

**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. 10/2023**

**Date of Registration : 13.04.2023**

**Date of Hearing : 24.04.2023**

**Date of Order : 24.04.2023**

**Before:**

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

**In the Matter of:**

Sh. T.C. Jain,  
2040, Phase-II, Urban Estate,  
Patiala-147002.

**Contract Account Number: P47UF306018M (DS)**

...Appellant

Versus

Addl. Superintending Engineer,  
DS Suburban Division, PSPCL,  
Patiala.

...Respondent

**Present For:**

Appellant: None

Respondent : 1. Er. Mukesh Kumar,  
Addl. Superintending Engineer,  
DS Suburban Division, PSPCL,  
Patiala.  
2. Er. Pankaj Bansal,  
AEE/ Urban Estate DS S/D, Patiala.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 28.03.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-029/2023 deciding that:

*“Bills dated 29.08.2022 and 30.10.2022 issued to petitioner on O-code are correct and recoverable. Decision dated 09.02.2023 of Divisional CGRF, Suburban Patiala, is upheld.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 13.04.2023 i.e. within the stipulated period of thirty days of receipt of the decision dated 28.03.2023 of the CCGRF, Ludhiana in Case No. CF-029/2023. The Appellant had deposited the full disputed amount. Therefore, the Appeal was registered on 13.04.2023 and copy of the same was sent to the Addl. Superintending Engineer/ DS Suburban Division, PSPCL, Patiala 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. 310-12/OEP/A-10/2023 dated 13.04.2023.

## **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 24.04.2023 and intimation to this effect was sent to both

the parties vide letter nos. 319-20/OEP/A-10/2023 dated 18.04.2023. The Appellant had written to this Court that his absence in the hearing may be excused and case may be decided on the basis of submissions. The case was explained by the Respondent during hearing on 24.04.2023.

#### **4. Submissions made by the Appellant and the Respondent**

Before undertaking analysis of the case, it is necessary to go through written submissions/ Rejoinder of the Appellant and reply of the Respondent as well as oral deliberations made by 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. P47UF306018M with sanctioned load of 8.78 kW in his name under DS Suburban Divn., Patiala.
- (ii) The Appellant submitted that he filed his case with the DSC, DS Suburban Divn., Patiala and then filed appeal in the Corporate

Forum but he was not satisfied with the decision of the Corporate Forum. Therefore, he filed this present appeal.

- (iii) The inference drawn by comparing 1504 units from 07.07.2022 to 30.10.2022 with previous year consumption of (1020+424) units from 29.05.2021 to 18.10.2021 was not correct because neither two periods taken were similar nor the same. For the year 2021, consumption in June was much higher than that of July-August, as his son with his family stayed with them in June.
- (iv) The justification by assuming consumption for 3 ACs was not correct because hardly 1 AC remained ON for a short time, except when his son with his family stayed with them, during which 2/3 ACs remained ON for a longer time & duration.
- (v) There was no increase in demand for load.
- (vi) There was no increase in consumption of the year 2019 from that of 2018. The increase in 2021 was because his son with his family stayed with them for a longer period during summer and might also be due to skipping of digits of the meter which was unearthed only in 2022.
- (vii) The LDHF formula may not be considered as now LED bulbs, energy saving appliances, Inverter type ACs & fridge were in use.
- (viii) Very abnormal consumption of 682 units from 30.10.2022 to 25.11.2022 was overlooked. The fact that the consumption of 682

units recorded in 26 days by the challenged meter when period was neither summer nor winter, while 100 units consumption recorded from 25.11.2022 to 31.12.2022 in 36 days by the changed meter when intense winter was there and room & water heaters were ON, proved beyond any doubt that challenged meter was misbehaving, so it was defective.

- (ix) Consumption of disputed period of bill cycle November-December, 2022 was not discussed.
- (x) Further, as DDL test could not be done, so challenged meter may be installed & sealed as a check meter for a month or so, till it recorded 400/500 kWh because 100<sup>th</sup> place digit skipped at certain point only to ascertain the status of the meter and that truth may prevail. If this test also cannot be done then benefit of doubt may go to the Appellant.
- (xi) Keeping in view the above and his representations, the Appellant requested that:-
  - a) His appeal may be admitted and the decision of the Corporate Forum may be set aside, so that justice may be done.
  - b) The challenged meter may be declared as defective meter.
  - c) Order may be passed to overhaul the consumption from 07.07.2022 to 25.11.2022 (Meter replaced).

**(b) Submissions in the Rejoinder**

In his Rejoinder to the written reply of the Respondent, the Appellant submitted the following for consideration of this Court:

- (i) The Appellant had again requested to compare consumption recorded by the Challenged Meter from 30.10.2022 to 25.11.2022 of 682 Units in 26 days and that of Changed Meter from 25.11.2022 to 31.12.2022 of 101 Units in 36 days in the peak of winter. The consumption of 682 units in 26 days, in a house with occupancy of 2 senior citizens and that in the month of November is beyond any imagination. This leads to the fact that the meter was defective. Also, the same can be, further, ensured by installing the challenged Meter as check meter till it records 500/600 units, as running of 15 units during testing was not enough to see the skipping of digits. Skipping of digits test could not be done during testing in the ME Lab. The Appellant's Rejoinder to the point wise reply of the Respondent is as follows:-

- a) It is not correct to compare the consumption of June month with other months as May/June are peak of summer. Justice demands that consumption of July/ August must be compared with the months of July/ August bill cycle and similarly for other months cycle. Also, the Appellant's statement that in June his son and his family (4 members) stayed with us (2 Members) so

consumption was high in the bill from 29.05.2022 to 07.08.2022, may be given some consideration.

- b) It may not be taken as a base point but the statement of the Appellant may be considered as a pointer towards the reason for higher consumption during the period.
- c) It is reiterated that there was no increase in load demand than Sanctioned Load.
- d) It is not correct to compare the period wise consumption as point was, slightly increase in consumption in all the previous years i.e. 2018 to 2021.
- e) It is not correct to consider the LDHF formula here as that cannot lead to the correctness of the skipping of digits. The above first para may be considered.
- f) As ME Lab could not do the skipping of digits test so it is necessary to investigate the correctness of the consumption so that justice may prevail.
- g) It is not correct to conclude that the status 'O' marked for the challenged meter means all is OK. The above first para may be considered.

Keeping in view the above, the Appellant requests that the Appeal be admitted and the decision of the Forum may be set aside so that justice may be done. Further, the challenged Meter may be declared

as defective meter and order may be passed to overhaul the consumption from 07.07.2022 to 25.11.2022.

**(c) Submission during hearing**

During hearing on 24.04.2023, the Appellant was not present but he had prayed in the Rejoinder to decide the Appeal case as per his submissions.

**(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 DS Category Connection bearing Account No. P47UF306018M with sanctioned load of 8.78 kW in his name. The Appellant's Connected Load was found to be 7.38 kW in checking vide LCR No. 23/904 dated 17.03.2023.
- (ii) The Appellant received bill in the month of Aug, 2022 for 667 units and Oct, 2022 for 837 units for ₹ 14,400/- (6,400/- + 8,000/-) with OK Code. These bills were upto the reading of 36460. The Appellant deposited these bills vide Receipt No. 185796589 dated 08.09.2022 of ₹ 6,400/- and Receipt No. 188681748 dated 13.11.2022 of ₹ 8000/-. The Appellant's dispute is from 07/2022 to 12/2022.

- (iii) The Appellant challenged the working of his meter by depositing ₹ 532/- vide BA16 No. 165/55203 dated 22.11.2022. The disputed meter was changed vide MCO No. 115/861 on 25.11.2022. The meter was got checked in ME Lab vide Challan No. MC-11 dated 14.12.2022, where meter accuracy was found to be OK and reading was 37142 kWh. Since the Appellant was billed up to 36460 kWh only, 783 more units are chargeable from him as per the following:-

Bill Charged						
Reading date	New Reading	Old Reading	consumption	Status	Days	
31.12.2022	115	36460	266	F	62	Covered in Pb. Govt. Subsidy
Bill Chargeable						
25.11.2022	37142	36460	682	O	62	Old Meter
31.12.2022	115	14	101	O		New Meter
			783			Not covered in Pb. Govt. Subsidy
Chargeable units			783			

- (iv) The DDL of the disputed meter was not possible because it was a mechanical meter. The Appellant filed his case in the Divisional Level DSC, where the following decision was taken on 09.02.2023:

*“g;/a eosk nc;o tZb'A fdZshnK dbhbK, ygseko d/ fpnkB ns/ ygs vkNk x'fynk frnk. ew/Nh tb'A gkfJnk frnk fe ME b?p fog'oN nB[ko whNo n?e{o/h mhe gkJh rJh j? ns/ MrV/ tkb/ ;w/A dh ygs th fgSb/ ;kbK d"okB doi j'Jh ygs Bkb w/b yKdh j?. fJj oew t;{bD:'r j? /”*

- (v) Against the above decision, the Appellant filed his appeal in the CCGRF, Ludhiana. The Corporate Forum decided the appeal on 28.03.2023 by passing the following order:

*“Bills dated 29.08.2022 and 30.10.2022 issued to petitioner on O-code are correct and recoverable. Decision dated 09.02.2023 of Divisional CGRF, Suburban Patiala, is upheld.”*

- (vi) The last year consumption of the Appellant for 142 days from 29.05.2021 to 18.10.2021 was 1444 units whereas his consumption for 115 days from 07.07.2022 to 30.10.2022 was 1504 units. During the year 2021, average consumption was 1444 units/ 142 days=10.16 per day units and in year 2022, it was 1504 units/ 115 days =13.07 per day units. The variation unit difference was only 2.91. So the disputed meter's recorded consumption seemed to be correct.
- (vii) The PSPCL is not concerned with the contention of the Appellant that during the disputed period, only 1 AC was working, while 3 ACs were working during the last year. The reading recorded on the Appellant's meter was the basis of consumption shown in the bills.
- (viii) The Appellant's load was less than 20 kW, so MDI (Maximum Demand Indicator) was not noted by the meter reader at the time of billing. Also DDL of the disputed meter could not be done. So, the position of load demand of the Appellant during the disputed period was unclear.
- (ix) The Appellant's consumption from 24.05.2018 to 29.09.2018 was 961 units (128 days), from 22.05.2019 to 02.10.2019, it was 1138 units (133 days), from 29.05.2021 to 18.10.2021, it was 1444 units (142 days) and from 07.07.2022 to 30.10.2022, it was 1504 units

(115 days). The working of the meter was challenged by the Appellant. The meter was got checked in ME Lab vide Challan No. 11 dated 14.12.2022 where the working of the meter was found OK.

- (x) According to LDHF Formula, the consumption from 07.07.2022 to 30.10.2022 came out to be 2313 units which was more than the actual consumption recorded by the disputed meter.

Load 8.38 kW X Days 115 X hour 8 X Factor 30% = 2313 Units.

- (xi) The working of the disputed meter was found Ok in the ME Lab and final reading was 37142 kWh. So the consumption from 30.10.2022 to 25.11.2022 of 682 recorded by the disputed meter was also recoverable from the Appellant.

**(b) Submission during hearing**

During hearing on 24.04.2023, 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 bills dated 29.08.2022 & 30.10.2022 of ₹ 6,400/- and ₹ 8,000/- respectively issued to the Appellant on 'O' Code.

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

- (i) The Corporate Forum in its order dated 28.03.2023 observed as under:-

“Forum observed that Petitioner received bill dated 29.08.2022 issued on O-code for the period from 07.07.2022 to 29.08.2022 for a consumption for 667 KWH amounting to Rs. 6400/-. Petitioner then received next bill dated 30.10.2022 issued on O-code for the period from 29.08.2022 to 30.10.2022 for a consumption of 837 KWH amounting to Rs. 8000/-. Petitioner deposited both the bills but did not agree to these bills and challenged his meter. Site of the petitioner was checked vide LCR no. 74/769 dated 16.11.2022 where reading was recorded as 37029 Kwh and connected load was found as 7.38Kw against SL of 8.78Kw. Petitioner deposited meter challenging fee of Rs. 532/- vide BA-16 no. 165/55203 dated 22.11.2022 and meter of the petitioner was changed vide MCO no. 115/861 dated 22.11.2022 effected on 25.11.2022. Removed meter was checked in ME Lab vide challan no. 11 dated 14.12.2022 where accuracy, Creep test and Dial test of meter were found OK. Petitioner did not agree to the results found in ME Lab and filed his case in Divisional CGRF, Suburban Patiala. Divisional CGRF, Suburban Patiala in its hearing dated 09.02.2023 decided the case as under:-

*“ME ਲੈਬ ਰਿਪੋਰਟ ਅਨੁਸਾਰ ਮੀਟਰ ਐਕੁਰੇਸੀ ਠੀਕ ਪਾਈ ਗਈ ਹੈ ਅਤੇ ਡਗੜੇ ਵਾਲੇ ਸਮੇਂ ਦੀ ਖਪਤ ਵੀ ਪਿਛਲੇ ਸਾਲਾਂ ਦੇਰਾਨ ਦਰਜ ਹੋਈ ਖਪਤ ਨਾਲ ਮੇਲ ਖਾਂਦੀ ਹੈ। ਇਹ ਰਕਮ ਵਸੂਲਣਯੋਗ ਹੈ।”*

Petitioner not satisfied with the decision of Divisional CGRF, Suburban Patiala filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent as under: -

	2018		2019		2020		2021		2022		2023	
	Cons	Code	Cons	Code	Cons	Code	Cons	Code	Cons	Code	Cons	Code
Jan	189	O	200	O	203	O	307	O				
Feb											248	C
Mar	202	O	199	O					668	O		
Apr					273	N	277	O				
May	624	O	310	O	132	O	893	O	201	O		
July			516	O	16	O			703	O		
Aug	721	O					1020	O	667	O		
Sept	240	O										
Oct			622	O	18	O	424	O	837	O		
Nov	173	O	169	O	153	O						
Dec							0	N	266	F		
<b>Total</b>	<b>2149</b>		<b>2016</b>		<b>522</b>		<b>2921</b>		<b>3342</b>		<b>248</b>	

From the above consumption table, Forum observed that consumption of the petitioner in all the previous years i.e., 2018 to 2021 (except 2020, the year affected with Covid-19), is slightly increasing year by year (may be due to increase in his demand as his connected load was detected as 7.38Kw on dated 16.11.2022) but same is comparable. Forum in its proceeding dated 10.03.2023 directed Respondent to check the site of petitioner. Site of petitioner was checked vide LCR no. 23/904 dated 17.03.2023 wherein load of 7.38 KW was found connected against sanctioned load of 8.78 KW. From LCR, it is further observed that connected load of the petitioner includes 3 no. air conditioners of 1.5 ton each. Consumption of 1504 KWH (667+837) for a period of approx. 4 months i.e., from 07.07.2022 to 30.10.2022, in predominantly hot summer period with 3 air conditioners appears to be justified for a load of 7.38 KW. Further, previous year's consumption in corresponding period also indicates that 1504 KWH is a genuine consumption. Even with LDHF formula, the consumption with SL of 8.78Kw comes out to be 632 units/month. Moreover, accuracy, Creep test and Dial test of the meter in dispute were found OK in ME Lab. Although the DDL of meter was not available meter being Mechanical (as per report of respondent dated 15.03.0202), but

keeping in view all the above, the decision dated 09.02.2023 of Divisional CGRF, Suburban Patiala seems to be justified.

Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as other material brought on record. Keeping in view the above the facts and above discussion, Forum is of the opinion that, bills dated 29.08.2022 and 30.10.2022 issued to petitioner on O-code are correct and recoverable. Hence, the decision dated 09.02.2023 of Divisional CGRF, Suburban Patiala is justified.

Keeping in view of the above, Forum came to the unanimous conclusion that bills dated 29.08.2022 and 30.10.2022 issued to petitioner on O-code are correct and recoverable. Hence, the decision dated 09.02.2023 of Divisional CGRF, Suburban Patiala is justified and be upheld.”

- (ii) I have gone through the written submissions made by the Appellant in the Appeal/ Rejoinder, written reply of the Respondent as well as oral arguments of the Respondent during the hearing on 24.04.2023. It is observed by this Court that the Appellant was having DS Category Connection bearing Account No. P47UF306018M with sanctioned load of 8.78 kW in his name under DS Suburban Divn., Patiala. The Respondent issued the disputed bills. The Appellant was not satisfied with the working of the meter so he challenged the working of the meter by depositing the requisite fee of ₹ 532/- vide BA16 No. 165/55203 dated 22.11.2022. The disputed meter bearing Serial No. 425312 was replaced on 25.11.2022 vide MCO No. 115/861 dated 22.11.2022. This disputed meter was checked in ME lab vide ME Challan No.

MC-11 dated 14.12.2022, where the accuracy of the meter was found OK.

- (iii) The Appellant placed his case before the DSC, DS Suburban Divn., Patiala where the case was decided against him. So he filed an Appeal against this order of DSC before the Corporate Forum, Ludhiana. Here also, the Corporate Forum decided against the Appellant. So he filed the present appeal before this Court.
- (iv) The disputed meter was checked in the ME Lab & its accuracy was found OK as per report on Challan No. MC-11 dated 14.12.2022. The Appellant did not produce any documentary evidence to establish that the disputed meter was defective. He brought nothing new in this Appeal case to prove his claim that the disputed meter was defective & skipping of digits is suspected. As such, I found no merits in the present Appeal. The decision of the Corporate Forum, Ludhiana was correct. Bills dated 29.08.2022 & 30.10.2022 issued to the Appellant on 'O' Code are correct and are fully recoverable.
- (v) In view of the above, this court is not inclined to interfere with the decision dated 28.03.2023 of the Corporate Forum in Case No. CF-029/2023.
- (vi) The prayer of the Appellant that the disputed meter be declared defective & hence overhauling of the consumption for the period

from 07.07.2022 to 25.11.2022, should be done, cannot be acceded to as the working of the disputed meter was found Ok in ME Lab.

- (vii) Comparison of consumption with the previous year's consumption had no relevance in this case because the meter in dispute was accurate as per report of ME Lab.

## 6. Decision

As a sequel of above discussions, the order dated 28.03.2023 of the Corporate Forum in Case No. CF-029 of 2023 is hereby upheld.

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.

April 24, 2023  
S.A.S. Nagar (Mohali)

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