

**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. 02/2025

**Date of Registration : 21.01.2025
Date of Hearing : 31.01.2025, 14.02.2025
Date of Order : 27.02.2025**

Before:

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

In the Matter of:

Sh. Gokha Chand S/o Sh. Shah Ram,
Village- Langrian, Tehsil- Amargarh,
Distt.- Malerkotla-148022.

Contract Account Number: P56AM050490N (DS)
...Appellant

Versus

Addl. Superintending Engineer,
DS Division, PSPCL,
Nabha.

...Respondent

Present For:

Appellant: Sh. Randeep Singh,
Sh. Ramandeep Singh,
Appellant's Representatives.

Respondent : 1- Er. Navjeet Singh,
AE/DS Division,
PSPCL, Nabha.
2- Sh. Amit Kumar, RA.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 26.07.2024 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-126/2024, deciding that:

“The decision dated 15.03.2024 of Divisional CGRF, Nabha is set-aside. All this bills issued to the petitioner for the period from 06.08.2022 (excluding previous arrears) to 05.12.2022 (i.e. the date of replacement of meter in dispute) along with refund given to the Petitioner, are quashed. Account of the petitioner be overhauled from 06.08.2022 to 05.12.2022 on the basis of consumption recorded during the corresponding period of the previous year as per Reg. no. 21.5.2 (a) 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 08.11.2024 i.e. beyond the period of thirty days of receipt of the decision dated 26.07.2024 of the CCGRF, Ludhiana in Case No. CF-126/2024 by the Appellant. The Appellant submitted an incomplete Appeal. He 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, also did not mention any reason for delay in filing the Appeal and the Appeal was not in the

prescribed format. So, the Appellant was requested vide letter no. 643/OEP/G-25 dated 08.11.2024 to send the same. The Appellant submitted the same on 21.01.2025. Therefore, the Appeal was registered on 21.01.2025 and copy of the same was sent to the Addl. SE/ DS Division, PSPCL, Nabha for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 66-68/OEP/A-02/2025 dated 21.01.2025.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 31.01.2025 and intimation to this effect was sent to both the parties vide letter nos. 84-85/OEP/A-02/2025 dated 27.01.2025. As scheduled, the hearing was held in this Court on 31.01.2025 and arguments of both the parties were heard. The next date of hearing was fixed for 14.02.2025. An intimation to this effect alongwith the copies of the proceedings dated 31.01.2025 was sent to both the parties vide letter nos. 104-105/OEP/A-02/2025 dated 31.01.2025. As scheduled, the hearing was held in this Court on 14.02.2025 and arguments of both the parties were heard. The case was closed for the pronouncement of the speaking orders.

4. Condonation of Delay

At the start of hearing on 31.01.2025, the issue of condoning of delay in filing the Appeal beyond the stipulated period was taken up. The Appellant's Representative submitted that the copy of decision dated 26.07.2024 of the CCGRF, Ludhiana was received by the Appellant on 30.08.2024 from the office of the Respondent. On receiving the same, he sent the Appeal to this Court on 21.09.2024 by post, but it was returned back to him due to wrong address. Then he got correct address of this Court from the Respondent's office & sent it again through post. As such, there was a delay in filing the present Appeal. The Appellant's Representative requested for the condonation of delay in filing the Appeal & prayed that Appeal be heard on merits in the interest of justice. I find that the Respondent did not object to the condoning 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 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 refusal to condone the 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 alongwith 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 its Appeal for consideration of this Court:-

- (i) The Appellant was having DS Category Connection with Sanctioned Load of 1.330 kW under DS Division, PSPCL, Nabha in his name.
- (ii) The Appellant submitted that his meter was running fast since long time. In this regard the Appellant submitted his application in the Sub-Divisional office by depositing the requisite fee on 07.11.2022.
- (iii) After that the Appellant's meter was removed and sent to the ME Lab, Patiala for checking. According to the ME Lab report, the Appellant's meter was found running without load.
- (iv) But, the Respondent did not give refund to the Appellant. So, the Appellant filed his case in the Divisional Forum. The Appellant was not satisfied with the decision of the Divisional Forum & filed an Appeal before Corporate Forum. The Corporate Forum decided the case on 26.07.2024.
- (v) The Appellant was not satisfied with the decision of the Corporate Forum also. Therefore the Appellant filed his Appeal in this Court and prayed for justice.

(b) Submission during hearing

During hearings on 31.01.2025 & 14.02.2025, the Appellant's Representative 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 bill dated 14.10.2022 for the ₹ 11,400/- which included previous unpaid balance of ₹ 4,888/- on 'I' code basis. This bill was issued for 1429 units for 69 days as per Regulation 21.5.2 (LYSM) of Supply Code-2014.
- (ii) The Appellant had filed his case in the Divisional Forum on 30.01.2024. The Divisional Forum had passed the order on 15.03.2024 and the same was implemented by the Respondent vide letter no. 463 dated 19.04.2024.
- (iii) The Appellant was not satisfied with the decision of the Divisional Forum and filed an Appeal in the Corporate Forum, Ludhiana. The Corporate Forum, Ludhiana had passed the order on 26.07.2024 and the same was implemented by the Respondent vide letter no. 1018 dated 30.08.2024.
- (iv) The Appellant had challenged the working of his meter no. 4689373 by depositing the requisite amount vide BA-16 No. 76/55083 dated 07.11.2022. The Respondent had replaced the meter vide MCO No. 99/722 dated 07.11.2022 effected on

05.12.2022 on the final reading of 58936 kWh. New meter no. A1686989 with initial reading of 5 kWh was installed.

- (v) The Appellant was issued bill for the 4th cycle 10/2022 (of 69 days from 06.08.2022 to 14.10.2022) for 1429 units on LYSM basis on 'I' code and bill for the 5th cycle 12/2022 (of 56 days from 14.10.2022 to 09.12.2022) for 373 units on 'F' code. For this bill (12-5) 7 units of new meter and $373/56 \times 52 = 347$ units of previous meter, totaling 354 units were chargeable to the Appellant. The bill for 6th cycle 02/2023 (of 58 days from 09.12.2022 to 05.02.2023) was issued for 96 units on 'C' code but for this bill, actual consumption of (97-12) 85 units were chargeable to the Appellant.
- (vi) The disputed meter no. 4689373 was checked in ME Lab vide Challan No. 100 dated 03.02.2023 and it was found to be defective. The bill for 3rd cycle dated 06.08.2022 for reading upto 34690 units was issued on the basis of 'ok' code. After this, bill for the 4th cycle for the reading from 34690 to 46634 units was issued for 1429 units on LYSM basis on 'I' code. The Respondent submitted that the bill issued on 'F' code and 'C' code to the Appellant had been overhauled vide SCA No. 3/135/23. The account of the Appellant had been overhauled vide SCA No. 4/141/23 as per the decision of the Divisional

Forum. After this the account of the Appellant was overhauled vide SCA No. 1/141/23 as per the decision of the Corporate Forum, Ludhiana. After implementation of the decisions, Notices vide letter no. 1018 dated 30.08.2024 & letter no. 1320 dated 21.11.2024 were sent to the Appellant to deposit the balance amount but the Appellant did not deposit the amount.

(b) Submission during hearing

During hearings on 31.01.2025 & 14.02.2025, 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 26.07.2024 of the Corporate CGRF, Ludhiana in Case No. CF-126/2024.

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

- (i) The CCGRF, Ludhiana in its order dated 26.07.2024 observed as under:-

“Forum observed that Petitioner was issued bill dated 14.10.2022 for a period of 69 days from 06.08.2022 to 14.10.2022 on ‘I’ code on average basis amounting to Rs. 11400/-. Petitioner did not agree to this bill and challenged his

meter on 07.11.2022. Meter of the Petitioner was changed vide MCO no. 99/722 dated 07.11.2022 effected on 05.12.2022. Meter was sent to ME Lab vide challan no. 100 dated 03.02.2023 wherein it was reported that 'meter is creeping without load, meter out of limit' and final reading was verified as 58936Kwh. Petitioner did not agree to bill dated 14.10.2022 and filed his case in Divisional CGRF, Nabha. Divisional CGRF, Nabha in its hearing dated 15.03.2024, decided as under: -

“ਖਪਤਕਾਰ ਦਾ ਝਗੜੇ ਵਾਲਾ ਬਿਲ 10/ਯੂਨਿਟਾਂ ਨੂੰ ਆਧਾਰ 1026 ਵਿਚ ਆਈ ਖਪਤ 2023 ਮੰਨ ਕੇ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਸੋਧ ਦਿਤਾ ਜਾਵੇ ਅਤੇ ਬਾਕੀ ਬਣਦੀ ਰਕਮ ਰਿਫੰਡ/ ਚਾਰਜ ਕਰ ਦਿਤੀ ਜਾਵੇ।”

Petitioner did not agree to the above decision of Divisional CGRF, Nabha and filed an appeal in Corporate CGRF, Ludhiana.

Forum observed consumption pattern submitted by the Respondent which is tabulated below:

	2020		2021		2022		2023		2024	
Months	Cons.	Code	Cons.	Code	Cons.	Code	Cons.	Code	Cons.	Code
Jan	206	O	197	O						
Feb					129	O	96	C	102	O
Mar	196	O	163	O					116	O
Apr					566	O	210	O		
May	518	O	537	O					498	O
Jun					1045	O	611	O		
july	1467	O	878	O					977	O
Aug					1186	O	1466	O		
Sept	2034	O	1388	O						
Oct					1429	I	1026	O		
Nov	731	O								
Dec			507	O	373	F	148	O		
TOTAL	5152		3670		4728		3557		1693	

Forum observed that the consumption of petitioner during the period from 2020 to 2024 (upto 07/24) is 5152, 3670, 4728, 3557 & 1693 KWH respectively. It is observed that the consumption was almost consistent with minor variations on year to year basis but a significant variation on month to month basis. It is observed from the consumption pattern that

the consumption during the peak summer season is about 1500 units bimonthly but the same is a few hundred during the winter season.

During hearing dated 16.07.2024, Petitioner was directed to comment upon the variation in his consumption on month to month basis. In hearing dated 23.07.2024, Petitioner could not explain the reasons of this variation, however he stated that some renovation work was carried out in the premises after his meter was changed in 11/2022.

Site of the petitioner was checked vide LCR no. 84/850 dated 15.07.2024 when connected load was found as 1.328Kw against sanctioned load of 1.330Kw and reading was recorded as 5511 Kwh. This means that a consumption of 5506 units was recorded from 05.12.2022 to 15.07.2024 i.e. about 290 units per month. Forum further observed that the reading of the disputed meter had been recorded as 34690 Kwh on 06.08.2022 when last bill on 'O' code was generated. Thereafter bill was issued on 'I' code and on challenging the meter, the same was replaced on 05.12.2022 at reading of 58936 Kwh which was verified in ME Lab. This shows the consumption of 24246 Kwh from 06.08.2022 to 05.12.2022 in just 121 days i.e. about 6062 Kwh per month, which is not at all possible for a meagre load of 1.33 Kw. Further, Meter of the petitioner was found creeping without load in ME Lab. Therefore, the same 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 have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner along with material brought on record. Keeping in view the above, Forum is of the opinion that all the bills issued to the petitioner for the period from 06.08.2022 (excluding previous arrears) to 05.12.2022 (i.e. the date of replacement of meter in dispute) along with refund given to the Petitioner are liable to be quashed. Account of the petitioner is required to be overhauled from 06.08.2022 to 05.12.2022 i.e. date of its replacement on the basis of consumption recorded during the corresponding period of the previous year as per Reg. no. 21.5.2(a) of Electricity Supply Code and Related Matters Regulations-2014. The decision dated 15.03.2024 of Divisional CGRF, Nabha is liable to be set-aside.”

- (ii) I have gone through the written submissions made by the Appellant in his Appeal, written reply of the Respondent & the data placed on the record by both the parties as well as oral arguments of both the parties during the hearings on 31.01.2025

& 14.02.2025. It is observed by this Court that the last bill raised to the Appellant on 'O' Code with the disputed meter was issued for the period of 57 days from 10.06.2022 to 06.08.2022 for 1186 units. The consumption reflected in this bill seems to be in consonance with the consumption of the Appellant in the same months of the previous two years. The next bill raised to the Appellant was for the period of 69 days from 06.08.2022 to 14.10.2022 for 1429 units on 'I' Code. Though this bill was raised to the Appellant on average basis for 1429 units, but the disputed meter, in actual, recorded consumption of 11944 units (46634-34690) during this period of 69 days from 06.08.2022 to 14.10.2022 which comes to consumption of around 173 units per day. Further the disputed meter was changed on 05.12.2022 vide MCO No. 99/722 dated 07.11.2022 with Final reading as 58936 which means consumption of 12302 units (58936-46634) in 52 days from 14.10.2022 to 05.12.2022. This comes to consumption of around 237 units per day. This proves beyond doubt that the disputed meter got defective after 06.08.2022. Therefore, the account of the Appellant needs to be overhauled for the period from 06.08.2022 to the date of replacement of this meter on 05.12.2022.

- (iii) In view of discussion above, this Court is not inclined to differ with the decision dated 26.07.2024 of the Corporate CGRF, Ludhiana in Case No. CF-126/2024.

7. Decision

As a sequel of above discussions, the order dated 26.07.2024 of the Corporate CGRF, Ludhiana in Case No. CF-126/2024 is hereby upheld.

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 27, 2025
S.A.S. Nagar (Mohali).

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