

**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. 14/2023**

**Date of Registration : 02.06.2023**

**Date of Hearing : 14.06.2023**

**Date of Order : 14.06.2023**

**Before:**

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

**In the Matter of:**

M/s. The Aarko Pipe Gram Udyog (Regd.),  
Vill.-Dhadha, P.O.- Hazara,  
Hoshiarpur Road, Distt.- Jalandhar.

**Contract Account Number: 3004697357 (LS)**

...Appellant

Versus

Addl. Superintending Engineer,  
DS Cantt. Division,  
PSPCL, Jalandhar.

...Respondent

**Present For:**

Appellant: Sh. M.R. Singla,  
Appellant's Representative.

Respondent : Er. Avtar Singh,  
Addl. Superintending Engineer,  
DS Cantt. Division,  
PSPCL, Jalandhar.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 19.05.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-052/2023, deciding that:

*“The decision taken by Circle CGRF, Jalandhar in its meeting held on 17.03.2023, 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 02.06.2023 i.e. within the period of thirty days of receipt of the decision dated 19.05.2023 of the CCGRF, Ludhiana in Case No. CF-052/2023. The Appellant was not required to deposit the requisite 40% of the disputed amount as this is a refund case. Therefore, the Appeal was registered on 02.06.2023 and copy of the same was sent to the Addl. SE/ DS Cantt. Divn., PSPCL, Jalandhar for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 446-448/OEP/A-14/2022 dated 02.06.2023.

## **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 14.06.2023 at 12.30 PM and intimation to this

effect was sent to both the parties vide letter nos. 456-57/OEP/A-14/2023 dated 07.06.2023. 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 his Appeal for consideration of this Court:-

- (i) The Appellant was having a LS Category Connection, bearing Account No. 3004697357 under DS Cantt. Division, PSPCL, Jalandhar in its name.
- (ii) The CT/PT of the Appellant got damaged on 22.03.2022. After inspection, the office of AEE, Jandu Singha Sub Division asked vide Memo No. 2201 dated 24.03.2022 to deposit ₹ 93,837/- towards the Cost of CT/PT. Accordingly, amount of ₹ 93,837/-

was deposited on 25.03.2022 to get the supply restored at the earliest.

- (iii) The cost of CT/ PT got deposited by the office was in excess of Schedule of General Charges and in violation of instructions/PSERC Regulations.
- (iv) As per Schedule of General Charges, ₹ 34,080/- could only be charged for damaged CT/ PT, if it was established that the damage had taken place due to the negligence or default on the part of the Appellant. In the present case, there was no such default nor any Investigation Report was prepared by the office and given to the Appellant within 30 days as per instructions. So, the total amount got deposited by the notified office was illegal and in violation of the Regulations.
- (v) The Appellant filed Petition before the Circle CGRF, Jalandhar against this, but no relief was given by that authority and the total amount charged by the office was held to be correct. Subsequently, against the order of Circle CGRF, Appeal was filed before the Corporate CGRF, Ludhiana vide Appeal No. CF-052 of 2023, but no relief was given and order of the Circle CGRF was upheld.

- (vi) The order of the Corporate CGRF was wrong and in violation of the instructions & Regulation 21.4.1 of Supply Code, 2014 as well as Instruction 56.2 of ESIM, 2018.
- (vii) The Appellant requested that Hon'ble Court of Ombudsman/ Electricity, Punjab be kind enough to give justice to the Appellant by ordering to the Respondent to refund the amount that was got deposited for CT/ PT with interest.

**(b) Submission during hearing**

During hearing on 14.06.2023, 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 amount of ₹ 93,837/- was charged to the Appellant as cost of damaged CT/PT unit vide Estimate No. 11300514/2021-2022 according to Purchase Order No. M-161/MQP-164PR dated 19.08.2021. The CT/PT unit of accuracy class 0.2S was installed.
- (ii) The site of the Appellant was checked by the ASE/Enf.-Cum-EA&MMTS-3, Jalandhar and it was mentioned in its report that

“CT/PT Chamber ਨੂੰ ਖੋਲਿਆ ਗਿਆ ਅਤੇ ਪਾਇਆ ਗਿਆ ਕਿ Red, Yellow ਅਤੇ Blue CT's ਉਪਰ ਫਲੈਸ਼ ਪਈ ਹੋਈ ਹੈ ਤੇ CT/PT Chamber ਵਿੱਚ moisture ਬਹੁਤ ਜਿਆਦਾ ਹੈ। CT/PT room ਦੇ ਵਿੱਚ VENTILATION ਨਹੀਂ ਹੈ ਅਤੇ ਨਾ ਹੀ ਇਹ ਕਮਰਾ ਮਹਿਕਮੇ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਬਣਿਆ ਹੋਇਆ ਹੈ। ਇਸ CT/PT ਨੂੰ DAMAGE ਘੋਸ਼ਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।”

- (iii) The Appellant was charged this amount as per Clause 17.1.9 of Schedule of General Charges. The site of the Appellant was checked by the ASE/Enf.-Cum-EA&MMTS-3, Jalandhar where it was found that the CT/PT Chamber had too much moisture. The CT/PT unit was damaged due to the negligence on part of the Appellant. So, this amount was recoverable from the Appellant.
- (iv) According to the decision of the Corporate Forum, the CT/PT was damaged due to the negligence of the Appellant and the amount of ₹ 93,837/- was recoverable from the Appellant for the CT/PT unit of accuracy class 0.2S installed at the site of the Appellant as per Clause 17.1.9 of Schedule of General Charges.

**(b) Submission during hearing**

During hearing on 14.06.2023, 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 ₹ 93,837/- charged to the Appellant by the Respondent as cost of damaged CT/PT unit.

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

- (i) The Corporate Forum in its order dated 19.05.2023 observed as under:-

“Forum observed that the site of the Petitioner was checked by ASE/Enf. Cum EA&MMTS-3, Jalandhar as per request of SDO/Jandu Singha vide his memo no. 299 dated 22.03.2022 and ECR no. 36/334 dated 22.03.2022 was prepared and declared the CT/PT unit as damaged. The amount of Rs. 93837/- was charged to the Petitioner. Petitioner contended that as per schedule of general charges applicable at that time, amount of Rs. 34080/- was required to be charged for damaged CT/PT unit if it is established that damage has taken place due to negligence on part of consumer so, this amount was not recoverable from him. Petitioner deposited the amount of Rs. 93837/- under compulsion to get the supply restored at the earliest. Petitioner did not agree to the amount charged to him and filed his case in Circle CGRF, Jalandhar to refund the amount deposited by him with interest. Circle CGRF, Jalandhar in its meeting held on 17.03.2023 decided as under:

“ਕਮੇਟੀ ਵਲੋਂ ਇਨਫੋਰਸਮੈਂਟ ਦੀ ਰਿਪੋਰਟ ਨੂੰ ਮੁੱਖ ਰੱਖਦਿਆਂ ਕਮੇਟੀ ਵਲੋਂ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਕਿ ਖਪਤਕਾਰ ਨੂੰ ਪਾਈ ਗਈ ਰਕਮ ਸਹੀ ਹੈ ਅਤੇ ਖਪਤਕਾਰ ਵਲੋਂ ਮੰਗਿਆ ਗਿਆ ਰਿਫੰਡ ਦੇਣ ਯੋਗ ਨਹੀਂ ਹੈ।”

Not agreed with the decision of the Circle CGRF, Jalandhar, petitioner filed an appeal in the Corporate Forum, Ludhiana.

Forum observed that petitioner has contended that as per schedule of general charges applicable at that time Rs.34080/- were required to be charged for damaged CT/PT unit if it is established that the damage has taken place due to the negligence or default on the part of consumer but in this case there was no such report that damage of CT/PT unit is due to the fault of consumer. Forum observed the Relevant Regulation 21.4.1 of Supply Code 2014 pertaining to defective/dead stop meter's, reproduced as under:

*21.4.1 In case a consumer's meter becomes defective/dead stop or gets burnt, a new tested meter shall be installed within the time period prescribed in Standards of Performance on receipt of complaint <sup>4</sup>[or detection by the distribution licensee]. If the meter is burnt due to reasons attributable to the consumer, the distribution licensee shall debit the cost of the meter to the consumer who shall also be informed about his liability to bear the cost. In such cases the investigation report regarding reasons for damage to the meter must be supplied to the consumer within 30 days. However, supply of electricity to the premises shall be immediately restored even if direct supply is to be resorted to, till such time another tested meter is installed.*

Further clause 56.2 of ESIM pertaining to damage of CT/PT is as under:

*"If the CT/PT unit gets damaged/burnt the new CT/PT unit shall be installed within the time period prescribed in Standards of Performance (Presently 5 days) on receipt of complaint. If the CT/PT unit is burnt due to reasons attributable to the consumer, the PSPCL shall debit the cost of the CT/PT unit to the consumer who shall also be informed about his liability to bear the cost. In such cases the investigation report regarding reasons of damage to the CT/PT unit must be supplied to the consumer within 30 days. The cost to be recovered shall be as per cost of CT/PT unit circulated from time to time. However, supply of electricity to the premises shall be immediately restored even if direct supply is to be restored to, till such time another tested CT/PT unit is installed."*

Forum observed that during the hearing when Respondent was asked about whether any investigation report was prepared as per above regulation/ instructions, to which Respondent replied that no such investigation report had been prepared regarding reasons of damaged CT/PT attributable to Petitioner. He only referred to the checking report of ASE/Enf. Cum EA&MMTS-3, Jalandhar vide ECR no. 36/334 dated 22.03.2022. The remarks of the report are reproduced as under:

“ ਇਹ ਕੁਨੈਕਸ਼ਨ ਉੱਪ ਮੰਡਲ ਅਫਸਰ ਜੰਡੂ ਸਿੰਘਾਂ ਦੇ ਮੀਮੋ ਨੰ: 299 ਮਿਤੀ 22.03.2022 ਅਨੁਸਾਰ ਚੈਕ ਕੀਤਾ ਗਿਆ। ਮੈਂਕੇ ਤੇ ਹਾਜ਼ਰ JE Inderdeep Singh ਨੇ ਦੱਸਿਆ ਕਿ ਅੱਜ ਸਵੇਰੇ ਹੀ ਇਸ ਕੁਨੈਕਸ਼ਨ ਦੀ cable ਉਤਾਰ ਦਿੱਤੀ ਸੀ ਕਿਉਂਕਿ ਸਵੇਰੇ 5 ਕੁ ਵਜੇ ਫਾਲਟ ਆਇਆ ਸੀ ਜਿਸ ਕਾਰਨ fault clear ਕਰਨ ਲਈ ਇਸ ਕੁਨੈਕਸ਼ਨ ਦੀ ਕੇਬਲ ਉਤਾਰ ਦਿੱਤੀ ਗਈ। Battery mode ਤੇ ਵੀ ਮੀਟਰ ਕੰਮ ਨਹੀਂ ਕਰ ਰਿਹਾ ਹੈ ਜਿਸ ਕਾਰਨ ਨਾਂ ਤਾਂ ਰੀਡਿੰਗ ਲਈਆਂ ਜਾ ਸਕਿਆਂ ਅਤੇ ਨਾਂ ਹੀ DDL ਹੋ ਸਕਿਆ। CT/PT chamber ਨੂੰ ਖੋਲਿਆ ਗਿਆ ਅਤੇ ਪਾਇਆ ਗਿਆ ਕਿ Red, Yellow ਅਤੇ Blue CT's ਉੱਪਰ ਫਲੈਸ਼ ਪਈ ਹੋਈ ਹੈ ਅਤੇ CT/PT chamber ਵਿੱਚ moisture ਬਹੁਤ ਜਿਆਦਾ ਹੈ। CT/PT Room ਦੇ ਵਿੱਚ ventilation ਨਹੀਂ ਹੈ ਅਤੇ ਨਾਂ ਹੀ ਇਹ ਕਮਰਾ ਮਹਿਕਮੇ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਬਣਿਆ ਹੋਇਆ ਹੈ। ਇਸ CT/PT ਨੂੰ Damage ਘੋਸ਼ਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।”

Forum observed that the above checking report have been prepared in the presence of the Representative of the petitioner and have been duly signed by him. Hence, the petitioner is in full knowledge of this plight of the installation of CT/PT unit. Forum observed that the Circle CGRF, Jalandhar in its meeting held on dated 17.03.2023 observed as under:

“ਇਨਫੋਰਸਮੈਂਟ ਦੀ ਈਸੀਆਰ ਨੰ. 36/334 ਮਿਤੀ 22.3.22 ਵਿੱਚ ਸਪਸ਼ਟ ਲਿਖਿਆ ਹੋਇਆ ਹੈ ਕਿ ਸੀਟੀ/ਪੀ.ਟੀ ਰੂਮ ਦੇ ਵਿੱਚ ventilation ਨਹੀਂ ਸੀ ਅਤੇ ਸੀਟੀ/ਪੀਟੀ ਚੈਂਬਰ ਵਿੱਚ Moisture ਬਹੁਤ ਜਿਆਦਾ ਸੀ ਤੇ ਜਿਸ ਕਮਰੇ ਵੀ ਸੀਟੀ/ਪੀਟੀ ਲੱਗਾ ਹੈ ਕਮਰਾ ਵੀ ਮਹਿਕਮੇ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਨਹੀਂ ਬਣਿਆ ਹੋਇਆ।”

Keeping in view the above, Forum observed that CT/PT got damage due to negligence of the Petitioner by not ensuring observance of precautions creating conducive environment for its smooth/ safe running. Although the investigation report regarding reasons for damage to the CT/PT unit had not been prepared as per Regulation 21.4.1 yet the Petitioner cannot be absolved from his responsibility of providing specified conditions for the metering equipment necessary for its smooth functioning as mentioned in ECR no. 36/334 dated 22.03.2022. Hon'ble Court of the Lok Pal (Ombudsman), Electricity, Punjab, in appeal no. 18/2019 in the matter related to M/s Jai Ambey Rice & General Mills v/s PSPCL, had already decided the similar case. Therefore, Forum is of the opinion that the cost of the CT/PT units is required to be recovered from the petitioner. Further regarding cost of CT/PT unit to be charged as Rs. 34080/- instead of Rs. 93837/-, Forum is of the opinion that as per the decision in the appeal no. 18/2019, the amount of Rs. 34083/- is taken as cost of CT/PT unit of accuracy class 0.5S and now the CT/PT units of accuracy class 0.2S are used therefore the cost is required to be charged as per clause 17.1.9 of General Schedule of charges and in this case amount of Rs. 93837/- charged by the respondent as per rates circulated by the Sr. Xen ME division PSPSCL Ludhiana on 20.09.2018 are correct and recoverable.

Keeping in view the above, Forum came to unanimous conclusion that the decision taken by Circle CGRF, Jalandhar in its meeting held on 17.03.2023, is upheld.”

- (ii) I have gone through the written submissions made by the Appellant in the Appeal, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 14.06.2023. The Appellant had prayed for quashing the demand of ₹ 93,837/- on the ground that no investigation report was

prepared by the office of the Respondent and given to it within 30 days as per the instructions. Further, the Appellant contended that even if it was established that the CT/PT unit was damaged due to the negligence on the part of the Appellant, then also only ₹ 34,080/- could be charged as per the Schedule of General Charges. The Respondent controverted these pleas raised by the Appellant and argued that the checking report of the ASE/ Enforcement cum EA&MMTS-3, Jalandhar vide ECR No. 36/334 dated 22.03.2022 was itself a complete investigation report in which the Appellant was held responsible for the damage of the CT/PT unit. This report mentioned that there was excessive moisture in the CT/PT Chamber. There was no ventilation in the CT/PT room and also the room was not as per the instructions of the PSPCL. The CT/PT unit was declared damaged. Further, the Respondent argued that the CT/PT unit of accuracy class 0.2S was installed, so the amount of ₹ 93,837/- was correctly charged as per the Clause 17.1.9 of Schedule of General Charges.

- (iii) It is observed by this Court that the checking report of the ASE/ Enforcement cum EA&MMTS-3, Jalandhar vide ECR No. 36/334 dated 22.03.2022 was itself a complete investigation report in which it was reported that the CT/PT unit was

damaged due to the negligence on the part of the Appellant. This report was signed by the representative of the Appellant. The Appellant was fully aware of the reasons of damage of CT/PT unit. So there was no need to supply separate investigation report in this regard. The cost of CT/PT unit was recoverable from the Appellant. However, the Respondent could not produce any concrete documentary evidence to prove that the amount of ₹ 93,837/- recovered from the Appellant as cost of CT/PT unit was as per law and had approval from the PSERC. As such, the amount recoverable from the Appellant should be ₹ 34,080/- plus applicable testing charges & taxes.

- (iv) In view of the above, this Court is not inclined to agree with the decision dated 19.05.2023 of the Corporate Forum in Case No. CF-052/2023. The amount recoverable from the Appellant shall be ₹ 34,080/- as per Clause 17.1.7 of the Schedule of General Charges plus applicable testing charges & taxes. The excess amount recovered from the Appellant be refunded. However, no interest shall be payable.

## **6. Decision**

As a sequel of above discussions, the order dated 19.05.2023 of the CCGRF, Ludhiana in Case No. CF-052/2023 is amended to the extent that the amount of ₹ 34,080/- plus applicable testing

charges & taxes be charged to the Appellant. The excess amount recovered from the Appellant be refunded.

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.

June 14, 2023  
S.A.S. Nagar (Mohali).

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