

**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. 16/2023

Date of Registration : 26.06.2023
Date of Hearing : 12.07.2023
Date of Order : 12.07.2023

Before:

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

In the Matter of:

M/s. Ma Durga Hari Steels,
Village-Chhatarpura, Mandi Gobindgarh,
Fatehgarh Sahib, Punjab-147301.

Contract Account Number: 3005762750 (LS)

...Appellant

Versus

Senior Executive Engineer,
DS Division (Spl.),
PSPCL, Mandi Gobindgarh.

...Respondent

Present For:

Appellant: 1. Sh. Sanjay Srivastava,
Appellant.
2. Sh. Aman Katiyar,
Appellant's Representative

Respondent : 1. Er. Aman Gupta,
Senior Executive Engineer,
DS Division (Spl.),
PSPCL, Mandi Gobindgarh.
2. Sh. Kashmir Singh, AAO/Revenue,
PSPCL, Mandi Gobindgarh.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 26.05.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-054/2023, deciding that:

“Notice no. 4598 dated 29.03.2023 issued by the Respondent to the petitioner charging an amount of Rs. 947400/-, is quashed. Account of the petitioner be overhauled for a period of six months prior to the date of change of meter i.e. 08.02.2023 treating the meter slow by 31.59% as per Regulation no. 21.5.1 of Electricity Supply Code and Related Matters Regulations-2014.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 26.06.2023 i.e. within the period of thirty days of receipt of the decision dated 26.05.2023 of the CCGRF, Ludhiana in Case No. CF-054/2023. The Appellant submitted Receipt No. 254400346246 dated 19.04.2023 of ₹ 1,89,480/- & Receipt No. 194849301 dated 26.06.2023 of ₹ 22,700/- along with the Appeal as proof of deposit of stipulated 40% of the disputed amount. Therefore, the Appeal was registered on 26.06.2023 and copy of the same was sent to the Addl. SE/ DS (Spl.) Divn., PSPCL, Mandi Gobindgarh for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation

to the Appellant vide letter nos. 474-476/OEP/A-16/2023 dated 26.06.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 12.07.2023 at 12.45 PM and intimation to this effect was sent to both the parties vide letter nos. 497-98/OEP/A-16/2023 dated 05.07.2023. 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. 3005762750 with sanctioned load of 270.000 kW/

300.000 kVA under DS (Spl.) Division, PSPCL, Mandi Gobindgarh.

- (ii) The connection of the Appellant was checked by the Enforcement Wing on 25.01.2023 as the meter was changed. The same was checked in the ME Lab, Ludhiana and found meter was running slow by 33.33%. The Demand was sent to the Appellant vide Notice No. 4598 dated 29.03.2023 due to slowness of the meter. The amount was charged for the period from 21.04.2022 to 05.08.2023.
- (iii) The account of the Appellant was overhauled for more than 6 months by ignoring the PSPCL Instructions.
- (iv) The Supply Code-2014 Regulation 21.5.2 clearly says that the account of the Appellant should be overhauled for 6 month. So, the PSPCL was ignoring its own instructions. But in the present case, reading was taken by the MDAS System of the PSPCL. In this system, the reading and all parameters of the meter can be read by the PSPCL Officials/Officers at any time. The Appellant humbly requested that when his meter got defective, the same was not changed by the PSPCL on time. If the meter would have been changed on time, this dispute could not have arisen. This was not pointed by the PSPCL officials on time.

- (v) The reading of the meter was being recorded every month by the Senior Officer of the PSPCL. If the meter was running slow, then why it was not informed to the Appellant or to the Department. If the same was pointed at the early stage then the dispute could not have arisen. Every month reading was being recorded, then the amount of penalty should not be imposed.
- (vi) The bill of every month was paid to the PSPCL in time by the Appellant. Now after one year, it was very difficult for the Appellant to pay such a huge amount which was not in his knowledge.
- (vii) During the period of penalty, the consumption of the unit was about 64 units per ton of production. The consumption of the period from 21.04.2021 to 21.04.2023 was 336302 units and production was 4879 MT. So, the consumption was 69 units per ton. Whereas consumption for the period from 21.04.2022 to 05.02.2023 was 203211 units and production was 3201 MT. So, the consumption was 64 units per ton which was almost the same as compared to previous year. So, there was no less consumption in the disputed period.
- (viii) The fact that how much consumption of units per ton in pipe plant can be verified. There was not much difference between

the consumption of previous year and period of overhauling of amount.

- (ix) The consumption after change of meter was also almost same as compared to consumption before change of meter. So, the amount was not payable.
- (x) So, keeping in view the instruction of the PSPCL and consumption recorded of previous year it was requested that the amount charged may be withdrawn.

(b) Submissions in Rejoinder

The Appellant made the following submissions in his Rejoinder for consideration of this Court:-

- (i) The Respondent had sent the Notice No. 4598 dated 29.03.2023 to the Appellant for ₹ 9,47,400/- due to slowness of meter by 33.33% from 20.04.2022 to 15.01.2023 by ignoring the instructions of Regulation 21.5.1 of Supply Code-2014. Moreover the percentage of slowness was changed from 33.33% to 31.59% which was also doubtful as the current of Y phase showed almost half of Red and Blue phases. The slowness factor decided by the Respondent was wrong as current of Yellow phase was considered as 0 for calculating slowness factor.

(ii) The amount of ₹ 9,47,400/- was charged to the Appellant to the energy bill and ₹ 1,89,480/- was also deposited by the Appellant on the order of the CCGRF, Ludhiana. The total overcharged amount was ₹ 11,36,880/- (₹ 9,47,400/- + ₹ 1,89,480/-), which was more than the disputed amount and was totally wrong and injustice to the Appellant. Moreover, the Notice No. 890 dated 20.06.2023 was issued to the Appellant to deposit ₹ 3,40,834/- even after deposit of ₹ 11,36,880/-, which was totally wrong and raised the doubt on the competence of the system.

(iii) The reading of the Appellant's meter taken by the MDAS System of the PSPCL. The reading and parameters were checked every 30 minutes. If there was any fault, the meter needed to be changed at that time, which was not done by the Respondent and it was fault at the end of PSPCL not of the Appellant. So, kindly quash the notice issued by the Respondent and all amount deposited by the Appellant may be adjusted in the energy bills.

(c) Submission during hearing

During hearing on 12.07.2023, the Appellant and his Representative 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 LS Category connection with Sanctioned Load as 270.000 kW/300.000 kVA under DS (Special) Division, PSPCL, Mandi Gobindgarh.
- (ii) The connection of the Appellant was checked by the Addl.SE/Enforcement-cum-MMTS, Mandi Gobindgarh vide ECR No. 12/8023 dated 25.01.2023. As per checking report, the current on yellow phase was low i.e. 1.183 Amp.
- (iii) The meter of the Appellant was changed vide MCO No. 100020596977 dated 03.02.2023, effected on 08.02.2023. The meter of the Appellant was checked in ME Lab vide Challan No. 1674 dated 15.03.2023. As per ME Lab report, the meter of the Appellant was running slow by 31.59%. The Addl. SE/Enforcement-cum-MMTS, Mandi Gobindgarh had issued the speaking order vide Memo No. 500 dated 29.03.2023. As per speaking order, the meter was slow by 33.33% from 20.04.2022 to 15.01.2023 and 31.59% slow from 15.01.2023 to 05.02.2023.

- (iv) As per above speaking order, the account of the Appellant was overhauled from 21.04.2022 to 14.01.2023 by enhancing consumption by 33.33% and from 15.01.2023 to 05.02.2023 by enhancing consumption by 31.59% and an amount of ₹ 9,47,400/- was charged vide Notice No. 4598 dated 29.03.2023. The Appellant filed the case before the Corporate Forum, Ludhiana after depositing ₹ 1,89,480/- as 20% of the disputed amount vide Receipt No. 254400346246 dated 19.04.2023 as per order of the Corporate Forum, Ludhiana. The Forum decided the case on 26.05.2023.
- (v) On the basis of this decision, Revised Notice No. 890 dated 20.06.2023 was issued to the Appellant to deposit ₹ 3,40,834/- after adjustment of ₹ 1,89,480/- already deposited. The Appellant did not agree with the decision of the Corporate Forum, Ludhiana and filed the Appeal before the Hon'ble Ombudsman/ Electricity, Punjab as Case No. A-16/2023. The Appellant had deposited the requisite 40% of the disputed amount i.e. ₹ 2,12,180/- (₹ 1,89,480/- was deposited on 19.04.2023 and ₹ 22,700/- was deposited on 26.06.2023).
- (vi) The account of the Appellant was overhauled from 21.04.2022 to 05.02.2023 as per speaking order issued vide Memo No. 500 dated 29.03.2023 by Addl. SE/Enforcement-cum-MMTS,

Mandi Gobindgarh. The account of the Appellant was overhauled after studying DDL of the meter and consumption data.

- (vii) The account of the Appellant was overhauled from 20.04.2022 to 15.01.2023 as per speaking order issued by the Addl. SE/Enforcement-cum-MMTS, Mandi Gobindgarh. The account in case of slowness was overhauled for the period of six months but in the present case, the consumption was recorded less for the period from 20.04.2022 to 15.01.2023 as compared to previous year consumption. So, the period of overhauling was more than six months after studying DDL and consumption data. The reading was recorded every month but working of meter was not checked at the time of recording of reading.
- (viii) The Appellant had not supplied any data/document which showed that the Appellant had consumed less electricity and there was less production.
- (ix) The consumption of the Appellant was excess in the year 2021 and 2023 but less in the disputed period i.e. 2022 as same was clear from the table as shown below:-

Consumption from 22.01.2021 to 23.12.2021(unit)	Consumption from 24.01.2022 to 22.12.2022(unit)	Consumption from 23.01.2023 to 30.06.2023(unit)
345016	262907	171062

- (x) The DDL data showed that the defect in the meter was for the period from 21.04.2022 to 05.02.2023. The consumption was less as compared to the previous year. So, the amount charged to the Appellant was correct and recoverable.

(b) Submission during hearing

During hearing on 12.07.2023, 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 amount of ₹ 5,30,314/- charged to the Appellant by the Respondent vide Revised Notice bearing Memo No. 890 dated 20.06.2023 after implementation of the order of the Corporate Forum on account of slowness of meter by 31.59% for a period of six months prior to the date of change of meter as per Regulation 21.5.1 of the Supply Code-2014.

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

- (i) The Corporate Forum in its order dated 26.05.2023 observed as under:-

“Forum observed that connection of the petitioner was checked by ASE/Sr. Xen, Enf. cum EA & MMTS, Mandi Gobindgarh on 25.01.2023 and ECR no. 12/8023 dated 25.01.2023 was prepared. Relevant part of the ECR is reproduced under: -

“ਮੀਟਰ ਦੀ ਡਿਸਪਲੇ ਤੇ ਆ ਰਹੇ ਤਿੰਨੋਂ ਫੇਜ਼ਾਂ ਦੇ ਕਰੰਟ ਦਾ ਮਿਲਾਣ CT's ਤੋਂ ਆ ਰਹੀਆਂ CT's ਦੀਆਂ ਟਰਮੀਨਲ ਵਾਇਰਜ਼ ਤੋਂ clip on ਮੀਟਰ ਦੀ ਮਦਦ ਨਾਲ ਕੀਤਾ ਗਿਆ ਜੋ ਕਿ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ:-

Phase	Current as on meter display	Current as on clip on meter display
R-phase	3.232 A	3.4 A
Y-phase	1.183 A	2.8 A
B-phase	3.370 A	3.2 A

In above mentioned ECR, it was directed to change the meter of the petitioner and meter was changed vide MCO no. 100020596977 dated 03.02.2023 effected on 08.02.2023. Removed meter was checked in ME Lab vide challan no. 1674 dated 15.03.2023 wherein it was reported as under: -

“ਓਵਰਆਲ ਮੀਟਰ ਦੇ ਰਿਜਲਟ -31.59% ਘੱਟ ਖਪਤ ਰਿਕਾਰਡ ਕਰਦਾ ਹੈ। ਮੀਟਰ ਦਾ DDL ਲੈ ਲਿਆ ਗਿਆ ਹੈ। ਮੀਟਰ ਦਾ Yellow phase ਦੀ CT ਕੰਟਰੀਬਿਊਟ ਨਹੀਂ ਕਰ ਰਿਹਾ ਹੈ। DDL ਘੋਖ ਕੇ ਦਫਤਰੀ ਪੱਧਰ ਤੇ ਬਣਦੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।”

ASE/Sr. Xen, Enf. cum EA & MMTS, Mandi Gobindgarh issued speaking order vide Memo no. 500 dated 29.03.2023 relevant part of which is reproduced below: -

“ਮੀਟਰ ਦੇ ਓਵਰਆਲ ਰਿਜਲਟ ਅਨੁਸਾਰ ਮੀਟਰ-31.59% ਘੱਟ ਖਪਤ ਰਿਕਾਰਡ ਕਰਦਾ ਹੈ। ਮੀਟਰ ਦਾ MDAS Data ਘੋਖਣ ਤੇ ਪਾਇਆ ਕਿ ਮੀਟਰ ਦੀ ਰਿਡਿੰਗ ਵਿੱਚ ਮਿਤੀ 20/04/2022 ਤੋਂ 14/01/2023 ਤੱਕ Y-Phase ਦੇ ਕਰੰਟ ਰਾਹੀਂ ਕੰਟਰੀਬਿਊਸ਼ਨ ਨਹੀਂ ਕੀਤੀ ਗਈ, ਜਿਸ ਕਾਰਨ ਮੀਟਰ ਰਾਹੀਂ -33.33% ਘੱਟ ਖਪਤ ਦਰਜ ਕੀਤੀ ਗਈ। ਇਸ ਲਈ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਮਿਤੀ 20/04/2022 ਤੋਂ 14/01/2023 ਤੱਕ -33.33% ਸਲੋਅਨੈਸ ਅਤੇ ਮਿਤੀ 05/01/2023 ਤੋਂ ਮੀਟਰ ਬਦਲੀ ਕਰਨ ਦੀ ਮਿਤੀ ਤੱਕ -31.59% ਸਲੋਅਨੈਸ ਨਾਲ ਸੋਧਿਆ ਜਾਵੇ।”

In accordance with the above speaking order, AEE Comm./DS Divn. Mandi Gobindgarh vide his Memo no. 4598 dated 29.03.2023 issued notice to petitioner to deposit an amount of Rs. 947400/- charged on account of 33.33% slowness from 20.04.2022 to 14.01.2023 and 31.59%

slowness from 15.01.2023 to date of change of meter. Petitioner did not agree to the amount charged to him and filed his case in Corporate CGRF, Ludhiana. Forum observed the KVAH consumption pattern of the petitioner submitted by the Respondent, reproduced below: -

KVAH	2020		2021		2022		2023	
	Cons	Code	Cons	Code	Cons	Code	Cons	Code
Jan			25401	0	28030	0	25654	0
Feb			26308	0	30113	0	15132	0
Mar			33314	0	25687	0	52464	0
Apr			24173	0	16652	0	35304	0
May			22163	0	17283	0		
Jun			8796	0	6370	0		
			26221	0	11424	0		
Jul			27880	0	21332	0		
Aug			25014	0	20051	0		
Sep			37438	0	18362	0		
Oct			8678	0	6234	0		
			14954	0	12598	0		
Nov	0	0	24364	0	23468	0		
Dec	22236	0	40312	0	25303	0		
TOTAL	22236		345016		262907		128554	

Forum observed that the annual consumption of petitioner from 2021 to 2023 (upto April/2023) is 345016, 262907 and 128554 (upto April/2023) units respectively.

Forum observed that Respondent has overhauled account of the petitioner from 20.04.2022 to 14.01.2023 on account of 33.33% slowness and from 15.01.2023 to 05.02.2023 on account of 31.59% slowness factor i.e., account of the petitioner is overhauled for a period of almost 9.5 months without quoting any relevant regulation/instructions vide which the account can be overhauled with two different slowness factors. The accuracy of the meter was not checked at site vide which slowness of 33.3% has been charged. As per speaking orders of ASE/Sr. Xen, Enf. cum EA & MMTS, Mandi Gobindgarh, Y-phase did not contribute current for the period from 20.04.2022 to 14.01.2023 and hence it was directed to overhaul the account of the petitioner from 20.04.2022 to 14.01.2023 by 33.33% slowness factor. Forum observed that the speaking order issued by ASE/Sr. Xen, Enf. cum EA & MMTS, Mandi

Gobindgarh and consequent overhauling of account of the petitioner by AEE Comm./DS Divn. Mandi Gobindgarh vide his Memo no. 4598 dated 29.03.2023 is not justified in view of the relevant Regulations. Accuracy of the meter was checked in ME Lab and meter was found running slow by 31.59%. As the meter of the petitioner was found running slow by 31.59% in ME Lab, therefore, it is to be treated as inaccurate meter. The relevant regulation of Electricity Supply Code and Related Matters Regulations-2014 dealing with inaccurate meters is reproduced under: -

21.5.1 Inaccurate Meters

If a consumer meter on testing is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months immediately preceding the:

- a) date of test in case the meter has been tested at site to the satisfaction of the consumer or replacement of inaccurate meter whichever is later; or*
- b) date the defective meter is removed for testing in the laboratory of the distribution licensee.*

Petitioner in his rejoinder stated that for the period from 21.04.2021 to 21.04.2022 total consumption of electricity was 36302 units and total production of steel was 4879 metric ton i.e., 69 units per ton. For the period from 21.04.2022 to 05.02.2023 total consumption of electricity is 203211 units and total production of steel is 3201 metric ton i.e. 64 units per ton which commensurate with the values of previous year. Forum observed that petitioner did not submit any authentic document in support of his claim; hence, his claim cannot be given any weightage.

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. Keeping in view the above discussion/facts Forum is of the opinion that overhauling the account of the petitioner for a period of

about 9.5 months and that too with two different slowness factors is not as per relevant Regulations and hence it is not justified and account is required to be overhauled for a period of six months prior the date of change of meter for 31.59% slowness detected in ME Lab as per Regulation no. 21.5.1 of Electricity Supply Code and Related Matters Regulations-2014. Hence, the amount of Rs. 947400/- charged vide notice no. 4598 dated 29.03.2023 by AEE/Comm., DS Divn. Mandi Gobindgarh on account of 33.33% and 31.59% slowness is not correct and is liable to be quashed.

Keeping in view the above, Forum came to the unanimous conclusion that notice no. 4598 dated 29.03.2023 issued by the Respondent to the petitioner charging an amount of Rs. 947400/- be quashed. Account of the petitioner be overhauled for a period of six months prior to the date of change of meter i.e., 08.02.2023 treating the meter slow by 31.59% as per Regulation no. 21.5.1 of Electricity Supply Code and Related Matters Regulations-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 hearing on 12.07.2023. The Court observed that the connection of the Appellant was checked by the Addl. SE/Enforcement-cum-MMTS, Mandi Gobindgarh vide ECR No. 12/8023 dated 25.01.2023. As per checking report, the current on yellow phase was found low i.e. 1.183 Amp, but the accuracy of the meter was not checked at site. The meter of the Appellant was changed vide MCO No. 100020596977 dated 03.02.2023,

effected on 08.02.2023 & its accuracy was checked in ME Lab vide Challan No. 1674 dated 15.03.2023 where the meter of the Appellant was found running slow by 31.59%. As such, the meter is to be treated as inaccurate meter and the overhauling of the account of the Appellant be done as per Regulation 21.5.1 of the Supply Code-2014. The Appellant had prayed for quashing the fresh demand of ₹ 5,30,314/- on the ground that his consumption of electricity per ton of production during the disputed period was almost same when compared to consumption of previous year as well as when compared to consumption after change of meter. However, the Appellant did not produce any documentary proof in the support of his contention. He brought nothing new in this case before this Court to prove his claim that the disputed meter was not inaccurate. Comparison of consumption with the previous year's consumption had no relevance in this case because the meter in dispute was inaccurate as per report of ME Lab. As such, I found no merits in the present appeal. The decision of the Corporate Forum, Ludhiana was correct.

- (iii) In view of the above, this court is not inclined to interfere with the decision dated 26.05.2023 of the Corporate Forum in Case No. CF-054/2023.

6. Decision

As a sequel of above discussions, the order dated 26.05.2023 of the CCGRF, Ludhiana in Case No. CF-054/2023 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.

July 12, 2023
S.A.S. Nagar (Mohali).

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