

**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. 03/2024

Date of Registration : 19.01.2024

Date of Hearing : 01.02.2024

Date of Order : 08.02.2024

Before:

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

In the Matter of:

Sh. Vineet Aggarwal,
Plot No. 2-3, Sukhmani Enclave,
Canal Road, Ludhiana.

Contract Account Number: 3015016446 (DS)

...Appellant

Versus

Addl. Superintending Engineer,
DS Aggar Nagar (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: 1. Sh. Vineet Aggarwal,
Appellant.
2. Sh. Sukhminder Singh,
Appellant's Representative.

Respondent : Er. Kuldeep Kumar,
AEE/ Commercial,
DS Aggar Nagar (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 14.09.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-079/2023, deciding that:

- “i. Action be taken as per conclusion arrived at point no. (x) above.*
- ii. Chief Engineer/ Technical Audit & Inspection, PSPCL, Patiala, is directed to conduct a detailed enquiry to identify all officials/ officers of DS & Enforcement organisation involved in the acts of omission and commission listed under para 1 to 7 above and to take disciplinary action against all such officials/ officers for their respective roles.”*

Point No. (x) of the decision dated 14.09.2023 of the Corporate Forum in Case No. CF-079/2023 is reproduced as under:-

“Keeping in view the above, Forum came to unanimous conclusion that:-

- a) Import Energy: All consumption recorded in the Export Register of the bi-directional meter of the petitioner from its installation on 17.10.2017 to 22.08.2023 when CTs were got installed in correct direction, be taken as Import consumption of this period.*
- b) Export Energy: Entire energy generated by the SPV plant of the petitioner as recorded by the Solar/Check meter of petitioner during the period from 17.10.2017 to 17.01.2023 be treated as Solar Energy. Further, energy recorded in the Import Register from*

17.01.2023 to 22.08.2023 also treated as Export Energy.

Wherever the readings of any parameter at a particular date are not available these are to be worked out on pro-rata basis.

Notice no. 746 dated 28.03.2023 amounting to Rs. 1366605/- be quashed. Account of the petitioner be overhauled for the period from 17.10.2017 to 22.08.2023 on the basis of Import and Export energies worked out as above. Settlement period ending September every year be kept in view while overhauling the account.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 19.01.2024 i.e. beyond the period of thirty days of receipt of the decision dated 14.09.2023 by the Appellant in Case No. CF-079/2023 of the CCGRF, Ludhiana. The Appellant deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 19.01.2024 and copy of the same was sent to the Addl. Superintending Engineer/ DS Aggar Nagar (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. 50-52/OEP/A-03/2024 dated 19.01.2024.

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. 57-58/OEP/A-03/2024 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 of 30 days was taken up. The Appellant submitted that the Appeal may be registered against the order dated 14.09.2023 of Corporate CGRF in the subject cited Case. The Secretary, Corporate CGRF issued judgment vide Memo No. 1091 dated 18.09.2023. The Respondent's Office issued Notice bearing Memo No. 1669 dated 07.11.2023 to deposit balance amount of ₹ 10,93,284/-. The Appellant deposited amount of ₹ 2,73,321/- i.e. 20% of disputed amount on 12.06.2023 at the time of registration of Case in Corporate CGRF and another 20% amount i.e. ₹ 2,73,321/- has been deposited on 12.01.2024. Thus 40% of disputed amount has been deposited. There is delay in filing the Appeal. The reason for delay in filing the Appeal is non-proving of monthwise calculation

sheet and non-rectification of apparent calculation mistake inspite of request by the Appellant many times by visiting the O/o the Respondent and request in writing. Even the O/o Sr. Xen/ CBC has not approved the calculations made by the O/o AEE/ Commercial and has returned the Case for requisite correction at the end of the Respondent's Office. It was, therefore, humbly requested to this Court that the delay in filing the Appeal may please be condoned and Appeal may kindly be registered for 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 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 its Appeal for consideration of this Court:-

- (i) The Appellant was having a DS Category Connection, bearing Account No. 3015016446 with Sanctioned Load of 45.194 kW under Sub Division Tech. Unit-1 of Aggar Nagar (Spl.) Division, PSPCL, Ludhiana.
- (ii) The Appellant had installed Solar Energy System/ Plant (Rooftop SPV Plant), accordingly Bi-Directional Meter had been installed in the premises of the Appellant since 17.10.2017. The reading of the meter was being taken every

month and the bills as raised by the Respondent from time to time, on the basis of net consumption (as shown in the bills) had been paid by the Appellant.

(iii) However, AEE/ Commercial Aggar Nagar (Spl.) Divn., Ludhiana vide Memo No. 746 dated 28.03.2023 issued a Notice to deposit an amount of ₹ 13,66,605/-. It was mentioned in the Notice that connection was checked vide ECR No. 36/1014 dated 11.01.2023 and LCR No. 8/2408 dated 02.02.2023 and account was overhauled due to non advancement of import reading. The Appellant visited the concerned office and it was confirmed that A/c had been overhauled from 17.10.2017 to 02.02.2023 with LDHF Formula. The Account of the Appellant was overhauled on the basis of checking made by Sr. Xen/ Enf. cum EA&MMTS vide ECR Dated 11.01.2023 and AE/ Tech. and JE vide LCR No. 8/2408 dated 02.02.2023.

(iv) The Sr. Xen/ Enf. cum EA&MMTS in his checking dated 11.01.2023 mentioned that “the reading of Solar Meter was 053948 kWh, whereas as per bi-directional meter, the reading was Import = 167 kWh and Export = 214233 kWh which was not comparable and it appeared that connections of Solar Meter with bi-directional meter were not properly made and

same may be checked. After making proper connections, the Import & Export readings may be checked and account be overhauled from the date of installation of Solar Meter.” AE/T and JE in their checking report dated 02.02.2023 reported that “as per directions of Sr. Xen/ Enforcement cum EA&MMTS vide its checking dated 11.01.2023, the connections were set right on 17.01.2023 and as checked now, the Import reading of the meter had advanced as compared to previous readings.”

- (v) The demand of ₹ 13,66,605/- so raised, without reference to any rule/ regulation of Supply Code or EA-2003, especially considering the fact that the account has been overhauled for more than 5 years and huge amount was charged to consumer was apparently wrong and totally unjustified. Therefore, the Appellant approached Hon’ble Corporate Forum for Registration & Review of disputed Case of the Appellant. Accordingly, as per orders of the Corporate Forum, the Appellant deposited 20% of the disputed amount and Case was registered as Case No. CF-079/2023. The Appellant made genuine submissions before the Forum based on rules and regulations. However, Corporate Forum did not consider the genuine pleadings of the Appellant and vide Final order dated

14.09.2023 did not provide any relief and concluded decided as under:-

“Keeping in view the above, Forum came to unanimous conclusion that:-

c) Import Energy: All consumption recorded in the Export Register of the bi-directional meter of the petitioner from its installation on 17.10.2017 to 22.08.2023 when CTs were got installed in correct direction, be taken as Import consumption of this period.

d) Export Energy: Entire energy generated by the SPV plant of the petitioner as recorded by the Solar/Check meter of petitioner during the period from 17.10.2017 to 17.01.2023 be treated as Solar Energy. Further, energy recorded in the Import Register from 17.01.2023 to 22.08.2023 also treated as Export Energy.”

Wherever the readings of any parameter at a particular date are not available these are to be worked out on pro-rata basis.

Notice no. 746 dated 28.03.2023 amounting to Rs. 1366605/- be quashed. Account of the petitioner be overhauled for the period from 17.10.2017 to 22.08.2023 on the basis of Import and Export energies worked out as above. Settlement period ending September every year be kept in view while overhauling the account.

- (vi) The above decision of the Corporate Forum was wrong, biased and against the Regulation 21.5 of Supply Code, 2014. On the basis of decision of Corporate Forum, the AEE/ Comml., Aggar Nagar (Spl.) Divn., Ludhiana vide Notice bearing Memo No. 1669 dt: 07.11.2023 asked the Appellant to deposit balance amount of ₹ 10,93,284 (₹ 13,66,605/- - ₹ 2,73,321/-

i.e. 20% already deposited) besides additional amount of ₹ 2,59,723/- chargeable as per decision of Corporate Forum. The Appellant was not satisfied with the decision of the Forum. Therefore present Appeal was being filed.

- (vii) The following submissions were made before the Corporate Forum in the Petition/ Rejoinder & during oral discussion but not considered by the Corporate Forum and therefore were brought out for the kind consideration of this Court.
- (viii) The Respondent had not referred to any rule/ regulation under which, the overhauling of account from 17.10.2017 to 02.02.2023 (more than 5 years) with LDHF Formula was justified and recoverable. Further, the Respondent in the reply submitted before Corporate Forum, had mentioned that after correcting the connections (wrong connections), the import reading of the Consumer was found to be increasing which is evident from the LCR dated 02.02.2023. The connection of the Appellant was checked again vide LCR No. 38/2420 dated 10.07.2023 wherein Import Reading had been shown as 001574 kWh and 1701 kVAh. Thus import consumption was available after correct connections, for a period of about 6 month i.e. from 17.01.2023 to 10.07.2023. Similarly, the consumption for a period of more than 1 year was available

before the installation of Bi-Directional meter. Thus account of the Appellant was required to be overhauled for a period of 6 months as per rules, on the basis of consumption data available before installation of bi-directional meter or on the basis of consumption available after making correct connections.

- (ix) The plea of the Respondent was that due to wrong connections, import reading was not advancing and account of the Appellant had been overhauled from 17.10.2017 to 02.02.2023 (more than 5 years) as per orders of Sr. Xen/ Enf. cum EA&MMTS vide ECR dated 11.01.2023. It was submitted that as per Regulation 21.5 of Supply Code, 2014, the account against defective/ inaccurate/ dead stop/ burnt meter can be overhauled for a maximum period of 6 months. Further, even in Case of wrong connections, the account can be overhauled for a maximum period of 6 months and there was no exception to this rule except where there was difference in Multiplying Factor. As per SAP reading data/ Sheet submitted by the Respondent, reading data was available for sufficient period from 22.07.2016 onwards (before the installation of Bi-directional meter). Further, import consumption was available after correct connections, for a

period of about 6 months i.e. from 17.01.2023 to 10.07.2023. However, in any Case, the maximum period for overhauling of account cannot exceed 6 months as per Regulation 21.5 of Supply Code, 2014.

- (x) After the coming into force of EA-2003 & Supply Code, 2007 (revised w.e.f. 01.01.2015), every penal action on the consumer should be supported by rule/ regulations because it was the consumer who had to pay the difference due to less billing of previous period and he should be informed under which rule/ regulation the consumer was being penalized. The Chief Engineer/ Commercial vide CC No. 53/2013 & CC No. 59/2014 had issued instructions (on the basis of order dated 26.09.2013 passed by the Hon'ble Punjab & Haryana High Court, in CWP 10644 of 2010) that while initiating proceedings against any consumer, the competent authority of the PSPCL must quote the relevant regulations of the Supply Code or any other regulations framed by the competent authority under the EA, 2003. These instructions have been again reiterated vide CC No. 30/2015 dated 05.08.2015 for strict compliance as PSERC had taken serious view of non-compliance of these instructions.

- (xi) The Notice of ₹ 13,66,605/- as issued by the Respondent was not supported by any rule of Supply Code, as such liable to be withdrawn. The Respondent was required to quote rule/regulation under which account from 17.10.2017 to 02.02.2023 i.e. for more than 5 years and 3 months had been overhauled so that appropriate objections/ reply can be given.
- (xii) In addition to above, it was further brought out for the kind consideration of this Court as under:-
- (i) The O/o of the Respondent had not rectified the calculation of charges inspite of request by the Appellant many times by visiting the O/o the Respondent. What to talk about providing month-wise calculation, the O/o the Respondent had not rectified the very apparent mistake which was due to taking of wrong reading of Solar meter as 53948 kWh as on 11.01.2023 (which was recorded by Sr. Xen/ Enf. as per checking dated 11.01.2023) in the calculation sheet whereas the account had been overhauled up to 05.08.2023 as per final reading of meter replaced on 05.08.2023. The Import reading has been assumed as 243117 (reading as on 05.08.2023 as per export register) whereas Solar Reading has been taken as 53948 kWh although Sr. Xen/ Enf. Cum MMTS vide checking dated 04.08.2023 verified the

reading of Solar Meter as 60053 kWh and the reading of same meter should be more than even 60053 kWh as on 05.08.2023.

(ii) The Respondent in his reply to Rejoinder submitted before the Corporate Forum that “as the accuracy of the meter could not be checked on the spot, after analyzing the readings of the meters still the production of solar units was from period 02.02.2023 to 10.07.2023 was 4759 kWh but units exported by Bi-directional meter were 21303 kWh units which was checked by concerned JE vide LCR No. 38/2420 dated 10.07.2023. Therefore, it was evident from the above data that the Bi-directional meter was not functioning properly and needs to be checked in ME Lab. and replaced.” It was thus clear that working of the Bi-directional meter was not in order i.e. Bi-directional meter was defective. However, neither the Respondent’s Office nor Sr. Xen/ Enf. cum EA&MMTS checked the accuracy of meter at site conditions although the connection of the Appellant was checked 5-6 times by Operation officials and Sr. Xen/ Enf. cum EA&MMTS but only readings were recorded which cannot be considered as reliable as the Bi-directional meter was not working properly at site

conditions, although accuracy of Bi-directional meter was found within limits in ME/ Lab.

(iii) The main observation of the Corporate Forum is that:-

a) The output of the Solar Plant of the Appellant was connected to the input terminals of the Bi-directional meter i.e. to the PSPCL mains by-passing the Bi-directional meter. This mistake was corrected on 17.01.2023 as submitted by the Respondent.

b) The service cable was inserted through the CT Box in reverse direction as a result of which P2 sides of all the CT's faced Supply side instead of Load side and current flew in reverse direction in all the CT's. Consequently, the readings/ consumptions which were supposed to be recorded in the Import register of the Bi-directional meter of the Appellant were recorded in the Export Register and vice-versa with rider that Zero Export energy was recorded from date of installation of the Bi-directional meter i.e. 17.10.2017 as this type of mistake in connections in all probability occurs at the time of initial installation. From 17.01.2023 to 22.08.2023 the Export Energy was recorded in the Import Register of the Bi-directional meter. This discrepancy in

connections was got set-right by ASE/ Enf. Cum EA&MMTS-1, Ludhiana on 22.08.2023 while rechecking the connections of the meter on instructions of the Forum.

- (xiii) The observations/ Conclusion of the Corporate Forum was based on wrong assumptions. As confirmed by the Respondent and already explained above, the Bi-directional meter was not functioning properly then how the readings as per Bi-directional meter can be relied upon for overhauling the account. Further, how it can be ascertained that the readings/ consumptions which were supposed to be recorded in the Import register of the bi-directional meter of the Appellant were recorded in the Export Register and vice-versa and how the same can be considered as correct. It was also brought out to the kind notice of this Court that the readings/ import consumption as assumed by the Corporate Forum was even more than the consumption as worked out with LDHF Formula. Further, the Forum in its proceedings dated 11.07.2023 observed that bills issued prior to 17.01.2023 were generated on readings recorded with meter status 'O' Code and directed the Respondent to comment upon the grounds of overhauling the account on LDHF basis (which was

overhauled for more than 5 years). Thus it was highly unjustified to order the overhauling of account for a period of more than 5 years just by relying readings as recorded from inaccurate meter that too from Export Register and assuming it as accurate Import readings /consumptions.

- (xiv) The Corporate Forum in numerous Cases restricted the period of overhauling to 6 months in Case of wrong connections (wrong phase association). In the Case of Sh. Anoop Singh (CGL-369 of 2020), the CGRF vide its order dated 09.04.2022 ordered for overhauling of account only for 6 months as per regulation 21.5 of supply Code instead of for 5 years as overhauled by the Model Town (Spl.) Divn., PSPCL, Ludhiana due to wrong connections. Similarly, CGRF, Patiala in the Case of Ashish Kumar (Case No. 219 of 2017) relating to alleged wrong connections vide order dated 17.11.2017 restricted the overhauling of account to 6 months instead of 33 months (as overhauled by City West Division, Ludhiana). Further, this Court vide order dated 20.07.2018 in Appeal Case No. 07/2018 (Ashish Kumar) allowed the Appeal and ordered the overhauling of account for 6 months (instead of 33 months) in Case of wrong connection in view of Regulation

21.5.2 (a) of the Supply Code, 2014 i.e. on the basis of energy consumption of corresponding period of previous year.

(xv) The present Appeal Case of the Appellant also relates to wrong connections (CT's were installed in reverse direction) as such account was required to be overhauled only for 6 months prior to replacement of Bi-directional meter as per provisions of Regulation 21.5 of the Supply Code, 2014 instead of overhauling of account for more than 5 years on the basis of readings as recorded from inaccurate Bi-directional meter that too from Export Register and assuming it as Import readings/ consumption.

(xvi) In view of position explained above, it was humbly requested to allow the Appeal, set-aside the decision dated 14.09.2023 of Corporate Forum and may kindly order the overhauling of account for 6 months as per provisions of Regulation 21.5 of the Supply Code, 2014.

(b) Submission during hearing

During hearing 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 having DS (Solar) Category Connection.

The approved/ sanctioned load was 45.1964 kW. The connection of the Appellant was checked by the Enforcement vide ECR No. 36/1014 dated 11.01.2023 due to import reading being stagnant and as per ECR report, the reading of solar meter was found to be 53948 kWh and the import reading of bidirectional meter was found to be 167 kWh whereas the export reading was 214233 kWh and Net Consumption reading was 214065 kWh. After rectifying the connection of the meter on 17.01.2023, the meter of the Appellant was checked vide LCR No. 8/2408 dated 02.02.2023 and as per LCR, the import reading of the Appellant's meter was found to be increasing from the last recorded readings. As per comments of the ECR, the account of the Appellant was overhauled from the date of installation of solar meter i.e. 17.10.2017 till 02.02.2023. While overhauling the account of the Appellant, the import consumption was calculated vide LDHF formula and export

consumption was taken as total solar consumption. The account was overhauled as per net consumption (Import Consumption — Export Consumption). The Appellant was served notice vide Memo No. 746 dated 26.03.2023 for amount of ₹ 13,66,605/-. The Appellant did not agree with the charged amount and he had filed the petition before the Corporate Forum, Ludhiana.

(ii) The Forum decided as under:-

a) Import Energy: All consumption recorded in the Export Register of the bi-directional meter of the petitioner from its installation on 17.10.2017 to 22.08.2023 when CTs were got installed in correct direction, be taken as Import consumption of this period.

b) Export Energy: Entire energy generated by the SPV plant of the petitioner as recorded by the Solar/Check meter of petitioner during the period from 17.10.2017 to 17.01.2023 be treated as Solar Energy. Further, energy recorded in the Import Register from 17.01.2023 to 22.08.2023 also treated as Export Energy.

Wherever the readings of any parameter at a particular date are not available these are to be worked out on pro-rata basis.

Notice no. 746 dated 28.03.2023 amounting to Rs. 1366605/- be quashed. Account of the petitioner be overhauled for the period from 17.10.2017 to 22.08.2023 on the basis of Import and Export energies worked out as above. Settlement period ending September every year be kept in view while overhauling the account.

(iii) On the basis of above, the Respondent had done the calculation as per the decision of the Forum which turned out to be ₹ 16,26,328/- and the Sundry No. 57/30 SAP-40 of the same had been sent to the office of Senior Xen, CBC, PSPCL, Ludhiana for further approval and the revised notice of the same had also been sent to the Appellant vide Memo No. 1669 dated 07.11.2023 amounting to ₹ 2,59,723/- (₹ 16,26,328/- —

₹ 13,66,605/-) which was the difference of amount as per above decision to be charged and amount already charged to the Appellant.

- (iv) At present, approval of the above sundry calculation is pending on the part of O/o Senior Xen/ CBC, PSPCL, Ludhiana as they had conveyed the Respondent through e-mail that the calculation was related to audited period and pre-audit was required in this case. The sundry needs to be resubmitted after revising the calculation and due pre-audit so as to safeguard the interest of PSPCL.
- (v) In compliance to the above stated instructions by O/o Senior Xen, CBC, PSPCL, Ludhiana, the Respondent had sent the revised calculation vide Memo No. 70 dated 22.01.2024 to the O/o AO/Field-2, PSPCL, Ludhiana for pre-audit purpose and which is still under process.
- (vi) So, it is also requested that the above calculation is not rejected by the O/o Senior Xen, CBC, PSPCL, Ludhiana as stated by the Appellant in its plea regarding the delay in filing of the Appeal as the same is pending for pre-audit purpose and only after which the sundry can be adjusted in the account of the Appellant. Further, the Respondent had timely provided the calculation sheet to the Appellant as and when requested.

(vii) Therefore, keeping in view the above mentioned reasons, the plea of the Appellant regarding the delay in filing the Appeal should be ruled out as the Appellant did not file the Appeal within 21 days from the date of notice i.e. 07.11.2023.

(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 14.09.2023 of the Corporate Forum, Ludhiana in Case No. CF-079/2023.

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

(i) The Corporate Forum in its order dated 14.09.2023 observed as under:-

“Forum observed that Petitioner installed Rooftop SPV plant for his connection which was commissioned on 17.10.2017. Connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-1, Ludhiana on request of AEE/T-1, Aggar Nagar that Import Reading of the meter of the petitioner was not increasing and ECR no. 36/1014 dated 11.01.2023 was prepared, wherein it was mentioned as under: -

“ਮੌਕੇ ਤੇ Solar ਮੀਟਰ ਵਿੱਚ ਦਰਜ KWH-053948 ਹੈ (check ਮੀਟਰ) ਜਦੋਂ ਕੀ Bi-directional ਮੀਟਰ ਵਿੱਚ KWH (Import) = 167

(Export) = 214233 ਹੈ

$C_n = 214064$ (KWH)

ਜੋ ਕਿ ਮੇਲ ਨਹੀਂ ਖਾ ਰਹੀ ਹੈ। ਇਸ ਤੋਂ ਜਾਪਦਾ ਹੈ ਕਿ Solar ਮੀਟਰ ਦੇ ਕੁਨੈਕਸ਼ਨ Bi-directional ਮੀਟਰ ਦੇ ਨਾਲ ਸਹੀ ਤਰ੍ਹਾਂ ਨਾਲ ਨਹੀਂ ਕੀਤੇ ਗਏ। ਕੁਨੈਕਸ਼ਨ check ਕਰ ਲਏ ਜਾਣ। ਕੁਨੈਕਸ਼ਨ ਠੀਕ ਕਰਨ ਉਪਰੰਤ Import ਅਤੇ Export ਰੀਡਿੰਗਾਂ check ਕਰ ਲਈਆਂ ਜਾਣ। ਉਸ ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ Solar ਮੀਟਰ ਲੱਗਣ ਦੀ ਮਿਤੀ ਸੋਧਿਆ ਜਾਵੇ।

PSPCL ਦੀਆਂ ਹਦਾਇਤਾਂ ਮੁਤਾਬਕ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ। Accuracy ਲਈ ਮੀਟਰ ਨੂੰ ਸੀਲ ਪੈਕ ਕਰਕੇ ME Lab ਵਿਖੇ ਖਪਤਕਾਰ ਦੀ ਹਾਜ਼ਰੀ ਵਿੱਚ check ਕਰਵਾਇਆ ਜਾਵੇ।”

After that with reference to the above ECR, connection of the petitioner was again checked by JE and AE/T Unit-2, Aggar Nagar Divn. on 02.02.2023 and LCR no. 8/2408 was prepared wherein it was mentioned as under: -

“Enforcement-1 ਦੀ ECR no. 36/1014 ਮਿਤੀ-11/1/2023 ਦੇ ਸੰਬੰਧ ਵਿੱਚ ਵਧੀਕ ਨਿਗਰਾਨ ਇੰਜੀ: Enf. -1, ਜੀ ਦੀ ਹਦਾਇਤ ਤੇ ਚੈਕ ਕੀਤਾ। Enforcement ਵੱਲੋਂ ਲਿਖੇ ਮੁਤਾਬਿਕ ਮੀਟਰ ਦੇ ਕੁਨੈਕਸ਼ਨ ਮਿਤੀ 17/1/2023 ਨੂੰ ਠੀਕ ਕਰ ਦਿੱਤੇ ਗਏ ਸਨ, ਹੁਣ ਜਦ ਚੈਕ ਕੀਤਾ ਗਿਆ ਤਾਂ ਮੀਟਰ ਦੀ Import ਰੀਡਿੰਗ ਪਹਿਲਾਂ ਨਾਲੋਂ ਵਧੀ ਹੋਈ ਹੈ। ਇਸ ਮੁਤਾਬਿਕ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ ਜੀ।”

In accordance with above two checking, account of the petitioner was overhauled for the period from 17.10.2017 (i.e., date of installation of solar meter) to 02.02.2023 (i.e., date checking by JE). For overhauling, import consumption was calculated according to LDHF formula and Export consumption was taken as total solar generation and Net consumption worked out accordingly. Petitioner was issued notice no. 746 dated 28.03.2023 amounting to Rs. 1366605/- on account of this overhauling. Petitioner did not agree to this amount charged to him and filed his case in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 28.06.2023, 11.07.2023, 18.07.2023, 25.07.2023, 01.08.2023, 08.08.2023 and finally on 16.08.2023, when the case was closed for passing speaking orders. However, during preparation of the speaking order, it came to the notice of the Forum that Respondent had misled the Forum and had made incorrect submissions

before the Forum due to which the case was re-opened. Proceedings dated 18.08.2023 were prepared, wherein, it was mentioned as under: -

“On dated 16.08.2023, both respondent and petitioner completed their arguments and accordingly case was closed for passing speaking orders.

Independent Member while preparing the speaking order observed that the respondent has not placed true/factual position before the Forum stating that connections of the meters of the petitioner had been set right on dated 17.01.2023. Perusal of readings/ consumption according to LCR no. 8/2408 dated 02.02.2023 and ECR no. 34/1024 dated 04.08.2023 as tabulated below indicate that connections in fact have not set right, as earlier pattern is continuing: -

Sr. No.	Date	KWH Readings			
		Import	Export	Net	Solar
1.	04.08.2023	1612	242962	241350	60053
2.	02.02.2023	314	216919	216604	54625
Difference		1298	26043	24746	5428

In a period of about six months, when the SPV plant has generated only 5428 units, 26043 units have been recorded in the Export Register of the meter which is impossible. Same anomaly had been pointed out vide enforcement ECR no. 36/1014 dated 11.01.2023 which is continuing upto 04.08.2023. The meter of the petitioner stands checked up in ME Lab on 12.08.2023 where it has been found OK. It is evident that respondent has misled the Forum stating that connections of the meter have been set right on 17.01.2023.

Forum considered the above observation and viewed it as serious lapse on part of the respondent and decided to re-open the case. Dy. CE/Enforcement, Ludhiana be directed to get the connections of the said meter, rechecked threadbare immediately.

Respondent is directed to coordinate with Dy. CE/Enforcement, Ludhiana immediately and submit his comments on fresh ECR before next date of hearing and is further directed to send one copy of the same to petitioner

simultaneously. Petitioner may submit his comments to the same on or before the next date of hearing.

Sr. Xen must personally appear before Forum on next date of hearing."

After this case was reopened and was heard on 29.08.2023 and finally on 05.09.2023, when the case was closed for passing speaking orders.

Forum observed that Bi-directional meter was installed for the connection of the petitioner on 17.10.2017 as he had installed Rooftop SPV plant. AEE/Tech Unit-1, Aggar Nagar requested ASE/Enf. cum EA & MMTS-1, Ludhiana vide Memo no. 11 dated 10.01.2023 to check up connection of the petitioner because Import Reading was not increasing in his bill. Checking was carried out by ASE/Enf. cum EA & MMTS-1, Ludhiana and ECR no. 36/1014 dated 10.01.2023 was prepared and it was mentioned in it that it appears that connections of the Solar Meter with the bi-directional meter have not been done correctly and connection be checked up. It was astonishing for the Forum to read this ECR that ASE/Enforcement, instead of getting the connection set right in his presence during checking, ordered those connections be checked up. AE/Tech, Unit-1 claimed in his LCR no. 8/2408 dated 02.02.2023 that the connections had been set-right on 17.01.2023 following the direction of ASE/Enf. cum EA & MMTS-1, Ludhiana. This again was astonishing that no LCR or any other site report was prepared on 17.01.2023 when connections were set right as claimed by the Respondent. Further reading of Import Register of the meter (actually Export, because the meter had been recording energy in reverse order/direction upto 22.08.2023 due to wrong polarity as declared by Sr. Xen/MMTS-1, Ludhiana during checking on 22.08.2023) remained static at 167 KWH till December 2022 (reading on 01.01.2023 at 00:00 Hrs is 167.66 KWH as depicted in DDL report). However, it increased to 292.66 KWH on 01.02.2023 at 00:00 Hrs as per DDL, confirming the claim

of the Respondent that the output of the solar system was connected to the input terminals of the meter i.e., directly to the PSPCL mains and it was connected to the output terminals of the meter on 17.01.2023; is correct as per the information available in the DDL. However, AAE/Tech, Unit-1, Aggar Nagar did not prepare any LCR or Site Report on 17.01.2023 for the reasons best known to him, which was a blunder because description of infirmity in connections and readings of 17.01.2023 when this infirmity was removed, of course partially, are not available.

Connection was again checked by ASE/Enf. cum EA & MMTS-1, Ludhiana on 04.08.2023 and ECR no. 34/1024 dated 04.08.2023 was prepared and it was duly mentioned in it that reading of Export is very high whereas that of Import is less. This may be looked into. It is again astonishing that everybody is expecting somebody else to do something about such a serious issue. Although Respondent had claimed that the connections of the meter had been set right on 17.01.2023, Forum apprehended during the course of preparing the speaking order that something was still wrong with the connections and decided to re-open the case. While re-opening the case on 18.08.2023, Forum specifically directed Dy. CE/Enforcement, Ludhiana to get the connection of the meter of the petitioner checked threadbare and finally ASE/Enf. cum EA & MMTS-1, Ludhiana declared in ECR no. 33/1025 dated 22.08.2023 that polarity of the CT's was reverse i.e., P₁P₂ are in reverse direction and connections have been set right at the following readings: -

	Imp	Exp	Net
KWH	10.76	162.12	151.35

It was directed by ASE/Enf. cum EA & MMTS-1, Ludhiana to look into the billing data of the petitioner accordingly.

Hence, Forum observed that since connections of the CT's were in reverse direction, it meant that the Bi-directional meter had been recording Import Energy in Export Register and vice-versa and this mistake continued from date of installation of the Bi-directional meter i.e., 17.10.2017 up to 22.08.2023 i.e., date of checking vide ECR no. 33/1025 up to the following readings: -

	Imp	Exp	Net
KWH	10.76	162.12	151.35

Forum observed further that effect of these wrong connections is visible in DDL as reading of Reverse KWH i.e., Export Energy on 11.01.2023 at 00:00 Hrs was 214145 KWH whereas Solar Plant had generated just 53948 KWH only upto 11.01.2023 as per ECR no. 36/1014 dated 17.01.2023. Also, Reverse KWH i.e., export of energy has been recorded during night hours on all days, entries of which have been depicted in DDL Report.

In addition to the above infirmity, all energy generated by the Solar System of the petitioner was fed into the Distribution System of PSPCL directly, without being recorded in the Bi-directional meter upto 17.01.2023 and from 17.01.2023 onwards, it was recorded in the Import Register of the meter upto 22.08.2023 when connections were set right finally. Hence, the entire generation of the Solar Plant from the date of its commissioning upto 17.01.2023 is to be treated as energy exported and energy recorded in the Import Register from 17.01.2023 to 22.08.2023 is also to be treated as energy exported as CTs remained installed in reverse direction during this period. So far as reading(s)/ consumption(s) of Import are concerned these are those which have been recorded in the Export Register of the meter during the period from date of its installation i.e., 10.10.2017 upto 22.08.2023 when the connections of CT's were set right. Further, the instructions regarding settlement period are required to

be kept in view while overhauling the account of the petitioner. The readings of a particular date, wherever not available, are required to be obtained on pro-rata basis.

From the above facts and discussion, Forum came to the conclusion that connections of the bi-directional meter were wrong from its installation i.e., from 17.10.2017. Forum during its proceedings dated 18.08.2023 had directed Dy. CE/ Enforcement, Ludhiana to get the connection of the meters of the petitioner checked threadbare. Consequently, ASE/ Enf. cum EA & MMTS-1, Ludhiana rechecked the connection on 22.08.2023 and declared in ECR no. 33/1025 dated 22.08.2023 that CTs were installed in reverse direction and got these installed correctly. In addition to this, output cable of the SPV plant was connected to the Input terminals of the bi-directional meter i.e., directly to the supply mains of PSPCL which was set right on 17.01.2023. Hence, all readings of Import and resultant consumptions are to be treated as readings/consumptions of Export for the period from 17.10.2017 to 22.08.2023 with rider that Export was zero from 17.10.2017 to 17.01.2023.

Forum observed further that the petitioner has been subjected to unmeasurable harassment for no fault on his part. In this case, the following developments are worth noting with concern: -

1. DS staff installs CTs in reverse direction and connects solar output cable to the input terminals of the bi-directional meter at the time of its installation on 17.10.2017.
2. It comes to the notice of AEE/Tech Unit-1 that something is wrong with the connections and he writes to Enforcement on 10.01.2023 to check up the connections.
3. ASE/Enf. cum EA & MMTS-1, Ludhiana checks the connection on 11.01.2023 and records that connections appear to be wrong and these should be checked.

4. AEE/Tech. Unit-1, Aggar Nagar prepares LCR on 02.02.2023 and states in it that the connection had been set right on 17.01.2023 but Respondent has no answers why no LCR/Site Report was prepared on 17.01.2023 which was a basic document and was utmost necessary.
5. AEE/Comm., Aggar Nagar overhauls the accounts of the petitioner using LDHF formula and charges an amount of Rs. 1366605/- to the petitioner whereas no such provision exists in the Supply Code.
6. ASE/Enf. cum EA & MMTS-1, Ludhiana again checks site on 04.08.2023 and does not make any effort to detect and correct the infirmity in connections. He again asks to look into the matter of unexpected Import/Export readings.
7. Prosumer approaches the Forum and Respondent makes a false submission before Forum that connections of the petitioner had been set right on 17.01.2023. During proceedings of the case when directions are issued by the Forum to take action against officials responsible for making wrong connections, he states that it is not possible because consumer case is untraceable. When pressed further, he writes a letter to AEE/Tech Unit-1, Aggar Nagar vide which he asks for details of action taken by him against responsible officials as CCGRF is asking for the same. This shows that he feels that he had no responsibility to take such action.

The above narration is sufficient to exhibit a state of total abdication of responsibility by officers/officials of DS as well as Enforcement Officers. Forum during preparation of speaking order apprehended that connections of the meter of the petitioner were not set-right contrary to the false submissions of the Respondent and was thus compelled to re-open a closed case. Apprehension of the Forum came out to be true when ASE/Enf. cum EA & MMTS-1, Ludhiana on the directions of the Forum dated 18.08.2023 rechecked the connection vide ECR no.

33/1025 dated 22.08.2023 and declared in it that CT's have been installed in reverse direction.

From above listed facts and discussion, Forum feels that a detailed enquiry is required to be conducted by Chief Engineer/Technical Audit to identify all officials/officers involved in the acts of omission and commission listed under para 1 to 7 above and responsibility is required to be fixed.

Forum observed that there were the following two infirmities in the connections of the meter of the petitioner: -

- i. The output of the Solar Plant of the petitioner was connected to the input terminals of the Bi-directional meter i.e., to the PSPCL mains by-passing the Bi-directional meter. This mistake was corrected on 17.01.2023 as submitted by the Respondent.
- ii. The service cable was inserted through the CT Box in reverse direction as a result of which P2 sides of all the CT's faced Supply side instead of Load side and current flew in reverse direction in all the CT's. Consequently, the readings/consumptions which were supposed to be recorded in the Import register of the bi-directional meter of the petitioner, were recorded in the Export Register and vice-versa with rider that Zero Export energy was recorded from date of installation of the Bi-directional meter i.e., 17.10.2017 as this type of mistake in connections, in all probability occurs at the time of initial installation. From 17.01.2023 to 22.08.2023 the Export Energy was recorded in the Import Register of the Bi-directional meter. This discrepancy in connections was got set-right by ASE/Enf. cum EA & MMTS-1, Ludhiana on 22.08.2023 while rechecking the connections of the meter on instructions of the Forum.

The Forum have gone through written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder and its replies along with the

relevant material brought in the record. Keeping in view the above, Forum is of the opinion that account of the petitioner is required to be overhauled for the period from 17.10.2017 to 22.08.2023 as under: -

- a) Import Energy: All consumption recorded in the Export Register of the bi-directional meter of the petitioner from its installation on 17.10.2017 to 22.08.2023 when CTs were got installed in correct direction, is required to be taken as Import energy during this period.
- b) Export Energy: Entire energy generated by the SPV plant of the petitioner as recorded by the Solar/Check meter of petitioner during the period from 17.10.2017 to 17.01.2023 is to be treated as Export Energy. Further, energy recorded in the Import Register from 17.01.2023 to 22.08.2023 is also to be treated as Export Energy.

Wherever the reading of any parameter at a particular date is not available, it is to be worked out on pro-rata basis. Notice no. 746 dated 28.03.2023 amounting to Rs. 1366605/-, is liable to be quashed. Account of the petitioner is required to be overhauled for the period from 17.10.2017 to 22.08.2023 on the basis of Import and Export energies worked out as above. Settlement period ending September every year is required to be kept in view while overhauling the account.

- (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. Sr. Xen/ Enf.-1, Ludhiana declared vide ECR No. 33/1025 dated 22.08.2023 that the polarity of the CTs was reversed i.e. P1 & P2 were in reverse direction. As a result of which P2 side of all the CTs face supply side instead of Load side and the current from the PSPCL flowed in the reverse

direction in all the CTs. Consequently, the readings/ consumption which was supposed to be recorded in Import Register of the Bi-directional meter were recorded in the Export Register till the rectification of the connections of the CTs polarity upto 22.08.2023 as per above checking report of the Sr. Xen/ Enf.-1, Ludhiana. Hence, the total Import energy from the PSPCL was recorded in Export Register of the Bi-directional meter from 17.10.2017 to 22.08.2023.

- (iii) It is also observed by this Court that the output of the Solar Plant of the Appellant was connected to the input terminals of the Bi-directional meter i.e., to the PSPCL mains by-passing the Bi-directional meter as submitted by the Respondent & according to his checking vide LCR No. 8/2408 dated 02.02.2023. In this LCR, it was declared by the Respondent that the Solar Plant cable which was previously connected to the PSPCL side has been set right on 17.01.2023. Therefore, it can be inferred that actually Export energy was recorded in the Bi-directional meter in respect of generation by the Solar Plant since 17.10.2017 to 17.01.2023 due to this discrepancy. However, the Solar Plant generation was recorded in the Solar meter installed at the premises of the Appellant. So the Export energy from 17.10.2017 to 17.01.2023 of the Solar plant has

been recorded in the Solar meter installed at the premises. As the polarity of the CTs was set right on 22.08.2023 by the Sr. Xen/ Enf.-1, Ludhiana vide ECR No. 33/1025 dated 22.08.2023, so the Export energy due to the generation from the Solar plant has been recorded in the Import Register of the Bi-directional meter from 17.01.2023 to 22.08.2023.

- (iv) As per the above discussions, the prosumer be issued Revised bills after correcting the Import & Export readings for the period from 17.10.2017 to 22.08.2023 as per the PSERC Tariff Regulations & PSERC Policy Regulations on Net Metering for Grid Interactive Roof Top Solar Photo Voltaic Power Plants, as applicable from time to time.
- (v) As a sequel of above discussions, I agree with the order dated 14.09.2023 in Case No. CF-079/2023 of the CCGRF, Ludhiana.
- (vi) It is observed by this Court that the negligence on the part of the officials/ officers of PSPCL in this case has caused huge mental agony & harassment to the prosumer & huge revenue loss to the PSPCL. It should be thoroughly investigated by the Chief Engineer/ Technical Audit & Inspection, Patiala & responsibility of the delinquent officials/ officers be fixed as directed by CCGRF, Ludhiana.

7. Decision

As a sequel of above discussions, the order dated 14.09.2023 of the CCGRF, Ludhiana in Case No. CF-079/2023 is hereby upheld.

Chief Engineer/ Technical Audit & Inspection, PSPCL, Patiala, is directed to conduct a detailed enquiry as ordered by the CCGRF, Ludhiana in Case No. CF-079/2023.

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 08, 2024
S.A.S. Nagar (Mohali).

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