

**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. 14/2024

Date of Registration : 28.06.2024
Date of Hearing : 17.07.2024, 24.07.2024
Date of Order : 29.07.2024

Before:

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

In the Matter of:

M/s Kamal Agro Foods,
Village & P.O-Poonian,
Tehsil-Shahkot,
Distt.-Jalandhar.

Contract Account Number: 3008462059 (LS)

...Appellant

Versus

Addl. Superintending Engineer,
DS City Division, PSPCL,
Nakodar.

...Respondent

Present For:

Appellant: 1. Sh. M.R. Singla,
Appellant's Representative.
2. Sh. Varinderjit Singh,
Appellant's Representative.

Respondent : 1. Er. Inderjit Singh,
Addl. Superintending Engineer,
DS City Division, PSPCL,
Nakodar.
2. Sh. Taran Kumar,
UDC.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 30.05.2024 of the Corporate Consumer Grievances Redressal Forum, Ludhiana in Case No. CF-098/2024, deciding that:

- “i. The amount of Rs. 1639644/- charged to the Petitioner vide notice no. 547 dated 09.04.2024 later charged as sundry charges in the bill dated 22.04.2024, is quashed. The account of the Petitioner be overhauled for a period of six months preceding the date of setting right the connections of the meter of the Petitioner on 04.04.2024 as per Regulation 21.5.2(d) of Supply Code-2014.*
- ii. CE/DS North, PSPCL, Jalandhar is directed to investigate the matter and fix responsibility of the delinquent officers/officials for causing recurring financial loss to the Corporation due to wrong connections and unnecessary harassment to the petitioner.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 28.06.2024 i.e. within the period of thirty days of receipt of the decision dated 30.05.2024 of the CCGRF, Ludhiana in Case No. CF-098/2024. The Appellant had deposited 40% of the disputed amount. Therefore, the Appeal was registered on 28.06.2024 and copy of the same was sent to the Addl. SE/ DS City Division, PSPCL, Nakodar for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana

under intimation to the Appellant vide letter nos. 349-351/OEP/A-14/2024 dated 28.06.2024.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 17.07.2024 and intimation to this effect was sent to both the parties vide letter nos. 375-76/OEP/A-14/2024 dated 08.07.2024. As scheduled, the hearing was held in this Court on 17.07.2024 and arguments of both the parties were heard. The Appellant's Representative requested for time of one week to submit additional documents in support of his Appeal. Accordingly, one week's time was granted. The next date of hearing was fixed for 24.07.2024. An intimation to this effect, alongwith a copy of proceedings dated 17.07.2024, was sent to both the parties vide letter nos. 391-92/OEP/A-14/2024 dated 17.07.2024.

As scheduled, the hearing was held in this Court on 24.07.2024 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 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 had applied for new electric connection in Shahkot Sub-division of DS City Division, PSPCL, Nakodar in LS Category for 295 kVA load for Rice Sheller keeping in view to run it at full capacity in the coming years. Accordingly plant & machinery was installed for full capacity of the plant. The electric connection bearing a/c no. 3008462059 was released on 23.08.2023. Being off season for Rice Shellers, few light points were being used by the Appellant during the period and the energy bills were paid regularly.
- (ii) On 04.04.2024 connection of the Appellant was checked by ASE, Enforcement-cum-E.A & MMTS-1, Jalandhar vide ECR No. 18/1464 and it was found that connections to the meter were wrongly wired by the officials/officers of notified office at the time of release of connection. The connections of the meter were set right at site by the checking officer and found that now working of energy meter was ok.

- (iii) On the basis of this checking report, notified office issued notice vide letter no. 547 dated 09.04.2024 asking to deposit ₹ 16,39,644/- by charging average of 241900 kVAh in total due to wrong connections for the period from the date of installation of meter, Jan-2024 to Apr-2024 which was much on higher side than the expected actual consumption. The average for the month of Jan-2024 was charged for full month whereas milling of paddy was started w.e.f. 17.01.2024 similarly average was also charged for full month of Apr-2024 whereas meter started working properly w.e.f. 04.04.2024. The Respondent did not try to solve the issue after so many requests. The Appellant was constrained to file dispute case with Corporate Forum vide Case No. CF-098/2024. The case was decided by the Corporate Forum, Ludhiana on 30.05.2024 with minor observation that average may be charged for maximum of six months. This order was sent vide Memo No. 916 dated 31.05.2024 and the same was received by the Appellant on 08.06.2024. The Corporate Forum, Ludhiana had not gone into merits of the case and did not apply mind about facts of the issue while deciding the case.
- (iv) Rice Sheller is a seasonal industry which is governed by the Government policies and consumer is bound to comply with

the Government instructions which ultimately effect the electricity consumption for milling of paddy.

- (v) The demand of the Respondent was illegal/wrong and was in violation of the Regulation 21.3.1 of Supply Code-2014 which clearly stipulated that Licensee is to satisfy itself for accuracy of the meter at the time of installation.
- (vi) The Respondent had failed to discharge duties for more than 7 months to detect that meter was not working properly due to wrong connections when every month AE/AEE took readings of Large Supply Connection. This lapse on Respondent's part had led to harassment to the Appellant and was subjected to unnecessary litigation, time loss and financial loss in the matter please.
- (vii) In the first year of operation, paddy was being allotted by the Government to new Rice Sheller in last after allotting paddy to the existing Rice Shellers. Moreover in the first year allotment of paddy was almost half of the milling capacity of the Sheller. The milling capacity of the Appellant was 5 Ton and the maximum allotment of paddy could be 4500-6000 Ton in the first year of operation. The Appellant was allotted only 5053.612 Ton paddy, while existing Sheller's allotment of paddy was around 7500-10500 Ton.

- (viii) The Rice Sheller's owners cannot start milling at its own after receipt of paddy. The milling was carried out only after issue of instructions by the controlling office of Government to give rice to the storage. Regarding this, letter no. 3696 dated 17.01.2024 was issued by the office of the Divisional Manager, FCI, Jalandhar containing instructions to give rice to the storage. Accordingly, the Appellant started milling w.e.f. 17.01.2024.
- (ix) In Rice Sheller industry milling is standardized with specific instructions of quality of rice. If the data of electricity consumption for per ton milling of paddy is analysed, it will be almost the same for every Sheller with minor variation from plant to plant. In this regard the Appellant had submitted consumption data of Rice Sheller's of the area under same Sub-division, Shahkot from which it could be analysed and concluded that consumption of electricity per ton milling of paddy was almost the same. The Court of Ombudsman would come to know the truth and it would be helpful to decide the issue and to do justice to the Appellant in this case. From the consumption data it can be also easily ascertained that how much electricity had been actually consumed by the Appellant

during the period from start of season on 17.01.2024 to 04.04.2024, date of checking of the Enforcement.

- (x) From the data for milling of paddy, average electricity consumption came to be 32.36 kVAh per ton. Total consumption for milling of 5053.612 ton paddy in total came to be $5053.612 \times 32.36 = 163535$ kVAh. The consumption for the period from 17.01.2024 to 04.04.2024 should have been 163535-33906 (which had been recorded by the energy meter w.e.f. 04.04.2024 to 20.06.2024 after the connection to the meter was set right by ASE, Enforcement and meter started working accurately). So the Appellant should have been charged average for the period 17.01.2024 to 04.04.2024 for $163535 - 33906 = 129629$ units, whereas the Appellant had been charged average for 241900 units for the month of January 2024 to April 2024 on the basis of LDHF. The Appellant had been billed for in excess of 112271 units ($241900 - 129629 = 112271$). Moreover, while working out the average on the basis of LDHF formula, full sanctioned contract demand of 295 kVA had been taken in account whereas highest actual contract demand recorded was 132.78 kVA during the months of April 2024 & June 2024 when the meter started working accurately after 04.04.2024.

(xi) The Respondent as well as Corporate Forum, Ludhiana had not tried to apply mind on this and did not analyse the case properly to decide the issue. Had the concerned authorities scrutinized the issue properly, the Appellant might have got justice and have been saved from unnecessarily harassment as well as from financial loss.

(xii) In cases where no previous data of consumption was available in that case Regulation 21.5.3 of Supply Code-2014 should have been taken in view while deciding the case which is reproduced below:-

“21.5.3 Any evidence provided by the consumer about conditions of working and/or occupancy of the concerned premises during the said period(s) which might have a bearing on computation of electricity consumption shall, however be taken into consideration by the distribution licensee.”

This provision of Supply Code was also not taken in view while deciding the case by the Corporate Forum, Ludhiana.

(xiii) Keeping in view the above submissions, the Hon'ble Court of Ombudsman, Electricity, Punjab is requested to be kind enough to pass orders to the Respondent for charging average on the basis of data explained in the above para's of merits of the Appeal and be kind enough to order to the Respondent for charging average correctly for the period January 2024 to April 2024 and order to refund the amount in excess to the deposited amount with interest if any.

(b) Submissions in Rejoinder

The Appellant submitted the following Rejoinder for consideration of this Court:-

- (i) So far charging of average by the Respondent was concerned the average had been charged to the Appellant for the period of milling w.e.f. 17.01.2024 to 04.04.2024 on the basis of LDHF.
- (ii) The average had been charged by taking 20 hours per day considering working of industry day & night whereas the Appellant has been running its industry in Single Shift. So accordingly, the Appellant should have been charged for 8 hours per day as per Regulations of the Supply Code. The Appellant was running its Rice Sheller for Single Shift was evident from the milling data authenticated by authorized signatory of FCI.
- (iii) The allotment of paddy was for less quantity in the first year of operation of Sheller as already explained in the Appeal. Due to less allotment, it was not necessary for the Appellant to run Sheller for two shifts/day & night. The average charged was on higher side. It was not fair play by the Respondent and it was also against the law of natural justice.
- (iv) The Appellant requested this Court to take cognizance of all the facts of the case and circumstances and be kind enough to

decide the case on merits, fair play and in the light of natural justice.

(a) Submission during hearing

During hearings on 17.07.2024 & 24.07.2024, 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 Respondent submitted that it was true and correct that Appellant applied for a new electric connection in Shahkot Sub Division of City Division, Nakodar in L.S. Category for 295 KVA load for its newly installed Rice Mill at Village-Poonian Tehsil-Shahkot. It was also admitted fact that said connection was released by the concerned Official i.e. S.D.O., Sub Division Shahkot on 23.08.2023. However due to bonafide and technical mistake, connections to metering equipment were wrongly wired by the said concerned official. It was also admitted fact that on 04.04.2024, the connection of the Appellant was checked by ASE Enforcement-cum-E.A &

MMTS-1, Jalandhar vide ECR No 18/164. So Checking report enclosed as P-1 by Appellant was admitted document.

- ii) It is also admitted fact that after report dated 04.04.2024, notice/ letter no 547 dated 09.04.2024 was issued to the Appellant copy of which is P-2 attached by the Appellant is admitted document. The said notice was rightly issued as per PSERC (Electricity Supply Code & Related Matters) Regulations, 2014 Regulation 21.5.2 (d) read with amended ANNEXURE -8 published in PUNJAB GOVT GAZ.(Extra) September 8, 2022 notification. Rest of the pleadings are not relevant as same are based upon conjectures and surmises.
- iii) So in view of all facts and circumstances, order dated 30.05.2024 passed by Corporate Consumer Grievances Redressal Forum, Ludhiana was legal and needed no interference. The demand of the Respondent regarding amount of ₹ 16,39,644/- was legal and as per LDHF formula which was as per rules & Regulations of Respondent. Hence it is prayed that the present Appeal may kindly be dismissed in the interest of justice with compensatory costs.

(b) Submission during hearing

During hearings on 17.07.2024 & 24.07.2024, 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 30.05.2024 of the Corporate Forum, Ludhiana vide which it was decided that the account of the Appellant be overhauled for a period of six months preceding the date of setting right the connections of the meter of the Appellant on 04.04.2024 as per the Regulation 21.5.2(d) 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 30.05.2024 observed as under:-

“Forum observed that connection of the Petitioner for a Rice Sheller, was released on 25.08.2023 and same was checked by ASE/Enf. cum EA & MMTS-1, Jalandhar on 04.04.2024 and ECR no. 18/1464 was prepared wherein it was recorded as under:

“ਇਹ Connection Routine checking ਦੌਰਾਨ ਚੈਕ ਕੀਤਾ ਗਿਆ, ਮੌਕੇ ਤੇ ਚਲਦੇ ਭਾਰ ਤੇ ਮੀਟਰ ਦੀ Pulse blink ਨਹੀਂ ਕਰ ਰਹੀ ਹੈ ਅਤੇ Segment 1,2,3 flicker ਕਰਦੇ ਪਾਏ ਗਏ। ਮੌਕੇ ਤੇ T/F ਦੀ CT wire ਤੇ ਕੰਰਟ ਚੈਕ ਕੀਤਾ ਅਤੇ A₁-185Amp, A₂-179Amp, A₃-181Amp

Meter Terminals ਨੂੰ check ਕਰਣ ਤੇ ਦੇਖਿਆ ਕਿ R, Y, B Potential wire CT ਦੇ S₁ ਵਿੱਚ Insert ਕੀਤੇ ਹੋਏ ਹਨ। ਅਤੇ CT

S₁ R, Y, B ਦੇ Potential wire Terminal ਵਿੱਚ insert ਕੀਤੇ ਹੋਏ ਹਨ । S/d Staff ਨੂੰ ਬੁਲਾ ਕੇ fault clear ਕੀਤਾ ਗਿਆ ਅਤੇ connections ਠੀਕ ਕਰ ਦਿੱਤੇ ਗਏ । Connections ਠੀਕ ਕਰਣ ਉਪਰੰਤ Meter parameters ਚੈਕ ਕੀਤੇ ਅਤੇ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ:-

A₁-0.88, A₂-0.80, A₃-0.89

PL-14.84KW, PF-0.98(v) Rev- Rev (A)

dia 00 CKT Good

ਮੀਟਰ pulse blink ਕਰਦੀ ਪਾਈ ਗਈ ਅਤੇ segment 1,2,3 stable. Meter bill generate ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਇਸ ਦਫਤਰ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ । PSPCL ਦੀਆਂ Instructions ਅਨੁਸਾਰ ਅਗਲੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ ।”

As per the above checking, account of the Petitioner was overhauled by the respondent from 09/2023 to 04/2024 as per LDHF Formula and amount of Rs. 1639644/- was charged to the Petitioner vide notice no. 547 dated 09.04.2024. This amount was later charged as sundry charges in the bill dated 22.04.2024. Petitioner did not agree to this notice/bill and filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent, as under:-

Year	2023		2024	
Month	MDI	KVAH	MDI	KVAH
Jan			0.6	372
Feb			0.6	270
March			0.6	222
April			0.6	156
Sept	0.6	276		
	0.6	0		
Oct	0.6	360		
Nov	37.44	378		
Dec	0.6	384		
TOTAL		1398		1020

From the above data, the annual consumption from 2023 and 2024 has been recorded as 1398 and 1020 units respectively. The above period includes the seasonal period but the consumption is too less for the seasonal period of a sheller with load of 295KVA.

Forum observed that since, no previous consumption data was available, therefore the account has been overhauled on the basis of LDHF formula. Petitioner submitted a copy of letter no. 3696 dated 17.01.2024 issued by Divisional Manager FCI, Jalandhar vide which permission to obtain rice against the paddy stored during crop season 2023-24 from 7 nos. rice mills including the petitioner has been granted by FCI. On the basis of this letter, the period prior to 17.01.2024 has been treated as non-seasonal and thereafter as seasonal by the respondent for calculation on LDHF basis. For the non-seasonal period load has been taken as 6.25KVA (light load only) and for the seasonal period full load of 295KW/295KVA has been considered. Petitioner has contended in his petition that taking the 'L' as full sanctioned load is very harsh and the maximum demand recorded after setting right the connections of his meter, be taken for calculation purpose and his bills should be corrected accordingly and he should not be penalised for omission of PSPCL, officials.

Petitioner has further claimed in his petition that consumption pattern of the connections of other Rice Sheller released simultaneously with their connection/sheller should be referred to, in order to have idea/estimate of his actual usage/consumption. Respondent was directed during hearing dated 21.05.2024 to provide consumption data and Enforcement checking Reports of such connections which were submitted on 28.05.2024, the details of the same are tabulated below:

M/s Krishna Rice Mill, 220KW/244KVA Date of connection 04-09-2023 ECR no. 45/1466 Dated 27.05.2024				
Year	2023		2024	
Month	KVAH	MDI	KVAH	MDI
Jan			4950	132.6
Feb			37410	175.56
March			29442	162.96
April			26952	147.6
May			14004	145.56
Sept	1176	11.52		
Oct	3786	21.12		
Nov	3498	10.32		
Dec	5700	32.64		
TOTAL	14160		112758	

M/s ACL Agro Foods, 295KW/295KVA, Date of connection 29-08-2023 ECR no. 46/1462 Dated 07.03.2024			
2023		2024	
KVAH	MDI	KVAH	MDI
		5802	108
		34464	159.24
		34596	161.52
		37560	169.32
		13188	138.6
1038	6		
3624	26.4		
3492	63.24		
6300	61.68		
14454		125610	

M/s AN Agro Foods, 220KW/244.440 KVA, Date of connection 04-09-2023 ECR no. 47/1462 Dated 07.03.2024			
2023		2024	
KVAH	MDI	KVAH	MDI
		21222	186
		67506	185.4
		51528	190.68
		42684	157.44
		25584	154.8
1470	22.44		
3162	21.48		
234	30		
10062	24.36		
14928		208524	

From the above details, Forum observed that the Rice shelling season in this particular area started with effect from 17.1.2024 as seasonal consumption has appeared in the bills for the month of February. Respondent has also admitted the same and worked out consumption of the Petitioner with LDHF Formula accordingly. It is confirmed from the respective ECR's of enforcement that meters of all other connections of Rice sheller listed above were found Okay during their respective checking.

Forum observed further that the nature of the grave mistake committed by the o/o respondent while making connections of CT's and potential wires to the meter, as detected on 04.04.2024 by Enforcement, is such that its effect on various parameters recorded by the meter cannot be comprehended analytically. Moreover, this is an LS connection with sanctioned load of 295KW and readings of such connections are recorded by SDO/DS concerned as such the responsibility of delinquent officer/official is required to be fixed. As the connections were wrong therefore, the meter has to be treated as defective till its connections were set right on 04.04.2024. Respondent has assumed that the connections were wrong from the date of release of connection. As there are no other claim or documents of either party to suggest otherwise, Forum also

agreed to that. As the meter is to be treated as defective, the Relevant Regulation dealing with the Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters is reproduced below: -

Regulation 21.5.2 of Supply Code 2014 dealing with Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters is as under: -

“The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop and in case of burnt/stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:

- a) On the basis of energy consumption of corresponding period of previous year.*
- b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.*
- c) If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.*
- d) Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para -4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.*
- e) The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts”.*

Forum observed further that utter negligence of concerned officials/officers of PSPCL while making connections of the CT's and potential wires to the meter has caused recurring financial loss to PSPCL and unnecessary harassment to the Petitioner which is required to be investigated and responsibilities are required to be fixed.

Petitioner also submitted a copy of 'The Punjab Custom Milling Policy for Kharif 2023-24' as per which he contended that being a new Mill his allotment will get doubled from the first year and such his consumption will also get doubled in the next season on the basis of which his account is to be overhauled as per regulation, which will not be justified. In this regard, Forum observed that the said policy is for the year 2023-24 only and overhauling of the account in case of defective meter is governed by the Regulations contained in the Supply Code-2014.

Forum have 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 discussion/facts, Forum is of the opinion that amount of Rs. 1639644/- charged to the Petitioner vide notice no. 547 dated 09.04.2024 later charged as sundry charges in the bill dated 22.04.2024, is not justified and is liable to be quashed. The account of the Petitioner is required to be overhauled for a period of six months preceding the date of setting right the connections of the meter of the Petitioner on 04.04.2024 as per Regulation 21.5.2(d) of Supply Code-2014.”

- (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 hearings on 17.07.2024 & 24.07.2024. The Appellant applied for a new LS category connection of 295 kVA load from the Respondent for its Rice Mill. The said connection bearing Account No. 3008462059 was released on 23.08.2023. The said connection was checked on 04.04.2024 by ASE/ Enforcement-cum-EA &

MMTS-1, Jalandhar vide ECR No. 18/1464 dated 04.04.2024

& found as under:-

“ਇਹ Connection Routine checking ਦੌਰਾਨ ਚੈਕ ਕੀਤਾ ਗਿਆ, ਮੌਕੇ ਤੇ ਚਲਦੇ ਭਾਰ ਤੇ ਮੀਟਰ ਦੀ Pulse blink ਨਹੀਂ ਕਰ ਰਹੀ ਹੈ ਅਤੇ Segment 1,2,3 flicker ਕਰਦੇ ਪਾਏ ਗਏ। ਮੌਕੇ ਤੇ T/F ਦੀ CT wire ਤੇ ਕੰਰਟ ਚੈਕ ਕੀਤਾ ਅਤੇ A_1 -185Amp, A_2 -179Amp, A_3 -181Amp

Meter Terminals ਨੂੰ check ਕਰਣ ਤੇ ਦੇਖਿਆ ਕਿ R, Y, B Potential wire CT ਦੇ S_1 ਵਿੱਚ Insert ਕੀਤੇ ਹੋਏ ਹਨ। ਅਤੇ CT S_1 R, Y, B ਦੇ Potential wire Terminal ਵਿੱਚ insert ਕੀਤੇ ਹੋਏ ਹਨ। S/d Staff ਨੂੰ ਬੁਲਾ ਕੇ fault clear ਕੀਤਾ ਗਿਆ ਅਤੇ connections ਠੀਕ ਕਰ ਦਿੱਤੇ ਗਏ। Connections ਠੀਕ ਕਰਣ ਉਪਰੰਤ Meter parameters ਚੈਕ ਕੀਤੇ ਅਤੇ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ:-

A_1 -0.88, A_2 -0.80, A_3 -0.89

PL-14.84KW, PF-0.98(v) Rev- Rev (A)

dia 00 CKT Good

ਮੀਟਰ pulse blink ਕਰਦੀ ਪਾਈ ਗਈ ਅਤੇ segment 1,2,3 stable.

Meter bill generate ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਇਸ ਦਫਤਰ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ। PSPCL ਦੀਆਂ Instructions ਅਨੁਸਾਰ ਅਗਲੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।”

As per the above checking, since the connection was new & readings of corresponding period of previous year were not available, the account of the Appellant was overhauled by the Respondent from 09/2023 to 04/2024 as per LDHF Formula and amount of ₹ 16,39,644/- was charged to the Appellant vide

Notice No. 547 dated 09.04.2024. The Appellant did not agree

to this notice and filed his case in Corporate CGRF, Ludhiana. The Corporate CGRF, in its order dated 30.05.2024, quashed the amount of ₹ 16,39,644/- charged to the Appellant vide Notice No. 547 dated 09.04.2024 & ordered the Respondent that the account of the Appellant be overhauled for a period of six months preceding the date of setting right the connections of the meter of the Appellant on 04.04.2024 as per the Regulation 21.5.2(d) of Supply Code-2014.

- (iii) Not satisfied with the decision of the Corporate Forum, Ludhiana, the Appellant filled an Appeal in this Court. The Appellant's Representative (AR) pleaded that the Government usually allots paddy to new Sheller after allotting paddy to the existing Rice Shellers. Moreover in the first year, allotment of paddy is almost half of the milling capacity of the Sheller. The Appellant was allotted only 5053.612 Ton paddy, while existing Sheller's allotment of paddy was around 7500-10500 Ton. Further, the milling was carried out only after issue of instructions by the controlling office of Government which was given vide letter no. 3696 dated 17.01.2024 issued by the office of the Divisional Manager, FCI, Jalandhar. Accordingly, the Appellant started milling w.e.f. 17.01.2024. He further pleaded that in Rice Sheller industry, milling is standardized with

specific instructions of quality of rice. If the data of electricity consumption for per ton milling of paddy is analysed, it will be almost the same for every Sheller with minor variation from plant to plant. On analyzing this data of shellers of same area, average electricity consumption came to be 32.36 kVAh per ton. So, the total consumption for milling of 5053.612 ton paddy in total came to be $5053.612 \times 32.36 = 163535$ kVAh. The consumption for the period from 17.01.2024 to 04.04.2024 should have been $163535 - 33906 = 129629$ kVAh units as 33906 kVAh units were recorded by the energy meter w.e.f. 04.04.2024 to 20.06.2024 after the connection to the meter was set right by ASE, Enforcement and meter started working accurately. He prayed to this Court to pass orders to the Respondent for charging average to the Appellant for the period 17.01.2024 to 04.04.2024 for $163535 - 33906 = 129629$ kVAh units in view of Regulation 21.5.3 instead of Regulation 21.5.2 (d) as wrongly decided by the Corporate Forum, Ludhiana in its order dated 30.05.2024.

- (iv) The Respondent controverted the pleadings of the Appellant's Representative & argued that since the reliable consumption of previous period of the Appellant is not available, so the account of the Appellant should be overhauled as per Regulation 21.5.2

(d) of Supply Code-2014. The order dated 30.05.2024 passed by Corporate Consumer Grievances Redressal Forum, Ludhiana was legal and needed no interference. The demand of the Respondent regarding amount of ₹ 16,39,644/- was legal and as per LDHF formula which was as per rules & Regulations of Respondent. He prayed to this Court that the present Appeal may kindly be dismissed in the interest of justice with compensatory costs.

- (v) It is observed by this Court that the Appellant had pleaded that its account be overhauled from 17.01.2024 to 04.04.2024 by calculating the electricity consumption on the basis of total paddy allotted to it, i.e. 5053.612 ton multiplied by average electricity consumption of milling per ton derived by comparing consumption data of the similar units in the vicinity of the Appellant, which came to be 32.36 kVAh units per ton, as per Regulation 21.5.3 of Supply Code-2014. This Court has seen the consumption data of 3 units namely M/s Krishna Rice Mill, M/s ACL Agro Foods & M/s AN Agro Foods as recorded in the order dated 30.05.2024 of the Corporate Forum, Ludhiana. It is observed that the consumption of M/s AN Agro Foods from Jan-2024 to May-2024 was nearly double the consumption of other 2 consumers for the same period. Also it

was not mentioned how much quantity of paddy was milled by these units. This Court observed that it is also possible for the Rice Shellers mill the paddy of private parties in addition to the paddy given to them by the Government. The consumption of different consumers though having similar activities cannot be standardized as they have different setups. Otherwise there would have been no use of meters for measuring the consumption of different consumers. Also Regulation 21.5.3 can be adduced only if evidence is provided by the consumer about conditions of working and/or occupancy of the **concerned premises**, but here the Appellant is contending on the basis of consumption data of **other consumers**. Therefore, this Court is of the opinion that average electricity consumption of milling per ton derived by comparison of consumption data of the similar units cannot be the basis for invoking Regulation 21.5.3 of Supply Code-2014.

- (vi) This Court is of the opinion that since the connections of CTs & potential wires were wrongly done by the official of the Respondent, the meter has to be treated as defective till its connections were set right on 04.04.2024. For overhauling the account of a defective meter, Regulation 21.5.2 of Supply Code-2014 is applicable. In the present case, the connection

was new & no previous reliable consumption data is available, so Regulation 21.5.2 (a) to (c) are not applicable. The account of the Appellant needs to be overhauled for a period not exceeding six months immediately preceding the date of setting right the connections of the meter of the Appellant on 04.04.2024 as per Regulation 21.5.2 (d) of Supply Code-2014.

- (vii) In view of above, this Court is not inclined to interfere in the decision dated 30.05.2024 of the CCGRF, Ludhiana in Case No. CF-098/2024.
- (viii) During hearing, the Appellant's Representative requested this Court to direct the Respondent to recover the disputed amount in interest free installments. The Respondent may consider this as per the Rules & Regulations in this regard.
- (ix) Further, Chief Engineer, DS North Zone, PSPCL, Jalandhar is directed to investigate the matter and fix responsibility of the delinquent officers/officials for causing recurring financial loss to the PSPCL due to wrong connections and undue harassment to the Appellant.

6. Decision

As a sequel of above discussions, the order dated 30.05.2024 of the CCGRF, Ludhiana in Case No. CF-098/2024 is hereby upheld. The account of the Appellant needs to be overhauled

for a period not exceeding six months immediately preceding the date of setting right the connections of the meter of the Appellant on 04.04.2024 as per Regulation 21.5.2 (d) of Supply Code-2014.

Chief Engineer, DS North Zone, PSPCL, Jalandhar is directed to investigate the matter and fix responsibility of the delinquent officers/officials for causing recurring financial loss to the PSPCL due to wrong connections and undue harassment to the Appellant.

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.

July 29, 2024
S.A.S. Nagar (Mohali)

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