terms of provisions of Regulation 21.5.2(a) of Supply Code-2014 for overhauling the Appellant.
2. The overhauling was allowed for the actual period the meter remained burnt and Appellant’s case was also similar to that in so far as principle of charging the average in case of burnt meter was concerned. The Appellant had prayed for natural justice on this ground.
3. The Appellant had requested that average charges for burnt meter should be levied for the period, the energy meter remained burnt and that can be taken at the maximum from 24.08.2018 to 31.10.2018 (i.e. 68 days) as the Appellant was served OK status bill upto 24.08.2018 and there was consumption of 800 units in the month of June-August, 2018 which was not possible from burnt meter keeping in view the provision as per Regulation 21.5.2 of Supply Code-2014.

**(b)** **Submission during hearing**

During hearing on 06.01.2021, the Appellant reiterated the submissions made in the Appeal and prayed to allow the same.

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

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

1. The Appellant was having a DS Category Connection with sanctioned load of 2.96 kW.
2. The faulty meter of the Appellant was replaced vide MCO No. 100006859741 dated 31.10.2018 effected on 01.11.2018. The meter of the Appellant was sent for checking to ME Lab where the meter was found burnt and reading was “NV”.
3. The Audit, while checking the record of ME Challans, found that the meter replaced was faulty one before it was declared burnt as the consumption data of the consumer for the period 25.04.2018 to 31.10.2018 was so low and not comparable with consumption data of corresponding period of preceding year as well as succeeding year. Due to huge variations in consumption because of faulty meter, the account of the Appellant was rightly overhauled as per Regulation 21.5.2 of Supply Code-2014 and a sum of ₹ 36,039/- was charged as short assessment for the period 25.04.2018 to 31.10.2018 vide SC&A 186/80/226 dated 13.03.2020. Because of COVID-19 restrictions and lockdown, separate notice for the sundry charges amount could not be sent.
4. The Appellant deposited 20% of charged amount and filed a case before the Forum who, after hearing both the sides decided that the overhauling of the account was OK in terms of the provisions of Regulation 21.5.2 of Supply Code-2014.
5. The Forum had rightly upheld the overhauling of Appellant’s account for the period of 6 months as per Regulation 21.5.2 of Supply Code, 2014 because meter of the Appellant was faulty before it got burnt and this was quite evident from the consumption data of the previous year as well as succeeding year after replacement of the meter.
6. It cannot be denied that the Appellant, with the help of Meter Reading Vendor, avoided the Meter status code for long period and after the final day i.e. 31.10.2018, the Meter Reading Vendor took reading on his SBM machine and got the Meter Change Order issued because fake codes could not be mentioned anymore by him. Consumption data of the Appellant revealed that the working of meter was faulty as huge variation in consumption during the period 04/2018 to 10/2018 was noticed. The correct meter status could not be mentioned on the bills pertaining to the period 04/2018 to 10/2018 because of human interference. The account of the Appellant was overhauled on the basis of facts and not on presumptions. The Appellant could not convince the Forum with excuse of less use of electricity for a specific period due to low income.
7. The Appellant had cut short his statement and not mentioned last two lines of his statement that “on the same line consumption in 2020 had also reduced due to funds shortage in Corona”.
8. The consumption recorded in 2020 was also on higher side and the Appellant had failed to manage consumption even after replacement of meter. The Appellant had not submitted any evidence regarding less consumption/ use of electricity during specific period. The variation in consumption could not be checked due to shortage of staff but status of meter could not be changed due to this reason.
9. The load of 4.031 kW was found installed and detected against sanctioned load of 2.96 kW vide LCR dated 01.10.2020. No doubt, connected load can be calculated as 3.361 kW for getting it sanctioned but when the question of detection of load was raised, then, it was 4.031 kW.
10. This was a case of faulty meter which got burnt and as such, the overhauling was done by the Audit as per Regulation mentioned supra and the same was rightly upheld by the Forum.
11. Every case has its own history, facts and merits. This Court, in Appeal No. A-43/2020 titled as Kamlesh Kaur Versus PSPCL reversed the decision of the Forum and ordered to overhaul the account as per Regulation 21.5.2 of Supply Code, 2014.
12. It was, therefore, prayed that the Appeal of the Appellant may be rejected as the Appellant had not come with clean hands.

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

The Respondent, vide e-mail dated 04.01.2021 intimated that the Appellant had got his consumer’s name changed from Harminder Kaur to Kirtinder Singh vide Application dated 26.11.2020 without requesting for change in the existing sanctioned load. Change of name order had been processed and completed. His new Account No. is 3005870950.

**(c) Submission during Hearing**

During hearing on 06.01.2021, the Respondent reiterated the submissions made in the written reply and prayed to dismiss the Appeal.

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

The issue requiring adjudication is the legitimacy of the amount of ₹ 36,039/- charged due to overhauling of the account for the period from 25.04.2018 to 31.10.2018 (date of issue of order for replacement of burnt Energy Meter which was effected on 01.11.2018) as per applicable regulations.

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

1. As per material on record, reading of the Energy Meter installed at the premises of the Appellant, having a DS category connection with sanctioned load of 2.96 kW, was taken on 31.10.2018 showing the status of Meter as OK. Thereafter, the said Energy Meter was replaced vide Device Replacement Application No. 100006859741 dated 31.10.2018 effected on 01.11.2018. The removed Energy Meter was sent for checking to ME Lab vide Store Challan No. 37 dated 05.04.2019 as per which, the meter was reported “Burnt” and reading was mentioned as “NV” (Not Visible). The Audit Party, while checking the record of ME Challans, overhauled the account of the Appellant as per Regulation 21.5.2 of Supply Code-2014 and charged a sum of ₹ 36,039/- as short assessment vide HM No. 74 dated 15.11.2019. As a result, the Respondent charged the above amount to the Appellant vide SC&A 186/80/226 dated 13.03.2020. The Respondent, in its written reply, stated that because of COVID-19 restrictions and lockdown, separate notice for the sundry charges amount could not be sent to the Appellant. However, sundry charges levied were reflected in the energy bill dated 06.05.2020. Aggrieved, the Appellant filed its grievance in the office of the CGRF, Ludhiana in 7/2020 registered on 11.09.2020. During the pendency of the case in the Forum, the load of the Appellant’s connection was checked vide Load Checking Register No. 72 dated 01.10.2020 as per which, the connected load was found to be 4.031 kW against the sanctioned load of 2.96 kW.
2. The Appellant contended that Forum had upheld the overhauling of the account of the Appellant for six months before the change of meter i.e. from 25.04.2018 to 31.10.2018 on the basis of consumption of corresponding period of previous year as per Regulation 21.5.2(a) of Supply Code-2014 whereas as per this Regulation, in case, the meter was burnt, then, the overhauling was only to be done for the period, the direct supply was given. Further, as per this Regulation, overhauling of the account was for maximum of 6 months meaning that if under any circumstances, the meter was not changed even within 6 months, then, overhauling will be restricted to 6 months. The meter was found burnt on 31.10.2018 as per DRA No. 100006859741 dated 31.10.2018, which was issued on the verbal intimation of the Appellant. Although no documentary evidence can be produced yet it may be got authenticated by this Court by examining the consumption data and bill data as no “R” code or even “D” code had been put prior to this and direct “C” code bill had been received in the month of 11/2018. The meter was giving correct reading prior to 31.10.2018 and burnt meter remained installed only for one day. Therefore, the overhauling can only be done for one day instead of 6 months as per Regulation 21.5.2 of Supply Code-2014. No rule/ regulation allowed the Respondent to reverse its own bills which had been served on OK meter status basis. The overhauling was done on the basis of presumption that the consumption of the Appellant was less as compared to previous year and the Forum did not take into account this fact that fall in consumption was not due to burnt meter but this fall was due to the fact that the Appellant was jobless during this period and less consumption was due to cutting short of all expenses in the year 2018. This fact was also brought to the notice of the Forum but the Forum erred in giving justice and ignored the facts of the Appellant being jobless during 2018-19 and instead relied on his statement of current income which was simply mentioned to justify that current consumption was also less due to less income in COVID-19 pandemic. As per LCR dated 01.10.2020, the connected load was shown as 4.031 kW against sanctioned load of 2.96 kW. As per Supply Code Regulation, the load worked out to 3.361 kW. Due to wrong calculation of load on higher side, this had also adversely affected in taking a favourable decision in the mind of Forum and the Appellant demanded re-calculation of above load. As per ME Lab report, accuracy could not be checked, then, how the Audit Party concluded that the meter was recording less consumption even without consulting the DDL or any checking report which showed that less energy was being recorded by Energy Meter. The Appellant prayed that average charges for burnt meter should be levied for the period, the energy meter remained burnt and that can be taken at the maximum from 24.08.2018 to 31.10.2018 (68 days) as the Appellant was served OK status bill upto 24.08.2018 and there was consumption of 800 units in the month of June-August, 2018 which was not possible from burnt meter keeping in view the provision as per Regulation 21.5.2 of Supply Code-2014.
3. The consumption pattern of the Appellant’s connection for the years 2017 to 2020 is tabulated below:

|  |  |  |  |
| --- | --- | --- | --- |
| 2017 | 2018 | 2019 | 2020 |
| Date of reading | ConskWh | Status  | Date of reading | ConskWh | Status | Date of reading | ConskWh | Status  | Date of reading | Cons kWh | Status |
| 01.03.17 | 685 | O | 26.02.18 | 814 | O | 26.02.19 | 875 | O | 22.02.20 | 635 | O |
| 28.04.17 | 848 | O | 25.04.18 | 679 | O | 22.04.19 | 538 | O | 08.05.20 | 724 | N |
| 30.06.17 | 2141 | O | 25.06.18 | 658 | O | 24.06.19 | 1909 | O | 20.06.20 | 1789 | O |
| 25.08.17 | 1933 | O | 24.08.18 | 800 | O | 28.08.19 | 1695 | O | 23.08.20 | 1733 | O |
| 27.10.17 | 1418 | O | 31.10.18 | 44 | O | 21.10.19 | 35 | P | 20.10.20 | 1441 | O |
| 28.12.17 | 739 | O | 22.12.18 | 308 | C | 21.12.19 | 2397 | O | 20.12.20 | 487 | O |
|  |  |  | 22.12.18 | 23 |  |  |  |  |  |  |  |

A perusal of the above details reveals that average of energy consumption during the year 2018 (upto 31.10.2018) was much less than the consumption of corresponding period in the years 2017, 2019 and 2020.

1. The Respondent did not give any valid justification/evidence to establish that the overhauling of the Appellant’s account in the present dispute by the Audit Party or the Forum was in accordance with applicable regulations/instructions. The Respondent submitted that the directions for overhauling the disputed amount were given by the Audit Party and subsequently by the Forum taking into consideration the presumption that the meter was running slow/defective and resultant fall in energy consumption recorded during the period prior to the Energy Meter getting burnt.
2. The Respondent had pleaded that Meter Reading Vendor had not recorded the status of the meter correctly while recording the readings of this connection. The Respondent could not produce any evidence/ documents about the action taken against the Vendor for recording false status of meter. As such, this pleading cannot be taken into consideration while taking decision in this appeal case.
3. A perusal of the oral and written submissions made by both the sides alongwith the evidence brought on record by both the sides reveals that status of the disputed Energy Meter upto issuance of bill dated 24.08.2018 (with date of reading as 24.08.2018) was OK but at the time of taking reading on 31.10.2018, reading of 44 kWh was recorded for the period 24.08.2018 to 31.10.2018. Thereafter, the Meter installed was removed and replaced on 01.11.2018. The disputed Energy Meter, on being checked in ME Lab. on 05.04.2019 was reported/declared burnt. As such, the provisions contained in Regulation 21.5.2 of Supply Code-2014 are relevant in the present context but the same were applied/interpreted incorrectly. However, the same are reproduced below:

***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 months. 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.”*

After carefully perusing the above provisions, end of justice will be met if the account is overhauled for the period from 24.08.2018 (date of reading when the meter was OK) to 31.10.2018 (date of issue of MCO for change of Burnt Energy Meter which was effected on 01.11.2018) on the basis of energy consumption recorded during the corresponding period of previous year when the status of the said Energy Meter remained OK in terms of provision of Regulation 21.5.2 (a) of Supply Code-2014 reproduced above. The Appellant had also prayed for overhauling of account for the period 24.08.2018 to 31.10.2018 (68 days) instead of six months.

1. It is observed that the Respondent defaulted in complying with the provisions contained in Regulation 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.”*

The Respondent may ensure in future that necessary compliance of the above provisions is invariably made so that reasons for the meters getting burnt are known to the licensee and the consumer as well.

1. The Respondent did not keep a watch on the variations in energy consumption of the connection of the Appellant as per instructions of PSPCL. Had the Respondent monitored the variations in the energy consumption of the Appellant, its apprehension about the Meter running slow/defective prior to 31.10.2018 could have been cleared/removed.
2. The Respondent may take appropriate action in respect of load found in excess of sanctioned capacity vide LCR No. 72/09 dated 01.10.2020 as per Schedule of Tariff of the respective Tariff Order/ instructions of PSPCL.

**6.** **Decision**

As a sequel of above discussions, the order dated 02.11.2020 of the CGRF, Ludhiana in Case No. CGL-276 of 2020 is set-aside. It is held that:

1. The Account of the Appellant shall be overhauled for the period from 24.08.2018 (date of reading when meter was OK) to 31.10.2018 (date of issue of MCO for change of burnt Energy Meter which was effected on 01.11.2018) on the basis of energy consumption recorded during the corresponding period of previous year when the status of the Energy Meter was OK in terms of provision of Regulation 21.5.2 (a) of Supply Code-2014.
2. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short, if any, after adjustments with surcharge/interest as per instructions of the PSPCL.

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

**8**. As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016, the Licensee will comply with the award/ order within 21 days of the date of its receipt.

**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)

 January 11, 2021 Lokpal (Ombudsman)

 SAS Nagar (Mohali) Electricity, Punjab.