

**COURT OF THE LOK PAL (OMBUDSMAN),
ELECTRICITY, PUNJAB,
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,
S.A.S. NAGAR (MOHALI).**

**(Constituted under Sub Section (6) of Section 42 of
Electricity Act, 2003)**

APPEAL No. 02/2024

Date of Registration : 18.01.2024

Date of Hearing : 01.02.2024

Date of Order : 01.02.2024

Before:

**Er. Anjuli Chandra,
Lokpal (Ombudsman), Electricity, Punjab.**

In the Matter of:

M/s. Pardeep Kumar Desh Raj,
Vijay Market Circular Road,
Ludhiana.

Contract Account Number: 3002800035 (MS)

...Appellant

Versus

Addl. Superintending Engineer,
DS City Central (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: 1. Sh. Rahul Thapar,
Appellant's Representative.

Respondent : Er. Gurpreet Singh,
Addl. Superintending Engineer,
DS City Central (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 06.10.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-124/2023, deciding that:

“Decision dated 28.03.2023 of City East Circle CGRF, PSPCL, Ludhiana is set-aside and bills dated 18.05.2022 and 16.06.2022 are quashed. Account of the petitioner be overhauled for the period from 10.04.2022 to 04.08.2022 i.e., date of replacement of meter with the actual consumption recorded in corresponding period of succeeding year as per the Regulation no. 21.5.2(d) of Electricity Supply Code and Related Matters Regulations-2014.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 14.12.2023 i.e. beyond the period of thirty days of receipt of the decision dated 06.10.2023 in Case No. CF-124/2023 of the CCGRF, Ludhiana. The Appellant did not submit any evidence in support of deposit of the requisite 40% of the disputed amount for filing the Appeal in this Court as required under Regulation 3.18 (iii) of PSERC (Forum & Ombudsman) Regulations, 2016. So, the Appellant was requested to send the receipts of deposit of the same vide letter no. 874/OEP/M/s. Pardeep Kumar Desh Raj dated 14.12.2023 and no. 879/OEP/M/s. Pardeep Kumar Desh

Raj dated 20.12.2023. The Respondent was also asked vide letter no. 875/OEP/ M/s. Pardeep Kumar Desh Raj dated 14.12.2023, no. 878/OEP/ M/s. Pardeep Kumar Desh Raj dated 20.12.2023 and no. 891/OEP/ M/s. Pardeep Kumar Desh Raj dated 26.12.2023 to confirm whether the Appellant had deposited the requisite 40% of the disputed amount. The Respondent submitted vide Memo No. 4888 dated 26.12.2023 that the disputed amount, after the implementation of the decision of the Corporate Forum, was ₹ 74,584/- & thus the requisite 40% of the disputed amount was ₹ 29,834/-, while the Appellant had deposited only ₹ 24,456/-. The copy of this letter was sent to the Appellant and was requested to deposit the balance amount for the registration of his Appeal vide letter no. 892/OEP/M/s. Pardeep Kumar Desh Raj dated 26.12.2023, 06/OEP/M/s. Pardeep Kumar Desh Raj dated 05.01.2024 and 17/OEP/M/s. Pardeep Kumar Desh Raj dated 11.01.2024. The Appellant was also requested to send the Authorization letter of Sh. Rahul Thapar S/o Sh. Anil Thapar vide letter no. 06/OEP/ M/s. Pardeep Kumar Desh Raj dated 05.01.2024 and the Appellant sent the same on 10.01.2024. Also, the Appellant sent the receipt of balance amount of the requisite 40% of the disputed amount on 18.01.2024. Therefore, the Appeal was

registered on 18.01.2024 and copy of the same was sent to the Addl. SE/ DS City Central (Spl.) Divn., PSPCL, Ludhiana for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 47-49/OEP/A-02/2024 dated 18.01.2024.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 01.02.2024 and intimation to this effect was sent to both the parties vide letter nos. 55-56/OEP/A-02/2024 dated 24.01.2024. As scheduled, the hearing was held in this Court on 01.02.2024 and arguments of both the parties were heard.

4. Condonation of Delay

At the start of hearing on 01.02.2024, the issue of condoning of delay in filing the Appeal beyond the stipulated period was taken up. The Appellant's Representative (AR) submitted that due to some unavoidable circumstances, the Appellant was out of town, so he could not file the present Appeal in time. He prayed that the delay in filing the present Appeal be condoned & the case be heard on merits in the interest of justice.

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 30 days from the date of receipt of the order of the Forum.*

Provided that the Ombudsman may entertain a representation beyond 30 days on sufficient cause being shown by the complainant that he/she had reasons for not filing the representation within the aforesaid period of 30 days.”

It was observed that non condoning of delay in filing the Appeal 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 allowed to present the case.

5. 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 deliberations made by the

Appellant's Representative and the Respondent along with material brought on record by both the parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

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

- (i) The Appellant was having a MS Category Connection, bearing Account No. 3002800035 in the name of Sh. Pardeep Kumar Desh Raj with Sanctioned Load/ CD of 39.980 kW/44.420 kVA under DS City Central (Spl.) Division, PSPCL, Ludhiana.
- (ii) The Appellant submitted that he had been using this connection since last 15 years & paying all his bills on time from long time. No dues of PSPCL were pending against him.
- (iii) In May-June, 2022, the Meter Reader intimated him that there was some technical error in the meter. After that, the Appellant approached PSPCL officials and requested them to replace his meter immediately.
- (iv) On the Appellant's request, the meter was changed by the PSPCL. The Appellant submitted that he had been receiving average bill of ₹ 8,000 to 10,000 for two months' period for the last five years and he had been paying all his bills on time. But the Appellant got surprised when he received a bill of old meter

for the period from May, 2022 to June, 2022 for 12853 units & 6098 units for ₹ 1,22,280/-.

- (v) The Appellant approached the Respondent's Office for these wrong bills. But the Respondent ignored the Appellant's request and said that these bills were correct and according to his consumption.
- (vi) The Appellant filed his Case in the Corporate Forum which was decided on 06.10.2023. The Appellant was not satisfied with the Forum's decision.
- (vii) The Appellant submitted that his business was going in losses due to economic slowdown and he was unable to pay this estimated bill of ₹ 1,22,280/-.
- (viii) The Appellant prayed that the Respondent be directed to correct the disputed bill of ₹ 1,22,280/- issued to him due to technical error in his meter, on the basis of average consumption of last 5 years and justice be given to him.

(b) Submission during hearing

During hearings on 01.02.2024, the Appellant's Representative (AR) reiterated the submissions made in the Appeal and prayed to allow the same.

(B) Submissions of the Respondent

(a) Submissions in written reply

The Respondent submitted the following written reply for consideration of this Court:-

- (i) The Appellant was issued bills of ₹ 79,723/- & ₹ 42,551/- totaling to ₹ 1,22,274/- for the months of 05/2022 and 06/2022 for the consumption of 12,853 & 6,098 kVAh units respectively. Then he submitted an application to the Respondent regarding the fast running of his meter. The AEE/Tech-1 had checked the meter of the Appellant vide LCR No. 6/2117 dated 23.06.2022. Thereafter, ASE/vEnf.-2, Ludhiana checked the meter of the Appellant vide ECR No. 38/2008 dated 14.07.2022 and it was stated as “ਮੌਕੇ ਤੇ ਚੱਲਦੇ ਭਾਰ ਤੇ Pulse Blink ਕਰਦੀ ਹੈ 1, 2, 3 ਫੇਜ਼ Segments ਵੀ Blink ਕਰਦੇ ਹਨ। LTERS ਮੀਟਰ ਨਾਲ ਅਕੁਰੇਸੀ ਠੀਕ ਪਾਈ ਗਈ।”
- (ii) The meter of the Appellant was replaced vide MCO No. 100018343331 dated 07.07.2022, effected on 04.08.2022. The disputed meter was checked in ME Lab vide Store Challan No. 1307 dated 30.08.2022 and the accuracy of the meter was found within limit and DDL was taken on MRI. The kWh reading 607348, kVAh reading 648902 and MDI 27 was recorded on

ME Challan. Then the Appellant filed the petition in DS Circle Forum, Ludhiana. As per the decision dated 28.03.2023 of the DS Circle Forum, Ludhiana, refund of ₹ 55,664/- was given to the Appellant vide Sundry No. 380/86/936 dated 28.04.2023.

(iii) The Appellant was not satisfied with the decision of the DS Circle Forum, Ludhiana and filed his petition in the Corporate Forum, Ludhiana. As per the decision dated 06.10.2023 of the Corporate Forum, Ludhiana the Appellant was charged ₹ 7,968/- vide Sundry No. 278/77/614 dated 20.12.2023.

(iv) The Appellant was not satisfied with the decision dated 06.10.2023 of the Corporate Forum, Ludhiana and filed an Appeal in the Court of Ombudsman, Electricity, Punjab, Mohali.

(b) Submission during hearing

During hearings on 01.02.2024, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal.

6. Analysis and Findings

The issue requiring adjudication is the legitimacy of the decision dated 06.10.2023 of the Corporate Forum, Ludhiana vide which it was decided that the account of the Appellant be

overhauled for the period from 10.04.2022 to 04.08.2022 i.e. date of replacement of meter with the actual consumption recorded in corresponding period of succeeding year as per the Regulation 21.5.2(d) of Supply Code-2014.

My findings on the points that emerged and my analysis is as under:

- (i) The Corporate Forum in its order dated 06.10.2023 observed as under:-

“Forum observed that petitioner was issued O-code bills, dated 18.05.2022 and 16.06.2022, for the consumptions of 12853 KVAH and 6098 KVAH and amounting to Rs. 118540/- and 164350/- respectively. Petitioner did not agree to these bills and challenged his meter. Site of the petitioner was checked by AEE/Tech-1, City Central Divn., PSPCL, Ludhiana on 23.06.2022 and LCR no. 6/2117 dated 23.06.2022 was prepared, wherein, it was mentioned that the meter be got checked from Xen/ Enforcement. Connection of the petitioner was checked by ASE/ Enf. cum EA & MMTS-2, PSPCL, Ludhiana on 14.07.2022 and ECR no. 38/2008 dated 14.07.2022 was prepared. Relevant part of the observations recorded in ECR is reproduced under: -

“ਚਲਦੇ ਭਾਰ ਤੇ ਪਲਸ ਬਲਿੰਕ ਕਰਦੀ ਹੈ। 1,2,3 ਫੇਜ਼ ਸੈਗਮੈਂਟ ਵੀ ਬਲਿੰਕ ਕਰਦੇ ਹਨ। LTERS ਮੀਟਰ ਨਾਲ accuracy ਚੈਕਿੰਗ ਕਰਨ ਤੇ ਠੀਕ ਪਾਈ ਗਈ।

Meter old version ਹੈ, ਬਦਲੀ ਕਰਕੇ ME-Lab ਤੋਂ ਚੈਕ ਕਰਵਾਇਆ ਜਾਵੇ।

Meter ਬਕਸਾ ਪੁਰਾਣਾ ਹੈ, ਨਵਾਂ ਲਗਾਇਆ ਜਾਵੇ ਅਤੇ ਅਹਾਤੇ ਦੇ ਬਾਹਰ ਸਿਫਟ ਕੀਤਾ ਜਾਵੇ।

CT ਵੀ old version ਹਨ ME Lab ਬਦਲੀ ਕਰਕੇ ME-Lab ਤੋਂ ਚੈਕ ਕਰਵਾਏ ਜਾਣ।”

Meter of the petitioner was changed vide MCO no. 100018343331 dated 07.07.2022 effected on 04.08.2022. Removed meter was checked in ME Lab vide store challan no. 1307 dated 30.08.2022, wherein, it was reported that accuracy of the meter was within limits and DDL was taken on MRI. Petitioner did not agree to the results of ME Lab and filed his case in City East Circle CGRF, PSPCL, Ludhiana where case was decided on 28.03.2023 as under: -

“ਖਪਤਕਾਰ ਦਾ ਡੀ.ਡੀ.ਐਲ ਘੋਖਿਆ ਗਿਆ। ਡੀ.ਡੀ.ਐਲ ਮੁਤਾਬਿਕ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਨੁਕਸਦਾਰ ਹੈ। ਕੇਸ ਵਿਚਾਰਨ ਉਪਰੰਤ ਕਮੇਟੀ ਵੱਲੋਂ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਕਿ ਖਪਤਕਾਰ ਦਾ ਮਿਤੀ 10.04.2022 ਤੋਂ ਮਿਤੀ 10.06.2022 ਤੱਕ ਦਾ ਖਾਤਾ ਨਵੇਂ ਮੀਟਰ ਦੀ ਵੱਧ ਤੋਂ ਵੱਧ ਰਿਕਾਰਡ ਹੋਈ ਖਪਤ 5300 ਯੂਨਿਟ (ਅਕਤੂਬਰ 2022) ਨੂੰ ਅਧਾਰ ਲੈ ਕੇ ਪ੍ਰੋਪੋਰਸ਼ਨੇਟ (Proportionate) ਅਧਾਰ ਤੇ ਸੋਧ ਦਿੱਤਾ ਜਾਵੇ।”

On the basis of the above decision, a refund of Rs. 55664/- was given to the petitioner vide SCA no. 380/86/936 dated 28.04.2023. Petitioner, not satisfied with the above decision of City East Circle CGRF, PSPCL, Ludhiana, filed his appeal in Corporate CGRF, Ludhiana.

Forum observed the consumption data submitted by the Respondent on record reproduced below in tabular form:

KVAH	2019		2020		2021		2022		2023	
	Cons.	Code	Cons.	C o d e	Cons.	C o d e	Cons.	Co de	Cons.	Co de
Jan	1246	O	1229	O	1269	O	2208	O	2760	O
Feb	962	O	1177	O	1676	O	2232	O	1149	O
Mar	1398	O	1192	O	1116	O	4577	O	2952	O
Apr	1585	O			4007	O	3921	O	2636	O
May	1525	O			3201	O	12853	O	3573	O
Jun	1712	O	2232	O	671	O	6098	O	4700	O
Jul	2414	O	2784	O	2629	O	2565	O		
Aug	1772	O	2660	O	4630	O	4136	K	13290	O
Sept	2099	O	2204	O	6026	O	5171	O		
Oct	1630	O	2594	O	5328	O	5300	O		
Nov	1455	O	1351	O	4365	O	4330	O		
Dec	934	O	1387	O	4050	O	4408	O		
TOTAL	18732		18810		38968		57799		31060	

As per the data, the annual consumption of the Petitioner from 2019 to 2023 (upto August) is 18732,

18810, 38968, 57799 and 31060 (upto Aug/2023) units respectively. Monthly consumption as high as 12853 units charged to petitioner in bill dated 18.05.2022 has never been recorded in any month before and after the change of meter.

Forum observed that site of the petitioner was checked by AEE/Tech-1, City Central Divn., PSPCL, Ludhiana vide LCR no. 6/2117 dated 23.06.2022 wherein readings of the meter recorded as 602539 KWH/643762 KVAH. After 21 days i.e., on 14.07.2022, connection was checked by ASE/Enf. cum EA & MMTS-2, PSPCL, Ludhiana and readings of the meter were recorded as 604633KWH/645980KVAH. However, as per the billing report of DDL submitted by the Respondent, readings of the meter on 14.07.2022 are 584676.8 KWH/645982.10 KVAH. Although KVAH readings as recorded by ASE/Enf. cum EA & MMTS-2, Ludhiana and that in DDL match with each other but there is a huge gap of 19957 units (604633-584676) in KWH reading.

Further, from the billing report of DDL, it is observed that meter recorded *Rev. kWh* and *Rev. kVArh Lag* readings. These readings can only be recorded if the consumer also supplies some energy to the Distribution company like in a case of a prosumer who has installed a solar plant. In addition to this, consumption during the period from 06.05.2022 to 08.06.2022 is recorded as 6098.00 KVAH and -492.90 KWH as per billing report of DDL. Also, for the period from 29.03.2022 to 06.05.2022, consumption recorded by the meter is 12853.40 KWH/2774.10 KVAH which means that the petitioner has drawn power factor of 0.22 which is not commensurate with the power factor the petitioner has been maintaining before and after the change of his meter. All these facts show that meter of the petitioner had become erratic. Circle CGRF had also declared the meter defective on the basis of DDL. Therefore, despite

the fact that accuracy of the meter was reported within limits at site and in ME Lab, the meter is required to be treated as defective. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters is as under:

Regulation 21.5.2 of Supply Code 2014 dealing with Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters is as under: -

“The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop and in case of burnt/stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:

- 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”.*

Forum further observed that City East Circle CGRF, PSPCL, Ludhiana in its decision dated 28.03.2023 decided to overhaul the account of the petitioner for the period from 10.04.2023 to 10.06.2023 with the maximum consumption recorded by new meter installed at the site of the petitioner, without referring in specific rules/regulation. As per the above instructions of the Supply Code, account of the petitioner is required to be overhauled with the consumption recorded in the corresponding period. However, Forum observed that it cannot be confirmed that since how long the disputed meter was behaving in erratic manner and the previous year of 2021 was affected due to Covid pandemic. Hence, consumption of corresponding period of previous year cannot be relied upon and therefore consumption of corresponding period of succeeding year is to be used for overhauling the account of the petitioner.

Forum have gone through written submissions made by the Petitioner in the petition, written reply of the Respondent along with the relevant material brought in the record. Forum is of the opinion that decision dated 28.03.2023 of City East Circle CGRF, PSPCL, Ludhiana is liable to be set-aside and bills dated 18.05.2022 and 16.06.2022 are liable to be quashed. Account of the petitioner is required to be overhauled for the period from 10.04.2022 to 04.08.2022 i.e., date of replacement of meter with the actual consumption recorded in corresponding period of succeeding year as per Regulation no. 21.5.2(d) of Electricity Supply Code and Related Matters Regulations-2014.”

- (ii) I have gone through the written submissions made by the Appellant in the Appeal, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 01.02.2024. It is observed that DS City East Circle CGRF, Ludhiana as well as the Corporate Forum, Ludhiana had come

to the conclusion that the disputed meter was defective. The observations of the Corporate Forum in this regard, which are reproduced above, are quite elaborate. Even, the Respondent admitted before the Corporate Forum that the kWh readings in the DDL were identical to the kWh readings as per the reading record for the dates 03.08.2021, 06.10.2021, 07.12.2021, 08.02.2022 & 09.03.2022. But the kWh readings in the DDL differed with the kWh readings as per the reading record for the dates 29.03.2022, 06.05.2022, 08.06.2022 & 05.07.2022, whereas the kVAh readings are identical. Therefore, I am in agreement with their conclusion that meter was defective.

- (iii) I agree with the decision of the Corporate Forum that since the meter was defective, the account of the Appellant should be overhauled as per Regulation 21.5.2 of Supply Code-2014. However, I find no merits in the observation of the Corporate Forum that the corresponding previous year consumption did not seem to be accurate. The readings of the DDL were matching with the reading record for the corresponding previous year.
- (iv) Therefore, the decision of the Corporate Forum is amended to the extent that the account of the Appellant be overhauled for the period from 10.04.2022 to 04.08.2022 i.e., date of

replacement of meter with the actual consumption recorded in corresponding period of previous year as per the Regulation 21.5.2(a) of Supply Code-2014.

7. Decision

As a sequel of above discussions, the order dated 06.10.2023 of the CCGRF, Ludhiana in Case No. CF-124/2023 is amended. The account of the Appellant be overhauled for the period from 10.04.2022 to 04.08.2022 i.e., date of replacement of meter with the actual consumption recorded in corresponding period of previous year as per the Regulation 21.5.2(a) of Supply Code-2014. Late payment surcharge (LPS) and late payment interest (LPI) be revised accordingly.

8. The Appeal is disposed of accordingly.
9. 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.
10. In case, the Appellant or the Respondent is not satisfied with the above decision, he 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.

February 01, 2024
S.A.S. Nagar (Mohali).

(ANJULI CHANDRA)
Lokpal (Ombudsman)
Electricity, Punjab.

