

**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. 03/2025

**Date of Registration : 27.02.2025
Date of Hearing : 06.03.2025, 24.03.2025
Date of Order : 02.04.2025**

Before:

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

In the Matter of:

M/s. K.K. Rice Mills,
Mannwala Road,
Dhuri-148024.

Contract Account Number: S82MS820265H (MS)
...Appellant

Versus

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

...Respondent

Present For:

Appellant: Sh. Kashmir Singh,
Appellant's Representative.

Respondent : Er. Inderjit Singh,
Addl. SE, DS Division, PSPCL,
Dhuri.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 15.01.2025 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-196/2024, deciding that:

- “i. Notice no. 3655 dated 22.10.2024 of AEE/DS, Suburban Dhuri, amounting to Rs. 1562294/- due to difference of units & slowness of 21%, be quashed. The billing of the Complainant be done as per the actual reading of 147893.6 on 07.04.2024 recorded in DDL report. The bills issued for the period from 26.12.2023 to 07.04.2024 on ‘D’ code be revised accordingly. The account of the complainant be overhauled for the period 08.04.2024 to 18.04.2024 (i.e. date of replacement of metering equipment) on the basis of average consumption recorded during 22.01.2024 to 07.04.2024 being seasonal period, as per Reg. 21.5.2 (c) of Electricity Supply Code and Related Matters Regulations-2014.*
- ii. CE/DS South, is directed to investigate the matter and responsibility of the delinquent official(s)/officer(s) be fixed for non-compliance of various instructions of PSPCL, which have resulted into recurring financial loss to PSPCL.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 27.02.2025 i.e. beyond the period of thirty days of receipt of the decision dated 15.01.2025 of the CCGRF, Ludhiana in Case No. CF-196/2024 by the Appellant. The Appellant had deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on

27.02.2025 and copy of the same was sent to the Addl. SE/ DS Division, PSPCL, Dhuri for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 138-140/OEP/A-03/2025 dated 27.02.2025.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 06.03.2025 and intimation to this effect was sent to both the parties vide letter nos. 148-149/OEP/A-03/2025 dated 28.02.2025. As scheduled, the hearing was held in this Court on 06.03.2025 and arguments of both the parties were heard. The next date of hearing was fixed for 24.03.2025. An intimation to this effect alongwith the copies of the proceedings dated 06.03.2025 was sent to both the parties vide letter nos. 168-69/OEP/A-03/2025 dated 06.03.2025. As scheduled, the hearing was held in this Court on 24.03.2025 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 06.03.2025, the issue of condoning of delay in filing the Appeal beyond the stipulated period was taken up. The Appellant's Representative submitted that the Appellant

did not have any knowledge of the amount payable as per decision dated 15.01.2025 of the Corporate Forum, Ludhiana until it received Notice No. 286 dated 10.02.2023. So, the delay was due to late receiving of Fresh Notice from the PSPCL. The Appellant's Representative requested this Court 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 MS Category Connection with Sanctioned Load of 91 kW/ 91 kVA under DS Division, PSPCL, Dhuri in the name of M/s. K. K. Rice Mills.
- (ii) The Appellant requested that the PSPCL, Dhuri, Sub Division issued Notice No. 3655 dated 22.10.2024 for deposit of ₹

15,62,294/- as per checking conducted by the Sr.Xen/Enforcement-cum-EA & MMTS, Barnala as per ECR No. 38/1019 dated 18.03.2024.

- (iii) The above Notice is challenged before the Hon'ble CCGRF, Ludhiana as case no. CF-196 /2024 on 09.12.2024. The amount of ₹ 3,13,000/- as 20% of disputed amount deposited as per Rt. No. 305/56573 dated 02.12.2024. The case is decided partial in our favour.
- (iv) The PSPCL, Dhuri Sub urban, Sub Division has issued Notice No. 286 dated 10.02.2025 for deposit of ₹ 3,32,843/- after adjustment of ₹ 3,13,000/- already deposited as per decision of the Forum. The calculation is not supplied.
- (v) Hence, total amount of ₹ 6,45,843/- is charged instead of ₹ 15,62,294/-.
- (vi) The Forum has decided the case by ignoring the Rules & Regulation of the PSPCL and by ignoring our genuine request. So, with no satisfaction with the decision of the Forum, the Appeal is being filed.
- (vii) The reading official recorded on 24.01.2024 as meter defective and 'D' Code recorded in the reading record. The 'D' Code (meter defective) was shown from 24.01.2024 to 25.03.2024. The meter was checked by the Enforcement, PSPCL, Barnala as

per ECR No. 38/1019 dated 18.03.2024 and it is reported as below:-

“It was reported that voltage of Blue phase on display of meter was shown as 0.01V, but voltage on meter terminal point between Blue phase and Neutral was 61.8 V as checked with clamp on meter, current of Red Phase on meter display was 0.8 A, whereas on meter terminal it was 2.4 A, meter was defective.”

(viii) As per Enforcement Report, meter declared defective at site. The meter is changed as per the PSPCL meter change order no. 165/53391 dated 07.02.2024 on 18.04.2024. The removed meter checked in the ME Lab. as per Challan No. 130 dated 18.10.2024. It is mentioned in the ME Lab. Challan that meter is running out of limit and meter is running slow 21%. The meter is declared as defective and directed to overhaul account with Slowness Factor. On the one side the meter is declared defective in the Report and in the same report it is directed to overhaul the account with slowness 21%. If the meter is defective then the account should be overhauled by treating meter defective.

(ix) The Electricity Supply Code, 2014 Clause 21.5.2 (a) should be applied. So, the account should be overhauled for six months on the basis of consumption recorded in the previous year in the same period. The PSPCL has charged the difference of meter

reading of 168326 units and on account of slowness of 44745 units on the difference of units = Total Units 213071 units charged. Whereas the reading/ consumption recorded in the meter is not accurate due to meter defective, then the reading recorded in the meter is also not acceptable.

- (x) The account should be overhauled by ignoring the consumption/reading recorded by the defective meter as per Supply Code Clause 21.5.2(a).
- (xi) The parameter of meter recorded by the Enforcement at site of voltage and current in the meter and on terminal point is different which means meter defective.
- (xii) The load used by the Appellant from the month January, 2021 to April, 2024 is upto 2-3 kW (except 3-4 months). So, it is not possible that such heavy consumption is possible for the 2-3 kW as per consumption data supplied by the PSPCL.
- (xiii) The reading recorded on 26.12.2023 as per 'OK' Code is 108205 units. It means the meter was working correctly upto 26.12.2023. On 24.01.2024 meter reading became defective so the 'D' Code is recorded by the meter reader/JE.
- (xiv) As the reading recorded in ME Lab. Challan is 193234 units, the meter was changed on 18.04.2024. So, as above consumption

from 26.12.2023 to 18.04.2024 is considered by the PSPCL as below:-

Reading	18.04.2024	=	193234
Reading	26.12.2023	=	<u>108205</u>
			85129

Multiplying Factor	x2	
CONSUMPTION (113 DAYS)	=	170258 Units
Slowness Units	=	44745 Units
Total Consumption with Slowness	=	215003
Units Consumption per month (215003/113x30)	=	57080 Units

(xv) As per LDHF Formula, if total load 69.49 kW is used for 24 hours, then consumption comes as = $69.49 \times 25 \times 24 = 41694$ Units.

(xvi) As per above, the consumption taken by the PSPCL per month comes to 57080 units which is never recorded during last five years as per consumption data before and after change of meter.

If the total load is used 24 hours then the consumption per month comes 41694 units. The reading recorded as per DDL is not relied upon as meter declared defective by the PSPCL meter reader as well as by the Enforcement as per ECR No. 38/1019 dated 18.03.2024. So, the consumption recorded as per ME Lab. is not relied upon due to meter defective.

(xvii) It is further stated that the capacity of the Rice Sheller is only one ton and from the last three years, the work of Rice Sheller is very less and so the load is never used in full capacity. There is no any dryer and sortex machine. The paddy is very less stored. The consumption data supplied by the PSPCL also shows that

during last three years, the consumption is very low even during seasonal period (from Oct to May).

(xviii) The member finance and independent member of commercial organization of the PSPCL has wrongly advised for the overhauling of the account of the Appellant as per Supply Code 21.5.2 (c) & (d).

(xix) Whereas the 21.5.2 (c) & (d) is reproduced as below:-

21.5.2 (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.

21.5.2 (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.

(xx) The above instruction is applicable only in such case where the consumption of previous year of the corresponding month is not available whereas in this case the consumption of the previous year is available.

(xxi) The Chairperson of the Hon'ble CCGRF is also not agree with the opinion of the member finance/ independent member and permanent invitee from O/o EIC/Commercial and he expressed his views that due to meter defective the average bill already

issued on average basis. So, there is no need to overhaul the account as per reading and slowness is not genuine. So, the amount charged should be quashed.

(xxii) The Forum decided the case on the basis of majority vote. The Forum has not considered the previous consumption pattern, load used and report of ME Lab. and Enforcement Report and report meter defective by the meter reader. The instruction of the PSPCL regarding defective meter as per Clause 21.5.1 also not implemented with true spirit. The consumption of the defective meter is considered for overhauling of account which is not justified. So, it is requested that the order issued by the CCGRF in above case CF-196/ 2024 may be quashed and relief may be provided to the Appellant.

(xxiii) It is further requested that the amount of ₹ 6,45,843/- charged as per Notice No. 286 dated 10.02.2025 as per the Forum decision out of which ₹ 3,13,000/- is already deposited on 02.12.2024. The total disputed amount now is ₹ 6,45,843. The 40% of this disputed amount comes to ₹ 2,58,337/- whereas the Appellant has already deposited more than the required amount. Therefore, it is requested that the case may be registered without deposit of extra amount.

(b) Submission during hearing

During hearings on 06.03.2025 & 24.03.2025, 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 wrongly stated in its Appeal that DS Suburban Sub division, PSPCL, Dhuri issued letter no. 3655 dated 22.10.2024 to deposit the amount of ₹ 15,62,294/- with reference to the ECR No. 38/1019 dated 18.03.2024 of Additional S.E. Enforcement & MMTS, Barnala although this letter was issued as per the report of the Store Challan No. 130 dated 18.10.2024.
- (ii) It was correct that the Appellant had deposited 20% (i.e. ₹ 3,13,000/-) of the amount of ₹ 15,62,294/- vide B.A. 16 no. 305/56573 dated 02.12.2024 and filed its petition in the Corporate Forum, Ludhiana. As per the order of the Corporate Forum, Ludhiana the letter no. 3655 dated 22.10.2024 was dismissed and the amount of ₹ 15,62,294/- was reduced to ₹ 6,45,843/-. The letter no. 286 dated 10.02.2025 was issued to the

Appellant to deposit the amount of ₹ 3,32,843/- [₹ 6,45,843 (-) ₹ 3,13,000].

- (iii) It was correct that the bills were issued on 'D' code average basis for the period 24.01.2024 to 25.03.2024. The meter was declared as defective as per the report of ECR No. 38/1019 dated 18.03.2024 of Additional S.E. Enforcement & MMTS, Barnala. The defective meter was replaced vide MCO No. 165/53391 dated 18.04.2024 and the defective meter was checked in ME Lab vide Store Challan No. 130 dated 18.10.2024 with final readings as 169288 kWh/193234 kVAh and the meter was found working slow by 21%. As per the final reading 193234 kVAh and slowness of 21%, the notice was issued to the Appellant to deposit the amount of ₹ 15,62,294/-.
- (iv) The Appellant had wrongly stated that its account was overhauled by ignoring the Regulation 21.5.2 (a) of Supply Code-2014 as since the final reading was found in ME Lab so the Regulation 21.5.2 (a) of Supply Code-2014 was not applicable to overhaul the account.
- (v) The Appellant stated that from January, 2024 to April, 2024 (3-4 months periods) it had used 2-3 kW load so the heavy consumption was not possible but as per DDL report the consumption was correct.

- (vi) The Appellant had stated that its Rice Sheller was of 1 ton capacity and from last 3 years the work was less in the Rice Sheller. The last 3 years Milling and consumption details is as under:-

ਸਾਲ	Milling ਕੀਤੀ (in quintals)	ਬਿਜਲੀ ਦੀ ਕੀਤੀ ਖਪਤ (in units)
2021-22	16087	63212
2022-23	15712.50	5408
2023-24	13500	10338

From the above, no direct relation between the milling the consumption found because electricity consumption may increase/decrease due to any other reasons.

- (vii) The Appellant wrongly stated that the order was passed by the Corporate Forum, Ludhiana by ignoring the rules/regulations. The order was passed as per the DDL report. As per DDL report, the readings parameters were increasing normally till 07.04.2024. But after 07.04.2024, it increased abnormally. The Corporate Forum, Ludhiana had ordered to overhaul the account of the Appellant as per reading recorded in DDL till 07.04.2024 and for the period 08.04.2024 to 18.04.2024, due to abnormal

increase, the account be overhauled on average basis. Further, it was decided not to charge the Appellant for the slowness of 21%. The order of the Corporate Forum, Ludhiana was correct.

(viii) The ME Lab report issued vide letter no. 181 dated 21.03.2025 by Additional S.E, ME Lab, Patiala is as under:-

“1. ਮੀਟਰ ਦੀ B-Phase ਦੀ ਪੀ.ਟੀ, ਵੋਲਟੇਜ ਨੂੰ ਰੀਡ ਨਹੀਂ ਕਰ ਰਿਹਾ ਹੈ।

2. ਮੀਟਰ ਦੇ R-Phase ਦਾ ਸੀ.ਟੀ ਕਰੰਟ ਨੂੰ 21% ਘੱਟ ਰੀਡ ਕਰ ਰਿਹਾ ਹੈ।

ਉਕਤ ਦਰਸਾਏ ਗਏ ਡਿਫੈਕਟ ਵਿੱਚ ਪਹਿਲਾ ਨੰ.1 ਡਿਫੈਕਟ ਜਿਸ ਵਿੱਚ B-Phase ਪੀ.ਟੀ ਵੋਲਟੇਜ ਨੂੰ ਰੀਡ ਨਹੀਂ ਕਰ ਰਿਹਾ ਹੈ ਪਰ ਇਹ ਮੀਟਰ MQP-123 ਦੇ PO ਦਾ ਹੋਣ ਕਾਰਨ ਇਸ ਵਿੱਚ ਵੋਲਟੇਜ ਨਾਂ ਆਉਣ ਦੀ ਸਥਿਤੀ ਵਿੱਚ ਉਸਨੂੰ Compensate ਕਰਨ ਲਈ V Reference ਦੀ ਪ੍ਰਵੀਜ਼ਨ ਦਿੱਤੀ ਗਈ ਹੈ ਜੋ ਇਸ ਡਿਫੈਕਟ ਦਾ ਮੀਟਰਿੰਗ ਤੇ ਕੋਈ ਅਸਰ ਨਹੀਂ ਹੁੰਦਾ ਹੈ, ਪਰ ਡਿਫੈਕਟ ਨੰ. 2 ਕਾਰਨ ਮੀਟਰ 21% ਸਲੇਅ ਆ ਰਿਹਾ ਹੈ ਇਸ ਡਿਫੈਕਟ ਕਾਰਨ ਹੀ ਮੀਟਰ ਨੂੰ ਡਿਫੈਕਟਿਵ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਹੈ।”

(b) Submission during hearing

During hearings on 06.03.2025 & 24.03.2025, 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 15.01.2025 of the Corporate CGRF, Ludhiana in Case No. CF-196/2024.

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

- (i) The CCGRF, Ludhiana in its order dated 15.01.2025 observed as under:-

“Forum observed that as per message of SDO/Op.S/D Suburban Dhuri, connection of the complainant was checked by Sr. Xen/Enf. cum EA &MMTS, Barnala and ECR no. 38/1019 dated 18.03.2024 was prepared. The relevant portion of the checking report is reproduced below:

“Metering equipment ਦੀ display ਤੇ LHS ਅਨੁਸਾਰ reading/parameters note ਕੀਤੇ ਗਏ। ਮੀਟਰ ਦਾ DDL ਕੀਤਾ ਗਿਆ ਸਬੰਧਤ ਦਫ਼ਤਰ ਨੂੰ email ਕਰ ਦਿੱਤਾ ਜਾਏਗਾ। ਮੋਕੇ ਤੇ metering equipment ਦੀ display ਤੇ blue phase ਦੀ voltage 0.01 Vol show ਹੋ ਰਹੀ ਹੈ ਪਰੰਤੂ clamp on meter ਨਾਲ ਮੀਟਰ ਦੇ ਟਰਮੀਨਲ ਪੁਆਇੰਟਾਂ ਤੇ ਚੈਕ ਕਰਨ ਤੇ blue/Neutral ਵਿੱਚ ਵੋਲਟੇਜ 61.8 vol ਆ ਰਹੀ ਹੈ ਇਸ ਤਰ੍ਹਾਂ ਮੀਟਰ ਦੀ ਡਿਸਪਲੇ ਤੇ red phase ਦਾ ਕਰੰਟ 0.8 amp show ਹੋ ਰਿਹਾ ਹੈ ਪਰੰਤੂ ਮੀਟਰ ਟਰਮੀਨਲ ਤੇ ਕਲੰਪ ਮੀਟਰ ਨਾਲ ਚੈਕ ਕਰਨ ਤੇ 2.4 Amp ਆ ਰਿਹਾ ਹੈ। ਮੀਟਰ defective ਹੈ ਇਸ ਨੂੰ ਬਦਲੀ ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਢੁਕਵੀਂ ਸਮਰਥਾ ਦਾ ਮੀਟਰ ਲਗਾਇਆ ਜਾਵੇ। CT/PT room ਵਿੱਚ ਕੋਈ ਵੀ exhaust fan ਨਹੀਂ ਲੱਗਾ।

As per the directions given in the report, meter was replaced vide MCO no. 165/53391 dated 07.02.2024 effected on 18.4.2024. Replaced meter was checked in ME Lab vide challan no.130 dated 18.10.2024 it was reported as under: -

"B- Phase of meter shows 0 volt when 63.5 volts is applied also meter's R phase CT shows 3A current when 10A current is applied, Meter compensate B phase voltage by being Vref but during accuracy test meter show slowness (-21%) which is out of limit as per standard. Meter is defective. Slowness ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਸੋਧਿਆ ਜਾਵੇ।"

Accordingly, AEE/DS Suburban Dhuri, overhauled the account considering 21% slowness and final reading verified in ME Lab and issued notice no. 3655 dated 22.10.2024 to the complainant to deposit an amount of Rs. 1562294/-. Complainant did not agree to amount charged to him and filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent as under:

Year	2019		2020		2021		2022		2023		2024	
Month	Cons	Code	Cons	Code	Cons	Code	Cons	Code	Cons	Code	Cons	Code
Jan	11608	O	5228	O	16910	O	446	O	5490	O	402	O
Feb	14538	O	14456	O	14994	O	420	O	722	O	914	D
Mar	11646	O	14412	O	7826	O	338	O	290	O	419	D
April	16458	O	7292	O	9074	O	400	O	284	O	399	D
May	2318	O	11638	O	9140	O	442	O	228	O	0	C
June	1132	O	714	O	790	O	454	O	200	O	3714	O
July	1070	O	732	O	830	O	502	O	204	O	570	O
Aug	8301	I	726	O	802	O	498	O	572	O	232	O
Sept	344	O	890	O	874	O	462	O	762	O	214	O
Oct	866	O	858	O	558	O	464	O	646	O	198	O
Nov	1036	O	4812	O	844	O	444	O	484	O	414	O
Dec	5012	O	7828	O	570	O	538	O	456	O		
Total	74329		69586		63212		5408		10338		7476	

From the above data, the annual consumption of the complainant from 2019 to 2024 (up to 11/2024) has been recorded as 74329, 69586, 63212, 5408, 10338 & 7476 units respectively. Forum observed that consumption from year 2019 to 2021 is almost of the same order but there is noticeable fall in it from 2022 onwards.

During hearing, complainant stated that during 2023-24 he was allotted less milling in comparison to previous year.

Forum asked the complainant to submit the related documents in support of his claim. Complainant submitted few documents in respect of paddy stored as follows:

Capacity 1 ton	2021-22	2022-23	2023-24
Paddy stored (in Quintals)	16087	15712.500	13500

Forum observed that although allotted milling work during FY 2023-24 was comparatively less than milling work during previous year; yet documents submitted by complainant do not substantiate his claim vis a vis consumption recorded during previous years as quantum of milling is similar but consumption varies significantly.

Forum observed that as per ME lab report vide challan no. 130 dated 18.10.2024 meter is Vref compliant and it compensate energy even when B phase voltage was zero. However, contribution of R phase CT was also not proper as it was showing 3A current against applied current of 10A, thus causing slowness of 21%.

Forum scrutinized the load survey of DDL report of the meter in dispute submitted by the respondent and observed that there is considerable voltage drop from 11.03.2024 onwards but the meter being Vref compliant it has no effect in recording of energy. Further there are also variations in R phase current as compared to the other phases since 16.02.2024 (for the period data is available, which may cause less recording of consumption).

Forum also scrutinized the DDL report of the meter in dispute submitted by the Respondent as under: -

Table A: Readings as per consumption data and near most available readings in the DDL as under:

Sr. No.	Date	KVAH Reading as per consumption data	Date	KVAH Reading as per DDL
1.	31.10.2023	107776	22.10.2023	107733.4

2.	24.11.2023	108004	12.11.2023	107928
3.	26.12.2023	108205	22.11.2023	108015.06
			22.01.2024	108207.5

Table B: cumulative readings **Table C: cumulative energies reset wise**

Date	Reading (KVAH)	Cumulative energy at date 00:00 hrs	Fwd. KVAH
10.02.2024	113213.15		
11.02.2024	116651.75		
12.02.2024	116775.55	22.03.2024	137837
13.02.2024	117293.45	22.02.2024	124406
10.03.2024	132646.45	22.01.2024	108207.05
11.03.2024	132961.15	22.11.2023	108015.06
12.03.2024	133542.15	22.10.2023	107733
05.04.2024	144616.35		
06.04.2024	145302.2		
07.04.2024	147893.6		
08.04.2024	152244.85		
09.04.2024	156817.55		
10.04.2024	159910.55		
18.04.2024	190866.35		

Table D: Consumption Data reset wise

Consumption from	Fwd. KVAH
22.02.2024 to 22.03.2024	13430
22.01.2024 to 22.02.2024	16198
22.11.2023 to 22.01.2024	191
22.10.2023 to 22.11.2023	282

Table E: MDI reset wise

Date	Fwd. KVA
11.03.2024 12:30	42.98*2=85.2296
06.02.2024 19:30	50.600*2=101.200
10.12.2023 21:00	1.92*2=3.84

From the above data, it is clear that readings recorded by the meter reader/JE as depicted in the consumption data (Table A) are comparable to those depicted in DDL; also the consumption recorded as per DDL report is consistent and there is no sudden/abrupt jumping of the reading as well as normal values of MDI have been recorded up to 07.04.2024 as per Table B&E. Reading/consumption as per table C & D (reset wise) is matching vis a vis cumulative readings as per table-A, as such there seems no abnormality in the working of the meter up to 07.04.2024. However, from 08.04.2024 onwards there is sudden jump in the Reading/consumption, which was never recorded of such order before or after change of meter.

The meter might have become defective and the same is required to be treated as defective. The relevant Regulation 21.5.2 of PSERC Supply Code 2014 dealing with the defective meters is reproduced below:

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”.*

It is observed that, recording of data is a vital feature of the intelligent meters and DDL was taken from which readings obtained can be considered as reliable, therefore the records of DDL must be considered as strong evidence in such cases. Moreover, final reading found in ME lab is matching with the billing data of DDL report. From the above, it is observed that although the meter reader/JE put D code in month of 01/2024 due to which the bills were prepared on average basis but as

per DDL report, the meter kept on recording the reading/consumption internally.

Further CE/DS, South Zone, PSPCL Patiala is required to investigate that as the complainant had done shelling of Govt agencies of 1608 ton and 1571 ton during 2021-22 & 2022-23 respectively and his consumption during this period is 5408 kvah and 10338 kvah only, whereas for 1 ton shellers minimum load required is 60-65kW as per Punjab govt guidelines and the complainant is having 91 kw. Further as per oral enquiry from field offices, it came to notice that for 1 ton shelling, average consumption of electricity is 50-60 units therefore minimum consumption on this account shall be worked out 78550-94260 units which have resulted into recurring financial loss to PSPCL for which responsibility of the delinquent official(s)/officer(s) is required to be fixed for non-compliance of various instructions of PSPCL.

Keeping in view the connected load, consumption data, accuracy test in ME lab report, DDL report, Member/Finance is of the view that working of the meter from 16.02.2024 to 07.04.2024 be treated as inaccurate with slowness factor of 21%, and thereafter from 08.04.2024 as defective; as such he is of the opinion that notice no. 3655 dated 22.10.2024 of AEE, S/Division Suburban Dhuri, amounting to Rs.1562294/-due to difference of units & slowness of 21% of the meter issued to the Complainant is liable to be quashed. As the consumption recorded after change of meter is significant in comparison to corresponding period of previous year meaning thereby that season is still going on; it will be judicious to apply Reg. 21.5.2 (c) in this case to overhaul the account. Therefore, the account of the complainant is required to be overhauled for the period from 26.12.2023 to 15.02.2024 as per actual reading recorded in DDL on dated 15.02.2024, from 16.02.2024 to 07.4.2024 by considering the meter as inaccurate by (-21%) upto the reading of 147893.6 recorded on 07.04.2024. Further from 08.04.2024 to 18.04.2024 (i.e. date of replacement of meter) on the basis of average consumption recorded during 22.01.2024 to

07.04.2024 being seasonal industry as per Reg. 21.5.2 (c) of Electricity Supply Code and Related Matters Regulations-2014.

However, Independent Member did not agree to the above opinion of the Member/Finance and expressed his dissent as under: -

The meter was declared defective by the official who recorded its reading, on 24.01.2024. Thereafter, as per ECR No. 38/1019 dated 13.03.2024 it was confirmed to be defective by ASE/Enf. cum EA & MMTS Barnala after checking on 18.03.2024. It was changed being defective vide MCO No. 165/53391 dated 07.02.2024. Thereafter the same status of its being defective was confirmed in ME Lab on 18.10.2024 as per Challan No. 130 dated 18.10.2024. It was further mentioned in the ME Challan that the meter was compensating B Phase Voltage by V_{ref} . The $V_{reference}$, in this case is 63.5 Volts but the voltage actually available at site as per ECR No. 38/1019 dated 18.03.2024 is 61.7 Volts in respect of 'R' Phase and 61.6 Volts in respect of Y-Phase. As the meter has been recording energy at $V_{reference}$ during the disputed period, at least in respect of B-Phase, the energy recorded by it, cannot be termed as accurate by any yard stick. Further, the slowness of 21% declared by ME Lab is not authentic as details as per the relevant ISS regarding testing under different parameters have not been furnished in it. Further, it appears that the slowness has been worked out at 10 Amp current which cannot be treated as a uniform/constant slowness to be applied for overhauling account of the complainant. Further, the proposed decision in the draft Speaking Order is not according to any Regulation of PSERC Supply Code-2014. In my opinion the meter of the complainant had remained defective during the period under dispute, hence, notice issued to the complainant vide no. 3655 dated 22.10.2024 asking him to deposit amount of Rs 15,62,294/- treating the meter inaccurate is not justified, hence it is required to be quashed. As consumption of previous year cannot be relied upon therefore, his account is required to be

overhauled for the period from 26.12.2023 to 18.04.2024 as per Reg., 21.5.2 (d) of PSERC Supply Code 2014.

However, Permanent Invitee from the o/o EIC/Commercial, PSPCL, Patiala, did not agree to the above opinion of Independent Member and concurred with the opinion of Member/Finance.

Chairperson/Forum expressed his opinion as under: -

The facts of the case had already been discussed in detail. This is an MS connection and as per the instruction no. 81.1.1 of ESIM-2018, its readings are to be recorded by JE/JE-1 incharge of the feeder. On seeing some abnormality, the concerned official declared the meter of the complainant as defective on 24.01.2024 while recording monthly readings. Further, Sr. Xen/Enf. cum EA &MMTS, Barnala vide his ECR no. 38/1019 dated 18.03.2024 and ME lab report vide challan no. 130 dated 18.10.2024, had declared meter as defective.

It is also observed that as per ME Lab report vide challan no. 130 dated 18.10.2024, meter is V_{ref} compliant as such it compensates energy even when voltage of one or two phases is not contributed. However, contribution of current of R phase CT was also not proper as it was showing 3A current against applied current of 10A, thus causing slowness of 21%.

Further, on scrutinizing the load survey of DDL report of the meter in dispute submitted by the respondent, it is observed that there is considerable drop in voltage from 11.03.2024 onwards but the meter being V_{ref} compliant, it compensated the voltage to reference voltage and as has no significant effect in recording of energy. However, there is also variation in current of R phase as compared to the other phases since Feb/2024 (for the period data is available), which may cause less recording of consumption. But respondent had already declared the meter defective on 24.01.2024 and its billing is being done on average basis.

Member/Finance and Permanent Invitee from the o/o EIC/Commercial, PSPCL, Patiala had relied upon the readings recorded in DDL report (of a defective meter declared by the

respondent himself and confirmed by Sr. Xen/Enf. cum EA &MMTS, Barnala & ME Lab, Patiala) and some oral enquiry from field offices, regarding average consumption of 50-60 units of electricity for 1 ton shelling. I am not inclined to agree to the above opinion of both the members as oral enquiry from the field regarding average consumption related to other shellers cannot be applied to another sheller, as working conditions of each sheller may differ at all times. No regulation allows to treat the complainant alike and that too when the respondent had not submitted/argued like that in his defense and in support of his action. Further the readings recorded in DDL report after 24.01.2024, also cannot be relied upon as meter had already been declared defective 24.01.2024 and same had been confirmed by Sr. Xen/Enf. cum EA &MMTS, Barnala vide his ECR no. 38/1019 dated 18.03.2024 and ME lab, Patiala vide challan no. 130 dated 18.10.2024.

I do agree to the opinion of Independent Member to the extent that meter be treated as defective but does not agree that the account be overhauled as per Reg 21.5.2(d) of Supply Code-2014 i.e. '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'.

As all the bills prior to 24.01.2024 had been issued on 'O' codes and respondent had not commented/objected the previous consumption, therefore I am of the opinion that the meter of the complainant is required to be treated as defective, as such, final reading and slowness recorded in ME Lab, cannot be considered as genuine for overhauling the account of the complainant. Therefore, notice no. 3655 dated 22.10.2024 of AEE/DS Suburban Dhuri, amounting to Rs. 1562294/- due to difference of units & slowness of 21% is required to be quashed. The complainant had already billed on average basis therefore there is no need to overhaul the account of the complainant.

Keeping in view the above, as Chairperson/Forum and Independent Member have different opinions which also differ from the common opinion of Member/Finance & Permanent Invitee from the o/o EIC/Commercial, PSPCL, Patiala, , therefore, Forum with majority vote of Member/Finance & Permanent Invitee from the o/o EIC/Commercial, PSPCL, Patiala, concludes that notice no. 3655 dated 22.10.2024 of AEE/DS, Suburban Dhuri, amounting to Rs. 1562294/- due to difference of units & slowness of 21% be quashed. The account of the complainant be overhauled for the period from 26.12.2023 to 15.02.2024 as per actual reading recorded in DDL on dated 15.02.2024, from 16.02.2024 to 07.4.2024 by considering the meter as inaccurate by (-21%) upto the reading of 147893.6 recorded on 07.04.2024. Further from 08.04.2024 to 18.04.2024 (i.e. date of replacement of meter) on the basis of average consumption recorded during 22.01.2024 to 07.04.2024 being seasonal industry as per Reg. 21.5.2 (c) of Electricity Supply Code and Related Matters Regulations-2014.”

- (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 06.03.2025 & 24.03.2025. The Appellant’s Representative pleaded that the reading official recorded ‘D’ Code in the reading record while taking reading on 24.01.2024. The ‘D’ Code (meter defective) was shown from 24.01.2024 to 25.03.2024. The meter was checked by the Addl. SE/Enforcement, PSPCL, Barnala as per ECR No. 38/1019 dated 18.03.2024 in which the meter was

declared defective at site. The meter was changed as per the PSPCL meter change order no. 165/53391 dated 07.02.2024, effected on 18.04.2024. The removed meter was checked in the ME Lab as per Challan No. 130 dated 18.10.2024 where the meter was found running out of limit and meter was running slow by 21%. The meter was declared as defective. He prayed that since the meter was defective, the account of the Appellant should be overhauled for six months on the basis of consumption recorded in the previous year in the same period as per Regulation 21.5.2 (a) of Supply Code, 2014 as the consumption of the corresponding period of the previous year was available.

- (iii) The Respondent controverted the pleas of the Appellant's Representative & argued that the Appellant had wrongly stated that its account was overhauled by ignoring the Regulation 21.5.2 (a) of Supply Code-2014. Since the final reading was found in ME Lab, so Regulation 21.5.2 (a) of Supply Code-2014 was not applicable to overhaul the account. The Appellant wrongly stated that the order was passed by the Corporate Forum, Ludhiana by ignoring the rules/regulations. The order was passed as per the DDL report. As per DDL report, the readings parameters were increasing normally till 07.04.2024. But after 07.04.2024, it increased abnormally. So the Corporate

Forum, Ludhiana had ordered to overhaul the account of the Appellant as per reading recorded in DDL from 26.12.2023 to 07.04.2024 and for the period 08.04.2024 to 18.04.2024, due to abnormal increase in this period, the account be overhauled on average basis. Further, it was ordered not to charge the Appellant for the slowness of 21%. The order of the Corporate Forum, Ludhiana has been implemented.

- (iv) It is observed by this Court that the disputed meter was declared defective, both at the time of checking at site as well as in the ME Lab. So the final reading derived from the DDL of the defective meter ought not to be relied on. The Corporate Forum, Ludhiana erred in deciding to overhaul the account of the Appellant on the basis of readings derived from the DDL of the defective meter.
- (v) As per above discussion, the prayer of the Appellant is allowed. The order dated 15.01.2025 of the Corporate Consumer Grievances Redressal Forum, Ludhiana in Case No. CF-196/2024 is quashed. The account of the Appellant be overhauled for six months immediately preceding the date of removal of the defective meter on 18.04.2024 on the basis of the consumption recorded in the corresponding period of the

previous year as per Regulation 21.5.2 (a) of the Supply Code, 2014 as prayed by the Appellant.

7. Decision

As a sequel of above discussions, the order dated 15.01.2025 of the Corporate Consumer Grievances Redressal Forum, Ludhiana in Case No. CF-196/2024 is hereby quashed. The account of the Appellant be overhauled for six months immediately preceding the date of removal of the defective meter on 18.04.2024 on the basis of the consumption recorded in the corresponding period of the previous year as per Regulation 21.5.2 (a) of the Supply Code, 2014 as prayed by the Appellant.

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.

April 02, 2025
S.A.S. Nagar (Mohali).

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

