

**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. 09/2024

Date of Registration : 10.04.2024

Date of Hearing : 22.04.2024

Date of Order : 22.04.2024

Before:

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

In the Matter of:

Sh. Sadhu Ram S/o Sh. Ram Saroop,
Village-Khadiyal,
Tehsil-Sunam, Distt.-Sangrur.

Contract Account Number: S56KD510464L(DS)

...Appellant

Versus

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

...Respondent

Present For:

Appellant: Sh. Sadhu Ram,
Appellant.

Respondent : 1- Er. Jagtar Singh,
A.E., Sub Division Suburban,
PSPCL, Sunam.
2- Sh. Nitin, LDC.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 05.03.2024 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-034/2024, deciding that:

“Decision dated 21.12.2023 of Divisional CGRF, DS Division, Sunam is set-aside. All the bills issued to the petitioner from 14.02.2023 to 22.11.2023 (date of replacement of meter) on the basis of R-code are quashed. Account of the petitioner be overhauled for the period from 14.02.2023 to 22.11.2023 (date of replacement of meter) on the basis of actual consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) without taking cognizance of clause 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 10.04.2024 i.e. within the period of thirty days from the date of receipt of the decision dated 05.03.2024 by the Appellant in Case No. CF-034/2024 of the CCGRF, Ludhiana on 11.03.2024. The Appellant had deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 10.04.2024 and copy of the same was sent to the Addl. Superintending Engineer/Sr. Xen, 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. 210-212/OEP/A-09/2024 dated 10.04.2024.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 22.04.2024 and intimation to this effect was sent to both the parties vide letter nos. 222-23/OEP/A-09/2024 dated 16.04.2024. As scheduled, the hearing was held in this Court on 22.04.2024 and arguments of both the parties were heard.

4. Submissions made by the Appellant and the Respondent

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral deliberations made by the Appellant 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 DS Category Connection, bearing Account No. S56KD510464L with Sanctioned Load of 1.96

kW under DS Division, PSPCL, Sunam which he got extended to 5.01 kW by submitting amended A&A Form alongwith requisite fee on 21.02.2023.

- (ii) The Appellant submitted that the Respondent had issued inflated bill to him and as he was not satisfied with the same, so he filed a case in the Corporate Forum, Ludhiana.
- (iii) The Corporate Forum, Ludhiana had decided the case on 05.03.2024 & it was ordered to overhaul the account of the Appellant on the basis of last year same month (LYSM) consumption for the period of more than 06 months. But he was not satisfied with this decision dated 05.03.2024 of the Corporate Forum, Ludhiana and filed an Appeal in the Court of Ombudsman, Electricity, Punjab for the justice.
- (iv) The Appellant prayed for the justice.

(b) Submission during hearing

During hearing on 22.04.2024, the Appellant 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 DS Category Connection running under DS Suburban Sub Division, PSPCL, Sunam. The Appellant had got increased his sanctioned load from 1.96 kW to 5.019 kW from the Respondent on 21.02.2023 by depositing the requisite charges vide B.A.16 No. 268/55030 dated 21.02.2023. The premises of the Appellant was checked vide LCR No. 300036/042 on 28.11.2023 and vide LCR No. 880027/023 on 26.02.2024 & running load was found to be 6.859 kW instead of 5.019 kW. The Appellant was issued bill dated 03.11.2023 for 1579 units on 'R' code on the basis of his consumption of the last year, which was increased proportionately due to increase in sanctioned load of the Appellant.
- (ii) The burnt meter of the Appellant was replaced on 22.11.2023 vide MCO No. 87/222008 dated 09.03.2023. This meter was checked in ME Lab vide Challan No. 109 dated 23.11.2023. As per the ME Lab report, the terminal block of the meter was found burnt due to which the accuracy of this meter could not be checked.
- (iii) On examining the consumption data of the Appellant, it was found that the Appellant never consumed as high as 1579 units in a bi-monthly bill during the last 5 years. Due to increase in

load of the Appellant from 1.96 kW to 5.019 kW in the month of 02/2023 and burning of the meter thereafter, the Appellant was charged high average in the bills issued @ 2.56 times the last year's consumption, till the replacement of the meter.

- (iv) As per the DDL of the Appellant, the meter was found running till 01.09.2023 and the final reading was found to be 10688.78 kWh.
- (v) The Appellant challenged the bill dated 03.11.2023 issued to him for ₹ 9,270/- before the Divisional CGRF on 07.11.2023. The Divisional CGRF decided the case on 21.12.2023 & ordered to rectify the bills issued to the Appellant on 'R' code till 01.09.2023 on the basis of final reading of 10688.78 kWh as derived from the DDL. Thereafter, the bills from 02.09.2023 till the replacement of the meter on 22.11.2023 be rectified on prorata consumption of 946 units for 58 days as recorded in the bill issued in the month of 12/2022. It was further decided that the bills issued on 'F' or 'C' code to be rectified on the basis of actual consumption.
- (vi) As per the decision of the Divisional CGRF, the Assistant Engineer, DS Suburban Sub Division, PSPCL, Sunam overhauled the account of the Appellant and an additional amount of ₹ 3,278/- was charged to the Appellant vide Sundry

No. 02/37/166 dated 26.12.2023 after adjusting the 30% of the disputed amount deposited by the Appellant.

- (vii) The Appellant was not satisfied with the decision of the Divisional CGRF and filed an appeal in the Corporate Forum, Ludhiana where the case was decided as under:-

“Decision dated 21.12.2023 of Divisional CGRF, DS Division, Sunam is set-aside. All the bills issued to the petitioner from 14.02.2023 to 22.11.2023 (date of replacement of meter) on the basis of R-code are quashed. Account of the petitioner be overhauled for the period from 14.02.2023 to 22.11.2023 (date of replacement of meter) on the basis of actual consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) without taking cognizance of clause 21.5.2(e) of Supply Code-2014.”

- (viii) As per the decision of the Corporate Forum, Ludhiana the refund of ₹ 13,576/- was given to the Appellant vide Sundry No. 04/37/166 dated 20.03.2023.
- (ix) The Respondent further submitted that bill dated 23.12.2023 of ₹ 22,180/- was issued to the Appellant on average basis on ‘F’ code. After this, bill dated 03.03.2024 of ₹ 36,340/- (including ₹ 22,180/- and interest of ₹ 658/-) was issued to the Appellant on average basis on ‘C’ code. The Respondent submitted that the account of the Appellant was overhauled only upto to the date of replacement of burnt on 22.11.2023 as per the decision of the Corporate Forum, Ludhiana. The bills issued on 23.12.2023 & 03.03.2024 on ‘F’ & ‘C’ code

respectively were not rectified as the Corporate Forum, Ludhiana did not mention anything on these bills in its decision dated 05.03.2024. As such, as per the decision of the Corporate Forum, Ludhiana, refund of ₹ 13,576/- given to the Appellant vide Sundry No. 04/37/166 dated 20.03.2023 had been adjusted from the bill issued to the Appellant on 03.03.2024 for ₹ 36,871/- (billed amount ₹ 36,340/- + ₹ 531/- interest). The Appellant was informed orally to deposit the balance amount of ₹ 23,295/-.

- (x) The Respondent further informed this Court vide Memo No. 2219 dated 18.04.2024 that as per the discussion with the office of Ombudsman, Electricity, Punjab, the bills dated 23.12.2023 & 03.03.2024 issued on 'F' & 'C' code respectively had been rectified on the basis of actual consumption recorded by the new meter installed on 22.11.2023 & now nothing is due from the Appellant.

(b) Submission during hearing

During hearings on 22.04.2024, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the decision dated 05.03.2024 of the Corporate Forum, Ludhiana in Case No. CF-034/2024 deciding to overhaul the account of the Appellant for a period of more than 6 months without taking cognizance of Regulation 21.5.2 (e) of Supply Code-2014.

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

- (i) The Corporate Forum in its order dated 05.03.2024 observed as under:-

“Forum observed that meter of the petitioner got burnt and he was issued bills on R-code from 14.02.2023 onwards till 03.11.2023 and his meter was changed vide MCO no. 87/222008 dated 09.03.2023 effected on 22.11.2023. Removed meter was checked in ME Lab vide challan no. 109 dated 23.11.2023, wherein, it was reported that accuracy of the meter could not be checked as its terminal block is burnt. DDL was done and emailed to the Respondent. Final reading of the meter was recorded as 10696 KWH. Petitioner was issued bill dated 03.11.2023 for the period from 23.08.2023 to 03.11.2023 for a consumption of 1579 KWH on R-code amounting to Rs. 9270/-. Petitioner did not agree to this bill and filed a case in Divisional CGRF, DS Division, PSPCL, Sunam. Divisional CGRF, DS Division, Sunam in its hearing dated 21.12.2023 decided the case as under: -

“ਖਪਤਕਾਰ ਨੂੰ ਜਾਰੀ ਕੀਤੇ ਗਏ ਆਰ ਕੋਡ ਆਧਾਰੀਤ ਬਿੱਲਾਂ ਨੂੰ ਮਿਤੀ: 01.09.2023 ਤੱਕ ਡੀ.ਡੀ.ਐਲ. ਅਨੁਸਾਰ ਅਸਲ ਖਪਤ ਦੇ ਆਧਾਰ ਤੇ

10688.78 kwh ਰੀਡਿੰਗ ਤੱਕ (ਮਹੀਨਾਵਾਰ ਸੋਧਦੇ ਹੋਏ) ਅਤੇ ਇਸ ਤੋਂ ਬਾਅਦ ਮੀਟਰ ਬਦਲੀ ਹੋਣ ਤੱਕ (ਮਿਤੀ: 02.09.2023 ਤੋਂ ਮਿਤੀ: 22.11.2023 ਤੱਕ) ਦੇ ਡਿਸਪਿਉਟਡ ਸਮੇਂ ਦੇ ਬਿੱਲਾਂ ਨੂੰ ਪਿਛਲੇ ਸਾਲ ਦਰਜ ਹੋਈ ਵੱਧ ਤੋਂ ਵੱਧ ਖਪਤ 946 ਯੂਨਿਟ 58 ਦਿਨ (ਮਹੀਨਾ 12/2022) ਨੂੰ ਆਧਾਰ ਮੰਨਦੇ ਹੋਏ PRO RATA ਬੇਸ ਦੇ ਖਪਤਕਾਰ ਦੇ ਬਿੱਲ ਸੋਧ ਦਿੱਤਾ ਜਾਵੇ ਅਤੇ ਇਸ ਦੇ ਨਾਲ ਹੀ ਐਫ ਕੋਡ ਜਾਂ ਸੀ ਕੋਡ ਆਧਾਰ 'ਤੇ ਜੇਕਰ ਕੋਈ ਬਿੱਲ ਜਾਰੀ ਹੁੰਦਾ ਹੈ ਤਾਂ, ਉਸ ਨੂੰ ਅਸਲ ਰੀਡਿੰਗ ਦੇ ਆਧਾਰ ਤੇ ਸੋਧ ਕੇ ਨਵਾਂ ਬਿੱਲ ਜਾਰੀ ਕੀਤਾ ਜਾਵੇ।"

Petitioner not satisfied with the above decision of Divisional CGRF, Sunam filed appeal in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent, as under: -

Month	2019		2020		2021		2022		2023	
	Cons	Code	Cons	Code	Cons	Code	Cons	Code	Cons	Code
Feb	1	O	10	O	35	O	86	O	650	O
Apr	1	O			35	O	126	O	420	R
Jun	5	O	104	O	89	O	124	O	303	R
Aug	9	O	407	O	50	O	145	O	365	R
Oct	157	O	351	O	12	O	584	O	1579	R
Dec	38	O	39	O	41	O	946	O	2085	F
TOTAL	211		911		262		2011		5402	

As per the above data, the annual consumption from 2019 to 2023 has been recorded as 211, 911, 262, 2011 and 5402 units respectively. It is observed that the billing during 2023 has been done mostly on average basis on 'R' code and that too on much higher side as compared to previous year(s). It is pertinent to mention here that the petitioner applied for extension in load from 1.960 KW to 5.010 KW on 21.02.2023 and same was regularized, as such the average consumption charged in 2023 was enhanced in proportion to his increased load. Forum observed that the new meter installed as replacement of the burnt meter on 22.11.2023, recorded a consumption 898 KWH (with his extended load) upto 26.02.2024 (LCR no. 023/880027 dated 26.02.2024) in a period of 96 days i.e. 281 KWH per month. His monthly consumption during a period of 118 days from 19.10.2022 to 14.02.2023 (with his previous load) was 1596 KWH i.e. 406 KWH per month showing that his actual consumption

after extension in load has rather decreased. This confirms that the petitioner had not installed any new load and he actually got regularized his already running excess load on 21.02.2023. Under these circumstances, enhancing his average for billing of R-code post extension in load, in proportion to extended load is not justified.

Site of petitioner was checked twice vide LCR nos. 042/300036 dated 28.11.2023 and 023/880027 dated 26.02.2024 when his connected load was found 6.860 KW at both times against the sanctioned load of 5.010 KW.

Forum observed that petitioner while filing his case in Divisional CGRF challenged the bill dated 03.11.2023 amounting to Rs. 9270/- only, however, Divisional CGRF, DS Division, Sunam ordered to rectify all the bills issued to petitioner on R-code till 01.09.2023 on the basis of actual reading of the meter from DDL. Meter of the petitioner was checked in ME Lab vide challan no. 109 dated 23.11.2023 where accuracy of the meter could not be done. Forum observed that reading of a burnt meter whose accuracy could not be checked in ME lab, cannot be relied upon. It was further decided by the Divisional CGRF that the bills from 01.09.2023 up to date of change of meter be rectified on pro-rata basis taking the highest recorded consumption of the previous year 2022 i.e. 946 KWH which also is not as per any regulation/ instruction of PSPCL.

Respondent issued bills to the petitioner for the period from 14.02.2023 to 22.11.2023 on average basis by taking consumption of corresponding period of previous year as base and further increasing it in proportion to extension in load effected on 21.02.2023. Forum observed that no effect of extension in load is visible on actual consumption of the petitioner recorded by the new meter from 22.11.2023 to 26.02.2024. As already discussed above, consumption of new meter has rather decreased in comparison to the previous year i.e. 2022. Under these circumstances, it will

not be judicious to enforce clause 21.5.2(e) of Supply Code in this case for the months of 14.02.2023 to 22.11.2023.

Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner along with material brought on record. Keeping in view the above facts/discussion Forum is of the opinion that decision dated 21.12.2023 of Divisional CGRF, DS Division, Sunam is not based on any Rules/Regulation hence is liable to be set-aside and all the bills issued to the petitioner from 14.02.2023 to 22.11.2023 (date of replacement of meter) on the basis of R-code are liable to be quashed. Account of the petitioner is required to be overhauled for the period from 14.02.2023 to 22.11.2023 (date of replacement of meter) on the basis of actual consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) without taking cognizance of clause 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 alongwith additional reply of the Respondent as well as oral arguments of both the parties during the hearing on 22.04.2024. The Appellant pleaded that the Corporate Forum, Ludhiana has decided to overhaul his account for more than 6 months. It is observed by this Court that the meter of the Appellant was burnt & he was issued bills on ‘R’ Code from 14.02.2023 to 03.11.2023 on the basis of consumption of corresponding period of previous year. But since he had got extended his load from the PSPCL from 1.96 kW to 5.019 kW on 21.02.2023, the average

consumption of corresponding period of previous year charged to the Appellant was adjusted for this change of load. This burnt meter was replaced on 22.11.2023 vide MCO No. 87/222008 dated 09.03.2023. There was a delay of more than 9 months in replacing the burnt meter of the Appellant, a deficiency on the part of the Respondent. This burnt meter was sent for checking in ME Lab on 23.11.2023, where it was reported that accuracy of the meter could not be checked as the terminal block of the meter was burnt. Since the meter was found burnt in ME Lab, then the account of the Appellant was required to be overhauled as per Regulation 21.5.2 of the Supply Code-2014. This Court observed that as per Regulation 21.5.2, the account of the Appellant can be overhauled for the maximum period of 6 months. It is also observed that the consumption of corresponding period of the previous year is available in this case. Therefore, it is decided that the account of the Appellant be overhauled for the maximum period of 6 months immediately preceding the date of replacement of burnt meter, i.e. from 23.05.2023 to 22.11.2023 as per Regulation 21.5.2 (a) of Supply Code-2014.

- (iii) The Respondent earlier did not rectify the bills dated 23.12.2023 & 03.03.2024 issued to the Appellant on 'F' & 'C'

code respectively. But due to intervention of this Court, the Respondent later informed this Court that these bills had been rectified on the basis of actual consumption recorded by the new meter installed on 22.11.2023 & now nothing is due from the Appellant. Although it was not a part of the dispute, but when it was evident that the actual consumption of the Ok meter was available, this Court intervened.

6. Decision

As a sequel of above discussions, the order dated 05.03.2024 of the CCGRF, Ludhiana in Case No. CF-034/2024 is amended to the extent that the account of the Appellant be overhauled for the maximum period of 6 months immediately preceding the date of replacement of burnt meter, i.e. from 23.05.2023 to 22.11.2023 as per Regulation 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, 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 22, 2024
S.A.S. Nagar (Mohali).

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

