

**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. 09/2023

**Date of Registration : 16.03.2023
Date of Hearing : 22.03.2023/29.03.2023
Date of Order : 29.03.2023**

Before:

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

In the Matter of:

**M/s. Indus Tower Ltd.,
Sultanpur Lodhi-2, B-block,
SCO-60, 2nd Floor, New Amritsar-143001
Contract Account Number: X16GT160054P (NRS)
...Appellant**

Versus

**Senior Executive Engineer,
DS City Division, PSPCL,
Kapurthala.
...Respondent**

Present For:

**Appellant: Sh. Manohar Singh,
Appellant's Representative.**

**Respondent : 1- Er. Rajesh Kumar,
Senior Executive Engineer,
DS City Division, PSPCL,
Kapurthala.
2- Er. Gurdeep Singh, AE.**

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 20.01.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-172/2022 deciding that:

- “i. The amount of Rs. 1271800/- charged vide notice no. 1264 dated 28.07.2022 on a/c of difference of 145727 units, in final reading recorded on MCO and verified in ME Lab, and already billed reading, be quashed. The account of the petitioner be overhauled by equally dividing the total consumption of 199945 units on monthly basis, from the date of installation of the disputed meter till its replacement in 12/2021, with applicable tariff from time to time, after adjusting the amount already paid. Fresh notice be issued accordingly.*
- ii. Chief Engineer/DS North Zone, PSPCL Jalandhar is directed to take required action against the delinquent officers/officials of the PSPCL and meter reader/meter reading agency, as per the rules of PSPCL and terms & conditions of the work order.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 16.03.2023 i.e. beyond the stipulated period of thirty days of receipt of the decision dated 20.01.2023 of the CCGRF, Ludhiana in Case No. CF-172/2022. The Appellant deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 16.03.2023 and copy of the same was sent to the Addl. Superintending Engineer/ DS City

Divn., Kapurthala for sending written reply/ para wise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 251-53/OEP/A-09/2023 dated 16.03.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 22.03.2023 at 12.00 Noon and intimation to this effect was sent to both the parties vide letter nos. 254-55/OEP/A-09/2023 dated 16.03.2023. As scheduled, the hearing was held in this Court.

The representative of the Appellant requested for adjournment of hearing because the Appellant's Representative dealing with the present case was not feeling well. Next date of hearing was fixed for 29.03.2023. Arguments of both the parties were heard on 29.03.2023.

4. Condonation of Delay

At the start of hearing on 29.03.2023, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant's Representative stated that the Appellant Company had decided in a meeting for filing an Appeal and deposited the balance amount out of requisite 40% of the disputed amount on 15.03.2023. He further prayed that the delay in filing the present Appeal may kindly be condoned and the Appeal be adjudicated on merits in the

interest of justice. The Respondent did not object to the condoning of delay in filing the Appeal in this Court either in his reply or during hearing on 29.03.2023.

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.”

This Court had observed that non-condoning of 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. X16GT160054P with sanctioned load of 15 kW in the name of M/s. Indus Tower Ltd. under DS City Divn., Kapurthala. The Appellant was paying electricity bills regularly.
- (ii) AEE/ DS S/D, Sultanpur Lodhi-2 had issued a Notice No. 1264 dated 28.07.2022 to the Appellant to deposit ₹ 12,71,800/- as final reading difference of 145727 units for 23 days from 06.12.2021 to 29.12.2021. This amount was then charged through sundry in the electricity bill of 09/2022 which was against the instruction/ Regulation 30.1.2 which should not have been included in the current energy bill at the first instance.
- (iii) The Appellant had submitted a request to AEE/ DS S/D, Sultanpur Lodhi-2 on 13.09.2022 to re-check the final reading of the removed meter and also to take DDL Report from the ME Lab. But the Respondent did not give any serious response to their request.

(iv) The Appellant filed his case in the Corporate Forum, Ludhiana on 01.12.2022. The Forum heard the case in its proceedings dated 13.12.2022, 20.12.2022, 03.01.2023, 10.01.2023 and finally on 18.01.2023, the case was closed for passing speaking orders. On 18.01.2023, the Respondent submitted Memo No. 8 dated 02.01.2023 in which it was recommended that the disputed amount should be recovered equally from Sterling Transformer Company and the Appellant. The Chairperson, Corporate Forum asked the Appellant's Representative (AR) that whether the Appellant was ready to pay 50% of the disputed amount. After the AR gave the oral consent for the same, the case was closed. After the proceedings on 18.01.2023, the conversation of the Chairman made changes in charges, as decided in the Court Room as stated. However, it was quite shocking when the Appellant received written verdict of the case which was against the Appellant. The Appeal was then filed in this Court because the Forum didn't give written verdict as stated in the Court Room which needed to be investigated.

(v) Regarding removed meter, the Respondent had stated that meter had been surveyed off as per instructions. As per Regulation 54.6 (ESIM), testing of such meter should be done in the presence of the consumer. In case, the consumer refuses to sign test result/ report,

such meter shall be kept sealed in the DS Sub Division till disposal of this case. But the Respondent had not given any intimation to the Appellant. Neither the meter was checked in the presence of the Appellant in ME Lab nor DDL of Meter, was taken.

Apart from this, the following points also needed to be explained by the ME Lab/ Respondent:-

- a) Meter display was OK or not
 - b) Accuracy of meter was in limit or not
 - c) Meter pulse was working or not
 - d) Whether videography was done or not
- (vi) The Meter Reader was taking wrong readings from April, 2016 to December, 2021 and the meter was changed just to replace it with Smart Meter as per the version of the Forum. Moreover, schedule had been given in the Instruction No. 106.1.1 depicting that the connection shall be checked as per above instruction but no such checking had been done by the JE, which should have been conducted at least once in every six months.
- (vii) The Appellant's meter was replaced on 29.12.2021 and according to the MCO, the meter status was OK. AEE/ DS Sultanpur Lodhi-2 vide its Challan No. 2 dated 12.02.2022 returned the same along with 18 no. burnt meters. The Appellant was not given any notice regarding checking of the meter. The meter was checked in M.E.

Lab & then surveyed off by the Respondent on its own. It was also a matter of investigation.

- (viii) If the Appellant's meter was burnt, then the account of the Appellant should have been overhauled for the six months preceding the date of replacement of the meter as per the Regulation 21.5.2 of Supply Code, 2014. DDL should also be taken to check the fast running and jumping of the meter because the electronics meters usually jump due to low and high voltage in villages.
- (ix) It was also to bring to your notice that the monthly readings of the old meter were accurate and when the meter was sent to ME Lab, there was a difference of reading. It was the duty of the Respondent to get DDL done and should have cross checked the reading, but it was not done. The bills were regularly being issued to the Appellant on the basis of OK code. Last bill issued on OK code was dated 06.12.2021.
- (x) The Forum had in its comments stated that the consumption of previous meter and present consumption had been increased for which reply already stands submitted. It was felt from the above comments that Forum had been trying to divert the main issue regarding final abnormal reading. In addition, DDL was to be taken to support the final reading of the meter recorded by the ME Lab. It

would not be fair to consider the reading of meter recorded by ME Lab as correct and reliable.

(xi) The Appellant had received a Revised Notice No. 174 dated 13.02.2023 for ₹ 12,14,946/- from AEE/ Sultanpur Lodhi-2.

(xii) The Appellant had prayed for the following relief:-

a. Difference of the final reading charged as per Para No. 1 in the bill of September, 2022 be revised as per para no. 4 or as per para no. 8.

b. While finalizing the disputed amount case, Xen/ DS City, Kapurthala had agreed vide his letter no. 8 dated 02.01.2023 that the disputed amount was chargeable/ recoverable from the Consumer and Company's Meter Reader (Seterling Transformer).

c. Removed Meter may also be got tested in ME Lab which was mandatory as per directions of ESIM which included DDL Report.

d. The cost to the Appellant may be awarded as deemed fit.

(b) Submission in the Rejoinder

The Appellant's Representative submitted Rejoinder on 29.03.2023 in which he reiterated the submissions made in the Appeal and made the following additional submissions for consideration of this Court:-

- (i) The Appellant was not informed that its meter would be replaced with Smart meter and the meter was changed in the absence of Appellant's representative.
- (ii) The disputed meter was got checked in the ME Lab in its absence without giving the Appellant any notice in violation of ESIM Instruction 55.3.2. Even DDL was not taken. The Respondent was supposed to preserve the disputed meter in sealed packing till the disposal of the case as per ESIM Instruction 54.6. But the Respondent did not follow the rules and regulations of PSPCL and surveyed off the disputed meter.

(c) Submission during hearing

During hearing on 29.03.2023, the Appellant's Representative (AR) reiterated the submissions made in the Appeal/Rejoinder and prayed to allow the same.

(B) Submissions of the Respondent

(a) Submissions in the written reply

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

- (i) The Appellant was having a NRS Category Connection, bearing Account No. X16GT160054P with Sanctioned Load of 15 kW under DS City Division, PSPCL, Kapurthala in its name.

- (ii) The Meter of the Appellant was replaced with Smart Meter as per the instructions of the PSPCL vide MCO No. 84/5030 dated 21.12.2021 effected on 29.12.2021. The final reading of the replaced meter was recorded as 199945 kWh but as per the ledger of the Appellant, it was billed upto the reading of 54218 kWh. There was a difference of 145727 units in final reading found on disputed meter and actual billed reading. The Audit Party issued the Half Margin No. 17 dated 22.07.2022 for an amount of ₹ 12,71,800/- for the difference of these 145727 units and the same was posted in the account of the Appellant vide Sundry No. 1/15/8 dated 26.07.2022.
- (iii) The disputed meter of the Appellant was replaced on 29.12.2021 and the same was sent to ME Lab for checking on 12.02.2022. The meter was surveyed off after the checking before 13.09.2022. AEE/ME Lab, Sub Division, Jalandhar was asked vide letter no. 45 dated 11.01.2023 to take the DDL of the disputed meter but in reply, it was told that the disputed meter was already surveyed off.
- (iv) The Appellant filed its case in the Corporate Consumer Grievances Redressal Forum, Ludhiana on 01.12.2022. The Corporate Forum ordered that the account of the Appellant be overhauled by equally dividing the total consumption of 199945 units on monthly basis, from the date of installation of the disputed meter i.e. 12.02.2018

till its replacement on 29.12.2021, with applicable tariff from time to time, after adjusting the amount already paid. As per this decision of the Corporate Forum, refund of ₹ 56,854/- was given to the Appellant and revised Notice No. 174 dated 13.02.2023 was issued to the Appellant to deposit the amount of ₹ 12,14,946/-.

- (v) Regarding the checking of the disputed meter, the Respondent submitted that no representative of the Appellant was present in the premises of the Appellant and mobile number submitted at the time of issuance of the connection was also not reachable. Due to this, the disputed meter was checked in the absence of the Appellant and returned back.
- (vi) Total 21724 no. of connections were running in the Sub Division and due to shortage of staff, the meter was not checked within stipulated time.
- (vii) As per the report of Meter Reader, the disputed meter of the Appellant was OK. But at the time of returning the meter, the terminal was found burnt so it was sent to ME Lab along with other burnt meters for checking. However, the final reading of the meter was recorded correctly. At the time of replacement of the meter, no representative of the Appellant was available at site and their mobile numbers were also not reachable, so the meter was sent to ME Lab for checking in the absence of the Appellant.

(viii) The account of the Appellant was not overhauled and it was charged only on the basis of difference of units because the Meter Reader had not shown the code for burnt meter. The meter of the Appellant was running from the 25 kVA transformer & the meter was installed on the pole of the same transformer. As such, there was no chance of increase/decrease in the voltage. This charged amount was correct as proved by the readings recorded after the replacement of the meter.

(ix) The disputed meter was replaced on 29.12.2021 and the same was sent to ME Lab for checking on 12.02.2022. The Audit Party during its tour in 05/22, after discussion with the Senior Officers, overhauled the account of the Appellant and issued Half Margin No. 17 on 22.07.2022 for the amount of ₹ 12,71,800/-. Till then, the meter was surveyed off after checking.

(b) Submission during hearing

During hearing on 29.03.2023, 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 ₹ 12,71,800/- charged vide Notice No. 1264 dated 28.07.2022 on

account of difference of 145727 units as per final reading recorded in ME Lab and already billed reading, further reduced to ₹ 12,14,946/- after 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 20.01.2023 observed as under:-

“Forum observed that the meter of the Petitioner was replaced with smart meter vide MCO no. 84/5030 dated 24.12.2021 effected on 29.12.2021. The replaced meter was sent vide challan no. 26 dated 12.02.2022 in ME Lab, Jalandhar & checked vide ME report no. 35/527 dated 12.02.2022 where final reading was recorded as 199945KWH. Earlier, Petitioner was billed upto the reading of 54218Kwh, as per system and on the basis of the final reading recorded in ME Lab, the account of the Petitioner was overhauled by Audit Party vide HM no. 17 dated 22.07.2022 and pointed out amount of Rs. 1271800/- for difference of 145727 units due to difference in final reading and billed reading. The amount was charged vide sundry no. 1/15/8 dated 26.07.2022. Accordingly, Petitioner was issued notice no. 1264 dated 28.07.2022 to deposit the amount of Rs. 1271800/-. Petitioner did not agree to it and filed his case in the Corporate CGRF Ludhiana.

Forum observed the consumption data supplied by the Respondent as under:

Year	2018		2019		2020		2021		2022	
Month	Cons	Code								
Jan	881	O	1005	O	997	O	765	O	765	F
Feb	620	O	1180	O	696	O	570	O	587	C

Mar	798	O	116	O	1107	O	1564	O	8760	O
Apr	621	O	898	O	273	N	1976	O	4385	O
May	1014	O	121	O	1793	O	1985	O	4377	O
Jun	977	O	715	O	846	O	1865	O	4391	O
Jul	1387	O	1467	O	792	O	2565	O	5351	O
Aug	1113	O		N	763	O	2564	O	6067	O
Sep	898	O	1883	O	732	O	2643	O	3610	O
Oct	1177	O	997	O	799	O	2817	O	3720	O
Nov	1012	O	696	O	1437	O	2628	O	4178	O
Dec	1100	O	1107	O	715	O	2615	O	2441	N
TOTAL	11598		10185		10677		24557		48632	

From the above data, it is observed that the consumption of the Petitioner from the year 2018 to 2022 has been recorded as 11598, 10185, 10677, 24557 & 48632kwh units (upto 08/2022) respectively. It is further observed that the consumption has increased considerably (almost four times with respect to the previous years) after the change of meter during 12/2021. Petitioner submitted in its petition/RJ that meter was working OK till 06.12.2021/29.12.2021 and the above fact is established by the PSPCL official itself who had coded the meter status code as OK, but it was sent to ME Lab in the common challan of burnt meter which is injustice to him. Respondent in this regard submitted & stated during hearing that meter was OK and the remarks in ME challan are incorrect and also clarified about the reason of replacement of meter by submitting supporting documents. He further clarified that whenever the terminal of meter is heated or meter was blurred, it is received as burnt/defective meter in ME lab. Respondent vide memo no. 08 dated 02.01.2023 also submitted that after analyzing the consumption of previous years and current year it clearly shows that meter reader had never recorded actual readings by visiting at site and intentionally concealed the readings. Respondent submitted copies of letter no. 1224 dated 08.08.2022, letter no. 1398 dated 25.08.2022, letter no. 1500 dated 15.09.2022 and letter no. 1983 dated 06.12.2022 issued for taking necessary action against meter reader/meter reading agency for

involving in the concealment of readings/consumption for the petitioner alongwith another consumer also.

During the proceedings, Petitioner was asked to submit the reasons for multifold increase in consumption after the change of meter and to submit copy of agreements entered into with other Telecom companies, if any, as claimed by him. In this regard, Petitioner submitted that consumption has increased because earlier there was only one operator at site but after 30.11.2021 one more operator was installed at site and submitted the copy of first meter reading (FMR). He was further asked to submit the copy of agreement made with the new operator. However, he submitted the copy of supplementary lease agreement entered with the land lord in the year 2014 but failed to submit the agreement entered with the new operator in 11/2021. Thus, he failed to explain and justify increase in consumption after replacement of meter and also failed to submit any documentary evidence/lease deed confirming date of addition of second operator on the tower. Petitioner on hearing dated 10.01.2023 submitted first Meter Reading record of different operators but failed to explain the same and to submit its complete information as directed by Forum.

The site was checked by the Respondent vide LCR no. 91/703 dated 19/12/2022, and reading was recorded as 52049KWH which shows that the average consumption after the replacement of the meter is 4377 units per month. Forum observed that the meter was installed vide MCO no. 26/4205 dated 19.01.2018 and it remained at site for almost 48 months before its replacement on dated 29.12.2021 at final reading of 199945KWH meaning thereby average consumption works out to be 4165 units per month which is almost similar to the consumption recorded after change of meter. On the directions of the Forum in its hearing dated 03.01.2023 and 10.01.2023 and as insisted by the Petitioner in its petition/RJ to submit DDL report/reasons for non-

submission of DDL report, Respondent submitted memo no. 962 dated 12.01.2023 of AEE/ME Lab, Jalandhar stating that meter had been surveyed off as per PSPCL Instructions. During arguments of the case, petitioner stated that he agrees with the reading billed under dispute but the amount should be charged equally to him & reading recording company (M/s Sterling Transformers) who are responsible for concealment of actual reading resulting into accumulation of consumption. He further stated that as per reply of the Respondent although M/s Sterling Transformer is fully responsible for concealment of reading and accumulation of consumption, even then he agrees to deposit 50% of the disputed amount.

In view of the above discussion, Forum observed that the average monthly consumption of meter before its change taking into consideration the final reading recorded on MCO and verified in ME Lab, is almost same that recorded after change of meter. Further the meter was changed just to replace it with smart meter, therefore, it can be concluded that meter reader had not been recording the readings of disputed meter correctly since its installation. Matter should be investigated and suitable disciplinary action against the delinquent officer/officials be initiated and necessary action against meter reading agency as per terms and conditions of the work order should also be taken for causing revenue loss to the PSPCL.

Forum have gone through written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder(s) and its comments, oral discussion along with the relevant material brought in the record. Forum observed that the meter was changed just to replace it with smart meter and the average monthly consumption of the disputed meter considering the final reading recorded on the MCO and verified in ME Lab and that recorded by the new smart meter, is almost same, therefore, it is a clear-cut case of accumulation of readings/consumption due to non-

recording of the actual readings by the meter reader. Petitioner during oral discussion has also agreed to the final reading recorded in ME Lab and accumulation of consumption. Therefore, Forum is of the considered opinion that the final reading of 199945Kwh recorded on MCO/ME challan, is correct. The amount of Rs. 1271800/- charged vide notice no. 1264 dated 28.07.2022 on a/c of difference of 145727 units, in final reading recorded on MCO and verified in ME Lab, and already billed reading, is required to be quashed. The account of the petitioner is required to be overhauled by equally dividing the total consumption of 199945 units on monthly basis, from the date of installation of the disputed meter till its replacement in 12/2021, with applicable tariff from time to time, after adjusting the amount already paid. Fresh notice is required to be revised accordingly.

Keeping in view the above, Forum came to unanimous conclusion that, the amount of Rs. 1271800/- charged vide notice no. 1264 dated 28.07.2022 on a/c of difference of 145727 units, in final reading recorded on MCO and verified in ME Lab, and already billed reading, be quashed. The account of the petitioner be overhauled by equally dividing the total consumption of 199945 units on monthly basis, from the date of installation of the disputed meter till its replacement in 12/2021, with applicable tariff from time to time, after adjusting the amount already paid. Fresh notice be issued accordingly. Further CE/DS, North, PSPCL, Jalandhar is directed to investigate the matter and initiate the action against the delinquent officer/official as well as the Meter Reading Company.”

- (ii) I have gone through the written submissions made by the Appellant in the Appeal and Rejoinder, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 29.03.2023. 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 Consumption Data of the Appellant's consumer account submitted by the Respondent shows that bills were regularly being issued to the Appellant on the basis of 'O' code for the disputed meter with last bill issued on 'O' code on 06.12.2021 and the Respondent had failed to prove that the readings recorded by the Meter Reader during this period (19.01.2018 to 06.12.2021) were incorrect. No action had been initiated against the Meter Reader/ Meter Reading Agency for recording incorrect readings. So the decision of the Corporate Forum of distribution of consumption of 199945 units on monthly basis from the date of installation of the disputed meter till its replacement on 29.12.2021 is not correct and also not as per any regulations/ instructions.

- (iii) The Appellant's Representative (AR) pleaded that the meter was not checked in ME Lab in the presence of any representative of the Appellant where the meter was found burnt. This Court observed that the disputed meter, the main evidence in this case, was surveyed off and even DDL was not taken from which the reliable final reading could have been derived. Since 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. Also the disputed meter was declared burnt by the ME Lab. So the final reading is not reliable. The Respondent had admitted during hearing on 29.03.2023 that no notice was served to the Appellant for remaining present during replacement of disputed meter at site or during checking of the meter in ME Lab. It was also admitted that main evidence (disputed meter) has not been preserved by the Licensee.

- (iv) The disputed period is from 06.12.2021 to 29.12.2021 only as 'O' Code reading was recorded on 06.12.2021 which was neither challenged by the Appellant nor by the Respondent. The decision of the Forum to distribute the final reading derived at ME Lab to bills prior to 06.12.2021 is not correct and not as per Regulations of the PSERC and the Licensee as the previous settled bills issued on 'O' Code cannot be changed or modified.
- (v) From the above, it is clear that there is no dispute of reading of 54218 kWh as on 06.12.2021. Now if the Final reading of 199945 kWh derived at ME Lab is to be believed, then the Appellant had consumed 145727 units in 23 days from 06.12.2021 to 29.12.2021, which is very high and not possible. If calculation of consumption is done as per para-4 of Annexure-8 of Supply Code 2014 on LDHF basis, the consumption for 23 days works out as 8280 units if the Demand Factor is considered as 100% and Hours are taken as

24 hours. Final reading of 199945 kWh recorded of the burnt meter is unreliable.

- (vi) The Respondent failed to provide any documentary evidence to prove that the Appellant had accumulated the reading. The disputed meter, which was the main evidence in this case, was surveyed off by the Respondent before the disposal of the case in clear violation of rules and regulations of the PSPCL. Even DDL of the disputed meter was not taken.
- (vii) In view of the above, this court is not inclined to agree with the decision dated 20.01.2023 of the Corporate Forum in Case No. CF-172/2022. The final reading of 199945 kWh as recorded by ME Lab does not appear to be correct & cannot be considered for billing purpose as the meter was declared burnt by the ME Lab. As the readings of the previous year are not reliable, as such the disputed period from 06.12.2021 to 29.12.2021 shall be overhauled on the basis of actual consumption recorded in the corresponding period of succeeding year as per Regulation 21.5.2 (d) & (e) of Supply Code-2014.
- (viii) The request of the Appellant to get the disputed meter re-checked from ME Lab cannot be considered now as the disputed meter stands surveyed off by the Respondent.
- (ix) I am not inclined to award any cost to the Appellant.

- (x) No notice was given to the Appellant for the checking of the meter in ME Lab and the meter was checked in the absence of the representative of the Appellant. The disputed meter was also surveyed off before the disposal of the case and was not kept in sealed cover to preserve as evidence.

6. Decision

As a sequel of above discussions, the order dated 20.01.2023 of the Corporate Forum in Case No. CF-172 of 2022 is hereby quashed. The Account of the Appellant should be overhauled from 06.12.2021 to 29.12.2021 on the basis of actual consumption recorded in the corresponding period of succeeding year as per Regulation 21.5.2 (d) & (e) 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 29, 2023
S.A.S. Nagar (Mohali)

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

