

**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. 21/2022

Date of Registration : 21.04.2022

Date of Hearing : 04.05.2022

Date of Order : 04.05.2022

Before:

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

In the Matter of:

M/s. Hingiri Pulp and Board Mills,
Village Jada Janda,
PO Nasrula,
Distt. Hoshiarpur.

Contract Account Number: H54LS0100019 (LS)

...Appellant

Versus

Addl. Superintending Engineer,
DS Suburban Division,
PSPCL, Hoshiarpur.

...Respondent

Present For:

Appellant: Sh. Rajneesh Kumar,
Appellant's Representative.

Respondent : (i) Er. Rajiv Jaswal,
AE/ DS Sub Division,
PSPCL, Sham Chaurasi.
(ii) Sh. Bhupinder Kumar, RA

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 24.02.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-001 of 2022, deciding that:

“Account of the Petitioner be overhauled from 21.10.2021 to 06.11.2021 and 12.11.2021 to 20.11.2021 on basis of actual reading and from 07.11.2021 to 12.11.2021, only fixed charges are recoverable. Cost deposited for CT/ PT unit is not refundable. Fixed charges are not refundable. Compensation claimed is disallowed.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 21.04.2022 i.e. within the period of thirty days of receipt of the decision dated 24.02.2022 of the CGRF, Ludhiana in Case No. CGL-001 of 2022, received by the Appellant on 23.03.2022. The Appellant had already deposited the full disputed amount before filing the case in CGRF, Ludhiana. Therefore, the Appeal was registered on 21.04.2022 and copy of the same was sent to the Addl. SE/ DS Suburban Division, PSPCL, Hoshiarpur for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 384-86/OEP/A-21/2022 dated 21.04.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 04.05.2022 at 12.30 PM and an intimation to this effect was sent to both the parties vide letter nos. 390-91/OEP/A-21/2022 dated 27.04.2022. 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 its Appeal for consideration of this Court:-

- (i) The Appellant was having LS Category Connection, bearing Account No. H54LS0100019 with sanctioned load of 425.308 kW/ 472kVA in its name. The nature of business was manufacturing of Packaging Paper.

- (ii) There was no dispute upto 10/2021 as all the bills were being served on the basis of measured energy and amount was being deposited as demanded.
- (iii) All of a sudden in the month of 11/2021, due to short circuit, a fire incident occurred in Appellant's Plant. The Appellant informed the PSPCL on 06.11.2021. The site was visited on 08.11.2021 by Enforcement staff. The Respondent had intimated the Appellant on 09.11.2021 to deposit CT/ PT charges to restore the supply. The Appellant immediately deposited ₹ 40,214/- as cost of CT/PT vide BA16 Receipt No. 290/52841 dated 09.11.2021 and ₹ 4,873/- as cost of Meter vide BA16 Receipt No. 291/52841 dated 09.11.2021. But the supply was not restored.
- (iv) Due to short circuit, transformer was also not in working order. The Appellant got it replaced with a new Transformer and again intimated on 10.11.2021 to the Respondent to restore supply. But supply was not restored on the plea that the estimate for change of CT/ PT was under sanction.
- (v) The Appellant gave consent for restoration of direct supply if there were some formalities pending at the PSPCL end but the Department neither took action to give direct supply nor changed the CT/ PT and meter till 12.11.2021 with the result

that the Appellant had to remain without power for 7 days even after fulfilling all the conditions of PSPCL and also giving consent for direct supply. It was very much clear that the PSPCL had failed to comply with its own policies/ rules/ regulations framed for restoration of supply immediately which resulted in heavy production loss as well as financial loss and mental harassment to the Appellant.

- (vi) Although PSPCL had totally failed to give supply as per PSPCL regulations but very surprisingly issued a bill on 23.11.2021 for 97660 units for ₹ 6,69,480/-. This bill was prepared on average consumption basis and even average consumption for the period PSPCL had not given any supply i.e. 06.11.2021 to 12.11.2021 was also added in this bill.
- (vii) On personal visit, the staff told that bill was prepared by Computer Software and they were unable to correct it. However on their verbal advice, the Appellant paid the entire bill under protest by giving a written request on 02.12.2021 and knocked the door of CGRF for getting justice in the case. But the Forum allowed only partial relief.
- (viii) As per decision of the Forum, the order to revise the bill from 21.10.2021 to 06.11.2021 and 12.11.2021 to 20.11.2021 on the basis of actual reading was issued and was also acceptable to

the Appellant. But the Respondent had misinterpreted this order and revised the disputed bill by overhauling the account from 21.10.2021 to 06.11.2021 on the basis of consumption recorded from 12.11.2021 to 20.11.2021 i.e. (5190-307) 29298 units. Thus, refund allowed was not as per the decision of the Forum. The Forum had not ordered to overhaul the account from 21.10.2021 to 06.11.2021 on the basis of actual consumption from 12.11.2021 to 20.11.2021. In fact the orders were to revise the bill on the basis of actual reading taken from 21.10.2021 to 06.11.2021 and from 12.11.2021 to 20.11.2021 which were already in the record available with the Respondent as under :

Reading as on 21.10.2021 260436kVAh, 256498kWh

Reading as on 06.11.2021 267684kVAh, 263532kWh

Actual consumption from 21.10.2021 to 06.11.2021 = 267684 - 260436 = 7248 x MF 6 = 43488 units.

Add actual consumption from 12.11.2021 to 20.11.2021 of new meter (5190-307)*6 = 29298 units.

Total units to be taken for billing = 43488 + 29298 = 72786.

Already billed as per disputed bill = 97660 kVAh units.

Difference to be refunded 97660 - 72786 = 24874 units.

SOP refundable 24874 x 5 = ₹ 1,24,370/-.

ED/OCT @ 20% of 124370=₹ 30,935/-.

Total refundable amount = ₹ 1,55,305/-.

Interest for the period 02.12.2021 to 18.4.2022@ 12% for 4.5 months=1,55,305*12%*4.5 months = ₹ 6,980/-.

Total refundable amount ₹ 1,55,305+ ₹ 6,980 = ₹ 1,62,280/-.

But as per calculations supplied by the Respondent vide letter No. 508 dated 11.04.2022, they allowed refund of ₹ 97,661/- only. There was still difference of 1,62,280 - 97,661 = ₹ 64,619/- less allowed.

THE MAIN DIFFERENCE IN THE RESPONDENT CALCULATION AND THE APPELLANT'S CALCULATION WAS ONLY THAT THE RESPONDENT HAD PREPARED REVISED BILL FOR THE PERIOD 21.10.2021 TO 06.11.2021 ON THE BASIS OF CONSUMPTION RECORDED FROM 12.11.2021 TO 20.11.2021 ON SELF MADE FORMULA WHEREAS HON'BLE CGRF HAD DECIDED TO PREPARE THE BILL ON ACTUAL CONSUMPTION BASIS.

In the light of above decision, the Ombudsman was requested to direct the Respondent to implement the decision of the

Forum and gave suitable direction if there was some interpretation of wrong meaning of already decided issue.

(ix) Further, the Forum had also ordered not to charge any average for the period 07.11.2021 to 12.11.2021 (when Appellant remained without power supply) which was also acceptable and the Appellant did not want to file any appeal on this issue. The Respondent had also revised the bill on the basis of this decision thus there was no dispute in so far as charging of average during the period 07.11.2021 to 12.11.2021 was concerned.

(x) But order of the Forum on the following issues were challengeable being highly unjust, unnatural, without merits & non-speaking and were also against the natural justice which were detailed hereunder:-

Issue No.1: Order to charge fixed charges from 07.11.2021 to 12.11.2021 was challengeable;

Issue No 2: Cost deposited for CT/PT was not refundable;

Issue No.3: Compensation claimed was disallowed; and

Issue No.4: Since the amount was deposited in full, CGRF had not ordered to refund the amount with interest as per prevalent Regulation 31.1.5 of Supply Code, 2014.

The Appellant wanted to file an appeal before Hon'ble Ombudsman on all the above four issues for kind consideration and doing justice on the following grounds:-

- (xi) **Issue No.1:** Order to charge fixed charges for the period 07.11.2021 to 12.11.2021 was highly objectionable and unnatural. The Forum had disallowed the claim on the grounds that there were no regulations. If there were no regulations then it was also point of consideration that under what regulation the Appellant was kept without power for more than 7 days even after completing all the formalities and even showing readiness to get direct supply if the CT/PT or metering equipment was delayed for the reasons beyond control of PSPCL. As per Clause 3.2 of Annexure-1 (Minimum Standards of Performance) with reference to Regulation 22 of Supply Code, 2014 regarding minimum standard of performance was explained as under:

“COMPLAINT ABOUT METERS;

3.2 The distribution licensee shall replace a burnt meter within five working days of the receipt of a complaint. Supply to the consumer shall, however, be immediately restored even by bypassing the meter till such time a new meter is installed.”

From the above, it was very clear that consumer would not be left without power supply and the power supply would be

provided either through Meter, or alternatively if it was not feasible, the PSPCL would give **direct supply** as prescribed by its own rules. The Appellant requested to know from the Respondent through LOKPAL **under what rules/regulations of Supply Code, the supply for 7 days was kept OFF**. When there were no such rules prevailed to keep the consumer without power for 7 days without any reason, definitely, there should also be some special relief regarding exemption of fixed charges as this order of the Ombudsman would prove to be an advise for distribution offices to follow the rules/regulations for changing the Meter and restoring the power supply to innocent consumers who had to face the production and financial loss for no fault at consumer's end. **FIXED CHARGES ARE RECOVERABLE ONLY IF SUPPLY GIVEN BUT NOT USED BUT IN OUR CASE SUPPLY WAS NOT GIVEN, HENCE FIXED CHARGES WERE NOT RECOVERABLE.**

- (xii) **Issue No.2** **Cost of CT/PT was not refundable:** The Forum had disallowed the refund of CT/PT without observing that the Respondent had not followed the procedure as laid down in Regulation 21.4.1 of Supply Code, 2014 explained hereunder for ready reference:

"21.4 Defective/ Dead Stop/Burnt/Stolen Meters

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

As per above Regulation, the Respondent had to follow the above procedure. But in the Appellant's case, no such investigation report was prepared, nor served nor produced before the Forum. **Further the said meter was also within warranty period as it was installed in 08/2021.** The Forum had rejected the claim without seeing the above points.

It was also worthwhile to submit here that although it was an admitted fact that in the Appellant's original appeal the claim for CT/ PT cost was not submitted before CGRF, with verbal

assurance of the Respondent that deposited amount will be refunded later on after ME Lab final report. But the Respondent in its reply, submitted before the Forum, had tried to prove that CT/PT was damaged due to short circuit at the Appellant's end. Although this wrong statement was not based on any record but could weaken the Appellant's claim later on, therefore, the Appellant submitted CT/PT refund claim before the Forum through rejoinder dated 07.02.2022. Further, the Forum also considered it in its concluding para of the decision, but rejected the claim on wrong presumptions. Here it was worth mentioning that CT/PT meter was not burnt, only display was melted due to heat of transformer burning. Despite of melting of modem, it was still showing the readings. So, the assumption such taken might please be set aside. Therefore, the Lokpal was prayed to consider RIGHT OF APPEAL on this issue also as the order of the Forum had already been issued on this claim although not in the Appellant's favour but went to the Respondent's favour and the Appellant had equal right to file an appeal before the Appropriate Authority/Ombudsman as per order of the Forum.

- (xiii) **Issue No.3** Compensation claimed was disallowed. The CGRF had also disallowed the compensation as submitted in

rejoinder dated 07.02.2022 as entitled under Clause 3.2 of Minimum Standard of Performance under Regulation 22. But this order was non-descriptive, illogical, non-speaking and straightaway had no force in the eyes of law. Therefore, it was prayed to allow the compensation as allowed under above regulations or as admissible under any other regulations.

- (xiv) **Issue No.4** Since the full disputed amount was deposited under protest as per provision of Regulation 35.1.1 of Supply Code, 2014, being Current Energy bill dispute, the Appellant was eligible for interest as it was very clearly explained in Regulation 35.1.3 of Supply Code reproduced as below:

“35.1.3 If the amount paid by the consumer under Regulation 35.1.1 is in excess of the revised bill, such excess amount shall be refunded through adjustment first against any outstanding amount due to the distribution licensee and then against the amount becoming due to the distribution licensee immediately thereafter. The distribution licensee shall pay to such consumer interest on the excess amount at SBI’s Base Rate prevalent on first of April of the relevant year plus 2% from the date of payment till such time the excess amount is adjusted”.

- (xv) As per provisions of above Regulation, the Forum had not given any orders to revise the bill and decision was silent on this issue. It was prayed to issue directions to the Respondent to

refund the excess deposited amount with interest although the same was self speaking and applicable as a policy matter in all such type of cases. Since the revised bill issued by the Respondent as per its letter no. 508 dated 11.04.2022 was prepared on wrong calculations and without interest, suitable directions be also given to the Respondent to allow relief as admissible under rules. It was submitted for consideration with a prayer for justice.

(b) Submission during hearing

During hearing on 04.05.2022, the Appellant's Representative (AR) reiterated the submissions made in the Appeal and prayed to allow the same. He pleaded that cost of CT/ PT Unit may be refunded and informed the Court that he does not want to pursue other issues raised in the Appeal.

(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 a manufacturer of paper & board and consumer of PSPCL having LS connection bearing Account No. H54LS0100019 with Sanctioned Load/ CD as 425.308 kW/ 472 kVA at HT supply voltage level.

- (ii) The Appellant informed the office of the Respondent that on 06.11.2021, the transformer and cables got burnt due to fire. The connection of the Appellant was checked on 08.11.2021 by Sr. Xen/ Enforcement-cum-MMTS-III, Jalandhar vide ECR No. 21/330 and found that due to short circuit; transformer, G.O. switch, Meter and Modem got burnt. DDL of the meter could not be done.
- (iii) The Appellant was informed to deposit the cost of meter & CT/PT unit vide Memo No. 1694 dated 09.11.2021. The Appellant deposited ₹ 40,214/- as cost of CT/PT unit vide BA16 Receipt No. 290/52841 dated 09.11.2021 and ₹ 4,873/- as cost of meter vide BA16 Receipt No. 291/52841 dated 09.11.2021.
- (iv) The estimate for replacement of burnt CT/PT unit & meter was sent to the Senior Executive Engineer/ DS Suburban Division, Hoshiarpur on 09.11.2021 which was sanctioned by the Divisional office on 10.11.2021. Due to agitation by JE Council, the CT/PT unit could not be received from ME Lab, Jalandhar. So, after receipt of representation from the Appellant on 10.11.2021 that it had installed new transformer, the CT/PT unit & meter was replaced on 12.11.2021. The CBC, Jalandhar issued bill from 21.10.2021 to 20.11.2021 on proportionately

basis of having base of new consumption from 12.11.2021 to 20.11.2021 of 97660 kVAh and 88802 kWh. The Appellant did not agree with the bill on average basis. The Appellant deposited the bill under protest on 03.12.2021 and filed complaint before CGRF, Ludhiana. The Forum decided the case on 24.02.2022.

- (v) The AE/ DS Sub Division, Sham Chaurasi implemented the decision of the Forum. But due to some misinterpretation, the refund of ₹ 97,661/- was given to the Appellant in the bill of 04/2022. Now as per the correct interpretation, total refund of ₹ 1,49,244/- was calculated. The pending refund of ₹ 51,583/- would be adjusted in the next bill of the Appellant.
- (vi) As regards Issue No. 1 raised by the Appellant, the Respondent submitted that there was not any instruction of PSPCL for exemption of fixed charges. Also, the Appellant replaced his damaged transformer and informed to the PSPCL on 10.11.2021. If it would had installed the transformer earlier and informed to the office, the CT/ PT unit could had been installed earlier. The CT/ PT unit was replaced and supply was restored on 12.11.2021.
- (vii) As regards Issue No. 2, the Respondent submitted that as per ESIM Instruction No. 56.2 if the CT/ PT unit is burnt due to

reasons attributable to the consumer, the PSPCL shall debit the cost of the CT/ PT unit to the consumer who shall also be informed about his liability to bear the cost. As per ECR No. 21/330 dated 08.11.2021, Sr. XEN, MMTS-3, Jalandhar reported that due to short circuit in the premises of the Appellant, the Transformer and GO Switch were burnt and the fire also reached in the CT/ PT room. So, the amount charged to the Appellant was as per Regulation 21.4.1 of the Supply Code, 2014.

- (viii) As regards Issue No. 3, compensation claimed was disallowed by the Forum.
- (ix) As regards Issue No. 4, the Forum did not order to refund the amount with interest to the Appellant.

(b) Submission during hearing

During hearing on 04.05.2022, 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 claim of the Appellant regarding wrong implementation of the decision of the Forum, refund of fixed charges from 07.11.2021

to 12.11.2021, refund of cost deposited for burnt CT/ PT unit, Compensation for delay in restoring power supply and interest on amount of wrong bill remained deposited as per Regulation 35.1.3 of Supply Code, 2014.

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

- (i) The Appellant's Representative (AR) reiterated the submissions made by the Appellant in the Appeal. He pleaded that the Forum allowed only partial relief to the Appellant. The Appellant was satisfied with the decision of the Forum to the extent that the disputed bill was to be revised from 21.10.2021 to 06.11.2021 and 12.11.2021 to 20.11.2021 on the basis of actual consumption. But the Respondent did not implement the decision of the Forum correctly. So, he requested this Court to instruct the Respondent to correctly implement the decision of the Forum. Further he raised four issues on which the Appellant did not agree with the decision of the Forum. Issues raised were Refund of Fixed charges from 07.11.2021 to 12.11.2021, Refund of cost deposited for burnt CT/ PT unit, Compensation for delay in restoring power supply and Interest on amount of wrong bill remained deposited as per Regulation 35.1.3 of

Supply Code, 2014. He prayed to allow relief as admissible under rules.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and reiterated the submissions made by the Respondent in the written reply. The Respondent admitted that due to some misinterpretation of the decision of the Forum, the refund of ₹ 97,661/- was given to the Appellant in the bill of 04/2022. Now as per the correct interpretation, total refund of ₹ 1,49,244/- was calculated and the pending refund of ₹ 51,583/- would be adjusted in the next bill of the Appellant. As regards the other issues raised by the Appellant, he argued that since the Appellant replaced its damaged Transformer only on 10.11.2021, so the delay was on the part of the Appellant. As such, the claims of the Appellant for Refund of Fixed charges from 07.11.2021 to 12.11.2021 and for compensation for delay were not admissible. He argued that Sr. XEN, MMTS-3, Jalandhar reported vide ECR No. 21/330 dated 08.11.2021 that due to Short Circuit in the premises of the Appellant, the Transformer and GO Switch were burnt and the fire also reached the CT/PT room. So, the amount charged to the Appellant was as per Regulation 21.4.1 of the Supply Code, 2014 and Instruction No. 56.2 of ESIM. He further

argued that the Forum did not order to refund the amount with interest to the Appellant. He prayed for the dismissal of the Appeal.

(iii) The Forum in its order dated 24.02.2022 observed as under:

“Forum observed that Petitioner informed about occurrence of fire to respondent on 06.11.2021 and not before. Reading as on 06.11.2021 as per DDL report was 267684.9KVAH. Further as per ECR no. 21/330 dated 08.11.2021 it was found that due to short circuit at consumer end fire took place and transformer , GO switch, Meter and modem burnt and due to it fire reached in CT/PT room and heated up CT/PT unit.

From the above, keeping in view reply of the Respondent, Forum is of the opinion that account of the Petitioner be overhauled from 21.10.2021 to 06.11.2021 and 12.11.2021 to 20.11.2021 on basis of actual reading. Cost deposited for CT/PT unit is not refundable being fault at the end of Petitioner leading to short circuit which further was the cause of occurrence of fire leading to burning of transformer , GO switch, Meter and modem and heating up of CT/PT unit. Further there is no regulation regarding non-levy of fixed charges. Replacement of CT/PT unit was delayed due to agitation of JE council and further regarding direct supply in present case is to be dealt in accordance to CC 4/2021 as per which direct supply in case LS category consumers should be avoided and can be allowed only in extreme/dire emergency which in present has not been established, therefore no compensation can be allowed. Relevant regulation of Supply Code 2014 dealing with overhauling of accounts is as under:

*“21.5.2 Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters
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 Page 71 of 129 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.

“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.”

Forum observed that the Supply of the petitioner remained off from 06.11.2021 (date of intimation of fire) to 12.11.2021 due to which the period of 06.11.2021 to 12.11.2021 needs not to be overhauled as per regulation 21.5.2 of Supply Code and needs to be dealt in light of regulation 21.5.3 of Supply Code 2014.

Keeping in view of the above, Forum came to unanimous conclusion that, account of the Petitioner be overhauled from 21.10.2021 to 06.11.2021 and 12.11.2021 to 20.11.2021 on basis of actual reading. From 07.11.2021 to 12.11.2021 no overhauling is required and only fixed charges are recoverable. Cost deposited for CT/PT unit is not refundable being fault at the end of Petitioner leading to short circuit which further was the cause of occurrence of fire leading to burning of transformer , GO switch, Meter and modem and heating up of CT/PT unit. Further there is no regulation regarding non-levy of fixed charges. Replacement of CT/PT unit was delayed due to agitation of JE council and further regarding direct supply in present case is to be dealt in accordance to CC 4/2021 as per which direct supply in case LS category consumers should be avoided and can be allowed only in extreme/dire emergency which in present has not been established, therefore no compensation can be allowed.”

- (iv) 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 04.05.2022. It is observed by this court that the grievance of the Appellant regarding wrong implementation of the decision of the Forum has been addressed by the Respondent by agreeing

to allow additional Sundry allowance of ₹ 51,583/- to the Appellant. The Appellant also agreed to it during the hearing. The observations of this Court on four other issues raised by the Appellant in its Appeal are as under:-

- (v) **Issue No. 1 and 3- Refund of Fixed charges from 04.11.2021 to 12.11.2021 and Compensation for delay in restoring power supply:** The Appellant informed the Respondent after replacing its damaged Transformer only on 10.11.2021 after which the Respondent replaced the CT/PT unit and restored the power supply on 12.11.2021. So the delay was on the part of the Appellant and not the Respondent. The Appellant was not in a position to receive direct power supply from the Respondent because the transformer of the Appellant was damaged/burnt due to fire in the factory. This transformer was replaced on 10.11.2021 and supply was restored on 12.11.2021 within a reasonable time. So, I agree with the decision of the Forum on Issue No. 1 & 3 raised by the Appellant in its Appeal and no relief can be provided to the Appellant on these two issues. Further, the Appellant's representative pleaded during hearing on 04.05.2022 that he does not want to pursue these issues further because he is satisfied now with the decision of the Forum.

(vi) **Issue No. 2- Refund of cost deposited for burnt CT/ PT**

unit: The Appellant pleaded that the Respondent did not follow the procedure as laid down in Regulation 21.4.1 of Supply Code, 2014 and as such, it should be allowed the refund of the cost deposited for burnt CT/PT unit. On this issue, I agree with the argument of the Respondent that Sr. XEN, Enforcement-cum-E.A. & MMTS-3, Jalandhar reported vide ECR No. 21/330 dated 08.11.2021 that due to Short Circuit in the premises of the Appellant, the Transformer and GO Switch were burnt and the fire also reached the CT/PT room due to which the meter and the modem also got melted/burnt and the CT/PT unit got heated up due to fire. The Appellant's Representative also had put his signatures on this report which proved beyond doubt that the checking was done in his presence. This Court is of the opinion that due to heavy Short Circuit which occurred in the factory premises of the Appellant, the abovementioned equipments were damaged and the short circuit caused damage to the CT/PT unit also. So, the amount charged to the Appellant was as per Regulation 21.4.1 of the Supply Code, 2014 and Instruction No. 56.2 of ESIM and hence was not refundable.

(vii) **Issue No. 4- Interest on amount of wrong bill remained deposited as per Regulation 35.1.3 of Supply Code, 2014:**

The Appellant pleaded that since the full disputed amount was deposited under protest as per Regulation 35.1.1 of Supply Code, 2014, being current energy bill dispute, so the Appellant was eligible for interest on amount of wrong bill remained deposited as per Regulation 35.1.3 of Supply Code, 2014. I observed that the Appellant did not raise this issue before the Forum in its original petition but raised it in the Rejoinder and the Forum also did not consider this issue in its decision. The Appellant representative informed during hearing on 04.05.2022 that he does not want to pursue this issue now. So, this Court would not like to consider this issue at this stage.

(viii) In view of the above, this Court is not inclined to interfere with the decision dated 24.02.2022 of the Forum in case no. CGL-001 of 2022.

6. Decision

As a sequel of above discussions, the order dated 24.02.2022 of the CGRF, Ludhiana in Case No. CGL-001 of 2022 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.

May 04, 2022
S.A.S. Nagar (Mohali)

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