

**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. 19/2023**

**Date of Registration : 28.07.2023**

**Date of Hearing : 10.08.2023**

**Date of Order : 10.08.2023**

**Before:**

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

**In the Matter of:**

Sh. Sahib Singh,  
House No. 367, Sector-86,  
Mohali.

**Contract Account Number: 3006122432 (T)**

...Appellant

Versus

Senior Executive Engineer,  
DS Division (Spl.),  
PSPCL, Mohali.

...Respondent

**Present For:**

Appellant: 1. Sh. Sahib Singh,  
Appellant.  
2. Sh. Harvinder Singh,  
Appellant's Representative.

Respondent : 1. Er. Taranjeet Singh,  
Senior Executive Engineer,  
DS Division (Spl.),  
PSPCL, Mohali.  
2. Er. Bawa Singh, AEE,  
PSPCL, Mohali.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 20.06.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-066/2023, deciding that:

*“Bills issued to the petitioner for the consumption recorded in the period from 10.05.2021 to 08.04.2022 i.e. date of replacement of meter are quashed. Account of the petitioner be overhauled for the period from 10.05.2021 to 08.04.2022 (date of replacement of meter in dispute) on the basis of average of the consumption recorded in the succeeding six months by the new meter installed on 08.04.2022 in view of Regulation no. 21.5.2(d) 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 28.07.2023 i.e. within the period of thirty days of receipt of the decision dated 20.06.2023 of the CCGRF, Ludhiana in Case No. CF-066/2023, received by the Appellant on 06.07.2023. The disputed amount had been reduced to ₹ 92,626/- after implementation of the decision of the Corporate Forum & the Appellant had already deposited more than the requisite 40% of this disputed amount vide Receipt No. 193792871 dated 15.05.2023. Therefore, the Appeal was registered on 28.07.2023 and copy of the same was sent to the Addl. SE/ DS (Spl.) Divn., PSPCL, Mohali for

sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 547-549/OEP/A-19/2023 dated 28.07.2023.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 10.08.2023 and intimation to this effect was sent to both the parties vide letter nos. 566-67/OEP/ A-19/2023 dated 04.08.2023. 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 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 DS-Temporary Category Connection, bearing Account No. 3006122432, in his name with Sanctioned Load of 1 kW under DS Division (Spl.), PSPCL, Mohali.
- (ii) The Appellant submitted that he owned Plot No. 367 in Sector-86 (Preet City) Mohali. He applied for Temporary Electricity Connection for the construction of house on this Plot with Sanctioned Load of 1 kW by depositing Security fee of ₹ 2,780/- on 02.03.2021.
- (iii) The Appellant visited the office of the Respondent many times regarding the bills of this connection. But he was always told by the Respondent that his Account had not been entered in the SAP Billing System & that bills would be issued to him after entering his account in the billing software.
- (iv) The Appellant got surprised on receiving bill on 03.04.2022 of ₹ 8,08,970/-. This bill was issued for the period from 20.09.2021 to 30.03.2022 with consumption as 29603 units. The consumption for the period from March, 2021 to 20.09.2021 was shown as 37836 units, but bill for this period was never issued to the Appellant. There was an adjustment of ₹ 5,07,101/- for 'N' Code bills issued earlier.

- (v) The Appellant submitted that he got constructed entire ground floor & only one room on the first floor which was incomplete. The consumption of 67456 units shown in bill during the period of construction was totally wrong. The Appellant felt that the meter was not working properly. So, he challenged his meter by depositing the requisite meter challenge fee. The Respondent replaced the disputed meter on 08.04.2022. The disputed meter was checked in ME Lab where it was found OK.
- (vi) The Appellant was not satisfied with this, so he filed his Case in the Corporate CGRF, Ludhiana. The Corporate Forum got deposited ₹ 43,650/- from the Appellant as per LDHF formula in lieu of requisite 20% of the disputed amount for hearing the Case.
- (vii) The Forum decided that the Account of the Appellant be overhauled for the period from 10.05.2021 to 08.04.2022 on the basis of average of the consumption recorded in the succeeding six months by the new meter installed on 08.04.2022. Accordingly, the Respondent revised the bill amount payable for the period from 10.05.2021 to 08.04.2022 as ₹ 92,626/- and the Appellant was asked to deposit ₹ 48,976/- after adjusting already deposited amount of ₹ 43,650/- by him.

(viii) The basis of average of the consumption recorded in the succeeding six months was taken to overhaul the account. But during that time, the Appellant submitted that the finishing of the house was going on. During finishing, the consumption of the electricity was higher as compared to the consumption at the time of building the structure.

(ix) So, the Appellant prayed to give him relief by overhauling his account for the period from 10.05.2021 to 08.04.2022 as per LDHF Formula.

**(b) Submission during hearing**

During hearing on 10.08.2023, the Appellant 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 a Temporary Connection bearing Account No. 3006122432 with sanctioned load of 1.00 kW running in his name since 06.03.2021.

(ii) The regular bills of the Temporary connection had been issued to the Appellant since 19.04.2021 onwards and every bill issued to him was available online. The bill dated 20.09.2021

was generated to the Appellant for 37838 units. The same was not deposited by him. Interest and surcharge was also charged to the Appellant as he did not deposit the bill. After this, the bill for the period for the period of 191 days from 20.09.2021 to 30.03.2022 for 29603 units (new reading 67459 - old reading 37856) of ₹ 8,08,970/- was issued to the Appellant. In this bill, arrear of ₹ 9,90,964/- was included & an amount of (-) ₹ 5,07,101/- for the bills issued on 'N' code was also adjusted.

- (iii) The Appellant had challenged the working of meter. The meter was removed vide Job Order No. 100017297566 dated 04.04.2022, effected on 07.04.2022 with final reading as 67459. The new meter was installed in the premise of the Appellant on 08.04.2022. The disputed meter was checked in ME Lab, Ropar vide Challan No. 19555 dated 18.11.2022 and it was found OK.
- (iv) It was correct that the Appellant had deposited ₹ 43,650/- on 15.05.2023 for filing his case in Corporate Forum, Ludhiana.
- (v) The Corporate Forum, Ludhiana has passed the order on 20.06.2023. As per the decision of the Corporate Forum, Ludhiana, the account of the Appellant was overhauled by the office of the Assistant Executive Engineer, DS Sub Division, Commercial-2, PSPCL, Mohali. Revised Notice No. 1123

dated 20.07.2023 was issued to the Appellant to deposit a sum of ₹ 48,976/-.

**(b) Submission during hearing**

During hearing on 10.08.2023, 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 ₹ 92,626/- charged to the Appellant by the Respondent vide Revised Notice No. 1123 dated 20.07.2023 for overhauling of his account for the period from 10.05.2021 to 08.04.2022 on the basis of average of the consumption recorded in the succeeding six months by the new meter installed on 08.04.2022 as per the decision of the Corporate Forum.

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

- (i) The Corporate Forum in its order dated 20.06.2023 observed as under:-

“Forum observed that petitioner has obtained a DS-Temporary connection with Sanctioned Load of 1.000 KW under DS Division, PSPCL, Mohali. This temporary connection was released on 06.03.2021. Petitioner was issued bill dated

20.09.2021 for the period from 10.05.2021 to 20.09.2021 on O-code for a consumption of 37838 KWH amounting to Rs. 415790/- (including previous adjustment of Rs. 970/-). However, petitioner denied having received this bill. Another bill dated 01.04.2022 was issued to petitioner for the period from 20.09.2021 to 30.03.2022 on O-code for a consumption of 29603 KWH amounting to Rs. 808970/- (including unpaid arrear of Rs. 990964/- and adjustment of Rs. -507101/-). Petitioner did not agree to these bills issued to him and challenged his meter. Meter of the petitioner was changed vide MCO no. 100017297566 dated 04.04.2022 effected on 08.04.2022. Removed meter was checked in ME Lab vide challan no. 19555 dated 18.11.2022 where Creep test and Dial test were found OK and in remarks it is mentioned that 'T.B. is burnt'. It was further reported by AE/ME Lab, Ropar vide Endst. No. 165 dated 05.06.2023 DDL of the meter could not be done in spite of repeated attempts. Petitioner did not deposit bills issued to him and meter was removed permanently on 12.12.2022. Petitioner, not satisfied with the bills issued to him, filed his case in Corporate CGRF, Ludhiana.

Forum observed the consumption data supplied by the Respondent tabulated under: -

Month	2021		2022	
	Cons	Code	Cons	Code
Jan			8819	N
Feb			17069	N
Mar			7246	N
Apr	18	O	29603	O
May	0	O		
Aug	29	N	2882	O
Sept	37838	O	1101	O
Oct	6938	N	694	O
Nov	5405	N	214	O
Dec	8819	N	243	O
			62	O
<b>Total</b>	<b>37856</b>		<b>34799</b>	

Forum observed that the consumption of petitioner during the years 2021 (from March/2021) and 2022 is 37856 and 34799 KWH respectively including the exponentially high consumptions of 37838 KWH and 29603 KWH. Forum

observed that consumption as high as 37838 KWH and 29603 KWH has never been recorded after the change of the disputed meter on 08.04.2022 till its removal on permanent basis on 12.12.2022. Further, only first two bills issued to petitioner O-code seems to be normal as all remaining bills till the date of replacement i.e. 08.04.2022 are either issued on N-code or on immensely high consumption. Respondent failed to justify why so many bills were issued on N-code. Further Respondent failed to confirm whether these bills had been delivered to petitioner or not. Forum observed that had the bills been delivered to the petitioner on time, he could have challenged this meter after issuance of inflated bill dated 20.09.2021. Site of the petitioner was checked vide LCR no. 40/1233 dated 05.06.2023 where another connection was found running at the site with connected load of 4.563 KW against the sanctioned load of 4.5 KW and it was reported that electricity is being used for domestic purpose.

During the proceedings dated 15.06.2023, Respondent stated that consumption of 37838 KWH is not possible by a load of 1 KW in a period of 133 days. Moreover, even as per LDHF formula, for a temporary connection with 1 KW load, estimated consumption comes out to be 360 units per month i.e. approximately 1600 units in a period of 133 days which is also very less than 37838 units. Further Forum observed that as per ME Lab challan no. 19555 dated 18.11.2022, though the Creep test and Dial test of the meter were found OK, but the T.B. was reported burnt in remarks. Hence, consumption recorded by disputed meter for the time it remained installed at the premises cannot be treated as genuine consumption and meter might have become erratic at some point of time after 10.05.2021 hence it is to be treated as defective/burnt w.e.f. 10.05.2021. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters 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 have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as other material brought on record. Keeping in view the above facts, Forum is of the opinion that bills issued to the petitioner for the consumption recorded in the period from 10.05.2021 to date of replacement of meter i.e. 08.04.2022 are not justified and hence are liable to be quashed. Account of the petitioner is required to be overhauled for the period from 10.05.2021 to 08.04.2022 (date of replacement of meter in dispute) on the basis of average of the consumption recorded in the succeeding six

months by the new meter installed on 08.04.2022 in view of Regulation no. 21.5.2(d) of Electricity Supply Code and Related Matters Regulations-2014.

Keeping in view the above, Forum came to the unanimous conclusion that bills issued to the petitioner for the consumption recorded in the period from 10.05.2021 to 08.04.2022 i.e. date of replacement of meter be quashed. Account of the petitioner be overhauled for the period from 10.05.2021 to 08.04.2022 (date of replacement of meter in dispute) on the basis of average of the consumption recorded in the succeeding six months by the new meter installed on 08.04.2022 in view of Regulation no. 21.5.2(d) 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 10.08.2023. The Appellant applied for Temporary Electricity Connection for the construction of house on his Plot with Sanctioned Load of 1 kW by depositing Security fee of ₹ 2,780/- on 02.03.2021. He submitted that he received a bill on 03.04.2022 for ₹ 8,08,970/- issued for the period from 20.09.2021 to 30.03.2022 for the consumption of 29603 units. There was an adjustment in this bill of ₹ 5,07,101/- for ‘N’ Code bills issued earlier. The consumption for the period from March, 2021 to 20.09.2021 was shown as 37836 units and arrears of this period were also shown in the bill. He claimed that he had not received any other bill before this bill. The

Appellant did not agree to this bill and challenged the working of his meter. The disputed meter of the Appellant was changed vide MCO No. 100017297566 dated 04.04.2022 effected on 08.04.2022 & was checked in the ME Lab vide Challan No. 19555 dated 18.11.2022 where Creep test and Dial test were found OK and in remarks it was mentioned that “T.B. is burnt”. The Corporate Forum recorded in its decision dated 20.06.2023 that it was further reported by AE/ME Lab, Ropar vide Endst. No. 165 dated 05.06.2023 that DDL of the meter could not be done in spite of repeated attempts. The Corporate Forum correctly observed that such huge consumption of 37838 units in 09/2021 & 29603 units in 04/2022 was not possible with such a small sanctioned load of 1 kW. Moreover, even as per LDHF formula, as per para-4 of Annexure-8 of Supply Code-2014, for a temporary connection with 1 kW load, the consumption comes out to be 360 units per month only. It is observed by this Court that since the Terminal block of the meter was burnt, therefore the meter should be treated as ‘Defective/Burnt meter’ and the account of the Appellant should be overhauled as per Regulation 21.5.2 of the Supply Code-2014. The account of the Appellant cannot be overhauled as per Regulation 21.5.2 (a) to 21.5.2 (c) of the Supply Code-

2014 as no reliable consumption data is available of the previous years in this case. Also consumption of corresponding period of the succeeding year is also not available and account cannot be overhauled as per Regulation 21.5.2 (d) in true sense. Therefore, I agree with the observation of the Corporate Forum that the account of the Appellant be overhauled on the basis of average of the consumption recorded in the succeeding six months by the new meter installed on 08.04.2022 as this was the only actual & reliable consumption record of the Appellant available. But the Corporate Forum failed to notice that Regulation 21.5.2 clearly states that the account of the consumer can be overhauled only for the maximum period of six months.

- (iii) In view of above, this Court is not inclined to fully agree with the decision dated 20.06.2023 of the Corporate Forum in Case No. CF-066/2023. The decision of the Corporate Forum is amended to the extent that the period of overhauling of the account of the Appellant, on the basis of average of the consumption recorded in the succeeding six months by the new meter installed on 08.04.2022, be restricted to a maximum period of six months immediately preceding the date on which the disputed meter was replaced.

## 6. Decision

As a sequel of above discussions, the order dated 20.06.2023 of the Corporate Forum in Case No. CF-066/2023 is amended to the extent that the period of overhauling of the account of the Appellant, on the basis of average of the consumption recorded in the succeeding six months by the new meter installed on 08.04.2022, be restricted to maximum period of six months immediately preceding the date on which the disputed meter was replaced.

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.

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

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