

**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. 04/2024**

**Date of Registration : 29.01.2024**

**Date of Hearing : 04.03.2024**

**Date of Order : 04.03.2024**

**Before:**

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

**In the Matter of:**

Smt. Bhawna,  
Plot No.-163, Shakti Vihar, Haibowal Kalan,  
Ludhiana.

**Contract Account Number: 3007610057 (NRS)**  
...Appellant

Versus

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

...Respondent

**Present For:**

Appellant: Sh. Parvesh Chadha,  
Appellant's Representative.

Respondent : Er. Daljit Singh,  
Addl. Superintending Engineer,  
DS Aggar Nagar (Spl.) Division,  
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 15.12.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-156/2023, deciding that:

*“All the bills issued to the petitioner for the period from 15.06.2022 till the date of removal of meter in dispute are quashed. Account of the petitioner be overhauled from six month prior to date of challenge of meter i.e. 14.12.2022 till its date of replacement i.e. 04.08.2023 on the basis of average consumption recorded upto 12.12.2023 (as per LCR no. 42/2425 dated 12.12.2023) by the new meter installed on 04.08.2023 in view of Regulation no. 21.5.2(d) of Electricity Supply Code and Related Matters Regulations-2014.”*

## **2. Registration of the Appeal**

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 29.01.2024 i.e. within the period of thirty days of receipt of the decision dated 15.12.2023 in Case No. CF-156/2023 of the CCGRF, Ludhiana on 29.12.2023 by the Appellant's Representative from the office of the Corporate Forum. The Appellant deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 29.01.2024 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. 60-62/OEP/A-04/2024 dated 29.01.2024.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 04.03.2024 and intimation to this effect was sent to both the parties vide letter nos. 130-31/OEP/A-04/2024 dated 04.03.2024. As scheduled, the hearing was held in this Court on 04.03.2024 and arguments of both the parties were heard.

### **4. 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 NRS Category Connection in her name bearing Account No. 3007610057 with Sanctioned Load

of 8.00 kW under DS Aggar Nagar (Spl.) Division, PSPCL, Ludhiana.

(ii) The Appellant's connection was released by the PSPCL on 01.11.2021 with Sanctioned load of 8.00 kW in NRS Category after completing all formalities. Since its installation, the meter was recording abnormal consumption as per use. The premises was used for godown of yarn and load was not fully used. The first bill was issued on 24.02.2023 for 3712 units on "N" Code. Second bill was issued on 16.04.2022 on "O" Code for 1483 units i.e. for 167 days and per day consumption was 8.88 units.

(iii) The next bills were also issued for higher consumption as under:-

|                 |         |                  |           |
|-----------------|---------|------------------|-----------|
| Date 15.06.2022 | R-05699 | "O" consumption= | 4214 kWh  |
| Date 10.08.2022 | R-16208 | "O" consumption= | 10519 kWh |
| Date 13.10.2022 | R-27108 | "O" consumption= | 10900 kWh |
| Date 10.12.2022 | R-35364 | "N" consumption= | 8256 kWh  |

(iv) The Appellant visited billing branch to rectify the excess bills issued on higher side but no such response was received. As such, the meter was challenged by depositing fee of ₹ 450/- vide R-212800368449 dated 14.12.2022. The PSPCL issued Job Order No. 100022789618 dated 10.08.2023 to be finished by 16.08.2023 i.e. 8 months late. No Job Order was issued towards Meter Challenge.

(v) On 11.05.2023, bill was issued on “O” Code R-42940 & till replacement of meter, bills were issued on “N” Code-45820 up to 20.07.2023, on 02.08.2023 on “P” Code & on 03.08.2023 “O” Code with same readings 48260. The meter was shown replaced on 04.08.2023 but Job Order was issued on 10.08.2023. This aspect needed to be investigated. The removed meter was sent to ME Lab vide Challan No. 31 dated 12.08.2023 and reported as, “Meter is creeping without Load and defected internally. DDL not recorded.”

kWh Reading = 51807 kVAh=53471 [4.19 C.M.S MS. 33.19].

(vi) The bills were not amended according to results and NO CHALLENGE was vacated as per instructions. As such, the Appellant was forced to approach the Forum for justice. The PSPCL had not worked according to the rules framed by itself and violated the instructions issued vide ESIM-2018 Instruction No. 55.2. The meter under dispute was challenged and it was to be replaced within 10 days but it was replaced 8 months after it was challenged. The meter was challenged on 14.12.2022 and replaced on 10.08.2023.

The Respondent submitted the reply as under:-

ਇਸ ਕੇਸ ਵਿੱਚ ਖਪਤਕਾਰ ਦਾ ਇੱਕ NRS Category ਦਾ ਕੁਨੈਕਸ਼ਨ ਚੱਲ ਰਿਹਾ ਹੈ ਜਿਸ ਦਾ ਮੰਜੂਰ ਭਾਰ 8 kW ਹੈ। ਇਸ ਕੇਸ ਵਿੱਚ ਖਪਤਕਾਰ ਵੱਲੋਂ 14.12.2022 ਨੂੰ ਮੀਟਰ ਚੈਲੰਜ ਦੀ ਅਰਜ਼ੀ ਦਿੱਤੀ ਗਈ ਸੀ। ਖਪਤਕਾਰ

ਦਾ ਮੀਟਰ MCO No. 100022789618 ਰਾਹੀਂ 04.08.2023 ਨੂੰ ਬਦਲਿਆ ਗਿਆ। ਇਹ ਮੀਟਰ ME Lab ਵਿਖੇ ME Challan No. 31 ਮਿਤੀ 12.08.2023 ਰਾਹੀਂ ਚੈੱਕ ਕਰਵਾਇਆ ਗਿਆ। ME Lab ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਿਕ ਮੀਟਰ ਬਿਨ੍ਹਾ ਲੋਡ ਤੇ ਚਲਦਾ ਹੈ ਮੀਟਰ ਅੰਦਰੂਨੀ ਤੌਰ ਤੇ ਖਰਾਬ ਹੈ, DDL ਨਹੀਂ ਆ ਰਿਹਾ। ਸਪਲਾਈ ਕੋਡ ਦੀ ਧਾਰਾ 21.5 ਮੁਤਾਬਿਕ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਵੱਧ ਤੋਂ ਵੱਧ 6 ਮਹੀਨਿਆਂ ਲਈ ਸੋਧਿਆ ਜਾ ਸਕਦਾ ਹੈ, ਪਰ ਖਪਤਕਾਰ ਇਸ ਦੇ ਨਾਲ ਸਹਿਮਤ ਨਹੀਂ ਹੋਇਆ ਕਿਉਂਕਿ ਖਪਤਕਾਰ ਮੁਤਾਬਿਕ ਮੀਟਰ 15.06.2022 ਤੋਂ ਤੇਜ਼ ਚੱਲ ਰਿਹਾ ਹੈ। ਇਸ ਲਈ ਖਪਤਕਾਰ ਨੇ ਆਪਣਾ ਕੇਸ ਕੋਰਪੋਰੇਟ ਸੀ.ਜੀ.ਆਰ.ਐਫ. ਵਿਖੇ ਲਗਵਾ ਲਿਆ।

- (vii) The Corporate Forum had not issued proper order considering the facts and passed order after getting LCR No. 42/2425 dated 12.12.2023 with future consumption.
- (viii) The Corporate Forum had wrongly decided the Case as per Supply Code, 2014 for the period from 6 months prior to date of challenge of meter till replacement as per Reg. 21.5.2 (d) dated 14.12.2022 on the consumption arrived of new meter after the date of replacement of meter to LCR date.
- (ix) The Corporate Forum had ignored the Reg. 21.5.2 (a) & (b), i.e account to be overhauled on the basis of previous period consumption prior to defect. In Case it was not available then the future base can be considered as per Supply Code. But in our Case, it was available in the PSPCL records.
- (x) The Regulation is reproduced 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.”

The consumption was as under:-

| Year         | 2022         |      | 2023         |      |
|--------------|--------------|------|--------------|------|
| Month        | Cons.        | Code | Cons.        | Code |
| Jan          |              |      | 7065         | N    |
| Feb          | 3712         | N    | 8970         | O    |
| Mar          |              |      | 4448         | N    |
| Apr          | 1483         | O    | 195          | N    |
| May          |              |      | 258          | P    |
| Jun          | 4214         | O    | 6862         | O    |
| Jul          |              |      | 2880         | N    |
| Aug          | 10509        | O    | 2440         | P    |
|              |              |      | 5320         | O    |
| Sep          |              |      | 4347         | C    |
| Oct          | 10900        | O    | 4866         | O    |
| Nov          |              |      | 3559         | O    |
| Dec          | 8256         | N    | 2835         | O    |
| <b>Total</b> | <b>27106</b> |      | <b>39457</b> |      |

- (xi) The consumption from Jan-2022 to Jun-2022 was available prior to 6 months from the date of Challenge dated 14.12.2022 and could be considered for overhauling the account as per Regulation 21.5.2 (a) & (b) as the meter was declared creeping forward without load by the ME Lab Report.
- (xii) There was deficiency in service for delay in replacement of challenged meter and the Respondent could not justify the

delay. Due to this, a great mental harassment created to the Appellant and a financial loss. In the reply during the proceedings in the Forum, the Respondent explained that

“ਇਸ ਕੇਸ ਵਿੱਚ ਖਪਤਕਾਰ ਵਲੋਂ 14.12.22 ਨੂੰ ਮੀਟਰ ਚੈਲੰਜ ਦੀ ਅਰਜ਼ੀ ਦਿੱਤੀ ਗਈ ਸੀ। ਖਪਤਕਾਰ ਦੀ ਅਰਜ਼ੀ ਉੱਪਰ 16.12.22 ਨੂੰ MCO ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਦਾ MCO No. 10020139764 ਹੈ। Technical Issue ਕਾਰਣ ਇਸ job order ਤੇ meter issue ਨਹੀਂ ਹੋ ਰਿਹਾ ਸੀ। ਇਸ ਲਈ 12.08.23 ਨੂੰ ਇਕ ਹੋਰ MCO ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਦਾ MCO no. 10022789618 ਹੈ। ਇਸ MCO ਨਾਲ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਬਦਲਿਆ ਗਿਆ। Technical issue ਹੋਣ ਕਾਰਨ ਮੀਟਰ ਬਦਲੀ ਹੋਣ ਵਿੱਚ ਦੇਰੀ ਹੋ ਗਈ ।”

(xiii) This explanation of the Respondent was not correct and not admitted. No such copy of that MCO was ever given in the proceedings even when it was demanded. The Respondent had not made efforts to again issue the MCO. The Technical issue remained pending for 8 months. Had the Respondent's office was not working during 8 months? Can the Respondent certify that during these 8 months No ONE MCO was issued in the record? This reply was not relied upon. Please provide the copy of that MCO.

(xiv) The Appellant prayed this Court to review her Appeal in the interest of justice. The relief be given that the account of the Appellant be overhauled as per Supply Code, 2014 Regulation 21.5.2(b) by quashing orders dated 15.12.2023 of the

Corporate Forum of overhauling the account as per Regulation 21.5.2 (d).

**(b) Submissions in Rejoinder**

In its Rejoinder to the written reply of the Respondent, the Appellant submitted the following for consideration of this Court: -

- (i) The Respondent had not submitted the Para wise comments on the Appeal.
- (ii) The meter was challenged on 14.12.2022 but replaced on 04.08.2023 after 8 months. The Respondent explained during the proceedings in the Corporate Forum, Ludhiana that the delay in change of challenged meter was due to technical issue in MCO No. 10020139764 dated 16.12.2022, as under:-

“ਇਸ ਕੇਸ ਵਿੱਚ ਖਪਤਕਾਰ ਵੱਲੋਂ 14.12.22 ਨੂੰ ਮੀਟਰ ਚੈਲੰਜ ਦੀ ਅਰਜ਼ੀ ਦਿੱਤੀ ਗਈ ਸੀ। ਖਪਤਕਾਰ ਦੀ ਅਰਜ਼ੀ ਉੱਪਰ 16.12.2022 ਨੂੰ MCO ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਦਾ MCO No. 10020139764 ਹੈ। Technical Issue ਕਾਰਣ ਇਸ job order ਤੇ meter issue ਨਹੀਂ ਹੋ ਰਿਹਾ ਸੀ। ਇਸ ਲਈ 12.08.23 ਨੂੰ ਇਕ ਹੋਰ MCO ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਦਾ MCO no. 10022789618 ਹੈ। ਇਸ MCO ਨਾਲ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਬਦਲਿਆ ਗਿਆ। Technical issue ਹੋਣ ਕਾਰਣ ਮੀਟਰ ਬਦਲੀ ਹੋਣ ਵਿੱਚ ਦੇਰੀ ਹੋ ਗਈ।”

Neither copy of that MCO was supplied before the Forum nor provided in the reply as demanded. No specific Technical

Issue was explained. No new MCO stood issued against this Technical Issue.

(iii) The previous base of consumption from the DOC to June-22 [01.11.2021 to 15.06.2022] i.e. 0 to 15.06.2022= 5699 (227 days) was available in the record and was on “O” code and can be considered for overhauling the account as per Regulation 21.5.2 (b) as the meter was declared **creeping forward** without load by the ME Lab report.

(iv) The account of the Appellant be charged as per Supply Code, 2014 Regulation 21.5.2 (a) & (b) as the previous consumption was available, by quashing orders dated 15.12.2023 of the Corporate Forum, Ludhiana of charging account as per Regulation 21.5.2 (d).

(c) **Submission during hearing**

During hearing on 04.03.2024, the Appellant’s Representative (AR) reiterated the submissions made in the Appeal and prayed to allow the same. He stressed on the fact that the Corporate Forum, Ludhiana had decided to overhaul the account of the Appellant for 14 months, but as per Regulation 21.5.2, the period of overhauling is restricted to six months. So he prayed that the Appellant’s account be overhauled for the maximum period of 6 months instead of 14 months.

**(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 NRS Category Connection bearing Account No. 3007610057 with sanctioned load of 8 kW. The Appellant had challenged the working of meter on 14.12.2022. The meter of the Appellant was replaced vide MCO No. 100022789618 on 04.08.2023. The meter was checked in ME Lab vide Challan No. 31 dated 12.08.2023 and it was found that the meter was running without load; the meter was defective internally and the DDL could not be taken.
- (ii) As per the Regulation 21.5 of Supply Code-2014, the Appellant's account can be overhauled for the maximum 6 months. But the Appellant did not agree with it as according to her, the meter was running fast from 15.06.2022. So she filed the case with the Corporate Forum, Ludhiana.
- (iii) The Corporate Forum, Ludhiana decided the case as under:-

*“All the bills issued to the petitioner for the period from 15.06.2022 till the date of removal of meter in dispute are quashed. Account of the petitioner be overhauled from six month prior to date of challenge of meter i.e. 14.12.2022 till its date of replacement i.e. 04.08.2023 on the basis of average consumption recorded upto 12.12.2023 (as per LCR no. 42/2425 dated 12.12.2023) by the new meter installed on 04.08.2023 in*

*view of Regulation no. 21.5.2(d) of Electricity Supply Code and Related Matters Regulations-2014.”*

- (iv) The Appellant was not satisfied with the decision dated 15.12.2023 of the Corporate Forum, Ludhiana and hence, filed an Appeal in the Court of Ombudsman, Electricity, Punjab.

**(b) Submission during hearing**

During hearing on 04.03.2024, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal.

**5. Analysis and Findings**

The issue requiring adjudication is the legitimacy of the decision dated 15.12.2023 of the Corporate Forum, Ludhiana in Case No. CF-156/2023.

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

- (i) The Corporate Forum in its order dated 15.12.2023 observed as under:-

“Forum observed that petitioner received bills on very high consumption for the period from 16.04.2022 to 10.12.2022 and therefore challenged his meter by depositing Rs. 450/- as meter challenge fee on 14.12.2022 vide receipt no. 212800368449. Meter of the petitioner was changed vide MCO no. 100022789618 dated 10.08.2023 effected on 04.08.2023. Removed meter was checked in ME Lab vide

challan no. 31 dated 12.08.2023 wherein it was reported that meter is running without load; meter is internally defective and DDL could not be done. However, bills of the petitioner were not corrected. Aggrieved with this, Petitioner filed a case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent, as under:-

| Year         | 2022         |      | 2023         |      |
|--------------|--------------|------|--------------|------|
| Month        | Cons.        | Code | Cons.        | Code |
| Jan          |              |      | 7065         | N    |
| Feb          | 3712         | N    | 8970         | O    |
| Mar          |              |      | 4448         | N    |
| Apr          | 1483         | O    | 195          | N    |
| May          |              |      | 258          | P    |
| Jun          | 4214         | O    | 6862         | O    |
| Jul          |              |      | 2880         | N    |
| Aug          | 10509        | O    | 2440         | P    |
|              |              |      | 5320         | O    |
| Sep          |              |      | 4347         | C    |
| Oct          | 10900        | O    | 4866         | O    |
| Nov          |              |      | 3559         | O    |
| Dec          | 8256         | N    | 2835         | O    |
| <b>Total</b> | <b>27106</b> |      | <b>39457</b> |      |

Forum observed that the annual consumption of petitioner for the year 2022 and 2023 is 27106 and 39457 units respectively. Forum observed that consumption of the order of 10509 KWH and 10900 KWH charged to petitioner in the months 08/2022 and 10/2022 has never been recorded after replacement of the meter. Site of the petitioner was checked and LCR no. 42/2425 dated 12.12.2023 was prepared wherein connected load of 13.894 KW was found against sanctioned load of 8.00 KW. Forum observed that estimated monthly consumption as per LDHF formula specified by Honorable PSERC comes out to be 1667.28 KWH ( $13.894 \times 25 \times 12 \times 0.4$ ) for his connected load of 13.894 KW. Moreover, meter of the petitioner was checked in ME Lab wherein it was reported as under: -

“ਮੀਟਰ ਬਿਨਾਂ ਲੋਡ ਤੇ ਚੱਲਦਾ ਹੈ। ਮੀਟਰ ਅੰਦਰੂਨੀ ਤੌਰ ਤੇ ਖਰਾਬ ਹੈ। DDL ਨਹੀਂ ਆ ਰਿਹਾ।”

Obviously, the meter of the petitioner was defective & running without load as such the readings recorded by the

meter do not reflect his genuine consumption. Therefore, these readings cannot be relied upon.

Meter of the petitioner was reported internally defective by the ME Lab. 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, rejoinder, oral discussions made by Petitioner along with material brought on record. Keeping in view the above Forum is of the opinion that all the bills issued to the petitioner for the period from 15.06.2022 till the date of removal of meter in dispute are liable be quashed. Account of the petitioner is required to be overhauled from six month prior to date of challenge of meter till its date of replacement i.e. 04.08.2023 on the basis of average consumption recorded upto 12.12.2023 (as per LCR no.42/2425 dated 12.12.2023) by the new meter installed on 04.08.2023 in view of Regulation no. 21.5.2(d) of Electricity Supply Code and Related Matters Regulations-2014, as the previous year consumption cannot be relied upon due to variation in consumption and excess connected load detected in checking. Forum further observed that petitioner in his petition had pleaded that there was long delay in changing the meter which caused undue harassment to him. Forum had asked the respondent to explain reasons for delay in change of meter and how the meter was changed on 04.08.2023 against MCO dated 12.08.2023 to which respondent replied as under:

“ਇਸ ਕੇਸ ਵਿੱਚ ਖਪਤਕਾਰ ਵਲੋਂ 14.12.22 ਨੂੰ ਮੀਟਰ ਚੈਲੰਜ ਦੀ ਅਰਜ਼ੀ ਦਿੱਤੀ ਗਈ ਸੀ। ਖਪਤਕਾਰ ਦੀ ਅਰਜ਼ੀ ਉੱਪਰ 16.12.22 ਨੂੰ **MCO** ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਦਾ **MCO No. 10020139764** ਹੈ। **Technical Issue** ਕਾਰਣ ਇਸ **job order** ਤੇ **meter issue** ਨਹੀਂ ਹੋ ਰਿਹਾ ਸੀ। ਇਸ ਲਈ 12.08.23 ਨੂੰ ਇਕ ਹੋਰ **MCO** ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਜਿਸ ਦਾ **MCO no. 10022789618** ਹੈ। ਇਸ **MCO** ਨਾਲ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਬਦਲਿਆ ਗਿਆ। **Technical issue** ਹੋਣ ਕਾਰਨ ਮੀਟਰ ਬਦਲੀ ਹੋਣ ਵਿੱਚ ਦੇਰੀ ਹੋ ਗਈ।”

Forum observed the above reasons and directed the respondent to be vigilant in future and ensure timely issuance & compliance of job orders particularly in meter challenge cases.”

- (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 04.03.2024. The Appellant’s Representative (AR) pleaded that since the disputed meter was functional for six months & the consumption from Jan-2022 to Jun-2022 was available, so the account of the Appellant ought to be overhauled on the basis of this consumption as per Regulation 21.5.2 (b) of Supply Code, 2014 instead of Regulation 21.5.2 (d) as decided by the Corporate Forum.
- (iii) It is observed that the disputed meter was installed on 01.11.2021 at Initial reading of 2. The reading record of the disputed meter from 01.11.2021 to 10.12.2022 is as under:-

| <b>Date</b> | <b>Reading</b> | <b>Code</b> | <b>Consumption</b> | <b>Days</b> |
|-------------|----------------|-------------|--------------------|-------------|
| 01.11.2021  | 2              | O           |                    |             |
| 24.02.2022  | 3714           | N           |                    |             |
| 16.04.2022  | 1485           | O           | 1483               | 167         |
| 15.06.2022  | 5699           | O           | 4214               | 60          |
| 10.08.2022  | 16208          | O           | 10509              | 56          |

|            |       |   |       |    |
|------------|-------|---|-------|----|
| 13.10.2022 | 27108 | O | 10900 | 64 |
| 10.12.2022 | 35364 | N | 8256  | 58 |

The Appellant challenged the working of the disputed meter on 14.12.2022 by depositing the requisite fee. The meter was removed on 04.08.2023 & got checked in ME Lab on 12.08.2023 vide Challan No. 31, where the meter was found to be defective. As per Regulation 21.3.6 (b) of Supply Code, 2014, the disputed meter ought to be checked either at site or in the laboratory within fifteen workings days of consumer's representation, but it was checked after nearly eight months, which is a violation on the part of the Respondent. The Corporate Forum decided to quash all the bills issued to the Appellant for the period from 15.06.2022 till the removal of the disputed meter. It further ordered to overhaul the account of the Appellant from six months prior to date of challenge of meter till its date of replacement i.e. 04.08.2023 on the basis of average consumption recorded upto 12.12.2023 (as per LCR no.42/2425 dated 12.12.2023) by the new meter installed on 04.08.2023 in view of Regulation 21.5.2 (d) of Supply Code, 2014.

(iv) This Court observed that in violation of Regulation 21.3.6 (b) of Supply Code, 2014, the disputed meter was checked after unexplained delay of nearly eight months after it was challenged on 14.12.2022 by the Appellant. Further, as per Regulation 21.5.2, the account of the Appellant can be overhauled for the maximum period of six months only prior to the date of replacement of the disputed meter, i.e., from 05.02.2023 to 04.08.2023. During the hearing, the Appellant's Representative prayed that the Appellant's account should be overhauled for the maximum period of 6 months instead of 14 months as the PSPCL had taken 8 months to replace the challenged meter without any fault of the Appellant. When the Respondent was asked for his response to this, he admitted that as per Regulation 21.5.2, the account can be overhauled for a maximum period of 6 months.

(v) As regards the contention of the Appellant that the disputed meter was functional for six months from Jan-2022 to June-2022, the Court has gone through the reading record of the disputed meter, reproduced above, from the date of its installation on 01.11.2021 till 10.12.2022 & found that the readings were inconsistent as the consumption of 1483 units were recorded for the period of 167 days from 01.11.2021 to

16.04.2022, then 4214 units for the period of 60 days from 17.04.2022 to 15.06.2022, then 10509 units for the period of 56 days from 16.06.2022 to 10.08.2022, then 10900 units for the period of 64 days from 11.08.2022 to 13.10.2022 & then 8256 units for the period of 58 days from 14.10.2022 to 10.12.2022. In ME Lab, the disputed meter was found defective & running without load. As such the readings of this disputed meter are not reliable. So the contention of the Appellant that her account should be overhauled as per Regulation 21.5.2 (b) is not valid.

- (vi) In view of above discussions, the Court is of the opinion that all the bills issued to the Appellant for the period from 15.06.2022, i.e., six months prior to the date of challenge of meter by the Appellant, till the date of removal of the disputed meter, i.e. 04.08.2023 be quashed. However, the account of the Appellant be overhauled for the maximum period of six months only immediately preceding the date of removal of disputed meter, i.e. from 05.02.2023 to 04.08.2023 tentatively on the basis of consumption assessed as per para 4 of Annexure 8 & subsequently adjusted on the basis of actual consumption recorded in the corresponding period of six months of the succeeding year as per Regulation 21.5.2 (d) of

Supply Code, 2014. Also, the Meter challenge fee deposited by the Appellant on 14.12.2022 be refunded back to her as per Regulation 21.3.6 (c) of Supply Code, 2014 as the meter was found defective in the ME Lab.

## **6. Decision**

As a sequel of above discussions, the order dated 15.12.2023 of the CCGRF, Ludhiana in Case No. CF-156/2023 is hereby quashed. All the bills issued to the Appellant for the period from 15.06.2022, i.e., six months prior to the date of challenge of meter by the Appellant, till the date of removal of the disputed meter, i.e. 04.08.2023 is quashed. However, the account of the Appellant be overhauled for the period of six months only immediately preceding the date of replacement of disputed meter, i.e. from 05.02.2023 to 04.08.2023 tentatively on the basis of consumption assessed as per para 4 of Annexure 8 & subsequently adjusted on the basis of actual consumption recorded in the corresponding period of six months of the succeeding year, i.e., from 05.02.2024 to 04.08.2024 as per Regulation 21.5.2 (d) of Supply Code, 2014. Also, the Meter challenge fee deposited by the Appellant on 14.12.2022 be refunded back to her as per Regulation 21.3.6

(c) of Supply Code, 2014 as the meter was found defective in the ME Lab.

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

March 04, 2024  
S.A.S. Nagar (Mohali).

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