

**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. 17/2023

**Date of Registration : 13.07.2023
Date of Hearing : 27.07.2023, 03.08.2023
Date of Order : 10.08.2023**

Before:

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

In the Matter of:

M/s. Decent Finishers,
Dying Complex, Bahadur Ke Road,
Ludhiana-141008.

Contract Account Number: 3004865602 (LS)

...Appellant

Versus

Senior Executive Engineer,
DS City West Division (Spl.),
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Sh. Sukhminder Singh,
Appellant's Representative.

Respondent : Er. Rajesh Kumar
Senior Executive Engineer,
DS City West Division (Spl.),
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 30.05.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-062/2023, deciding that:

“Bills issued on dated 26.12.2022 and 27.01.2023 on D code are correct and recoverable. Bill dated 27.02.2023 issued for the period from 21.01.2023 to 22.02.2023 & bill dated 21.03.2023 issued for the period from 22.02.2023 to 23.02.2023 on the average basis and subsequent bill issued on dated 27.03.2023 for the period from 23.02.2023 to 22.03.2023 on incorrect consumption basis are quashed. The account of the Petitioner be overhauled as under: -

- a. The account for the period from 21.01.2023 to 28.01.2023 (date of replacement of meter) be overhauled on the of pro-rata consumption recorded in the corresponding period of previous year as per Regulation no. 21.5.2(a) of Electricity Supply Code and Related Matters Regulations-2014.*
- b. The account for the period 28.01.2023 to 22.03.2023 be overhauled on the basis of actual consumption available from 28.01.2023.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 12.07.2023 i.e. beyond the period of thirty days of receipt of the decision dated 30.05.2023 of the CCGRF, Ludhiana in Case No. CF-062/2023. The Respondent was asked vide Memo No. 506/OEP/M/s. Decent Finishers dated 12.07.2023 to confirm whether the Appellant had deposited the requisite 40% of the disputed

amount derived after implementation of the decision dated 30.05.2023 of the CCGRF, Ludhiana in Case No. CF-062/2023. The Respondent confirmed vide Memo No. 4999 dated 13.07.2023 sent through email on 13.07.2023 that after implementation of the decision of the Corporate Forum, sundry allowance of ₹ 8,68,511/- was given to the Appellant and the Appellant had deposited the full disputed amount. Therefore, the Appeal was registered on 13.07.2023 and copy of the same was sent to the Sr. XEN/ DS City West (Spl.) Divn., PSPCL, Ludhiana for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 515-517/OEP/A-17/2023 dated 13.07.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 27.07.2023 and intimation to this effect was sent to both the parties vide letter nos. 534-35/OEP/ A-17/2023 dated 20.07.2023. As scheduled, the hearing was held in this Court on 20.07.2023. Arguments of both the parties were heard. The Respondent submitted that the disputed meter was in his custody & Dial Test of the same could be got done from the ME Lab. On enquiry, he admitted that he had not studied the DDL of the disputed meter. The Respondent was asked to

submit his comments on the DDL of the disputed meter & also to get the meter checked from the ME Lab on Dial Test before the next date of hearing. The next date of hearing in this case was fixed for 03.08.2023. Both the parties were directed to attend the Court on the said date. As scheduled, the hearing was held in this Court on 03.08.2023 and arguments of both the parties were heard. After hearing both the parties, the case was closed for pronouncement of the order. The order was reserved.

4. Condonation of Delay

At the start of hearing on 27.07.2023, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant's Representative (AR) stated that the Respondent had issued Revised Notice vide Memo No. 863 dated 15.06.2023 after complying with the decision of the Corporate Forum and the present Appeal was filed within 30 days from the date of receipt of this Revised Notice. But there was some delay in filing Appeal within 30 days of receipt of the order of the Forum dated 30.05.2023. He prayed that the delay in filing the present Appeal may kindly be condoned and the Appeal be adjudicated on merits in the interest of justice. The Respondent objected to the condoning of the delay in filing the Appeal in

this Court in its written reply & prayed for the dismissal of the present Appeal on this ground.

In this connection, I have gone through Regulation 3.18 of PSERC (Forum and Ombudsman) Regulations, 2016 which reads as under:

“No representation to the Ombudsman *shall lie unless:*

- (ii) *The representation is made within 30 days from the date of receipt of the order of the Forum.*

Provided that the Ombudsman may entertain a representation beyond 30 days on sufficient cause being shown by the complainant that he/she had reasons for not filing the representation within the aforesaid period of 30 days.”

It was observed that non-condoning of delay in filing the Appeal would deprive the Appellant of the opportunity required to be afforded to him to defend the case on merits. Therefore, with a view to meet the ends of ultimate justice, the delay in filing the Appeal in this Court beyond the stipulated period was condoned and the Appellant's Representative was allowed to present the case.

5. 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. 3004865602 with sanctioned load of 400 kW/ 400 kVA under DS City West (Spl.) Division, PSPCL, Ludhiana.
- (ii) The reading of the Meter was taken every month and the bills as raised by the department from time to time on the basis of measured consumption had been duly paid including the amount of disputed bill. There was problem in the display of the meter and no reading was available. The energy bills to the Appellant for the period from 14.11.2022 to 23.02.2023 were issued on average basis on 'D' Code although the meter was replaced on 28.01.2023. Thereafter, the energy bill from

22.02.2023 to 23.02.2023 (for 1 day) was issued for 4708 units.

The Appellant had paid all the bills issued on average basis for the period from 14.11.2022 to 23.02.2023.

- (iii) The connection of the Appellant was checked by the ASE/Enf-cum-MMTS and it was reported vide ECR No. 19/4041 dated 02.01.2023 that reading parameters could not be recorded as reading was not readable on display (cutting of reading parameters). The ASE/Enf.-cum-MMTS ordered for removal of meter for testing in ME Lab. The meter was removed on 28.01.2023 and it was tested in ME/Lab where as per Challan No. 36 dated 10.02.2023, it was reported that *“pulse accuracy of the meter is within limits. DDL has been taken and action be taken after scrutiny of DDL.”*
- (iv) The meter was replaced on 28.01.2023 but the energy bill for the period from 21.01.2023 to 22.02.2023 was also issued on average basis ('D' code) for 150716 kVAh. The energy bill from 22.02.2023 to 23.02.2023 (for 1 day) was also issued for 4708 units. Thereafter, the current energy bill for the period 23.02.2023 to 22.03.2023 (27 days) was issued for 253896 kVAh, amounting to ₹ 15,90,140/- by taking old reading 200 kVAh as on 23.02.2023. The Appellant did not initially deposit the bill of ₹ 15,90,140/- and approached the concerned office to

adjust the excess average charged after the replacement of meter on 28.01.2023 to 23.02.2023 as new bill has been issued with I.R. 200 kVAh as on 23.02.2023. However, no action was taken to rectify the bill. Therefore, the Appellant approached Hon'ble Corporate Forum, Ludhiana for Registration & Review of disputed case of the Appellant. The Appellant deposited an amount of ₹ 15,14,881/- on 04.05.2023 as per Notice issued by AEE/Commercial vide Memo No. 617 dated 26.04.2023. The case was registered in the Corporate Forum as Case No. CF-062/2023. During, the proceedings on the Case, the Respondent presented DDL Report wherein cumulative daily energies and final reading was available. The accuracy of the Meter was observed as OK in ME Lab and bills were issued on average basis just because reading parameters were not readable. Therefore, submission was made to the Corporate Forum to order the adjustment of A/c as per final reading available in DDL and order the excess amount as charged in the bills issued against 'D' Code up to 23.03.2023. However, the Corporate CGRF did not provide the full relief admissible on merit and decided the case on 30.05.2023.

- (v) The Corporate Forum considered the meter as defective during the period from 14.11.2022 to 28.01.2023 whereas the working

of the meter was in order as declared in ME Lab but only reading parameters were not readable on the display of the meter. Further, cumulative daily energies and final reading was available in DDL. As such, excess consumption charged was required to be considered by taking final reading as per DDL. The Appellant was not satisfied with the decision of the Forum. Therefore present Appeal was being filed.

- (vi) The energy bills for the period from 14.11.2022 to 24.12.2022 & 24.12.2022 to 21.01.2023 were issued on average basis ('D' Code) for 189595 kVAh & for 136360 kVAh, amounting to ₹12,32,860/- & ₹ 8,85,930/- respectively and the same were paid by the Appellant. The defective meter of the Appellant was replaced on 28.01.2023 vide Job Order dated 04.01.2023.
- (vii) Thereafter, the energy bill for the period 21.01.2023 to 22.02.2023 ('D' Code) was issued for 150716 kVAh and energy bill for the period 22.02.2023 to 23.03.2023 (for 1 day) was also issued for 4708 units on average basis ('D' Code) instead of issuing on actual consumption from 28.01.2023, but the same were paid by the Appellant.
- (viii) Thereafter, the current energy bill for the period 23.02.2023 to 22.03.2023 (27 days) was issued for 253896 kVAh, amounting to ₹ 15,90,140/- by taking old reading 200 kVAh as on

23.02.2023 and new reading as 63674 kVAh x 4 MF as on 22.03.2023, whereas the meter was replaced on 28.01.2023. As such, the average charged as per bills issued on average basis for the period from 28.01.2023 to 23.02.2023 was required to be adjusted.

- (ix) It was brought out for the kind consideration of the Hon'ble Ombudsman that energy bill for the period from 21.01.2023 to 22.02.2023 (32 days) was issued for average consumption of 150716 units whereas average was required to be charged up to 28.01.2023 i.e. for 7 days, which came to 32969 units, whereas average charged as per bill for the period from 21.01.2023 to 22.02.2023 was 150716 units and from 22.02.2023 to 23.03.2023 (for 1 day) was 4708 units. As such, average units charged from 21.01.2023 to 23.02.2023 were 155424 units (150716 units+4708 units) against 32969 units required to be charged up to 28.01.2023.
- (x) Further, it was also brought out for the kind consideration of Hon'ble Ombudsman that accuracy of the meter was in order which was evident from the ME Lab Report dated 10.02.2023 (as explained above) and from data as per DDL print-out. There was only problem in ascertaining the reading as per display of the meter. The Final reading as per DDL was 1563547 kVAh

(cumulative energies) whereas average had been charged up to 1598697x4 as taken on 23.02.2023 (as per bill for the period 22.02.2023 to 23.03.2023). Thus excess units billed/charged came to $(1598697 \times 4) - (1563547 \times 4)$ kVAh=140600 kVAh units. Accordingly, the amount against 140600 kVAh units, was required to be refunded/adjusted alongwith LPS/Interest levied due to wrong bill issued on 27.03.2023 (for the period 23.02.2023 to 22.03.2023) and applicable interest on refundable amount.

- (xi) The Corporate Forum vide its order dated 30.05.2023 provided relief to the extent of excess average charged for the period 28.01.2023 (date of replacement of meter) to 23.02.2023, but did not consider overhauling the account as per final reading available in DDL print-out as the Forum observed that ***“the meter has been replaced as defective and sent to ME Lab challan no. 36 dated 10.02.2023, where accuracy of the meter was found within limits but reading was not visible meaning thereby that display of the meter got defective. Therefore, the meter is required to be treated as defective although reading as per DDL is available but it cannot be relied upon as there is no provision in the regulation to charge consumption merely on the basis of DDL report.”*** The Corporate Forum had

rightly mentioned that accuracy of the meter was found within limits but it was very strange observation of the Forum that meter was required to be treated as defective although reading as per DDL was available but it cannot be relied upon. Needless to mention here that numerous cases were decided by various Forums/Committees and account was overhauled on the basis of data/reading available as per DDL Report. But in the present Case of the Appellant, the Corporate Forum did not rely on the reading data as per DDL Report and mentioned that there was no provision in the Regulation to charge consumption merely on the basis of DDL Report. The observation of Corporate Forum was apparently wrong and biased.

(xii) On the basis of decision of the Corporate Forum, the Respondent's office overhauled the account for the period up to 28.01.2023 on the basis of consumption recorded during corresponding period of previous for 'D' Code period and issued Notice for refund of ₹ 8,68,511/- vide Memo No. 863 dated 15.06.2023.

(xiii) The Appellant humbly requested to set aside the order dated 30.05.2023 of the Corporate Forum and allow refund for excess billing of 140600 kVAh units alongwith LPS/Interest levied due to wrong bill issued on 27.03.2023 (for the period

23.02.2023 to 22.03.2023) and applicable interest on refundable amount. Further, the Respondent may be directed to provide Calculation Sheet of refund of ₹ 8,68,511/- so that the same may be verified by the Appellant.

(b) Additional Submissions of the Appellant

- (i) It was submitted that the Respondent had confirmed that dial test of the meter was not possible, however ME/Lab has again confirmed that pulse accuracy of the meter (kWh/kVAh) was within limits. Therefore, difference of units billed/required to be billed of 140600 kVAh units (as explained in the Appeal) has been worked out on the basis of final reading as per DDL and reading as per bill issued on 23.02.2023.
- (ii) There is bound to be some difference in monthly consumption as per DDL and reading recorded by official of PSPCL, as consumption as per DDL was taken at the end of the day (24 hours) whereas reading was normally recorded by official of PSPCL during working hours, at any time. Thus difference of 1532 units excess billed as shown in the chart for a period of 259 days during 'O' status of the meter, was not huge and may be due to the reason as explained above.
- (iii) The difference of 18389 units has been shown as excess billed (on average basis) during the period 20.11.2022 to 28.01.2023.

The excess units billed due to 'D' code billing even after the replacement of meter i.e. from 28.01.2023 to 23.02.2023 which comes to 122455 units (117747+4708), and for this excess consumption as shown in the chart, refund had already been given as per decision of Corporate Forum, Ludhiana. Now, the refund pending is for 19921 units (1532 units +18389 units) as shown in comparative consumption chart by the Respondent. It is again reiterated that accuracy of the meter (kWh/kVAh) was declared OK in ME Lab as such refund due as per final reading of DDL may kindly be considered.

(c) Submission during hearing

During hearings on 27.07.2023 & 03.08.2023, 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 Appellant was having LS Category Connection with sanctioned load/CD as 400 kW/400 kVA. The bills were being issued regularly to the Appellant. Due to defect in the meter of the Appellant, bills on average basis were issued to the

Appellant for the period from 14.11.2022 to 23.02.2023. The meter of the Appellant was checked vide ECR No. 19/4041 dated 02.01.2023 and it was replaced vide MCO No. 100020299342 dated 04.01.2023 effected on 28.01.2023. Due to occurring of error in closing the MCO and the bill was generated upto 22.02.2023, it was closed on 23.02.2023 in SAP billing system. However, the actual date of replacement of meter was 28.01.2023.

- (ii) As per the decision dated 30.05.2023 of the Corporate Forum, Ludhiana the account of the Appellant was overhauled upto 28.01.2023. The meter of the Appellant was checked in ME Lab and it was found & recorded on ME Challan No. 36 dated 10.02.2023 that the reading was not readable.
- (iii) The ME Lab checking vide Challan No. 36 dated 10.02.2023 was incomplete as it neither mentioned anything about kVAh reading nor mentioned any detail whether Dial test of the disputed meter was done or not. Also, the report did not mention anything about accuracy of kVAh pulses. The DDL of the disputed meter was taken.
- (iv) The account of the Appellant was overhauled for the period from 21.01.2023 to 28.01.2023 as per the consumption of the previous year in compliance of the order of the Corporate

Forum. The fixed charges were recoverable as per the sanctioned load and no changes were done in the fixed charges.

- (v) Due to defect in the meter of the Appellant, bills for the period from 14.11.2022 to 24.12.2022 and from 23.12.2022 to 21.01.2023 were issued to the Appellant on the basis of consumption of the corresponding period of previous year. The same were deposited by the Appellant.
- (vi) As per the decision dated 30.05.2023 of the Corporate Forum, Ludhiana the bills of the Appellant for the period from 28.01.2023 to 22.02.2023 had been corrected on the actual reading.
- (vii) The bill for the period from 23.02.2023 to 22.03.2023 (27 days) was issued on the basis of actual consumption. As per the decision dated 30.05.2023 of the Corporate Forum, Ludhiana, bills for the period 28.01.2023 to 23.02.2023 issued earlier on average basis had been adjusted in the account of the Appellant.
- (viii) The amount for the consumption of 150716 units was adjusted in the account of the Appellant.
- (ix) The Corporate Forum, Ludhiana passed the decision in Case No. CF-062/2023 and same was informed to the Appellant vide Memo No. 621/22 dated 30.05.2023. The Appellant can file the

case in the Court of Ombudsman, Electricity, Punjab within 30 days from the date of decision of the Corporate Forum, Ludhiana and it was not filed within the prescribed time. So, the present Appeal of the Appellant should be dismissed.

(b) Additional Submissions

The Respondent submitted the following additional information vide Memo No. 5374 dated 26.07.2023:

The Additional S.E/ ME Lab, Ludhiana confirmed that the accuracy of the pulse (kWh, kVAh, kVARh) of the disputed meter was found within the permissible limit as per the checking done vide Challan No. 36 dated 10.02.2023.

The Respondent submitted the following additional information vide Memo No. 5485 dated 02.08.2023:

- (i) The Sr. Xen, ME Lab, Ludhiana was asked about the Dial Test of the meter but they informed vide letter no. 807 dated 01.08.2023 that the Dial Test could not be done so it was difficult to tell about the working of the meter. As per letter no. 807 dated 01.08.2023, Sr. Xen, ME Lab, Ludhiana, informed that the display of the meter was not readable. So it was not possible to perform the Dial Test of the meter. The accuracy of the meter pulse (kWh, kVAh) was within the permissible limit.

- (ii) The bills were issued to the Appellant on 21st of every month but as per the DDL the reading was available on 1st of every month. So there was mismatch in the reading as per DDL and bill issued to the Appellant.
- (iii) As per DDL, 11,64,733 units were consumed for the period from 01.03.2022 to 14.11.2022 and as per billing record, 11,66,265 units were billed in the same period from 01.03.2022 to 14.11.2022 to the Appellant. The bills were issued on 'O' code during this period of 259 days (8.5 months) and 1532 units were less consumed as per DDL report.
- (iv) As per DDL report for the period 14.11.2022 to 28.01.2023 on 'D' code basis for 75 days (2.5 months), 3,40,535 units were consumed but 3,58,924 units were billed for the same period on average basis. There was a difference of 18389 units for 2.5 months between the DDL report & bill issued and it was extra bill for 7355 units per month.
- (v) For the period 01.03.2022 to 28.01.2023 for (11 months), the bills were issued for 15,25,189 units but as per DDL report 15,05,268 units were consumed for the same period. So the billing for 19921 more units was done and it was extra for 1811 units per month.

(vi) The average bills were issued on 'D' code to the Appellant after 14.11.2022 because the meter was defective/ dead as per instructions. So the amount charged on average basis was recoverable from the Appellant.

(c) Submission during hearing

During hearings on 27.07.2023 & 03.08.2023, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal.

6. Analysis and Findings

The issue requiring adjudication is the legitimacy of the bill dated 27.03.2023 for the period from 23.02.2023 to 22.03.2023 for 27 days amounting to ₹ 15,90,140/- including arrears of ₹ 30,560/- which was later reduced by ₹ 8,68,511/- by the Respondent vide Sundry No. 72/49 R-705 after implementation of the order of the Corporate Forum and the claim of the Appellant that since the meter was working ok, so its account be overhauled as per the Final Reading derived from the DDL of the meter instead of the average bills issued on the basis of defective meter from 14.11.2022 to 28.01.2023.

My findings on the points that emerged and my analysis is as under:

- (i) The Corporate Forum in its order dated 30.05.2023 observed as under:-

“Forum observed that Petitioner was issued bills on D-code from 26.12.2022 to 27.02.2023. On the request of the Respondent’s office vide letter no. 1 dated 02.01.2023, the connection of the petitioner was checked by ASE/Enf. Cum EA&MMTS-4, Ludhiana vide ECR no. 19/4041 dated 02.01.2023 and it was reported as under:

2. *Meter ਦੀ ਡਿਸਪਲੇਅ ਤੇ Reading Parameters Display figures ਕੱਟ ਕੇ ਆਉਣ ਕਾਰਨ ਮੀਟਰ ਟਰਮੀਨਲ ਤੇ clamp on meter ਨਾਲ voltage ਅਤੇ ਕਰੰਟ ਚੈਕ ਕੀਤਾ।*
3. *ਮੀਟਰ ਦੀ ਡਿਸਪਲੇਅ ਤੇ Reading parameters ਕੱਟ ਕੇ ਆਉਣ ਕਾਰਨ ਕੋਈ ਵੀ reading parameter ਨੋਟ ਨਹੀਂ ਕੀਤਾ ਜਾ ਸਕਿਆ। meter ਨੂੰ ਬਦਲੀ ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਉਤਾਰਿਆ ਹੋਇਆ ਮੀਟਰ ਨੂੰ ਅੰਦਰੂਨੀ ਜਾਂਚ ਲਈ ME Lab ਵਿੱਚ ਲਿਆਂਦਾ ਜਾਵੇ।*
4. *ਵਾਰ- ਵਾਰ ਕੋਸ਼ਿਸ਼ ਕਰਨ ਤੇ ਵੀ DDL ਨਹੀਂ ਹੋ ਸਕਿਆ।*

Meter of the Petitioner was replaced being defective vide MCO no. 100020299342 dated 04.01.2023 effected on dated 28.01.2023. Replaced meter was checked in ME Lab vide challan no. 36 dated 10.02.2023 and the following remarks were given:

“ਮੀਟਰ ਦੀ Reading ਕੱਟ-ਕੱਟ ਕੇ ਆ ਰਹੀ ਹੈ। ਪੜੀ ਨਹੀਂ ਜਾ ਸਕਦੀ। ਮੀਟਰ ਦੀ Pulse ਐਕੁਰੇਸੀ ਸੀਮਾ ਵਿੱਚ ਮਾਪੀ ਗਈ ਹੈ। DDL MRI ਤੇ ਲਿਆ ਹੈ। DDL ਘੋਖ ਕੇ ਦਫਤਰੀ ਪੱਧਰ ਤੇ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।”

Petitioner was issued bill dated 27.03.2023 on O code for the period from 23.02.2023 to 22.03.2023 for the consumption of 253556 KVAH amounting to Rs. 1590140/- including previous arrears of Rs. 30560/-. Petitioner did not

agree to the bill and filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption data of the petitioner submitted by the Respondent, reproduced below: -

KVAH	2020		2021		2022	
Month	Cons	Code	Cons	Code	Cons	Code
Jan	149495	O	150972	O	136360	D
Feb	154083	O	146006	O	150716 4708	D D
Mar	139944	O	122636	O	253896	O
Apr	140842	O	150875	O	154996	O
May	120801 30314	O O	153230 44930	O O		
Jun	68662	O	101370	O		
Jul	95413	O	145232	O		
Aug	145034	O	143819	O		
Sep	157028 45076	O O	132271 38492	O O		
Oct	111163	O	80836	O		
Nov	144749	O	87611	O		
Dec	146937	O	189595	D		
TOTAL	1649541		1687875		700676	

Forum observed that the annual consumption of petitioner from 2020 to 2022 (upto 04/2022) is 1649541, 1687875, and 700676 units (upto 04/2022) respectively. Forum during the hearing dated 22.05.2023 directed the Respondent to submit original copy of effected MCO to which Respondent during the hearing dated 29.05.2023 stated that original copy of effected MCO is not traceable, however confirmed that the MCO was affected on 28.01.2023. Further Respondent in his reply stated as under:

“ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ MCO ਨੰ: 100020299342 ਮਿਤੀ 04.01.23 ਰਾਂਹੀ ਮਿਤੀ 28.01.23 ਨੂੰ ਬਦਲੀ ਕੀਤਾ ਗਿਆ ਅਤੇ ਇਸ ਦਫਤਰ ਨੂੰ MCO ਇਸ ਦਫਤਰ ਨੂੰ ਲੇਟ ਮਿਲਣ ਕਰਕੇ ਖਪਤਕਾਰ ਦਾ ਮਿਤੀ 21.01.23 ਤੋਂ 22.02.23 ਤੱਕ ਦਾ 32 ਦਿਨਾਂ ਦਾ ਅਸੇਤ ਬਿਲ ਬਣਨ ਕਰਕੇ ਫਾਈਲ ਕਲੇਜ਼ ਕਰਨ ਵਿੱਚ ਦਿੱਕਤ ਆ ਰਹੀ ਸੀ। ਜਿਸ ਕਰਕੇ ਫਾਈਲ ਮਿਤੀ 23.02.23 ਨੂੰ ਕਲੇਜ਼ ਕੀਤੀ ਗਈ। ਖਪਤਕਾਰ ਦਾ ਬਿਲ ਮਿਤੀ 23.02.23 ਤੋਂ 22.03.23 ਤੱਕ ਦਾ 27 ਦਿਨਾਂ ਦਾ 253896 ਯੂਨਿਟਾਂ ਦਾ 1559580/-ਰੁ. ਦਾ ਬਣਿਆ ਅਤੇ ਪਿਛਲਾ ਬਕਾਇਆ 30560/-ਰੁ. ਸਮੇਤ ਕੁੱਲ ਬਿਲ 1590140/-ਰੁ. ਦਾ ਬਣਿਆ।”

Forum observed that the disputed meter was working correctly upto 11/2022 (reading recorded as 87611 KVAH) as per consumption data submitted by the respondent, upto which bills were issued on 'O' codes. Thereafter meter got defective and same was changed vide MCO no. 10020299342 dated 04.01.2023 effected on 28.01.2023. Forum observed that even after the change of meter on 28.01.2023, bills were being issued on 'D' Code. In this regard respondent had stated that there was some problem due to which MCO could not be closed in time.

Forum observed that the meter has been replaced as defective and sent to ME Lab challan no. 36 dated 10.02.2023, where accuracy of the meter was found within limits but reading was not visible meaning thereby that display of the meter got defective. Therefore, the meter is required to be treated as defective although reading as per DDL is available but it cannot be relied upon as there is no provision in the regulation to charge consumption merely on the basis of DDL report.

The Relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters which is as under: -
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 has 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, Forum is of the opinion that the bill issued on dated 26.12.2022 and 27.01.2023 on D code are justified and recoverable. However, bill dated 27.02.2023 issued for the period 21.01.2023 to 22.02.2023 & bill dated 21.03.2023 issued for the period 22.02.2023 to 23.02.2023 on the average basis and subsequent bill issued on dated 27.03.2023 for the period 23.02.2023 to 22.03.2023 on incorrect consumption basis are not justified and are liable to be quashed as the actual consumption from 28.01.2023 onwards is available. Therefore, the account of the Petitioner is required to be overhauled as under: -

- a. The account for the period from 21.01.2023 to 28.01.2023 (date of replacement of meter) be overhauled on the basis of pro-rata consumption recorded in the corresponding period of previous year as per Regulation no. 21.5.2(a) of Electricity Supply Code and Related Matters Regulations-2014.
- b. The account for the period 28.01.2023 to 22.03.2023 be overhauled on the basis of the actual consumption available from 28.01.2023.”

(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 27.07.2023 & 03.08.2023. The Court observed that the Appellant was issued bills on average basis for the period from 14.11.2022 to 22.02.2023 on 'D' Code. The connection of the Appellant was checked by the ASE/ Enforcement-cum-EA & MMTS-4, Ludhiana vide ECR No. 19/4041 dated 02.01.2023 on the request of the Respondent where display of the meter was found defective. DDL could not be taken at site. The Respondent was directed to remove the meter & the same be got checked in ME Lab for internal investigation. The disputed Meter No. 14626566 (L&T make) of the Appellant was removed as Defective Meter vide MCO No. 100020299342 dated 04.01.2023 effected on 28.01.2023. The same was checked in ME Lab as Defective Meter vide Challan No. 36 dated 10.02.2023 where it was found that the reading on this disputed meter could not be taken. The accuracy of the meter pulses were found within permissible limit. DDL was taken on MRI. The Respondent was directed to take action after checking the DDL.

- (iii) It is observed that the meter of the Appellant was replaced on 28.01.2023 as confirmed by both the Appellant & the Respondent. But the Appellant was still issued bills dated 27.02.2023 & 21.03.2023 for the period from 21.01.2023 to 23.02.2023 on average basis on 'D' Code. However, this error was corrected by the decision dated 30.05.2023 of the Corporate Forum. The Corporate Forum decided the case by ordering overhauling of the account of the Appellant for the period from 14.11.2023 to 28.01.2023 (date of replacement of meter) on the basis of pro-rata consumption recorded in the corresponding period of previous year as per Regulation No. 21.5.2(a) of Supply Code-2014 & further from 28.01.2023, i.e. date of change of the disputed meter to 22.03.2023 on the basis of actual consumption available from 28.01.2023.
- (iv) The Appellant prayed in its Appeal that the order of the Corporate Forum regarding overhauling of its account for the period from 14.11.2022 to 28.01.2023 on the basis of consumption recorded in the corresponding period of the previous year as per Regulation 21.5.2 (a) of Supply Code-2014 be set aside on the ground that the accuracy of the disputed meter was found within the permissible limits in the ME Lab. So, its account be overhauled on the basis of Final

Reading derived from the DDL of the disputed meter. The Respondent controverted this plea raised by the Appellant and argued that the ME Lab report was incomplete since it did not mention anything about the accuracy of the disputed meter on the basis of kVAH parameters. Also the Dial test of the disputed meter was not done. So this incomplete report of the ME Lab cannot be relied upon. When the Respondent again requested the ME Lab, Ludhiana for the Dial Test of the disputed meter, the ASE/ME Division, Ludhiana replied vide Memo No. 807 dated 01.08.2023 that since the display of the disputed Meter No. 14626566 was defective & the reading on the meter was unreadable, so the Dial Test of the disputed meter was not possible. I agree with the arguments of the Respondent in this regard. It was found in the ME Lab that the accuracy of pulses of the meter was within the limits. However, accuracy of the kWh/kVArh/kVAh units was not mentioned in the report. The Appellant is a LS consumer & its billing is being done on kVAh units. The Dial Test should have been done in the ME Lab to determine the exact accuracy of kVAH part of the disputed meter, but it could not be done as the display of the meter was defective as confirmed by the ASE/ME Division, Ludhiana. So the checking of the ME Lab

regarding accuracy of the disputed meter was incomplete. So, in effect, the meter needs to be considered as defective. However, the Appellant pleaded that the Final Reading derived from the DDL of this disputed meter be used to overhaul his account. The DDL of the disputed meter for the period from 01.03.2022 onwards was analyzed. It was found that there was wide variation between the monthly readings as recorded in DDL & monthly readings as per consumption record, on both positive & negative side. Therefore, the overhauling of the account cannot be considered based on DDL. As such, I find no merit in the present appeal. The decision of the Corporate Forum, Ludhiana is upheld.

- (v) In view of the above, this court is not inclined to interfere with the decision dated 30.05.2023 of the Corporate Forum in Case No. CF-062/2023.

7. Decision

As a sequel of above discussions, the order dated 30.05.2023 of the CCGRF, Ludhiana in Case No. CF-062/2023 is hereby upheld.

8. The Appeal is disposed of accordingly.

9. 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.

10. 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.

August 10, 2023
S.A.S. Nagar (Mohali).

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

