

**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. 04/2025

Date of Registration : 03.03.2025

**Date of Hearing : 13.03.2025, 24.03.2025,
02.04.2025**

Date of Order : 09.04.2025

Before:

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

In the Matter of:

M/s. B.S. Steels,
Village Cheema,
Tehsil Sunam, District Sangrur.

Contract Account Number: 3008676984 (MS)

...Appellant

Versus

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

...Respondent

Present For:

Appellant: Er. Surinder Pal Goyal,
Appellant's Representative.

Respondent : 1- Er. Naresh Kumar,
AEE, DS Division, PSPCL,
Sunam.
2- Sh. Rohit Khera, RA.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 29.01.2025 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-206/2024, deciding that:

- “i. Notice no. 2292 dated 28.11.2024 issued to the Complainant asking him to deposit Rs. 876021/-, is quashed. Account of the Complainant be overhauled with slowness factor of 64.29% for a period of twelve months preceding the date of checking i.e. 27.11.2024, when the connections of the meter had been set right, as per as per Reg. 39.4(i) of Supply Code-2024.*
- ii. CE/DS South, PSPCL, Patiala is directed to investigate the matter and fix responsibilities of the delinquent officers/officials for causing recurring financial loss to PSPCL and unnecessary harassment to the Complainant due to wrong connections.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 03.03.2025 i.e. within the period of thirty days of receipt of the decision dated 29.01.2025 of the CCGRF, Ludhiana in Case No. CF-206/2024, received by the Appellant on 08.02.2025. The Appellant had deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 03.03.2025 and copy of the same was sent to the Addl. SE/ DS Division, PSPCL, Sunam for sending written reply/ parawise comments with a copy to the office of the

CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 157-159/OEP/A-04/2025 dated 03.03.2025.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 13.03.2025 and intimation to this effect was sent to both the parties vide letter nos. 164-65/OEP/A-04/2025 dated 06.03.2025. As scheduled, the hearing was held in this Court on 13.03.2025 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 13.03.2025 was sent to both the parties vide letter nos. 171-72/OEP/A-04/2025 dated 13.03.2025.

As scheduled, the hearing was held in this Court on 24.03.2025 and arguments of both the parties were heard. The next date of hearing was fixed for 02.04.2025. An intimation to this effect alongwith the copies of the proceedings dated 24.03.2025 was sent to both the parties vide letter nos. 183-84/OEP/A-04/2025 dated 24.03.2025. As scheduled, the hearing was held in this Court on 02.04.2025 and arguments of both the parties were heard. The case was closed for the pronouncement of the speaking orders.

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 Counsel 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 61.970 kW/ 65 kVA under DS City Division, PSPCL, Sunam in the name of M/s. B.S. Steels, Cheema.
- (ii) The Appellant's connection was checked by the Sr.Xen/Enf.-cum-EA & MMTS, Sungrur dated 27.11.2024. As per the Report of the Sr.Xen/Enf.-cum-EA, it was found that the meter's two CT's were interchanged and the accuracy of the meter shown as 64.29% slow.
- (iii) According to the above said checking the AEE, Sub Division Cheema issued Notice No. 2292 dated 28.11.2024 for ₹ 8,76,021/- to the Appellant. The Appellant filed complaint

against this notice on 23.12.2024 in the Corporate CGRF, Ludhiana. The Appellant had given his arguments regarding the wrongness of meter checking in the case, but different views have been given by the members of the Forum, in which page no. 9 of the judgment is reproduced as under:-

“Forum observed that the slowness of 64.29% of the meter of the complainant declared by Sr. Xen/Enf. cum EA & MMTS-Sangrur during checking as per his ECR no. 23/7036 dated 27.11.2024 was an instant slowness related to that very moment of checking. It cannot be considered a constant or uniform slowness which could be applied to the entire disputed period as this slowness keeps on varying depending upon various factors like the voltages of the respective phases, load running on them, power factor thereof etc. Even respondent could not prove the same either on any documentary evidence or on the basis of DDL report. Hence overhauling the account of the Complainant by applying a uniform slowness of 64.29% is not justified. Under these circumstances the meter of the complainant is required to be treated as defective, hence, all contentions of the complainant that analytically slowness of the meter in case of interchanging of connections of two CT's can be +/-33.33% only and that the slowness was worked out at 25% of load only and that too was unbalanced, etc. become irrelevant as the meter is to be treated as defective in this case. Further no inference can be drawn from the DDL data as, it is not known that since when the wrong connections existed at site and in all probability this mistake occurred on 26.12.2022 when LT CT meter was installed at the time of release of extension in load from 19.79kW/20kVA to 61.970kW/65kVA as the same meter and CT's were existing till the date of checking i.e. 27.11.2024 as per ECR no. 23/7036 dated 27.11.2024. Hence, this instant slowness cannot be considered as constant or uniform over an entire disputed period. In view of the forgoing discussion, the metering equipment of the Complainant is required to be treated as defective for the period from 26.12.2022 up to 27.11.2024 i.e. the date of checking when the connections of the meter had been set right. However, all the bills issued to the complainant during 2023 are on 'O' codes and respondent had never objected to these bills. If there was any irregularity in the connections then it

was the responsibility of the respondent to set it right. Therefore, readings recorded during 2023 with 'O' code cannot be ignored, as such, the account of the complainant is required to be overhauled as per Regulation 39.4(ii)(a) of PSERC Supply Code-2024 dealing with the defective meters."

- (iv) In view of the arguments and facts given by the Appellant, the above observations were given by the Forum, from which it was clear that the checking of the connection by the Enforcement-cum-EA, Sangrur showing the slowness of the meter at 64.29% was wrong. But still the decision of the Forum to issue the same Notice by cancelling the earlier issued Notice was wrong because the Forum in its above observation considered that the overhauling the account of the Appellant by applying a uniform slowness of 64.29% is not justified.
- (v) The checking of the Appellant's meter done by the Sr.Xen/Enf.-cum-EA& MMTS, Sangrur dated 27.11.2024 vide ECR No.23/7036 had shown the accuracy of the meter slowness of 64.29% of the Appellant's meter, was wrong because the Load of the account had increased on 26.12.2022 from 19.79 kW/20 kVA to 61.97 kW/65 kVA. As per the total consumption of the year 2021 was 19922 units but the year 2023 and 2024 has been recorded as 66464 units respectively and 70865 units whereas the consumption was correct according to increased load hence the indicated meter Slowness was not correct.

- (vi) According to the Checking Report, the connection of the two CT's, Red and Blue Phases of the meter were shown interchanged. In this case, the faces of Red and Blue Phases from angles (120++) and (120+). If is analytically calculated, then the meter will be 100% slow, but there is a provision in these meters that if the meter records -ve energy for any reason, then it will no import energy after energy +ve energy. In the analytically calculated, the slowness of the meter may come up to +/- 33.33%, so the recorded slowness during checking was not correct.
- (vii) Where the checking had been done by the checking office, it had not been mentioned anywhere whether the meter's accuracy had been checked in kWh or in kVAh.
- (viii) The Appellant's meter blinking is done on kVAh, in which during checking, due to wrong connection of CT's, there should be no effect on the kVAh consumption recording of the meter, because due to the connection or interchange of two CT's, here is a difference in the face angle of the current of both Phases, but there is no difference in its magnitude, due to which there should be no effect on the kVAh energy recoding.

Apparent Power, kVAH= VI+VI+VI

$$=VI+VI+VI$$

- (ix) While the voltages of the three Phases are equal in magnitude, there should be no difference in the slowness of the reading of kVAh according to the above formula.
- (x) The amount charged to the Appellant is from 01.12.2023 to 27.11.2024 during this period the MDI is between 24.63 kVA and 51.68 kVA and my load is not constant Load. It is not possible because the Appellant's connection's load is 61.97 kW and even after checking his meter, the MDI is 48.922 kVA and 51.15 kVA during month 12/2024 and month 01/2025 respectively, from which it is clear that the slowness shown at the time of checking is not correct.
- (xi) Accuracy/Checking of the meter by the Checking Officer as per IS-14697/2021 was supposed to be checked at different loads and different power factors which was not done. Therefore, the accuracy/Slowness of the meter shown in the checking Report is not correct.
- (xii) In view of the above, the Appellant prayed that the Notice No. 2292 dated 28.11.2024 of ₹ 8,76,021/- issued by AEE, DS Sub division Cheema be quashed in the interest of the justice.

(b) Additional Submissions

The Appellant submitted the following additional submissions for consideration of this Court:-

- (i) The testing of the meter was done in absence of the Appellant.
- (ii) The testing report was manipulated by violating the rules and regulations of the PSPCL.
- (iii) The checking of the meter was done at its own by violating the Instructions No. 11A, 11B & 12 of table 2021 of Indian Standard.
- (iv) The annexures-2, 3, 4, 5 & 6 attached with the report was not verified & signed by any officer of the PSPCL.
- (v) In the Annexure-1 at table no.-2 the slowness was shown as 7.8% to 33.33% even at table no.-1 by manipulating the load the maximum slowness was shown because by interchanging the connection of Red Phase & Blue Phase the power factor of the Blue Phase get reduced that's why the officers of the PSPCL try to put more load on the Blue Phase so that they can show more slowness on the Blue Phase even though the motors runs at three phase balanced load.
- (vi) In the Annexure-1 at table no.-1 in the 3rd row the current of Red, Yellow & Blue Phase was shown as 10A, 5A & 32A and slowness as 64.36%. If the current was shown in this sequence as

32A, 5A & 10A then the slowness was found to be 25.10%.

From this it was clear that the officer of the PSPCL put more load to show the more slowness by doing this they were misguiding the Court.

(vii) From the Annexure-3, 4, 5, & 6 it was seen that checking time input given to the meter was available but no record of output was found. It was difficult to understand that how they calculated the slowness. It was cleared that the report submitted by the officer of the PSPCL was prepared by violating the rules and regulations of the PSPCL and to justify/covered their previously done mistake.

(viii) From the above and by considering the previously submission of the Appellant, the Notice No. 2292 dated 28.11.2024 & Notice No. 360 dated 21.02.2025 issued by Senior Xen, DS Sub Division, PSPCL, Cheema be dismissed.

(c) Submission during hearing

During hearings on 13.03.2025, 24.03.2025 & 02.04.2025, 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's connection was running under DS Sub Division, PSPCL, Cheema in the name of M/s B.S.Steels with sanctioned load/CD as 61.970 kW/65 kVA. The change of name in the connection of the Appellant was done on 08.03.2024. Earlier the premises & connection was running in the name of Sh. Janak Raj and later the contract was signed on 27.07.2020 between Sh. Janak Raj and B.S.Steels to occupy it. The connection of the Appellant bearing account no. 3008676984 was checked by Senior Xen/Additional S.E./Enforcement-cum-MMTS, Sangrur vide ECR No. 23/7036 dated 27.11.2024. At the time of checking the display was working and parameters were recorded as per LHS. It was found that the phase sequence of the meter was not accurate. At the time of checking of the meter, the accuracy was checked with LTERS meter at sanctioned load of 16.72 kW (In dial Mode) & it was found to be running slow by 64.29%. On opening the seal of the CT Chamber, it was found that the Red & Blue CT's wires were interchanged. In the presence of the Appellant, the DS staff corrected the connection.

After this, the accuracy of the metering equipment was checked with LTERS meter at sanctioned load of 14.81 kW and it was found within limit. The DDL of the meter was taken. As per the report of the Enforcement team, the meter was found to be running slow due to which the AEE, DS Sub Division, PSPCL, Cheema had issued a notice to the Appellant for ₹ 8,76,021/- vide letter no. 2292 dated 28.11.2024 as per the Regulation 39.4 (i) Chapter 6 of Supply Code-2024. It was rejected as per the order dated 29.01.2025 in Case No. CF-206/2024 of the Corporate Forum, Ludhiana. As per the order dated 29.01.2025 of the Corporate Forum, Ludhiana, the Appellant's account was found to be slow by 64.29% and it was overhauled for the period of 12 months immediately preceding the date of checking i.e. 27.11.2024 as per Regulation 39.4 (i) of Supply Code-2024. After overhauling the account ₹ 8,78,092/- was recoverable from the Appellant. The Notice No. 360 dated 21.02.2025 was issued to the Appellant for ₹ 8,78,092/-.

- (ii) It was to be mentioned here that consumption data before and after the accurate connection was compared which was as under:-

ਸਾਲ 2023-24 ਦੀ ਖਪਤ					ਸਾਲ 2024-25 ਦੀ ਖਪਤ				
ਮਹੀਨਾ	ਖਪਤ KVAH	KWH	ਐਮ.ਡੀ.ਆਈ	ਦਿਨ	ਮਹੀਨਾ	ਖਪਤ KVAH	KWH	ਐਮ.ਡੀ.ਆਈ	ਦਿਨ
12/2023	945	923	21.9	30	12/2024	6183	5676	48.922	31
01/2024	2711	2672	24.63	31	01/2025	10051	9175	51.15	34
02/2024	2737	2660	34.76	29	02/2025	5895	5368	48.27	31

From the above it was clear that due to wrong connections the meter was running slow.

- (iii) The Appellant's premises was checked through calibrated meter at the sanctioned load and the slowness of the meter was recorded practically. The Appellant was charged according to the findings in the checking report.
- (iv) At the time of dial test, the accuracy was checked with LTERS meter & meters sanctioned load run for a fixed time after that accuracy was found by comparing consumption (kWh & kVAh) of both the meter which was recorded in the ECR.
- (v) The Appellant's consumption data before and after checking was checked and it was found that kVAh consumption was increasing after correcting the connection which is under:-

ਮਹੀਨਾ	ਖਪਤ KVAH	ਮਹੀਨਾ	ਖਪਤ KVAH
12/2023	945	12/2024	6183
01/2024	2711	01/2025	10051
02/2024	2737	02/2025	5895

From the above it was clear that due to wrong connections the meter was running slow.

- (vi) The Appellant was charged on the basis of slowness found at the time of checking from 01.12.2023 to 30.11.2024 as per the instructions of the PSPCL which was correct as per the para above and the same was agreed by the Corporate Forum, Ludhiana. The MDI shows the maximum demand used by the Appellant and it has no relation with the monthly total consumption of the Appellant. The Appellant itself told that load was not constant.
- (vii) The Appellant's connection was checked with LTERS meter at the running load/power factor which was correct as per the checking report.
- (viii) As per the final order dated 29.01.2025 of the Corporate Forum, Ludhiana the amount of 8,78,092/- was chargeable to the Appellant as per the reports of the record.

(b) Additional Submissions

The Respondent submitted the following additional submissions for consideration of this Court:-

- (i) The Respondent asked the Additional Superintending Engineer, Enforcement-cum-MMTS, PSPCL, Sangrur and ME Lab regarding the report of the meter. As per the analytical calculation of the Additional Superintending Engineer, Enforcement-cum-MMTS, PSPCL, Sangrur if the same load runs in all the three phase then slowness was recorded as -33.33% and if unbalanced current/load runs in the phases then slowness was recorded as -64.36%. To verify/check slowness recorded, the same PO: M-132/MQP-109, meter no. 19413031 was checked by ME Lab, PSPCL, Patiala. The meter CT ratio 100/5A, MF 20 was checked on all three phases by giving different values of current at different phases which is as under:-

TEST 1		L1	L2	L3	Test Result (slowness recorded)	Annexure-3
Checking Date						
27.03.2025	U	240.0	240.0	240.1	-63.18%	
	I	1.0	0.5	3.0		
	PF	0.9	0.9	0.9		

TEST 2 Ch eck ing Dat e 27. 03. 202 5		L1	L2	L3	Test Result (slo wn ess rec ord ed)	Annexure-4
	U	240.0	240.1	240.1	-62.70%	
	I	0.5	0.5	2.0		
	PF	0.9	0.9	0.9		

TEST 3 Ch eck ing Dat e 27. 03. 202 5		L1	L2	L3	Test Result (slo wn ess rec ord ed)	Annexure-5
	U	240.0	240.1	240.1	-72.03%	
	I	--	--	5.0		
	PF	--	--	0.9		

TEST 4 Ch eck ing Dat e 27. 03. 202 5		L1	L2	L3	Test Result (slo wn ess rec ord ed)	Annexure-6
	U	240.0	240.0	240.1	-94.25%	
	I	--	0.5	2.0		
	PF	--	0.9	0.9		

(ii) The calculation sheet submitted by the Appellant was showing the slowness of -33.33% by considering the balanced load. The

Appellant at the para no. 5 of the Appeal had admitted that the load was not constant at its premises.

- (iii) As per the above result the slowness was recorded as -94.25% by giving different values of current at different phases. As per checking report the slowness (-64.29%) recorded was correct as per the running load at that time and amount charged to the Appellant was recoverable. The Corporate Forum, Ludhiana also ordered to charge the amount to the Appellant.

(c) **Submission during hearing**

During hearings on 13.03.2025, 24.03.2025 & 02.04.2025, 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 29.01.2025 of the Corporate CGRF, Ludhiana in Case No. CF-206/2024.

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

- (i) The CCGRF, Ludhiana in its order dated 29.01.2025 observed as under:-

“Forum observed that on the request of SDO/Cheema vide Memo no. 2229 dated 26.11.2024, connection of Complainant was checked by Sr. Xen/Enf. cum EA & MMTS Sangrur and ECR no. 23/7036 dated 27.11.2024 was prepared. The observations recorded in ECR no. 23/7036 dated 27.11.2024 are as under: -

“ਚੈਕਿੰਗ ਦਾ ਆਧਾਰ : ਉਪ ਮੰਡਲ ਪੱਤਰ ਨੰ. 2229 ਮਿਤੀ 26.11.24

ਸਿੱਟਾ : ਚੈਕਿੰਗ ਸਮੇਂ ਮੀਟਰ ਦੀ ਡਿਸਪੇਲਅ ਦੇ ਚੱਲ ਰਹੇ ਪੈਰਾਮੀਟਰਜ਼ LHS ਅਨੁਸਾਰ ਦਰਜ ਕੀਤੇ ਗਏ। ਇਹ ਪਾਇਆ ਗਿਆ ਕਿ ਮੀਟਰ ਦੇ ਫੇਜ਼ ਸੀਕੁਐਂਸ ਠੀਕ ਨਹੀਂ ਹਨ।

ਅਗਲੇਰੀ ਚੈਕਿੰਗ ਸਮੇਂ ਮੀਟਰ ਦੀ ਐਕੂਰੇਸੀ ਐਲ. ਟੀ. ਈ. ਆਰ. ਐਸ ਮੀਟਰ ਨਾਲ ਚਲਦੇ ਭਾਰ 16.72 ਕਿ: ਵਾ: ਤੇ ਚੈਕ ਕੀਤੀ ਗਈ (ਇਨ ਡਾਇਲ ਮੋਡ) ਜੋ ਕਿ 64.29% ਸਲੇਅ ਚਲਦਾ ਪਾਇਆ ਗਿਆ।

ਸੀ.ਟੀ ਚੈਂਬਰ ਦੀਆਂ ਸੀਲਾਂ ਖੋਲ ਕੇ ਚੈਕਿੰਗ ਦੌਰਾਨ ਪਾਇਆ ਗਿਆ ਕਿ ਰੈਡ ਅਤੇ ਬਲੂ ਸੀ.ਟੀਜ ਦੀਆਂ ਤਾਰਾਂ ਆਪਸ ਵਿੱਚ interchanged ਹਨ।

ਮੌਕੇ ਤੇ ਖਪਤਕਾਰ ਦੀ ਮੌਜੂਦਗੀ ਵਿੱਚ ਡੀ. ਐਸ ਸਟਾਫ ਵੱਲੋਂ ਕੁਨੈਕਸ਼ਨ ਸਹੀ ਕਰਵਾਏ ਗਏ। ਇਸ ਉਪਰੰਤ ਮੀਟਰਿੰਗ ਇਕੁਪਮੈਂਟ ਦੀ ਐਕੂਰੇਸੀ ਦੇਬਾਰਾ ਐਲ.ਟੀ.ਈ.ਆਰ.ਐਸ ਮੀਟਰ ਨਾਲ ਚਲਦੇ ਭਾਰ ਤੇ ਚੈਕ ਕੀਤੀ ਗਈ ਜੋ ਕਿ ਵਿਦ ਇਨ ਲਿਮਟ ਪਾਈ ਗਈ।

ਮੀਟਰ ਦਾ ਡੀ.ਡੀ.ਐਲ ਕਰ ਲਿਆ ਗਿਆ ਹੈ। ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਮਹਿਕਮੇ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਓਵਰਹਾਲ ਕੀਤਾ ਜਾਵੇ।

ਮੀਟਰ ਟੀ - ਸੀ ਸੀਲਾਂ.ਸੀ ਤੇ ਲਗਾਈਆਂ ਗਈਆਂ ਪੀ .J.R 87439, J.R 87432.”

Account of the Complainant was overhauled from 01.12.2023 to 27.11.2024 and notice no. 2292 dated 28.11.2024 was issued to him to deposit an amount of Rs. 876021/- due to slowness of 64.29% of his meter. Complainant did not agree to this notice and filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent, as under: -

	2021		2022		2023		2024	
Month	Cons	Code	Cons	Code	Cons	Code	Cons	Code

Jan			2510	O			2711	O
Feb	7	O	2291	O	3835	O	2737	O
Mar	2744	O	2324	O	4477	O	3947	O
Apr	2037	O	3448	O	5823	O	3444	O
May	4109	O	1661	O	5283	O	11796	O
Jun	2227	O	2428	O	5742	O	5483	O
Jul	975	O	1144	O	8063	O	4253	O
Aug	1295	O	1632	O	5304	O	9258	O
Sep	2390	O	4073	O	7206	O	11207	O
Oct	2081	O	8112	O	9073	O	3216	O
Nov	1268	O	1268	D	9086	O	3643	O
			263	D			2985	O
Dec	789	O	4632	O	1627	O	6183	O
			2675	O	945	O		
TOTAL	19922		38461		66464		70863	

As per the above data, the annual consumption of the Complainant from 2021 TO 2024 has been recorded as 19922, 38461, 66464 and 70863 units respectively. Forum observed that Complainant got his load extended form 19.79kW/20kVA to 61.970kW/65kVA w.e.f. 26.12.2022, that is why the consumption has increased substantially thereafter.

Forum observed that the slowness of 64.29% of the meter of the complainant declared by Sr. Xen/Enf. cum EA & MMTS-Sangrur during checking as per his ECR no. 23/7036 dated 27.11.2024 was an instant slowness related to that very moment of checking. It cannot be considered a constant or uniform slowness which could be applied to the entire disputed period as this slowness keeps on varying depending upon various factors like the voltages of the respective phases, load running on them, power factor thereof etc. Even respondent could not prove the same either on any documentary evidence or on the basis of DDL report. Hence overhauling the account of the Complainant by applying a uniform slowness of 64.29% is not justified. Under these circumstances the meter of the complainant is required to be treated as defective, hence, all contentions of the complainant that analytically slowness of the meter in case of interchanging of connections of two CT's can be +/-33.33% only and that the slowness was worked out at 25% of load only and that too was unbalanced, etc. become irrelevant as the meter is to be treated as defective in this case. Further no inference can be

drawn from the DDL data as, it is not known that since when the wrong connections existed at site and in all probability this mistake occurred on 26.12.2022 when LT CT meter was installed at the time of release of extension in load from 19.79kW/20kVA to 61.970kW/65kVA as the same meter and CT's were existing till the date of checking i.e. 27.11.2024 as per ECR no. 23/7036 dated 27.11.2024. Hence, this instant slowness cannot be considered as constant or uniform over an entire disputed period. In view of the forgoing discussion, the metering equipment of the Complainant is required to be treated as defective for the period from 26.12.2022 up to 27.11.2024 i.e. the date of checking when the connections of the meter had been set right. However, all the bills issued to the complainant during 2023 are on 'O' codes and respondent had never objected to these bills. If there was any irregularity in the connections then it was the responsibility of the respondent to set it right. Therefore, readings recorded during 2023 with 'O' code cannot be ignored, as such, the account of the complainant is required to be overhauled as per Regulation 39.4(ii)(a) of PSERC Supply Code-2024 dealing with the defective meters, reproduced below:

"Defective or Inoperative (other than inaccurate)/Dead Stop/Burnt/Stolen Meters

The accounts of a consumer shall be overhauled/billed for the period meter remained defective or inoperative/dead stop subject to maximum period of six months. In case of burnt/stolen meter, where supply has been made direct, the account shall be overhauled for the period of direct supply subject to maximum period of three months. The procedure for overhauling the account of the consumer shall be as under:

- 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 sub-clause (a) above is not available, the average monthly consumption of previous six (6) months preceding immediately the date the meter is found defective or Inoperative/Dead Stop/Burnt/Stolen during which the meter was functional, shall be adopted for overhauling of accounts. Provided that in case of seasonal industry if data of corresponding period of previous year as per sub-*

clause (a) is not available then account shall be overhauled as per procedure specified under sub-clause (d).

c) If neither the consumption of corresponding period of previous year (sub clause a) nor for the last six months (sub-clause-b) is available then average of the consumption for the period the meter worked correctly continuously for atleast 4 months during the year preceding the date meter is found defective or Inoperative/Dead Stop/Burnt/Stolen shall be taken for overhauling the account of the consumer except in case of seasonal industry where if data as per sub-clause (a) is not available then same shall be covered under sub-clause (d) directly.

d) Where the consumption for the previous months/period as referred in sub clause (a) to sub-clause (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per Annexure-7 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year. In case of seasonal industries, the factor (L) i.e. load in the LDHF formula during non seasonal period shall be considered as 10% of the sanctioned contract demand or maximum demand recorded during last one year, whichever is higher."

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

It is observed that connection of Complainant was checked by Sr. Xen/Enf. cum EA & MMTS Sangrur and ECR no. 23/7036 dated 27.11.2024 was prepared. On checking it was found that the, phase sequence was not in order. After opening the seals of CT chamber, it was found that CT's wires of red and blue phases are interchanged. The accuracy of the meter was checked with LT ERS meter on dial mode on running load of 16.72kW and it was found 64.29% slow. Connections were got corrected at site and accuracy of the meter was checked again which was found within limits. As such, the meter is to be treated as inaccurate meter. Further, forum observed at page no 9, that

"no inference can be drawn from the DDL data as, it is not known that since when the wrong connections existed at site and in all probability this mistake occurred on 26.12.2022

when LT CT meter was installed at the time of release of extension in load from 19.79kW/20kVA to 61.970kW/65kVA as the same meter and CT's were existing till the date of checking i.e. 27.11.2024 as per ECR no. 23/7036 dated 27.11.2024".

As such, the meter is to be treated as inaccurate meter since 26.12.2022. The relevant Regulation 39.4(i) of PSERC Supply Code-2024 dealing with the inaccurate meter is reproduced below:

Inaccurate Meters

"If a consumer meter, on testing in the laboratory or at site or through check meter, as the case may be, as per Regulation 39(3)(vii) of this Code, is found to be beyond the limits of accuracy as prescribed in relevant Indian Standards, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period during which meter remained inaccurate provided the period during which the meter remained inaccurate is established beyond any doubt from the data downloaded from the meter or any other verifiable evidence subject to maximum of 12 months. The account shall be overhauled from the period immediately preceding the:

- a) date of test in case the meter has been tested at site to the satisfaction of the consumer or replacement of inaccurate meter whichever is later; or*
- b) date the inaccurate meter is removed for testing in the laboratory of the distribution licensee.*

Since there is specific provision in Regulation 39.4(i) of PSERC Supply Code-2024 which specify that, If a consumer meter, on testing in the laboratory or at site or through check meter, as the case may be is found to be beyond the limits of accuracy as prescribed in relevant Indian Standards, the account of the consumer shall be overhauled and the electricity charges shall be computed in accordance with the said test results for a period during which meter remained inaccurate subject to maximum of 12 months. As the said Regulation allowed overhauling of account for the maximum

period of 12 months immediately preceding the date of checking, therefore, I am of the opinion that Account of the Complainant be overhauled with slowness factor of 64.29% for a period of twelve months preceding the date of checking i.e. 27.11.2024, when the connections of the meter had been set right, as per as per Reg. 39.4(i) of Supply Code-2024.

Permanent Invitee from the O/o EIC/Commercial, PSPCL, Patiala, concurred with the opinion of Member/Finance.

However, Chairperson/Forum concurred with the opinion of Independent Member with a view that slowness of 64.29% of the meter of the complainant declared by Sr. Xen/Enf. cum EA & MMTS-Sangrur during checking as per his ECR no. 23/7036 dated 27.11.2024 was an instant slowness related to that very moment of checking which varies with numbers of factors as discussed by Independent Member. Moreover, till now nos. of such cases has been decided by this Forum, by treating such meters as defective. However, he is of the opinion that the previous consumption of the complainant is not reliable due to wrong connections probably w.e.f. 26.12.2022, therefore his account is required to be overhauled for a period of six months preceding the date of checking i.e. 27.11.2024 as per Reg. 39.4 (ii) (d) of Supply Code-2024.

Forum has gone through written submissions made by the Complainant in the Complaint, written reply of the Respondent along with the relevant material brought on the record. Keeping in view the above discussion/facts Forum, with majority is of the opinion that overhauling the account of the Complainant for a period of about 12 months with constant slowness factor of 64.29% of his meter is not as per relevant Regulations and accordingly charging amount of Rs. 876021/- on this basis is not justified. Hence, the notice issued vide Memo No. 2292 dated 28.11.2024 amounting to Rs. 876021/- is liable to be quashed. Account of the Complainant is required to be overhauled with slowness factor of 64.29% for a period

of twelve months preceding the date of checking i.e. 27.11.2024, when the connections of the meter had been set right, as per as per Reg. 39.4(i) of Supply Code-2024. Further there are big lapses on the part of the o/o the respondent. Firstly, his office made wrong connections probably on 26.12.2022 and thereupon a responsible official of the rank of AAE/JE-1 who records the monthly readings could not detect this anomaly/abnormality when the meters are capable of flashing such anomaly on its display. Further regular checking as prescribed in ESIM have not been carried out causing recurring revenue loss to PSPCL. This matter needs to be enquired and responsibilities of the delinquent officer/official are required to be fixed.”

- (ii) I have gone through the written submissions made by the Appellant in its Appeal, written reply of the Respondent, additional submissions & the data placed on the record by both the parties as well as oral arguments of both the parties during the hearings on 13.03.2025, 24.03.2025 & 02.04.2025. It is observed that the Chairperson & the Independent Member of the Corporate Forum, Ludhiana had in order dated 29.01.2025 of the Corporate Forum, Ludhiana recorded that the slowness of 64.29% of the meter of the complainant declared by Sr. Xen/Enf. cum EA & MMTS-Sangrur during checking as per his ECR no. 23/7036 dated 27.11.2024 was an instant slowness related to that very moment of checking which cannot be considered as constant or uniform slowness which could be applied to the entire disputed period as this slowness keeps on varying

depending upon various factors like the voltages of the respective phases, load running on them, power factor thereof etc. However, while giving the final decision, it was decided that the account be overhauled for a period of 12 months with slowness factor of 64.29% as per Regulation 39.4(i) of Supply Code-2024.

- (iii) The Appellant's Representative during hearing in this Court also stressed on the views expressed by the Chairperson & the Independent Member of the Corporate Forum, Ludhiana. He further pleaded that there is a provision in the meter that if due to any reason the meter records -ve energy, then this -ve energy is added to the +ve or Import energy in which case analytically the slowness of the meter in case of interchanging of connections of two CT's can be +/- 33.33% only. When the Respondent was asked to file his reply on this, even the Respondent admitted in his reply submitted vide letter no. 1874 dated 28.03.2025 that only in the event of balanced load on all the three phases of the meter, the meter can be slow or fast by 33.3% as claimed by the Appellant. But if the load is unbalanced, then the slowness can vary between -62.70% to -94.25%. Test results of the same PO: M-132/MQP-109, meter no. 19413031 checked by ME Lab, PSPCL, Patiala were provided alongwith this letter wherein the

slowness was shown as -63.18%, -62.70%, -72.03% & -94.25% on varying current on different phases. The Respondent admitted that the load of the Appellant was not balanced at the time of checking. In view of the above discussions, it is felt that overhauling of the account of the Appellant by applying a uniform slowness of 64.29% is not justified.

- (iv) The metering equipment of the Appellant ought to be treated as defective for overhauling the account of the Appellant. The Sr. Xen/Enf. cum EA & MMTS-Sangrur found that the meter & the CTs installed in the premises of the Appellant on the date of checking on 27.11.2024 were the same as installed at the time of release of extension in load from 19.79kW/20kVA to 61.970kW/65kVA on 26.12.2022. It appears that the wrong connections could have been made at the time of release of extension in load on 26.12.2022. Therefore, reliable energy consumption of corresponding period of previous year is not available to overhaul the account of the Appellant as per Regulation 39.4(ii)(a) to 39.4(ii)(c) of Supply Code, 2024.
- (v) In view of above discussion, this Court is not inclined to agree with the fractured verdict dated 29.01.2025 of the Corporate Forum, Ludhiana in Case No. CF-206/2024 to overhaul the account of the consumer as per Regulation 39.4 (i) of Supply

Code-2024 treating it as inaccurate meter. The account of the Appellant should be overhauled for maximum period of six months immediately preceding the date of checking on 27.11.2024 when the connections of the meter had been set right, on the basis of actual consumption recorded in the corresponding period of the succeeding year as per Regulation 39.4(ii)(d) of Supply Code, 2024 treating the metering equipment as defective.

6. Decision

As a sequel of above discussions, the order dated 29.01.2025 of the Corporate Forum, Ludhiana in Case No. CF-206/2024 is hereby quashed. The account of the Appellant be overhauled for maximum period of six months immediately preceding the date of checking on 27.11.2024 when the connections of the meter had been set right, on the basis of actual consumption recorded in the corresponding period of the succeeding year as per Regulation 39.4(ii)(d) of Supply Code, 2024.

CE/DS South, PSPCL, Patiala is directed to investigate the matter and fix responsibilities of the delinquent officers/officials for causing recurring financial loss to PSPCL and unnecessary harassment to the Appellant due to wrong connections.

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, 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 09, 2025
S.A.S. Nagar (Mohali).

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