

**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. 12/2022

Date of Registration : 02.03.2022

Date of Hearing : 15.03.2022

Date of Order : 15.03.2022

Before:

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

In the Matter of:

Smt. Geetanjali,
B 25-1277, Street No. 1,
Kabir Nagar, Basti Jodhewal,
Ludhiana.

Contract Account Number: 3001189761(DS)

...Appellant

Versus

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

...Respondent

Present For:

Appellant: Sh. Ravinder Kumar,
Appellant's Representative.

Respondent : Er. J.S.Jandu,
Addl. Superintending Engineer,
DS Sunder Nagar (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 07.02.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-389 of 2021, deciding that:

“Account of the Petitioner be overhauled by dividing final reading of 39594 KWH equally from the date of installation of the meter to date of replacement (08.04.2021), as per applicable tariff orders issued by PSPCL time to time. The decision of CLDSC is set aside.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 02.03.2022 i.e. within the period of thirty days of receipt of the decision dated 07.02.2022 of the CGRF, Ludhiana in Case No. CGL-389 of 2021. The Appellant deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 02.03.2022 and a copy of the same was sent to the Addl. Superintending Engineer/ DS Sunder Nagar (Spl.) Division, 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. 200-202/OEP/A-12/2022 dated 02.03.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 15.03.2022 at 12.00 Noon and an intimation to this effect was sent to both the parties vide letter nos. 217-18/OEP/A-12/2022 dated 07.03.2022. 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 DS category connection in her name bearing Account No. 3001189761 with sanctioned load of 4.72 kW under DS Sunder Nagar (Spl.) Divn., Ludhiana.

- (ii) The Appellant alleged that she had received electricity bill of ₹ 64,010/- for 2 months which was very much on higher side as per her previous consumption record. The meter reading of the Appellant had jumped due to which she had received this bill of huge amount.
- (iii) The Appellant filed her case in the Forum but the decision of the Forum was against the Appellant.
- (iv) The Appellant was not satisfied with the decision of the Forum, so she filed an Appeal before this Court.
- (v) The Appellant requested that her appeal be heard and the disputed meter be checked properly. Accordingly, her bill of ₹ 64,010/- should be corrected.

(b) Submission during hearing

During hearing on 15.03.2022, 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 a Domestic Supply Category Connection bearing Account No. 3001189761 running in Kabir

Nagar, Ludhiana. The Appellant was issued a bill for 7377 units (reading 30357 to 37734) on 25.03.2021 of ₹ 64,010/-. This consumption was more than the average consumption of the Appellant. On the request of the Appellant on 06.04.2021, the meter was checked by the concerned JE vide LCR No. 21/7127 dated 01.04.2021 where meter terminal block was found burnt. Therefore, meter no. 1960556 was replaced vide MCO No. 100013033388 dated 06.04.2021 effected on 08.04.2021. The meter of the Appellant was checked in ME Lab, Ludhiana vide ME Challan No. 8202 dated 20.05.2021. It was reported as burnt and the final reading was recorded as 39594.

- (ii) The Appellant was not satisfied with the bill of 7377 units of ₹ 64,010/- and filed its dispute in CLDSC, Ludhiana. The CLDSC decided that the difference of final reading recorded in the ME Lab as 39594 be divided equally in the bills from 01/2018 upto the date of replacement of the meter and the same should be charged to the Appellant. As such, the Appellant was charged an additional amount of ₹ 17,481/-.
- (iii) The Appellant was not satisfied with the decision of the CLDSC and filed the petition in CGRF, Ludhiana with the disputed amount of ₹ 81491/- (₹ 64010/- + ₹ 17481/-). The

CGRF, Ludhiana set aside the decision of the CLDSC and decided that the account of the Appellant be overhauled by dividing the final reading of 39594 equally from the date of installation of the meter to the date of replacement of meter on 08.04.2021 as per applicable tariff orders issued by PSPCL from time to time.

- (iv) The reading record of the Appellant available with the Respondent was from 20.01.2013 onwards only. The reading as on 20.01.2013 was 10437 kWh. So as per the decision of the CGRF, Ludhiana the account of the Appellant was overhauled by dividing the difference of reading i.e. 29157 units (39594-10437) equally from 20.01.2013 to 07.04.2021. Due to this overhauling, refund of ₹ 12,606/- was given to the Appellant against dispute of ₹ 81,491/-.
- (v) The Appellant was still not satisfied with the decision of the CGRF, Ludhiana and filed the Appeal before this Court.

(b) Submission during hearing

During hearing on 15.03.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal. The Respondent failed to prove that final reading of 39594 kWh of burnt meter is reliable and

correct. The Respondent could not establish beyond doubt that the Meter Reader was recording incorrect readings.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of bill dated 25.03.2021 amounting to ₹ 64,010/- for the consumption of 7377 units on 'O' Code for the period from 28.01.2021 to 25.03.2021.

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

- (i) The Appellant's Representative (AR) reiterated the submissions made in the Appeal. He pleaded that the Appellant had received an inflated bill of ₹ 64,010/- for the period of 56 days from 28.01.2021 to 25.03.2021 which was very much on higher side as per the Appellant's previous consumption record. He had prayed that the meter reading had jumped, so the bill of the Appellant should be corrected.
- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and reiterated the submissions made by the Respondent in the written reply. The Respondent argued that the meter of the Appellant was working ok till 25.03.2021 and bill with "O" Code was issued to her on

25.03.2021. After that the meter got burnt and it was changed vide MCO No. 100013033388 dated 06.04.2021 effected on 08.04.2021. It was checked in ME lab vide Challan No. 8202 dated 20.05.2021 where it was reported as found burnt with final reading as 39594 kWh. The Respondent further argued that billing of the Appellant was done on actual consumption recorded by the meter and the amount charged was correct and fully recoverable from the Appellant. He prayed for the dismissal of the Appeal.

(iii) The Forum while deciding this case has observed as under: -

“Forum has observed that vide LCR no. 35/7147 dated 09.08.2021, a load of 5.173 KW has been found connected at site against the sanctioned load of 4.72 KW. Forum also observed that the dispute filed by Petitioner in CLDSC was against bill dated 25.03.2021 of amounting Rs. 64010/- for 7377 units (with new reading 37734 & old reading 30357) of the period 28.01.2021 to 25.03.2021, final reading found in ME lab was 39594 KWH, but decision was passed for distributing the difference in reading billed in SAP and final reading as per ME lab, equally from 01/2018 to meter replacement and not on the disputed bill dated 25.03.2021 for consumption of 7377 units, which shows that the decision passed by CLDSC is not on the issued raised before it.

From the above Forum is of the opinion that the final reading recorded in ME lab of 39594 KWH is correct, however the same has been accumulated due to non recording of meter reading properly by Meter reader. Consumption upto final reading of 39594 KWH should be equally divided from the date of installation of the meter to date of replacement (08.04.2021).

Keeping in view the above, Forum came to unanimous conclusion that account of the Petitioner be overhauled by dividing final reading of 39594 KWH equally from the date of installation of the

meter to date of replacement (08.04.2021), as per applicable tariff orders issued by PSPCL time to time. The decision of CLDSC is set aside.”

- (iv) The Forum rightly pointed out the mistake of CLDSC in its decision that the dispute filed by the Appellant in CLDSC was against the bill dated 25.03.2021 of ₹ 64,010/- for the consumption of 7377 units on ‘O’ Code for the period from 28.01.2021 to 25.03.2021, but the decision of the CLDSC was not on the issue raised before it. This Court had observed that the Forum also did the same mistake. The decision of the Forum is not based on any regulations/ instructions of the Distribution Licensee/PSERC and the Forum had erred in passing such order. Distribution of consumption over a period of time before 25.03.2021 is not correct and also not as per any regulations/ instructions as the disputed bill was raised on “O” Code reading of 37734 as on 25.03.2021.
- (v) It is observed that the Appellant had raised the dispute only of the bill dated 25.03.2021 of ₹ 64,010/-. So only this issue is required to be decided by this Court. I am of the opinion that the billing of Appellant was done on the basis of actual units of electricity consumed by her as the disputed bill was raised on “O” Code. The Appellant neither challenged the bill nor

challenged the working of the meter by depositing the requisite fee as per Regulation 21.3.6 (b) of the Supply Code-2014.

- (vi) From the above, it is concluded that since the Appellant was billed on the basis of actual consumption recorded by the meter, so the bill dated 25.03.2021 amounting to ₹ 64,010/- is correct and fully recoverable.
- (vii) The Appellant did not file the dispute for the final reading of 39594 kWh before CLDSC, Forum & this Court. But since both the CLDSC and the Forum have decided on this issue as well, on their own, and the decision is not as per rules and regulations of the PSERC and PSPCL. So this Court is inclined to differ with the decision of the Forum and decides that the account of the Appellant for the period from 25.03.2021 to date of replacement of meter i.e. 08.04.2021 be overhauled as per Regulation 21.5.2 (a) of Supply Code-2014. The Respondent had failed to prove that final reading of burnt meter recorded as 39594 is correct. The final reading of burnt meter cannot be treated as reliable because the functioning of the meter due to burning becomes erratic and the data retrieved from the burnt meter cannot be reliable. The Respondent could not prove beyond doubt that the readings recorded by the Meter Reader were incorrect. No action has been initiated by the Respondent

against the Meter Reader. The account of the burnt meter is required to be overhauled strictly as per Regulation No. 21.5.2 of Supply Code, 2014 which relates to burnt meters.

6. Decision

As a sequel of above discussions, the order dated 07.02.2022 passed by the Forum in Case No. CGL- 389 of 2021 is hereby quashed. The electricity bill dated 25.03.2021 amounting to ₹ 64,010/- is correct and hence fully recoverable. Further, the account of the Appellant for the period from 25.03.2021 to date of replacement of meter (08.04.2021) be overhauled as per Regulation 21.5.2 (a) of Supply Code, 2014.

Accordingly, the Respondent is directed to refund/ recover the amount found excess/ short after adjustment, if any, with surcharge/ interest as per instructions of PSPCL.

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 15, 2022
S.A.S. Nagar (Mohali)

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

