

**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. 08/2022**

**Date of Registration : 22.02.2022**

**Date of Hearing : 02.03.2022**

**Date of Order : 02.03.2022**

**Before:**

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

**In the Matter of:**

Smt. Roopa Gupta C/o H.L. Gupta & Sons,  
Jain Market, Talab Bazar Talab Mandir Road,  
Ludhiana.

**Contract Account Number: 3001183957 (Old)  
3007590066 (New)**

...Appellant

Versus

Addl. Superintending Engineer,  
DS City Central (Spl.) Division, PSPCL,  
Ludhiana.

...Respondent

**Present For:**

- Appellant:
1. Sh. Roopa Gupta,  
Appellant.
  2. Sh. Rajnish Gupta,  
Appellant's Representative.

Respondent : Er. Sukaran Singh Grewal,  
Addl. Superintending Engineer,  
DS City Central (Spl.) Division, PSPCL,  
Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 17.01.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-436 of 2021, deciding that:

- “i. The amount charged to the Petitioner for difference in reading of 8595 KWH units of Rs. 75086/- is correct and recoverable.*
- ii. ASE/ DS City Central Division, Ludhiana is directed to take appropriate action against the meter reader as per PSPCL instructions for accumulation of readings leading to recurring in revenue loss to PSPCL.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 14.02.2022 i.e within the prescribed period of thirty days of receipt of the decision dated 17.01.2022 of the CGRF, Ludhiana in Case No. CGL-436 of 2021. The Appellant deposited the requisite 40% of the disputed amount vide receipt no. 168144608 dated 13.11.2021 for ₹ 5,000/- and receipt no. 172724655 dated 08.02.2022 for ₹ 25,100/-. The Respondent was asked vide letter no. 129/OEP/ Roopa Gupta dated 14.02.2022 about the status of application for Change of Name filed by the Appellant on 23.08.2021, to

which the Respondent replied vide letter no. 653 dated 22.02.2022 that the Change of name had been affected on 21.02.2022. Therefore, the Appeal was registered on 22.02.2022 and copy of the same was sent to the Addl. Superintending Engineer/ DS City Central (Spl.) Divn., PSPCL, Ludhiana for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 152-154/OEP/A-08/2022 dated 22.02.2022.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 02.03.2022 and an intimation to this effect was sent to both the parties vide letter nos. 171-172/OEP/A-08/2022 dated 24.02.2022. As scheduled, the hearing was held in this Court 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 alongwith material brought on record by both the parties.

**(A) Submissions of the Appellant**

**(a) Submissions made in the Appeal**

The Appellant made the following submissions in its Appeal for consideration of this Court:-

- (i) The Appellant was having a Non Residential Supply category connection bearing Account No. 3001183957 in the name of Sh. Ajit Singh with sanctioned load of 0.80 kW under DS City Central (Spl.) Division, Ludhiana for her small shop of 8 feet X 12 feet. The Appellant stated that she had regularly paid all bi-monthly bills which were around ₹ 2,000/- to ₹ 3,000/-.
- (ii) The Appellant filed an application with the Respondent and had deposited the requisite fee for change of name of this connection from Sh. Ajit Singh to her name and also increase in load from 0.80 kW to 3 kW on 24.08.2021. The meter got burnt in month of August, 2021. The burnt meter was sent to the ME Lab for checking, after which the Respondent sent notice to the Appellant for ₹ 75,086/-. The Appellant submitted that neither the meter was checked in her presence in the ME Lab nor DDL of the burnt meter was taken.
- (iii) The Flying Squad came in the month of September, 2021 to check the connection and told her that the connected load was much more than the sanctioned load for which the Appellant

replied that she had already filed application alongwith requisite fee for extension of load in the month of August, 2021.

- (iv) The Appellant submitted that the Forum did not listen to her case carefully and decided the case against her. The Forum said in its decision that the Meter Reader was taking wrong readings. The Forum observed that the consumption of electricity in the year 2021 was very much higher than in the year 2020. This was due to the fact that the shop remained closed for 3 months in the year 2020 due to Corona Virus Pandemic. But all these facts were ignored during hearing before the Forum.
- (v) The Appellant submitted that she was 73 years old and her husband was 76 years old. They both were running the shop and their sons were in service.
- (vi) After replacement of burnt meter, the Appellant received the bills ranging between ₹ 2,000/- and ₹ 3,000/- which were same as earlier.
- (vii) The Appellant requested that the burnt meter be checked in her presence and DDL be taken so that the truth could prevail. She had prayed that her Appeal be registered and justice be given to her.

**(b) Submissions in Rejoinder:**

In its Rejoinder to the written reply of the Respondent, the Appellant reiterated almost all the averments made in the Appeal. The difference of reading is only that of the winter and hot season. When the meter of my shop was changed, I had not visited my shop and my servant was made to sign the papers on the plea that the meter of the shop has been changed. The reading of my old meter was accurate and when the meter was sent to ME Lab, there was difference in the readings. It was the duty of the Respondent to get DDL done and cross check the readings but it was not done and the Respondent knew about this fact. The Respondent had pleaded in its written reply that there had been increase in the consumption of the Appellant after change of meter and I was not clear about it. It was to state that the electricity was being consumed as earlier. The Appellant had not enhanced her load and only CCTV Cameras had been added. The reading of the Appellant was never recorded either on higher or lower side. It was prayed that the DDL report may be called for from ME Lab for the decision of the case.

**(c) Submission during hearing**

During hearing on 02.03.2022, the Appellant reiterated the submissions made in the Appeal as well as in the Rejoinder and prayed to allow the Appeal.

**(B) Submissions of the Respondent**

**(a) Submissions in written reply**

The Respondent submitted the following written reply for consideration of this Court:-

- (i) The Respondent admitted that the Appellant was having a NRS category connection bearing Account No. 3001183957 in the name of Sh. Ajit Singh with sanctioned load of 0.800 kW. The bills were issued as per the recorded consumption and she was regularly paying these bills. The Appellant applied for extension of load to 3 kW and for the change of name.
- (ii) The Appellant's meter was changed vide MCO No. 100014820145 dated 23.08.2021 affected on 24.08.2021. The meter was checked in the ME Lab vide Store Challan No. 546 dated 03.09.2021 and final reading was found as 13902 kWh by the ME Lab. The Appellant's billing was done as per this final reading.

- (iii) The connection of the Appellant was checked vide LCR No. 3/2093 dated 19.08.2021 on her request. The connection was again checked by AEE/ Tech. Unit-2, Ludhiana vide LCR No. 51/2055 dated 29.10.2021 in which load of Lamps-12, Fans-2, Plugs-10 and 1 no. Split AC of 1.5 ton was found running.
- (iv) The Respondent agreed with the decision of the Forum made on merits on the basis of the facts and the documents produced before it. It was tenable before the law.
- (v) The meter, being burnt, was replaced on the request of the Appellant after she had paid ₹ 620/- as cost of the burnt meter vide receipt no. 216300296820 dated 23.08.2021. The Appellant's Meter was checked in her absence after her representative Sh. Rajneesh gave the consent on her behalf. The billing was done as per the billed units.
- (vi) The Appellant's recorded consumption was very low before the change of meter on 24.08.2021 as the Appellant's load had been increased from 0.800 kW to 3 kW. The Appellant's consumption increased after the change of meter.
- (vii) The meter of the Appellant had already been returned after checking in the ME Lab, Ludhiana. The Respondent also confirmed that the Appellant had deposited the requisite 40%

of the disputed amount and the Appeal was before this Court for consideration.

**(b) Submission during hearing**

During hearing on 02.03.2022, 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 amount of ₹ 75,086/- charged by the Respondent vide Notice No. 5010 dated 21.09.2021 due to the difference of final reading recorded in ME Lab and billed units.

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

- (i) The Appellant reiterated the submissions made by her in the Appeal. She had pleaded that she was running a small shop for which her bi-monthly electricity bills were for around ₹ 2,000/- to ₹ 3,000/-. She applied for the change of name of connection from Sh. Ajit Singh to her name and also for extension of load from 0.80 kW to 3.00 kW in August, 2021. At the same time, her meter got burnt which was removed and checked in the ME Lab in her absence and without taking the DDL of the meter.

She alleged that she was served with the notice to pay a sum of ₹ 75,086/- which was not correct. She filed her case before the Forum but she was not properly heard there and she did not agree with the decision of the Forum. Hence, she filed her Appeal before this Court for justice.

(ii) The Respondent controverted the pleas raised by the Appellant in her Appeal and reiterated the submissions made by the Respondent in the written reply. The Respondent argued that the Appellant was charged with a short assessment of ₹ 75,086/- on account of difference of final reading & billed reading units (13902-5307) = 8595 units. The meter was replaced on 'R' code report on the request of the Appellant on 24.08.2021 vide MCO No. 100014820145 dated 23.08.2021. The Appellant's Meter was checked in her absence after her representative Sh. Rajneesh gave the consent on her behalf. The meter was sent to ME Lab & checked in the presence of all concerned officers where final reading was recorded as 13902. The Forum made the correct decision on merits and prayed for the dismissal of the Appeal.

(iii) The Forum in its order dated 17.01.2022 had observed as under:

“Forum observed that on consumer request the connection was checked vide LCR no. 3/2093 dated 19.08.2021 as per which

terminal block was burnt and display was off. Based upon it MCO no. 100014820145 dated 23.08.2021 was issued on meter burnt which was affected on 24.08.2021. Meter was checked in ME Lab vide challan no. 546 dated 03.09.2021 wherein final reading of the meter was found as 13902. Forum observed that consumption during 2016 is 2193 KWH units during 2017 it is 2320 KWH units and during 11 months of 2018 it is 1857 KWH units during 11/2018 to 11/2019 it is 2540 units and during 12/2019 to 12/01/2021 it is 2072 KWH units. Connection of the Petitioner was again checked vide LCR no. 51/2055 dated 29.10.2021 wherein it was found that reading is 619 KWH meter pulse blinks on putting load and connected load found was 3.34 Killowatt. Forum further observed that consumption after the replacement of meter is 703 units in 3 months which is on higher side as compared to previous year consumption which shows that the consumption of Petitioner is much more than the consumption recorded earlier by meter reader. It seems that the readings were not properly taken during 2019, 2020 which led to accumulation of readings, which needs to be investigated and appropriate action is to be taken against the meter reader as per the instructions for not recording proper readings time to time leading to recurring revenue loss to PSPCL.

Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as rejoinder/ oral arguments and other material brought on record. Keeping in view of the above discussion, ME report, Forum is of the opinion that the amount charged to the Petitioner for difference in reading of 8595 KWH units of Rs. 75086/- is correct and recoverable.”

- (iv) I have gone through the written submissions made by the Appellant in the Appeal, rejoinder filed by the Appellant, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 02.03.2022. It is observed by this Court that the decision of the Forum is not

based on any regulations/ instructions of the Distribution Licensee and the Forum had erred in passing such order. The Reading Record of the Appellant's consumer account available in SAP system shows that bills were regularly being issued to the Appellant on the basis of 'O' code with last bill issued on 'O' code on 29.07.2021 and the Respondent had failed to prove that the readings recorded by the Meter Reader were incorrect. During hearing the Respondent stated that action had already been initiated against the Meter Reading Agency for recording incorrect readings.

- (v) The Respondent had not prepared the investigation report of burnt meter as per Regulation No. 21.4.1 of Supply Code, 2014.
- (vi) The meter was changed vide MCO No. 100014820145 dated 23.08.2021 effected on 24.08.2021. The Appellant pleaded that neither the meter was checked in ME Lab in her presence nor the DDL was taken. The Appellant disagreed with reading of 13902 kWh as recorded by ME Lab. The Respondent failed to prove that the Final Reading of 13902 kWh written on Challan No. 546 dated 03.09.2021 was correct. The burnt meter was returned to ME Lab in routine in the absence of the Appellant. The evidence (Burnt Meter) has not been preserved by the

Respondent till the disposal of the case. Even DDL was not taken from which the reliable final reading could have been derived. Since the meter was declared burnt at site and also found burnt in the ME Lab and no DDL was taken to support the final reading recorded by ME Lab, it would not be fair to consider the reading of the Meter recorded by ME Lab as correct and reliable. The possibility of malfunctioning of meter circuit during burning could not be ruled out. The disputed period is from 30.07.2021 to 24.08.2021 only as 'O' Code reading was recorded on 29.07.2021.

- (vii) In view of the above, this court is not inclined to agree with the decision dated 17.01.2022 of the Forum in Case No. CGL-436 of 2021. The final reading of 13902 kWh as recorded by ME Lab shall not be considered for billing purpose. The disputed period from 30.07.2021 to 24.08.2021 shall be overhauled with the corresponding consumption recorded during the period from 30.07.2020 to 24.08.2020 as per Regulation No. 21.5.2 (a) of Supply Code-2014.

## **6. Decision**

As a sequel of above discussions, the order dated 17.01.2022 of the CGRF, Ludhiana in Case No. CGL-436 of 2021 is set-aside. The Notice No. 5010 dated 21.09.2021 of the

Respondent is hereby quashed. The disputed period from 30.07.2021 to 24.08.2021 shall be overhauled with the corresponding consumption recorded during the period from 30.07.2020 to 24.08.2020 as per Regulation No.21.5.2 (a) of Supply Code, 2014.

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, 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.

March 02, 2022  
S.A.S. Nagar (Mohali)

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