

**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. 14/2022

Date of Registration : 09.03.2022

Date of Hearing : 22.03.2022

Date of Order : 22.03.2022

Before:

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

In the Matter of:

Sh. Subhash Kejriwal,
B-XX/3039, Gurdev Nagar,
Ludhiana.

Contract Account Number: 3002865200(DS)

...Appellant

Versus

Senior Executive Engineer,
DS Aggar Nagar (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Sh. Parvesh Chadha,
Appellant's Representative.

Respondent : Er. Daljit Singh,
Addl. Superintending Engineer,
DS Aggar Nagar (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 24.01.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-242 of 2021, deciding that:

- “i. The bill dated 17.02.2021 for a consumption of 29725 kWh units of Rs. 207700/- is correct and recoverable.*
- ii. Respondent is directed to avoid submitting misleading/ incorrect information about occurrence of events in future cases and submit documents only after getting it thoroughly verified.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 09.03.2022 i.e. within the stipulated period of thirty days of receipt of the decision dated 24.01.2022 of the CGRF, Ludhiana in Case No. CGL-242 of 2021 which was received by the Appellant on 07.02.2021. The Appellant deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 09.03.2022 and copy of the same was sent to the Senior Executive Engineer/ DS Aggar Nagar (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.223-225/OEP/A-14/2022 dated 09.03.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 22.03.2022 at 01.00 PM and intimation to this effect was sent to both the parties vide letter nos. 255-256/OEP/A-14/2022 dated 15.03.2022. 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 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. 3002865200 with sanctioned load of 24.90 kW under DS Aggar Nagar Division, PSPCL, Ludhiana in his name.

- (ii) The Appellant received a bill of ₹ 2,07,700/- issued on 17.02.2021 for consumption of 29725 units for the period of 63 days from 10.12.2020 to 11.02.2021 with due date as 01.03.2021.
- (iii) The bill was absolutely of abnormal consumption. As such, application was given to challenge the meter and an amount of ₹ 550/- was deposited vide receipt no. 156001377 dated 01.03.2021 as meter challenge & bill challenge fee (₹450/- as meter challenge fee & ₹ 20/- as bill challenge fee + GST). A sum of ₹ 35,000/- was also deposited vide receipt no. 156001167 dated 01.03.2021. But the meter was not replaced and tested in ME Lab.
- (iv) In the meantime, next bill was issued to the Appellant on 18.03.2021 of ₹ 1,97,580/- which included the previous bill dues of ₹ 1,77,463/- for the period of 29 days from 11.02.2021 to 12.03.2021 for 2162 kWh, 2704 kVAh & MDI 10 kVA. The Appellant deposited ₹ 20,118/- (current bill) vide receipt no. 157238930 dated 26.03.2021.
- (v) The Appellant approached the Forum for justice. The Forum during the proceedings again ordered to challenge the meter. As such, an amount of ₹ 880/- was deposited vide R-215800307428 dated 04.10.2021. The meter was changed against MCO No.

100015393727 dated 30.09.2021 on 05.10.2021 and tested in ME Lab (after 83 days) vide Challan No. 4001553 dated 28.12.2021.

- (vi) The remarks on testing report were that the accuracy of meter on dial test on KVAH mode was within limit. DDL taken. FR-kwh-064013, kVAh-065280. MDI-not recorded. METER WAS UNPACKED when brought in ME Lab for testing. The Forum gave its decision against the Appellant.
- (vii) The Respondent failed to replace the meter and got it tested from ME Lab when the challenge fee was paid 1st time on 01.03.2021 in violation of its own rules as per ESIM-2018. The Respondent stated in their reply on 24.09.2021 before the Forum that meter had not been challenged by the Appellant, without going through the record to cover the lapse. The fee receipt and application were attached with petition in the first instance. The application dated 26.02.2021 was marked to Sh. Amandeep Singh, JE for necessary action but nothing was done.
- (viii) The meter was again challenged as per directions given by the Forum on 04.10.2021 as ₹ 880/- was deposited against normal fee of ₹ 450/- + GST= ₹ 531/-. The meter was replaced and tested after 83 days against 15 days as per Instruction no. 55.2

of ESIM-2018. The meter was brought in ME Lab as unpacked against the Instruction no. 55.3.2 of ESIM-2018. So, all actions taken were not according to Rules and Regulation of EA-2003 and there was a deficiency in service. Due to negligence, the DDL of actual affected disputed period could not be detected and the Appellant was being penalized.

- (ix) The DDL recorded by ME Lab printed on 13.01.2022 had recorded FR-64013 kWh and 65280 kVAh but no detailed report was provided. The ME Lab reported vide e-mail dated 04.01.2022 that DDL got corrupted during dumping on PC. As per re-order of the Forum, the DDL was taken but not provided to the Appellant and the Forum mentioned the readings comparison in decision.
- (x) The observation of the Forum while deciding the case that the consumption of 7 months of 2020 came 34859 kWh as an upward trend as compared to last year 2019 which was 34098 kWh units was not correct and not admitted because in the year 2020 from 19.03.2020 to July-2020, there was full Lockdown due to Covid-19 and all family was locked in home and therefore, consumption had increased. The consumption data proved that Meter Reader recorded 'N' code in 04/2020, 05/2020 and in 06/2020. The reading was taken on 21.07.2020.

The meter was running fast and was also challenged which was replaced vide MCO No. 100010408868 dated 07.07.2020 effected on 20.07.2020 with FR-190834 kWh, 213984 kVAh but no test results were given. Till now, Challenge had not been vacated. This was explained in para no. 3 of the Petition before the Forum but it was not taken in the decision.

- (xi) The observation by the Forum was wrong that the petitioner had not challenged the meter due to which there was delay in submission of MCO and ME Labreport. The Forum ignored the Para No. 1 of the petition in which fee receipt and application were attached. The Forum did not give fair decision and made partiality to the Appellant by ignoring the facts, by ordering to re-challenge the meter and to force again to deposit meter challenge fee.
- (xii) The Appellant may be charged the bill for the period 07.07.2020 to 09.11.2021 on the basis of consumption recorded during the same period of the previous Year-2019.
- (xiii) The Respondent had not provided the ME Lab report of meter challenged and replaced on 07.07.2020 being running fast and Challenge had not vacated so far, thus the decision of the Forum was not correct and needed to be set aside.

(xiv) The Appellant prayed that the disputed period of fast meter be charged on the basis of consumption recorded in the year-2019 and also relief of previous challenged meter be given in the interest of justice.

(b) Submission in Rejoinder:

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

- (i) The disputed bill was issued on 17.02.2021 for 63 days for 29725 units instead of 206 days due to late closing of MCO No. 1000408868 dated 07.07.2020 affected on 20.07.2020 but closed on 17.09.2020 was false to cover the deficiency and divert the attention of this Court from the dispute.
- (ii) Actually the disputed bill was for 20.07.2020 to 10.02.2021, installed on 20.07.2020 related to Sr. No. 234892 and removed meter was 074648. The Store Challan No. 417 dated 03.06.2021 relating to old challenged meter Sr. No. 074648 with FR 190835, kVAh 213985. The disputed meter was installed on 20.07.2020 and removed on 05.10.2021 with FR 064013, kVAh 065980. The consumption from 20.07.2020 to 11.02.2021 as 29725 units but in the order of the Forum considering this consumption for 63 days correct, was wrong.

- (iii) The bill for 206 days was required to be divided for the period instead of 63 days. The meter was not tested on first challenge as such correctness was not obtained. The request was filed and fee for challenge of meter and bill was disputed on line and request was submitted to the Respondent. There was no such instruction that a consumer cannot challenge the meter on line. The ESIM, 2018 instruction No. 55.2 was very much clear regarding challenge and replacement/ testing of meter. The whole procedure was to be completed within $7+10+2=19$ days. Advice to be sent and cleared in next cycle data.
- (iv) The meter was replaced on 20.07.2020 but Meter Reader recorded N.O.F Code till 11.02.2021. The billing was issued provisionally and not adjusted while issuing bill for 29725 units. The challenge of old meter has not been vacated yet. The Respondent cannot charge LPS & interest.
- (v) The job order was issued on 30.09.2021 against the deposited re-challenge fee on 30.09.2021 against application dated 26.09.2021. The demand notice was issued for ₹ 880/- against the parameter of challenge fee of ₹ 450/- + GST = ₹ 532/-. The delay in testing was not on the part of the Appellant as the POA appeared three times in ME Lab but Enforcement did not allow to entertain the POA. Again it was brought to the notice of the

Forum and as per direction, the meter was checked which was brought unpacked.

- (vi) The reading from 20.07.2020 to 11.02.2021 was on higher side as compared to 2019-20, 2018-19, 2017-18 due to which meter was challenged but the meter was not checked in first challenge and correctness was not recorded in second challenge. The consumption was more than last year as 7383 units whereas load was same when checked vide LCR on challenge.
- (vii) The grace date of bill was 01.03.2021 and to avoid LPS lump sum amount of ₹ 35,000/- was deposited. The demand notice preparation was an internal procedure and was done on the report but the JE had not reported back as per instructions and deficiency lies on the part of the Respondent.
- (viii) The consumption of 29725 units was related to 206 days (20.07.2020 to 11.02.2021) but billing was done for 63 days, which was required to be revised and the benefit of slab of tariff which was seized, be given to the Appellant being DS category.
- (ix) The results were not given officially in the shape of hardcopy/ softcopy and still no meter challenge and bill challenge vacated. The Appellant was present during checking and had

knowledge of test results but it was the duty of Respondent to convey the results duly acknowledged.

- (x) The challenged bill was not correct and need to be revised on the basis of actual period of consumption.

(c) Submission during hearing

During hearing on 22.03.2022, the Appellant's Representative (AR) reiterated the submissions made in the Appeal and prayed to allow the same. AR failed to produce any instructions on the basis of which the account of the Appellant can be overhauled when the Challenged Meter was found OK in ME lab.

(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 DS category connection, bearing Account No. 3002865200 (wrongly mentioned as 3002811706 by the Appellant) with sanctioned load of 24.9 kW in his name under DS Aggar Nagar (Spl.) Divn., PSPCL, Ludhiana.
- (ii) The bill dated 17.02.2021 for 63 days was issued as per actual consumption of 29725 units amounting to ₹ 2,07,700/-. Though the period of the bill issued on 17.02.2021 was being shown as

63 days however actually this consumption was for period from 20.07.2020 to 11.02.2021 i.e. 206 days as per MCO dated 07.07.2020 affected on 20.07.2020, but was closed on 17.09.2020 in SAP system.

- (iii) Due to late closing of MCO, the cumulative consumption of 29725 kWh was billed in 02/2021. As per above, the bill seemed to be on higher side for 63 days but actually it was for 206 days and was completely justified as per consumption data of the Appellant. The meter was checked in ME Lab vide Challan No. 1553 dated 28.12.2021 and the accuracy was found to be within limits.
- (iv) The application regarding challenge of meter was marked to the concerned JE for verification of reading and checking of load. After the verification, the meter was to be challenged by creating a meter challenge order and subsequent payment of challenge fees by the Appellant. The Appellant deposited online ₹ 550/- without any intimation to the office of the Respondent and was not deposited against the meter challenge fees. This amount was adjusted against the bills of the Appellant as no Demand Notice for meter challenge existed in the system.

- (v) The meter was challenged by the Appellant as per directions of the Forum by depositing the meter challenge fees against the Demand Notice issued by SAP system. MCO No. 100015393727 dated 30.09.2021 was issued without any delay in compliance of the directions of the Forum. It was pertinent to mention here that despite the directions of the Forum, the Appellant did not allow the Staff of the Respondent to check the load at site which was required by the ME Lab before checking a Challenged Meter. The staff was turned back thrice without letting them change the meter and checking the load.
- (vii) Notice No. 401 dated 12.10.2021 was issued to the Appellant to get the load checked (this was recorded in the proceedings of the Forum dated 09.11.2021). After the strict directions of the Forum the meter was replaced, but the Appellant did not give consent to check the meter in his absence due to which his presence was required for checking the meter in ME Lab. However, the Appellant did not turn up in ME Lab on two occasions when the meter was taken to ME Lab despite telephonic reminders. Only after the directions of the Forum, the Appellant authorized his advocate for getting the meter checked, the meter was checked in ME Lab. As such, the delay in checking the meter was entirely attributed to the Appellant

and not to Respondent's office. The accuracy of the meter was declared within limits. ESIM clause no. 55.3.2 as quoted by the Appellant mandated packing of the meter only in case of replacement of 3 phase Electromechanical meters where there was evidence of tampering/ theft etc. which was not the case here.

- (viii) The DDL report of the meter clearly established that the meter readings recorded by the meter reader were in line with the DDL. Even if the consumption for the period the challenged meter remained installed i.e. 21.07.2020 to 11.02.2021 was compared to the same period in previous years there was no abnormal/ major difference of consumption (given the accuracy of meter was within limits) as tabulated below:

Period	Consumption (kWh)
20.07.2020 to 11.02.2021	29732
17.07.2019 to 14.02.2020	22349
14.07.2018 to 17.02.2019	21024
15.07.2017 to 15.02.2018	20933
16.07.2016 to 15.02.2017	21834

- (ix) The meter replaced vide MCO No. 100010408868 dated 07.07.2020 was checked vide ME Challan No. 417 dated 03.06.2021 and the accuracy of the meter was found to be within limits. The meter was checked in the presence of the

Appellant and as such, the results were already in the knowledge of the Appellant.

- (x) The application regarding challenge of the meter was marked to the concerned JE for verification of reading and checking of load. After the verification, the meter was to be challenged by creating a meter challenge order and subsequent payment of challenge fees by the Appellant. The Appellant was wrongly assuming the ₹ 550/- deposited by the Appellant online without any intimation to this office as meter challenge fees. No Demand Notice for meter challenge was issued by this office before the consumer deposited ₹ 550/-.
- (xi) The consumption charged was as per actual meter reading and required no revision. As such, the amount billed was correct and recoverable and required no revision. The Respondent prayed for the dismissal of the Appeal.

(b) Submission during hearing

During hearing on 22.03.2022, 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 bill dated 17.02.2021 of ₹ 2,07,700/- issued for consumption of 29725 units for the period of 63 days from 10.12.2020 to 11.02.2021.

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

- (i) The Appellant's Representative (AR) reiterated the submissions made by the Appellant in the Appeal. He pleaded that the Appellant was not given justice by the Forum as its decision was not fair. The Appellant challenged the meter on 01.03.2021 by depositing an amount of ₹550/- online vide receipt no. 156001377 dated 01.03.2021 as meter challenge & bill challenge fee, but the Forum made him to challenge the meter again by depositing the meter challenge one more time. Even then the meter was checked in ME Lab after 83 days and the meter was sent to ME Lab for checking in unpacked condition by violating Instructions 55.2 and 55.3.2 of ESIM-2018. He further pleaded that the Appellant even challenged the meter replaced vide MCO no. 100010408868 dated 07.07.2020 affected on 20.07.2020, but the Test results were still not given to him. The Appellant prayed that the decision of the Forum be

set aside and the disputed period of fast meter be charged on the basis of consumption recorded in the year-2019 and also relief of previous challenged meter be given in the interest of justice.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant and pleaded that the Forum rightly decided the case as the disputed bill was of actual consumption, so the amount billed was correct and recoverable. However, the Respondent admitted that though the period of the bill issued on 17.02.2021 was being shown as 63 days however actually this consumption was for period from 20.07.2020 to 11.02.2021 i.e. 206 days as the MCO dated 07.07.2020 was affected on 20.07.2020, but was closed on 17.09.2020 in SAP system. Due to late closing of MCO, the cumulative consumption of 29725 kWh was billed in 02/2021. As per above, the bill seemed to be on higher side for 63 days but actually it was for 206 days and was completely justified as per consumption data of the Appellant. The Respondent submitted that the Appellant deposited ₹550/- online on 01.03.2021 without any intimation to them regarding meter challenge. So, the meter was actually challenged by the Appellant as per directions of the Forum by depositing the requisite fee. He further pleaded that there was

no delay on their part to change the meter. Also, the checking of the disputed meter was delayed due to the fact that the consumer did not turn up in ME Lab on two occasions. They did not violate Clause No. 55.3.2 of the ESIM. The DDL report of the meter clearly established that the meter readings recorded by the meter were in line with the DDL. He further argued that the meter replaced vide MCO No. 100010408868 dated 07.07.2020 was checked vide ME Challan No. 417 dated 03.06.2021 and the accuracy of the meter was found to be within limits. The meter was checked in the presence of the Appellant and as such, the results were already in the knowledge of the Appellant. The Respondent prayed for the dismissal of the Appeal.

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

“From the above Forum observed that the readings recorded by meter reader in corresponding months of 2021 is in line with readings as in DDL report and are therefore correct. Further, the consumption of Petitioner during 2019 is 34098 KWH whereas during first 7 months of 2020 consumption raised to 34859 KWH showing an upward trend in consumption. The meter in dispute was installed in premise of Petitioner on 20.07.2020 and removed on 05/10/2021 (in SAP 09/11/2021) i.e., for a period of 15 months the meter in dispute was there and a consumption of 64013 was recorded during this period. Further, Forum observed that due to non-closure of MCO in 07/2020, actual consumption was hidden and in 02/2021, cumulative consumption of 29725 KWH units was punched which was actually for a period of 20.07.2020 to 11.02.2021 i.e., for 7 months which seems correct & justified seeing the upwards trend in consumption of Petitioner of 2020.

Forum observed from consumption data submitted by Respondent that the meter reader recorded F code bills in 08/2020, 09/2020 means either

the meter was removed at site before reading dated 17.08.2020 or MCO was closed earlier than the time when meter was replaced, but here the Petitioner submitted copy of affected MCO as per which the meter was replaced on 20.07.2020 and not on the date 18.09.2020 as submitted by Respondent in his reply, further the Respondent during hearing dated 09.11.2021 himself submitted that meter has not been replaced due to the reason of site not being checked and then submitted print out of MCO no. 100015393727 dated 30.09.2021 as per which new meter issued/installed on 05.10.2021, which is again contradictory because as per SAP reading record the meter in dispute was replaced on 09/11/2021, Respondent did not submit the affected MCO even when the case is delayed. Forum observed that the documents are submitted by Respondent which are not complete in all respect and further the accurate information is not provided timely leading to delay in finalization of disputes and further, Respondent is habitual of it which is very serious being financial implications and revenue of PSPCL being involved. Respondent is directed to avoid such misinformation in future cases and submit documents after getting it thoroughly verified failing which necessary action will be advised against concerned officers/officials for delaying and misleading Forum. Keeping in view the above, Forum came to unanimous conclusion that, the bill dated 17.02.2021 for a consumption of 29725 KWH units of Rs. 207700/- is correct and recoverable.”

- (iv) I have gone through the Appeal and Rejoinder of the Appellant and written submissions of the Respondent as well as oral arguments of both the parties during the hearing on 22.03.2022. This court is of the opinion that since the disputed meter was found working within the permissible limits, so the consumption recorded by it is reliable and correct. The Respondent had admitted that though the period of the bill issued on 17.02.2021 was being shown as 63 days however actually this consumption was for period from 20.07.2020 to 11.02.2021 i.e. 206 days as the MCO dated 07.07.2020 was

affected on 20.07.2020, but was closed on 17.09.2020 in SAP system. Due to late closing of MCO, the cumulative consumption of 29725 kWh was billed in 02/2021. Also, the reading record of the Appellant shows that bills after 21.07.2020 upto 17.09.2020 were issued on 'F' Code and then the meter was shown replaced on 17.09.2020, but actually the meter was replaced on 20.07.2020 as agreed by both the Appellant and the Respondent. As such, I am not inclined to agree with the decision dated 24.01.2022 of the Forum. This Court is of the opinion that account of the Appellant for the period from 20.07.2020 to 11.02.2021 be overhauled with the actual consumption of 29733 units consumed by the Appellant. The consumption had been arrived by deducting initial reading of 02 from reading as on 11.02.2021 i.e. 29735.

- (v) The contention of the Appellant regarding not providing Meter challenge report of meter replaced vide MCO No. 100010408868 dated 07.07.2020 was not correct as the meter was checked in the presence of the Appellant vide ME Challan No. 417 dated 03.06.2021 and the accuracy of the meter was found to be within limits. As such, the results were already in the knowledge of the Appellant.

6. Decision

As a sequel of above discussions, the order dated 24.01.2022 of the CGRF, Ludhiana in Case No.CGL-242 of 2021 is set aside. The account of the Appellant for the period from 20.07.2020 to 11.02.2021 be overhauled with the actual consumption of 29733 units consumed by the Appellant as agreed by both parties during hearing on 22.03.2022.

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 22, 2022
S.A.S. Nagar (Mohali)

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