

**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 142 of
Electricity Act, 2003)**

APPEAL No. 05/2023

Date of Registration : 18.01.2023

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. Naveen Aggarwal,
Humbran Road,
Opp. Golden Avenue, Ludhiana.

Contract Account Number: 3005658606 (NRS)

...Appellant

Versus

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

...Respondent

Present For:

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

Respondent : Er. Gurpreet Singh,
Asstt. Executive Engineer,
O/o DS Aggar Nagar (Spl.) Division,
Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 25.11.2022 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-156/2022 deciding that:

“The bills issued for the period 13.05.2022 to 07.09.2022 are quashed. The account of the petitioner be overhauled from 13.05.2022 to 07.09.2022 (i.e. date of replacement of meter) on the basis of average monthly consumption of previous six (6) months during the meter remained functional i.e., 07.07.2021 to 02.02.2022 as per Reg. 21.5.2 (b) along with adjustment for change of load/demand as per Reg. 21.5.2 (e) of Supply Code-2014.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 18.01.2023 i.e. beyond the stipulated period of thirty days of receipt of the decision dated 25.11.2022 of the CCGRF, Ludhiana in Case No. CF-156/2022. The Appellant deposited the requisite 40% of the disputed amount before filing the Appeal in this Court as required under Regulation 3.18 (iii) of PSERC (Forum & Ombudsman) Regulations, 2016. Therefore, the Appeal was registered on 18.01.2023 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. 83-85/OEP/A-05/2023 dated 18.01.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 30.01.2023 at 01.00 PM and intimation to this effect was sent to both the parties vide letter nos. 101-02/OEP/A-05/2023 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 had submitted that he had received the decision of the CCGRF on 23.12.2022 with the Notice No. 13639 dated 21.12.2022. Through this Notice, the Appellant came to know that refund of only ₹ 80,346/- was given to him after implementation of decision of the Corporate Forum. The Appellant was not satisfied with the CCGRF decision and he had decided to file the present Appeal in this Court. Therefore, the Appellant's Representative requested that the delay in filing the Appeal before this Court 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 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, bearing Account No. 3005658606. The Appellant had got his load extended to 40 kW in 02/2022. The Appellant was a bonafide consumer and had been regularly paying all the bills raised by the PSPCL. But on 18.06.2022, the meter of the Appellant was reported defective by the Meter Reader and a 'D' code bill was generated. The Appellant was in disagreement with all the bills raised from 13.05.2022 to 07.09.2022. The Appellant filed a case in the CCGRF for ₹ 14,66,393/-. The decision was passed by the CCGRF on 25.11.2022 which was received by the Appellant on 23.12.2022 vide Notice No. 13649 dated 21.12.2022 of the AEE/ Commercial, DS Aggar Nagar (Spl.) Divn., Ludhiana. It came as a shock to the Appellant as only ₹ 80,346/- had been reduced by the Respondent.
- (ii) The order passed by the CCGRF was arbitrary as it was totally contradictory to the observations made by the CCGRF, Ludhiana itself. The detail of disputed bills is as follows:-

Reading Date		Days	Status	Reading (kVAH)		Consumption kVAh	Billed Amount				
New	Old			New	Old		SOP	ED	MT	IDF	Total
18.06.2022	13.05.2022	36	D	42325	14657	27668	175692	22840	3514	8785	210830
16.07.2022	18.06.2022	28	D	75996	42325	33671	213811	27795	4276	10691	256573
13.08.2022	16.07.2022	28	D	122487	75996	46491	295218	38378	5904	14761	354261
07.09.2022	13.08.2022	25	D	207097	122487	84610	537274	69846	10745	26864	644728
						192440	1221994	158859	24440	61100	1466393

(iii) As per Regulation 21.5.2 of Supply Code, 2014:-

“Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters

The accounts of a consumer shall be overhauled/billed for the period meter remained defective/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 six month. 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 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.”

- (iv) The consumption of corresponding period was not available. Also the average monthly consumption of previous six months was not available as the meter was installed in 02/2022. So, as per Regulation 21.5.2 (c) the average of consumption the meter remained functional during last 6 months can be taken. In that case the average consumption as follows:-

Average consumption taken by SAP from 13.05.2022 to 07.09.2022-

New	Old		Status	New	Old	Consumption
07.09.2022	13.05.2022	117	D	187321	14657	172664

Average consumption as per Regulation 21.5.2 (c)-

New	Old	Days	Status	New	Old	Consumption	Average Consumption per day (14643/99)	Average Consumption From 13.05.2022 to 07.09.2022
13.05.2022	03.02.2022	99	O	14657	14	14643	148	17305

As per Regulation 21.5.2 (d) of Supply Code, 2014; the average

Consumption as per LDHF Formula is as follows:-

Reading Date		Days	Status	Reading (kVAh)		Consumption	LDHF	Consumption as per LDHF
New	Old			New	Old	kVAh	40*25*12*0.40	
18.06.2022	13.05.2022	36	D	42325	14657	27668	4800	5760
16.07.2022	18.06.2022	28	D	75996	42325	33671	4800	4480
13.08.2022	16.07.2022	28	D	122487	75996	46491	4800	4480
07.09.2022	13.08.2022	25	D	207097	122487	84610	4800	4000
								18720

(v) The observations mentioned in the decision of the CCGRF, Ludhiana in this case are as follows:-

- i. *The Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as oral arguments made by the Petitioner and the Respondent, along with the material brought on the record. The issue that requires adjudication in the present dispute is, to decide the legitimacy of the bills issued for the period 13.05.2022 to 07.09.2022 on average consumption being 'D' code amounting to Rs. 1466393/-.*
- ii. *From the consumption data, the annual consumption of the Petitioner from 2019 to 2022 (Up to Oct) has been recorded as 390 kWh, 240 kWh, 4670 kWh & 219641 kVAh (including disputed consumption) respectively. It is observed that **the enhanced average consumption of 192440 kVAh units taken for billing for the period 13.05.2022 to 07.09.2022 on 'D' code was never recorded before & after the replacement of the meter.** Consumption after extension of load in 02/2022 to 05/2022 was 14657 kVAh only. Site of the Petitioner was checked vide LCR no. 65/2371 dated 14.11.2022 as per which the connected load was found 34.144 kW against sanctioned load of 40 kW and reading was recorded as 020344.0 kVAh meaning thereby consumption of 20344.0 kVAh units in 67 days i.e., 9109 kVAh units per month for a pre-winter period.*
- iii. *Forum directed the Respondent to take up the matter with IT department of the PSPCL for ascertaining the logic behind the basis of charging average units on D-code by SAP system in this case. In this regard Respondent on hearing date 18.11.2022, submitted the logic behind the basis of charging average units on D-code by SAP system as received from IT department is that "the estimation is done using LYSM logic and further multiplied with load ratio (load in current cycle/load in previous cycle) as load was changed. Forum observed that there is no instruction in the Supply Code for charging average on the logic submitted by the Respondent.*

Therefore, Forum is of the view that the billing of the petitioner was not done correctly and is liable to be quashed.

- iv. Further Petitioner in its Petition contended that the meter was changed after 117 days which is also in violation of prescribed time limits causing undue harassment to the petitioner. Forum observed that the Respondent was liable to change the defective/ dead stop meter within the time period specified in Supply Code-2014 & get the same tested from the ME Lab. It took more than three month to replace a dead stop meter which was required to be replaced within 10 working days as specified in Supply Code-2014. This is a violation of Standards of Performance.

On the basis of observations made by the Forum it can be clearly established that.

- a) The enhanced average consumption charged i.e. 192440 units has never been recorded before or after change of meter.
- b) Also site of the Petitioner was checked vide LCR no. 65/2371 dated 14.11.2022 as per which the connected load was found 34.144 kW against sanctioned load of 40 kW and reading was recorded as 020344.0 kVAh meaning thereby consumption of 20344.0 kVAh units in 67 days i.e., 9109 kVAh units per month for a pre-winter period.
- c) On instructions of the Forum, the IT department of the PSPCL explained logic behind average consumption of 192440 units i.e. It has been charged on LYSM logic and further multiplied with load ratio. The Forum itself opined here that this calculation is not correct and this billing is liable to be quashed.

It is absolutely unjustified that inspite of establishing the fact that the calculation is wrong, the Forum itself opined same logic in its final verdict.

- (vi) As per LCR No. 65/2371 dated 14.11.2022, the detail of connected load was as follows:-

Detail of LCR no. 65/2371 dated 14.11.2022-

Particulars	No.	Load	Total Load (kW)
Lamp	102	0.4	4.08
Fans	32	0.6	1.92
Plugs	107/3	0.6	2.14
AC	2	9	18
Motor	1	2.238	2.238
AC	2	3	6
Motors	1	0.746	0.746
			35.124

Detail of Bills

S.No.	Particulars	Vendor	Bill No.	E-way bill no.	Bill Date
1.	Bricks	Kahlon Building Material	U36/2021-2022		28.06.2021
2.	Labour	Ramandeep Singh			04.07.2021
3.	TMT Bar	Shri Bawa Lal Dyyal Steel Industries	118		07.07.2021
4.	Cement bags	Mohan Knitwears	H-2510		07.07.2021
5.	Cement bags	Mohan Knitwears	840		11.07.2021
6.	Cement bags	Mohan Knitwears	871		16.07.2021
7.	Cement bags	Mohan Knitwears	883		17.07.2021
8.	Bricks	Mohan Knitwears	888		18.07.2021
9.	Shuttering	AdhinathShttering	3		19.07.2021
10.	Cement bags	Shansha building material	918		22.07.2021
11.	Ambuja Cement	Shansha building material	919		22.07.2021
12.	Premix	Rama Industries	H-220		02.08.2021
13.	Premix	Rama Industries	H-228		04.08.2021
14.	Plaster work	LakhwinderSingh contractor			09.08.2021
15.	Ducted split AC	Rama Industries	6022103662	331445074333	09.05.2022
16.	Ducted split AC	Rama Industries	GST/22-22-00593		12.05.2022
17.	Electric fitting material	Rama Industries	GST/22-23-00594		20.05.2022
18.	2 No. Split AC	Carrier Air-conditioning and referegeration	6022106098	371454602817	02.06.2022
19.	Commercial Freezer	Ramco Impex Pvt. Ltd.	96		07.06.2022
20.	Electric fitting	Chawla Electric store	GST/22-23-001113		16.06.2022
21.	Indoor Unit 1.5 ton	Snow white Referigertaion	T1/0479		26.07.2022
22.	Panel etc.	MS Traders	62		02.09.2022

(vii) On combined study of LCR No. 65/2371 dated 14.11.2022 and detail of construction bills and other appliance bills of the Appellant, it can be observed that:-

(a) The base taken for calculation of average was 07.07.2021 to 02.02.2022 as per decision of the CCGRF. It was pertinent to note that the building of the Appellant was under construction from 05/2021 to 03/2022 which can be well established from the copies of building material and job work bills attached.

(b) The Appellant was running a Departmental Store. The store became fully operational only in 09/2022. It was evident from the bills of air conditioners, electric fitting material, Commercial Refrigerators. AC and refrigerators were pre-requisite for Departmental Stores because there were many products which were of perishable nature. So to preserve them, refrigeration was required.

(c) It was evident from invoice no. T1/0479 dated 26.07.2022 that Commercial Refrigerator was purchased on 26.07.2022 which showed that the store was not fully operational before that.

(d) Also the duct AC was purchased on 02.05.2022 and 2 split AC's were purchased on 02.06.2022. It was pertinent to note that the installation of duct AC was completed in 08/2022. The load of these AC's comes to around 24 kW. So, out of 35.124 kW load,

6 kW was installed in 06/2022 and 18 kW (duct AC) was installed in 08/2022.

(e) The lighting was installed (Ceiling lights) in 09/2022 as per bill no. 62 dated 02.09.2022.

(f) From the above facts, it was evident that the decision of the CCGRF was arbitrary and unjustified. It was pertinent to note that the MDI had never been recorded more than 13 kW for this connection. Also as per LCR No, 65/2371 dated 04.11.2022, the MDI recorded was 20.64 kW. So, the average consumption taken by SAP from 13.05.2022 to 07.09.2022 for 92440 units was absurd and without any prescribed procedure in the Supply Code. So the bills raised by SAP should be rectified. The meter was changed after 117 days which was also in violation of prescribed time limits causing undue harassment to the Appellant.

(g) It was prayed that due consideration should be given to the facts presented before this Court and the demand raised from the Appellant through average bills for 192440 units should be quashed.

(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 NRS Category Connection with sanctioned load of 40 kW. The meter of the Appellant was replaced on 08.09.2022 vide MCO No. 100018525648 dated 19.07.2022. The meter was checked in ME Lab vide Challan No. 5047 dated 28.09.2022 and it was reported that meter was dead stop and accuracy could not be done. The reading was not available on AC/ DC mode. DDL could not be done.
- (ii) The Appellant was charged for the following period on 'D' code as per the average of SAP System:-

Period	Units
13.05.2022 to 18.06.2022	27668
18.06.2022 to 16.07.2022	33671
16.07.2022 to 13.08.2022	4691
13.08.2022 to 07.09.2022	84610

- (iii) The load was extended from 1 kW to 40 kW on the request of the Appellant on 04.02.2022. The previous year consumption was available on the basis of LYSM. The average on the basis of the corresponding month of the last year & on the basis of LDHF was as per the following table:-

Sr. No.	Bill Period	Days	Units charged by SAP System	LDHF units on basis of 40 kW load	LYSM units on basis of 1 kW load	LYSM units on basis of 40 kW load
1	13.05.2022 to 18.06.2022	36	27668	5760	2.58	103.9=114
2	18.06.2022 to 16.07.2022	28	33671	4480	S-code	S-code
3	16.07.2022 to 13.08.2022	28	46491	4480	496.3	198521.9=22058
4	13.08.2022 to 07.09.2022	25	84610	4000	676.43	270571.9=30063
		Total	192440	18720		

The IT wing of PSPCL was asked to provide the calculation in the bills as per SAP billing system and it was provided as below:-

Period	13.05.2022 to 18.06.2022
Bill Cycle/previous year period	03 (07.07.2021 to 16.08.2021)
LYSM Consumption C	709
kVAh consumption as per NRS category $O=C/0.9$	7877.779778
Load Ratio (load in current cycle/load in previous cycle) L	40
Current Days D	36
Prev. days diff. P	41
Final Consumption $F=C/P*D*L$	27668.29268
Previous Reading	14,657.00
New Reading	42,825.29

Period	18.06.2022 to 16.07.2022
Bill Cycle/previous year period	04 (17.06.2021 to 25.10.2021)
LYSM Consumption C	1894
kVAh consumption as per NRS category $O=C/0.9$	2104.444444
Load Ratio (load in current cycle/load in previous cycle) L	40
Current Days D	28
Prev. days diff. P	70
Final Consumption $F=C/P*D*L$	33671.11111
Previous Reading	42325.00
New Reading	75906.11

Period	16.07.2022 to 13.08.2022
Bill Cycle/previous year period	05 (25.10.2021 to 17.12.2021)
LYSM Consumption C	1980
kVAh consumption as per NRS category $O=C/0.9$	2200
Load Ratio (load in current cycle/load in previous cycle) L	40
Current Days D	28
Prev. days diff. P	53
Final Consumption $F=C/P*D*L$	46490.56604
Previous Reading	75,996.00
New Reading	122,486.57

Period	13.08.2022 to 07.09.2022
Bill Cycle/previous year period	06 (17.12.2021 to 02.02.2022)
LYSM Consumption C	3579
kVAh consumption as per NRS category $O=C/0.9$	3976.666667
Load Ratio (load in current cycle/load in previous cycle) L	40
Current Days D	25
Prev. days diff. P	47
Final Consumption $F=C/P*D*L$	84609.92908
Previous Reading	122,486.57
New Reading	207,096.50

- (iv) The Appellant was not satisfied with the consumption charged in the bills and filed his case in the Corporate Forum, Ludhiana. After hearing both the parties and perusal of the record produced by them; the Forum, decided that:

“The bills issued for the period 13.05.2022 to 07.09.2022 are quashed. The account of the petitioner be overhauled from 13.05.2022 to 07.09.2022 (i.e., date of replacement of meter) on the basis of average monthly consumption of previous six (6) months during the meter remained functional i.e., 07.07.2021 to 02.02.2022 as per Reg. 21.5.2 (b) alongwith adjustment for change of load/demand as per Reg. 21.5.2 (e) of Supply Code-2014.”

- (v) As per the LCR, the connected load was found as 34.144 kW against the sanctioned load of 40 kW.
- (vi) As per the bills of materials submitted by the Appellant, it could not be confirmed that the whole equipments were used in the same premises of the Appellant and the load was not build up before this.
- (vii) As per the decision of the Corporate Forum, Ludhiana; refund of ₹ 80,346/- was given to the Appellant. The amount charged to the Appellant was correct and recoverable. The Appellant was not satisfied with the decision of the Corporate Forum, Ludhiana and filed his Appeal in the Court of Ombudsman/ Electricity, Punjab.

(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 average bills issued to the Appellant for the period from 13.05.2022 to 07.09.2022 on 'D' Code amounting to ₹ 14,66,393/-, later reduced by ₹ 80,346/- due to implementation of the decision of the Corporate Forum.

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

- (i) The Corporate Forum in its order dated 25.11.2022 observed as under:-

“Forum observed that Petitioner applied extension of load from 1KW to 40KW which was released on dated 04.02.2022. Petitioner was issued bills for the period 13.05.2022 to 07.09.2022 on average basis being 'D' code amounting to Rs. 1466393/-. Meter of the Petitioner was changed being defective vide MCO no. 100018525648 dated 19.07.2022 effected on 07.09.2022 and removed meter was sent to ME lab for checking vide ME challan no. 5074 dated 28.09.2022 where meter was found Dead Stop, accuracy could not be done. Reading was not available on AC/DC mode and DDL could not be done. Petitioner was charged average from 13.05.2022 to 07.09.2022 by SAP system. Petitioner did not agree to these bills and filed his case in the Corporate CGRF Ludhiana. Forum, observed the consumption data supplied by the Respondent as under: -

Year	2019		2020		2021		2022	
Month	Cons.	Code	Cons.	Code	Cons.	Code	KVAH	Code
Feb	57	D	5	O	4	O	MCO	O
April	19	D	10	N	52	O	9969	O
May	6	D					4674	O
June	57	C	113	O	4	O	27668	D
July					27	S	33671	D
Aug	109	O	116	N	709	O	46491	D
Sept			122	O			84610	D
Oct	33	O	0	O	1894	O	12558	O
Dec	109	O	118	N	1980	O		
Total	390		240		4670		219641	

From the above consumption data, the annual consumption of the Petitioner from 2019 to 2022 (Up to Oct) has been recorded as 390KWH, 240KWH, 4670KWH & 219641KVAH (including disputed consumption) respectively. It is observed that the enhanced average consumption of 192440 KVAH units taken for billing for the period 13.05.2022 to 07.09.2022 on 'D' code was never recorded before & after the replacement of the meter. Consumption after extension of load in 02/2022 to 05/2022 was 14657KVAH only. Site of the Petitioner was checked vide LCR no. 65/2371 dated 14.11.2022 as per which the connected load was found 34.144KW against sanctioned load of 40KW and reading was recorded as 020344.0 KVAH meaning thereby consumption of 20344.0KVAH units in 67 days i.e., 9109KVAH units per month for a pre-winter period.

Further Respondent in his reply submitted that the average charged by SAP system from 13.05.2022 to 07.09.2022 on D code, was neither charged on the basis of the corresponding period of the previous year nor on the basis of LDHF Formula. Forum observed that as per the reply submitted, average units charged by SAP system for D-code are 192440 KWH units, whereas as per LYSM (adjusting units for extended load of 40 KW) the units are 66864 KWH units. But the difference in two parameters had not been explained. Forum directed the Respondent to take up the matter with IT department of PSPCL for ascertaining the logic behind the basis of charging average units on D-code by SAP system in this case. In this regard Respondent on hearing date 18.11.2022, submitted the logic behind the basis of charging

average units on D-code by SAP system as received from IT department is that “the estimation is done using LYSM logic and further multiplied with load ratio (load in current cycle/load in previous cycle) as load was changed. PFA the calculation.”

Forum observed that there is no instruction in the Supply Code for charging average on the logic submitted by the Respondent. Therefore, Forum is of the view that the billing of the petitioner was not done correctly and is liable to be quashed.

Forum further observed that as per ME lab report meter of the petitioner was found dead stop. 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.”*

Further Petitioner in its Petition contended that the meter was changed after 117 days which is also in violation of prescribed time limits causing undue harassment to the petitioner. Forum observed that the Respondent was liable to change the defective/ dead stop meter within the time period specified in Supply Code,2014& get the same tested from the ME lab. It took more than three months to replace a dead stop meter which was required to be replaced within 10 working days as specified in Supply Code, 2014. This is a violation of Standards of Performance.

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner& Respondent along with material brought on record. As meter of the petitioner was found dead in ME Lab therefore, Forum is of the opinion that the bills issued for the period 13.05.2022 to 07.09.2022 are not justifiable and liable to be quashed. As the exact corresponding consumption of the previous year, as per Reg. 21.5.2(a) is not available. So, the account of the petitioner is required to be overhauled from 13.05.2022 to 07.09.2022 (i.e., date of replacement of meter) on the basis of average monthly consumption of previous six (6) months i.e., 07.07.2021 to 02.02.2022 during which the meter was functional, as per Reg. 21.5.2(b) along with adjustment for change of load/demand as per Reg. 21.5.2 (e) of Supply Code-2014.

Keeping in view the above, Forum came to unanimous conclusion that, the bills issued for the period 13.05.2022 to 07.09.2022 are quashed. The account of the petitioner be overhauled from 13.05.2022 to 07.09.2022 (i.e., date of replacement of meter) on the basis of average monthly consumption of previous six (6) months during the meter remained functional i.e., 07.07.2021 to 02.02.2022 as per Reg. 21.5.2(b) along with adjustment for change of load/demand as per Reg. 21.5.2 (e) of Supply Code-2014.”

(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 applied for extension of load from 1 kW to 40 kW. The extension of load was released on 04.02.2022. The Appellant was regularly paying his bills, but on 18.06.2022, the meter of the Appellant was reported 'Defective' and average bill on 'D' Code was generated for the period from 13.05.2022 to 18.06.2022. Thereafter, the Appellant was issued bills for the further period from 18.06.2022 to 07.09.2022 also on average basis being 'D' code till the defective meter was replaced on 07.09.2022 vide MCO No. 100018525648 dated 19.07.2022. The Appellant was issued bills amounting to ₹ 14,66,393/- for the disputed period from 13.05.2022 to 07.09.2022 on average basis on 'D' Code by SAP billing system. The removed disputed meter was sent to ME Lab for checking vide ME Challan No. 5074 dated 28.09.2022 where the meter was found Dead Stop & accuracy could not be done. Reading was not available on AC/DC mode and DDL could not be done. The Appellant did not agree to these bills and filed his case in the Corporate Forum, Ludhiana vide Case No. CF-156 of 2022. The Forum observed that the average units charged by SAP system for D-code for the disputed period were 192440 kVAh,

whereas as per LYSM (adjusting units for extended load of 40 kW), the units were 66864 kWh. But the difference in two parameters had not been explained. So the Forum directed the Respondent to take up the matter with IT department of PSPCL for ascertaining the logic behind the basis of charging average units on D-code by SAP system in this case. In this regard, the Respondent during hearing on 18.11.2022 submitted the logic behind the basis of charging average units on D-code by SAP system as received from IT department was that *“the estimation is done using LYSM logic and further multiplied with load ratio (load in current cycle/load in previous cycle) as load was changed. PFA the calculation.”*

- (iii) The Corporate Forum observed that there was no instruction in the Supply Code for charging average on the basis of logic submitted by the Respondent. So, Forum decided in its order dated 25.11.2022 that the bills issued for the disputed period from 13.05.2022 to 07.09.2022 be quashed. Further, the account of the Appellant be overhauled for the disputed period from 13.05.2022 to 07.09.2022 (i.e., date of replacement of meter) on the basis of average monthly consumption of previous six months during the meter remained functional i.e., from 07.07.2021 to 02.02.2022 as per Regulation 21.5.2 (b) alongwith adjustment for change of load/demand as per Regulation 21.5.2 (e) of Supply Code-2014.

The Appellant did not agree with the decision of the Corporate Forum & filed the present Appeal before this Court.

- (iv) I have observed that the load of the Appellant was increased from one kW to 40 kW, i.e. by 40 times on 04.02.2022. The consumption of the Appellant cannot be exponentially raised by 40 times as the consumption pattern shall differ at load of 1 kW & at load of 40 kW. Moreover, the billing of NRS connections with one kW load is being done on kWh basis whereas billing of 40 kW NRS connection is being done on kVAh basis. In my opinion, the Corporate Forum had erred in deciding that the account of the Appellant be overhauled on the basis of average monthly consumption of previous six months during the meter remained functional i.e., from 07.07.2021 to 02.02.2022 (when load was one kW only) as per Regulation 21.5.2 (b) along with adjustment for change of load/demand as per Regulation 21.5.2 (e) of Supply Code-2014.
- (v) It would not be appropriate to overhaul the account of the Appellant for the disputed period on the basis of the consumption of Last Year Same Month (LYSM) in the present case as the increase in the load was by 40 times. Moreover, billing of connection with 1 kW load done on kWh basis is not comparable with billing of 40 kW load done on kVAh basis. So, the Account of

the Appellant should have been overhauled for the disputed period from 13.05.2022 to 07.09.2022 as per Regulation 21.5.2 (d) & (e) of the Supply Code, 2014.

- (vi) In view of above, this Court is not inclined to agree with the decision dated 25.11.2022 of the Corporate Forum in Case No. CF-156 of 2022. The Account of the Appellant be overhauled for the disputed period from 13.05.2022 to 07.09.2022 as per Regulation 21.5.2 (d) & (e) of the Supply Code, 2014.
- (vii) The disputed meter was changed after 117 days which is a violation of Standards of Performance as laid down in the Supply Code, 2014 as amended from time to time. This resulted in undue harassment to the Appellant.

7. Decision

As a sequel of above discussions, the order dated 25.11.2022 of the Corporate Forum in Case No. CF-156 of 2022 is hereby quashed. The Account of the Appellant be overhauled for the disputed period from 13.05.2022 to 07.09.2022 as per Regulation 21.5.2 (d) & (e) of the Supply Code, 2014 to be read with amendments issued from time to time.

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.