

**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. 04/2023

Date of Registration : 17.01.2023

Date of Hearing : 30.01.2023

Date of Order : 30.01.2023

Before:

**Er. Gurinder Jit Singh,
Lokpal (Ombudsman), Electricity, Punjab.**

In the Matter of:

Sh. Harminder Singh,
56/1, Green Park,
Ludhiana.

Contract Account Number: 3002863290 (DS)

...Appellant

Versus

Senior Executive Engineer,
DS City West (Spl.) Division, PSPCL,
Ludhiana.

...Respondent

Present For:

Appellant: Sh. Sandeep Shukla,
Appellant's Representative.

Respondent : Er. Rajesh Kumar,
Senior Executive Engineer,
DS City West Division, PSPCL,
Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 15.11.2022 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-157/2022 deciding that:

“Decision dated 25.08.2022 of City West Circle CGRF, PSPCL, Ludhiana is set aside. The account of the petitioner be overhauled for a period of six months prior to the date of change of meter (i.e. 18.04.2022) on the basis of consumption recorded in corresponding period of previous year as per Regulation no. 21.5.2 (a) of Supply Code-2014. The bills related to this period issued earlier are quashed.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 09.01.2023 i.e. beyond the stipulated period of thirty days of receipt of the decision dated 15.11.2022 of the CCGRF, Ludhiana in Case No. CF-157/2022. The Appellant did not submit any evidence in support of deposit of the requisite 40% of the disputed amount for filing the Appeal in this Court as required under Regulation 3.18 (iii) of PSERC (Forum & Ombudsman) Regulations, 2016. So, the Appellant was requested to send the receipts of deposit of the same vide letter no. 40/OEP/Sh. Harminder Singh dated 09.01.2023. The Respondent was also asked vide letter no. 39/OEP/Sh. Harminder Singh dated

09.01.2023 to confirm whether the Appellant had deposited the requisite 40% of the disputed amount. The Respondent submitted vide Memo No. 1003 dated 11.01.2023 that the Appellant had deposited ₹ 15,952/- less than the requisite 40% of the disputed amount. The copy of this letter was sent to the Appellant and was requested to deposit this amount for the registration of his Appeal vide letter no. 54/OEP/Sh. Harminder Singh dated 11.01.2023. The Appellant deposited the balance amount of ₹ 15,952/- on 17.01.2023 and sent the copy of receipt of the same. Therefore, the Appeal was registered on 17.01.2023 and copy of the same was sent to the Sr. Xen/ DS City West (Spl.) Divn., PSPCL, Ludhiana for sending written reply/ para wise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 78-80/OEP/A-04/2023 dated 17.01.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 30.01.2023 at 12.30 PM and intimation to this effect was sent to both the parties vide letter nos. 103-04/OEP/A-04/2023 dated 24.01.2023. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

4. Condonation of Delay

At the start of hearing on 30.01.2023, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant submitted that he personally received the copy of decision from the office of CCGRF on 29.11.2022 where he was told that the case had been decided in his favour. The Appellant visited the Respondent's office many times for implementation of the decision but he did not receive any letter from the Respondent regarding the implementation of the decision. Then on 23.12.2022, the Appellant received a letter from the Respondent's office in which the Appellant was charged extra amount than the disputed amount before the Corporate Forum. The Appellant prayed for dismissal of the wrong bill. The Appellant's Representative requested that the delay may kindly be condoned and the Appeal be adjudicated on merits in the interest of justice. The Respondent neither objected to it in written reply to the Appeal nor during the hearing on 30.01.2023.

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 is 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 a DS Category Connection, bearing Account No. 3002863290 with sanctioned load of 14.00 kW in his name under DS City West (Spl.) Divn., PSPCL, Ludhiana.
- (ii) The Appellant had received a bill of ₹ 1,14,500/- from the Respondent, which was wrong. The Appellant visited the Respondent's office many a times where he was told that his meter was not working properly. He didn't receive any response from the Respondent's office.
- (iii) After that the Appellant challenged the meter and in March, 2022; the meter was changed by the Respondent. This meter was checked in the ME Lab on 19.04.2022. As per ME Lab report, the meter was found defective due to fault in its software. DDL of meter could not be taken as the meter was defective. After the change of meter, the Appellant started receiving correct bills.
- (iv) The Appellant had submitted that he was troubled by this wrong bill. He had earlier filed his Case in the City West Circle Forum where the amount was charged to him and he was not heard properly. After that, the Appellant filed its Case in the CCGRF, Ludhiana for justice but much more amount was charged to him which was wrong.
- (v) The Appellant prayed that the wrong bill issued to him be quashed and the correct bill be issued to him.

(b) Submission during hearing

During hearing on 30.01.2023, 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 Category Connection running under DS Sub Division Unit-1, Green Park, Ludhiana with sanctioned load of 14 kW. The Appellant challenged the working of the meter as he received an inflated bill for the period from 15.01.2022 to 22.02.2022. The disputed meter was changed on 18.04.2022 vide MCO No. 100016948088 dated 07.03.2022. The meter was checked vide ME Challan No. 104 dated 19.04.2022 with final reading as 263445 kWh and it was reported that:

“ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ ਸੀਰੀਅਲ ਨੰ: ਠੀਕ ਹੈ ਪਰੰਤੂ ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ ਟਾਇਮ 17.39 PM ਆ ਰਿਹਾ ਹੈ ਜਦਕਿ ਅਸਲ ਟਾਇਮ 11.14 AM ਹੈ। ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ ਮਿਤੀ 28.09.2005 ਆ ਰਿਹਾ ਹੈ ਜਦਕਿ ਅਸਲ ਮਿਤੀ 19.04.2022 ਹੈ। ਮੀਟਰ ਦਾ ਸਾਫਟਵੇਅਰ ਖਰਾਬ ਹੈ, ਐਕੂਰੇਸੀ ਨਹੀਂ ਹੋ ਸਕਦੀ, DDL ਨਹੀਂ ਆ ਰਿਹਾ।”

- (ii) As per SAP System, the bill of the Appellant for the period from 15.01.2022 to 22.02.2022 (38 days) was issued for 6288 units on 'O' code for ₹ 57,492/- with previous dues of ₹ 15,337/- totaling to ₹ 72,830/-. The Appellant filed the petition in the Circle Level Forum for the disputed amount of ₹ 1,14,500/- but no such bill of ₹ 1,14,500/- was generated in the SAP System. As per the decision dated 25.08.2022 of the Circle Level Forum, the amount charged to the Appellant was correct and recoverable. Notice No. 780 dated 29.09.2022 was issued to the Appellant for the outstanding amount of ₹ 1,25,105/- as per SAP System.
- (iii) The Appellant filed the Appeal in the Corporate Forum, Ludhiana against the decision of the Circle Level Forum. The Corporate Forum, Ludhiana decided in its order dated 15.11.2022 that the account of the Appellant be overhauled for the 6 months immediately preceding the date of change of meter i.e. 18.04.2022 on the basis of consumption of corresponding period of previous year as per Regulation 21.5.2 (a) of the Supply Code-2014. The Appellant's account was overhauled as per the order of the Corporate Forum and he was charged ₹ 39,881/- vide Sundry No. 16/86 SAP A12. The outstanding amount due from the Appellant was ₹ 1,64,524/- as per SAP system. So, Notice No. 944 dated

20.12.2022 was issued to the Appellant for total amount of ₹ 2,04,405/- (₹ 39,881/- + ₹ 1,64,524/-).

- (iv) The Appellant filed the present Appeal against the decision dated 15.11.2022 of the Corporate Forum, Ludhiana in the Court of Ombudsman, Electricity, Punjab, Mohali. The meter of the Appellant was defective, so the amount charged to the Appellant as per Regulation 21.5.2 (a) of Supply Code-2014 was correct and recoverable.

(b) Submission during hearing

During hearing on 30.01.2023, 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 bill issued for the period from 15.01.2022 to 22.02.2022 challenged by the Appellant and the subsequent bills issued till the removal of defective meter on 18.04.2022

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

- (i) The Corporate Forum in its order dated 15.11.2022 observed as under:-

“Forum observed that Petitioner received bill dated 12.03.2022 for the period from 22.02.2022 to 12.03.2022 for a consumption of 607 KWH amounting to Rs. 80530/- (including previous unpaid bill arrears of Rs. 70207/-). Not agreed to the bill, petitioner challenged his meter and meter of the petitioner was changed vide MCO no. 100016948088 dated 07.03.2022 effected on 18.04.2022. Removed meter was checked in ME Lab vide challan no. 104 dated 19.04.2022 and in ME Lab it was reported as under: -

“ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ ਸੀਰੀਅਲ ਨੰ: ਠੀਕ ਹੈ ਪਰੰਤੂ ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ ਟਾਇਮ 17.39 PM ਆ ਰਿਹਾ ਹੈ ਜਦਕਿ ਅਸਲ ਟਾਇਮ 11.14 AM ਹੈ। ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ ਮਿਤੀ 28.09.2005 ਆ ਰਿਹਾ ਹੈ ਜਦਕਿ ਅਸਲ ਮਿਤੀ 19.04.2022 ਹੈ। ਮੀਟਰ ਦਾ ਸਾਫਟਵੇਅਰ ਖਰਾਬ ਹੈ, ਐਕੁਰੇਸੀ ਨਹੀਂ ਹੋ ਸਕਦੀ, DDL ਨਹੀਂ ਆ ਰਿਹਾ।”

Final reading 263445 KWH was recorded in ME Lab. Meanwhile petitioner was further issued bill dated 17.05.2022 on ‘F’ code amounting Rs. 114500/-, including arrear amount of Rs. 70482/-. Petitioner filed his case in City West Circle CGRF, PSPCL, Ludhiana where case was decided in hearing dated 25.08.2022 as under: -

“ਖਪਤਕਾਰ ਨੂੰ ਚਾਰਜ ਹੋਏ ਅਸਲ ਖਪਤ ਦੇ ਬਿੱਲ ਸਹੀ ਅਤੇ ਵਸੂਲਣਯੋਗ ਹਨ।”

Not satisfied with the decision of Circle CGRF and petitioner filed his appeal in Corporate CGRF, Ludhiana. Forum observed the consumption pattern of the petitioner submitted by the Respondent, reproduced below: -

Month	2019		2020		2021		2022	
	Cons	Code	Cons	Code	Cons	Code	Cons	Code
Jan	4397	O	4880	O	4468	O	1400	O
Feb	4275	O	4014	O	5193	O	6288	O
Mar	2037	O	1938	O	1155	O		
Apr	1284	O			1107	O	718	O
May	2067	O	5420	O	2144	O		O
Jun	3127	O	4770	O	4356	O		
Jul	3510	O	6440	O	3461	O	8428	C
Aug	2801	O	4734	O	3711	O	2414	O
Sep	2970	O	4590	O	3789	O	2742	O
Oct	3283	O	3040	O	1707	O	1975	O
Nov	1889	O	1285	O	1493	O		
Dec	1365	O	1572	O				
TOTAL	33005		42683		32584		23965	

Forum observed that software of meter in dispute was found defective in ME Lab and accordingly accuracy & DDL of the meter could not be done. But City West Circle CGRF, PSPCL, Ludhiana in its hearing dated 25.08.2022 decided that amount charged in bills is correct and recoverable ignoring the fact that software of the meter was found defective in ME Lab. Forum observed that software of the meter in dispute was found defective in ME Lab and its accuracy & DDL could not be done, therefore, meter can 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 discussion, Forum is of the opinion that decision dated 25.08.2022 of City West Circle CGRF, PSPCL, Ludhiana is not justified and hence is liable to be set aside. The account of the petitioner is required to be overhauled for a period of six months prior to the date of change of meter (i.e., 18.04.2022) on the basis of consumption recorded in corresponding period of previous year as per Regulation no. 21.5.2(a) of Supply Code-2014. The bills related to this period issued earlier are required to be quashed accordingly. Keeping in view of the above, Forum came to the unanimous conclusion that decision dated 25.08.2022 of City West Circle CGRF, PSPCL, Ludhiana is set aside. The account of the petitioner be overhauled for a period of six months prior to the date of change of meter (i.e., 18.04.2022) on the basis of consumption recorded in corresponding period of previous year as per Regulation no. 21.5.2(a) of Supply Code-2014. The bills related to this period issued earlier are quashed.”

- (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 30.01.2023. It is observed that the Appellant received an inflated bill for the period of 38 days from 15.01.2022 to 22.02.2022 for the consumption of 6288 units. So the Appellant challenged the

working of the meter. The disputed meter was changed on 18.04.2022 vide MCO No. 100016948088 dated 07.03.2022. It was checked in ME Lab vide ME Challan No. 104 dated 19.04.2022 with final reading as 263445 kWh and in ME Lab report, it was reported that:

“ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ ਸੀਰੀਅਲ ਨੰ: ਠੀਕ ਹੈ ਪਰੰਤੂ ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ ਟਾਇਮ 17.39 PM ਆ ਰਿਹਾ ਹੈ ਜਦਕਿ ਅਸਲ ਟਾਇਮ 11.14 AM ਹੈ। ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ ਮਿਤੀ 28.09.2005 ਆ ਰਿਹਾ ਹੈ ਜਦਕਿ ਅਸਲ ਮਿਤੀ 19.04.2022 ਹੈ। ਮੀਟਰ ਦਾ ਸਾਫਟਵੇਅਰ ਖਰਾਬ ਹੈ, ਐਕੂਰੇਸੀ ਨਹੀਂ ਹੋ ਸਕਦੀ, DDL ਨਹੀਂ ਆ ਰਿਹਾ।”

- (iii) The Appellant was issued another bill on 17.05.2022 on 'F' Code for ₹ 1,14,500/-, including an arrear amount of ₹ 70,482/-. So, he filed the Case in the City West Circle Forum, Ludhiana for the disputed amount of ₹ 1,14,500/-, where the City West Circle Forum decided in its order dated 25.08.2022 that the bill amount charged to the Appellant for actual consumption was correct and recoverable. The Appellant filed the Appeal in the Corporate Forum, Ludhiana against the decision of the Circle Level Forum. The Corporate Forum, Ludhiana decided in its order dated 15.11.2022 that the account of the Appellant be overhauled for the period of six months immediately preceding the date of change of meter i.e. 18.04.2022 on the basis of consumption of corresponding period of previous year as per Regulation 21.5.2 (a) of the Supply

Code-2014. The Appellant's account was overhauled as per the order of the Corporate Forum and he was charged an additional amount of ₹ 39,881/- vide Sundry No. 16/86 SAP A12. Not satisfied with the decision of the Corporate Forum, the Appellant filed the present Appeal before this Court.

- (iv) I have observed that the Appellant had challenged the working of the meter on receiving the inflated bill for consumption of 6288 units for the period of 38 days from 15.01.2022 to 22.02.2022. He didn't challenge the earlier bills issued on 'O' Code prior to this bill. The disputed meter was checked vide ME Challan No. 104 dated 19.04.2022 where it was declared defective. The DDL could not be taken from which it could have been ascertained the exact period the meter remained defective. So, the Corporate Forum erred in deciding that the account of the Appellant be overhauled for the period of six months immediately preceding the date of change of the defective meter. The previous settled bills issued on 'O' Code, which were not challenged by the Appellant or by the Respondent, cannot be changed or modified. So the disputed period was only from 15.01.2022 to 18.04.2022 (date of removal of defective meter). As such, the account of the Appellant should be overhauled for the period from 15.01.2022 to 18.04.2022 on the basis of

consumption of corresponding period of previous year as per Regulation 21.5.2 (a) of Supply Code, 2014.

- (v) In view of above, this Court is not inclined to agree with the decision dated 15.11.2022 of the Corporate Forum in Case No. CF-157 of 2022. The decision of the Corporate Forum is modified to the extent that the account of the Appellant should be overhauled for the disputed period from 15.01.2022 to 18.04.2022 only and not for six months on the basis of consumption of corresponding period of previous year as per Regulation 21.5.2 (a) of Supply Code, 2014.

7. Decision

As a sequel of above discussions, the order dated 15.11.2022 of the Corporate Forum in Case No. CF-157 of 2022 is modified to the extent that the account of the Appellant should be overhauled for the disputed period from 15.01.2022 to 18.04.2022 instead of six months on the basis of consumption of corresponding period of previous year as per Regulation 21.5.2 (a) of Supply Code, 2014.

- 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, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016.

January 30, 2023
S.A.S. Nagar (Mohali)

(GURINDER JIT SINGH)
Lokpal (Ombudsman)
Electricity, Punjab.

