

**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. 22/2023

Date of Registration : 28.08.2023
Date of Hearing : 06.09.2023/14.09.2023
21.09.2023
Date of Order : 21.09.2023

Before:

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

In the Matter of:

Smt. Manjeet Kaur,
C/o Maa Baglamukhi Dham,
Singla Enclave, Pakhowal Road, Ludhiana.

Contract Account Number:U41ZD410088M (DS)
...Appellant

Versus

Senior Executive Engineer,
DS Suburban Division, PSPCL,
Lalton Kalan, Ludhiana.

...Respondent

Present For:

Appellant: 1. Sh. Gourav Goel,
Advocate.
2. Sh. Parvesh Chadha,
Appellant's Representative.

Respondent : Er. Maninder Kumar,
Senior Executive Engineer,
DS Suburban Division, PSPCL,
Lalton Kalan, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 13.07.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-067/2023, deciding that:

- i. *“Amount of Rs. 1709942/- charged to petitioner for 190856 units vide notice no. 1282 dated 18.11.2022, which was later charged as sundry charges in bill dated 28.03.2023, is correct and recoverable, however due credit of units exported to PSPCL as per reading of 4953.80 kWh recorded in export register of the meter as depicted in the DDL, be ensured.*
- ii. *CE/ DS, Central Zone, Ludhiana, is directed to investigate the matter of non-billing for a long period of about five years and action be initiated against the delinquent officer(s)/official(s) for recurring revenue loss to the PSPCL for such a long period.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 25.08.2023 i.e. within the stipulated period of thirty days of receipt of the decision dated 13.07.2023 of the CCGRF, Ludhiana in Case No. CF-067/2023, received by the Appellant's Representative on 26.07.2023. The Appellant did not submit any evidence in support of deposit of the requisite 40% of the disputed amount for filing the Appeal in this Court as required under Regulation 3.18 (iii) of PSERC (Forum & Ombudsman) Regulations, 2016.

The Respondent was asked vide letter no. 615/OEP/Smt. Manjeet Kaur dated 25.08.2023 to confirm whether the Appellant had deposited the requisite 40% of the disputed amount. The Respondent confirmed vide Memo No. 3907 dated 28.08.2023 that the Appellant had deposited ₹ 6,83,980/-, the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 28.08.2023 and copy of the same was sent to the Addl. SE/ DS Divn., PSPCL, Lalton Kalan for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 616-618/OEP/A-22/2023 dated 28.08.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 06.09.2023 and intimation to this effect was sent to both the parties vide letter nos. 630-31/OEP/A-22/2023 dated 01.09.2023. As scheduled, the hearing was held in this Court on 06.09.2023 and arguments of both the parties were heard. The Appellant's Representative (AR) requested for more time to file Rejoinder to the Reply by the Respondent. The Court accepted his request. He was directed to file his Rejoinder in this Court with a copy to the Respondent, well before next date of hearing. The Respondent was directed to produce the original A&A Form of the initial connection given

to the Appellant as well as all A&A Forms submitted later for extension of Load on next date of hearing.

The next date of hearing in this case was fixed for 14.09.2023 and intimation to this effect was sent to both the parties alongwith the copy of Proceedings dated 06.09.2023 vide letter nos. 640-41/OEP/A-22/2023 dated 06.09.2023. As scheduled, the hearing was held in this Court on 14.09.2023 and arguments of both the parties were heard.

On 14.09.2023 the Respondent produced the Copy of A&A Form submitted by the Appellant for extension of Load. He told the Court that the Original A&A Forms of the Appellant could not be traced. The Appellant's Representative (AR) requested for some more time. The Court accepted his request.

The next date of hearing in this case was fixed for 21.09.2023. Both the parties were directed to attend the Court on said date and intimation to this effect was sent to both the parties alongwith the copy of Proceedings dated 14.09.2023 vide letter nos. 662-63/OEP/A-22/2023 dated 14.09.2023. As scheduled, the hearing was held in this Court on 21.09.2023 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 DS Category Connection, bearing Account No. U41ZD410088M in the name of Smt. Manjit Kaur with Sanctioned Load of 14.00 kW under DS Suburban Division, PSPCL, Ludhiana.
- (ii) The Connection was being run for religious palace Mandir Maa Baglamukhi Dham at Singla Enclave, Pakhowal Road, Lalton Kalan. This Mandir had been running since 2014 with the Charity and CHRAWA (donation) from the Public/ Devotees. There was no other source of Income. There were no commercial activities like shops etc.

(iii) The Appellant had got her load extended from 2.69 kW to 7.00 kW in 01/2017 and again got it extended from 7.00 kW to 14.000 kW in 04/2017. Then the Appellant applied for installation of Solar System (SPV) in Mandir and same was installed at site/ premises in 05/2017 but the SCO/ IO was not issued as such Master file of the connection was not sent to concerned office/ Computer Cell by the Sub-Division. As such, the billing of the Connection of the Appellant did not start post installation of the Solar Meter. The site of the Appellant was checked by the AEE/ DS Sub Divn., Lalton Kalan vide LCR No. 42/564 dated 27.10.2022 when it was found that billing of the connection was not being done from the date of its installation of SPV Plant. The Appellant was then issued new Account No. U41ZD410088M vide SJO No. 128/45285 dated 27.10.2022 and billing to the account was billed for 190856 kWh units due to non-billing and an amount of ₹ 17,09,942/- was charged vide Notice No. 1282 dated 18.11.2022, which was issued to the Institution but not delivered. Later this amount was charged as sundry charges in bill dated 28.03.2023. As per Calculation Sheet provided to the Appellant, the amount was charged without Solar benefit and the Appellant didn't agree to the amount charged to her and filed the Case in the

Corporate Forum. The Appellant deposited 10% amount (on approval) as per procedure in the CCHP issued by the PSERC for hearing the Case as ₹ 1,70,955/- on 29.05.2023.

- (iv) The Forum had heard the case and decided the case against the Appellant by ignoring all facts/ point arose in the Petition/ Rejoinder and oral discussion. No Solar benefit was allowed even similar account detail was submitted to count for the energy generated by same capacity/ load SVP.
- (v) The PSPCL had not issued any energy bill after installation of Solar System. The old connection No. GT41/534-k was disconnected vide No. 164/64741 dated 26.07.2017, copy not given. FR-00678 (as per advice sent to computer). The office was contacted many times but it was replied that due to Solar System Energy Consumption/ bill is automatically adjusted. Every time Meter Reader visited the Temple for recording of both connections [this connection under dispute & A/c No. GT41/528w] and reply was same by the Meter Reader. The Meter was installed on the main gate of the Temple. He recorded readings but no bill was issued/ received so far. No records of readings recorded by the Meter Reader were produced during the proceedings in the Forum. The Meter Reader never talked of non billing of this disputed account.

- (vi) The Respondent had never issued the bills till 10/2022. There were two Connections and both were running. The second Connection having A/c No. GT41/528W was also for the Mandir which was Non-Solar Volt Panel (SVP). The PSPCL issued regularly bills of the second connection which were being paid regularly. The Mandir had no funds and was working on the donation and Charawa from public/ devotees. No such other source of income was available to the Institution/ Mandir to pay the huge amount.
- (vii) The SVP installed was damaged due to lightning and inverter was damaged alongwith one Panel Plate. The same was replaced with new inverter in 10/2020. This was authenticated from the data Plates fixed on it. Copies of both old and new inverters were produced during proceeding but the Corporate Forum ignored this point. The old inverter generated units were not available in the bidirectional meter, it was not possible that only 4953 kWh 5242 kVAh units were exported and solar generated units were 1220 kWh and 2084 (as per LCR no. 49/564 dated 27.10.2022:-

	<i>Old kWh</i>	<i>New kWh</i>	<i>MDI</i>	<i>Units</i>
<i>Import</i>	195810	202097	16	6287
<i>Export</i>	4953	5242	-	289
<i>Solar</i>	1220	2084	3	864

The following reading had appeared in LCR No. 09/575 dated 19.04.2023:-

	<i>Import</i>	<i>Export</i>	<i>Solar</i>
<i>kWh</i>	212981	5816	4402
<i>kVAh</i>	213518	5917	4424
<i>MDI</i>	13.32	4.30	5.84

The SVP was working and the version of the Forum not to consider the generation of Solar Panel was not as per rules.

(viii) The PSPCL had not installed Solar Check Meter as such the previous Generated units by SVP old inverter were not available in the record. Had that Meter was installed the facts would have been recorded but due to the negligence on the part of the PSPCL, the Appellant had been penalized.

(ix) After checking, this meter was installed vide SJO No. 128/45285 dated 27.01.2022. On 14.11.2022 (T&P meter) Sr. 305743 FLASH 3x10-60 IR-1220 kWh & 1225 kVAh and removed on 08.05.2023 on challenge.

Date	kWh	Unit	kVAh	Units	Days
14.11.2022	IR 1220	-	1225	-	-
08.05.2023	FR 4626	3406	4650	3425	229
08.05.2023	IR 22351	-	22634	-	-
09.06.2023	23294	943	23580	946	32
14.08.2023	25071	1777	25364	1783	67 MDI-5.42

(x) If this Solar Check Meter was installed in the very beginning i.e. in 05/2017 with the Main Meter then, this problem could

not arise. But due to the deficiency in services of the PSPCL, the Appellant's benefit of installed SVP has been seized and had been forced to suffer financial loss. No such benefit was provided in the Calculation Sheet. Hon'ble Court can check the Calculation Sheet.

- (xi) The Hon'ble Forum has also ruled out pattern submitted in rejoinder to consider a similar nature of Load and Solar consumption to solve the matter vide rejoinder Para no. 23 as similar Solar Roof Top connection with same load & solar capacity connection is running with Account No. 3005149567 in the name of Smt. Harjinder Kaur was attached for comparisons, who's load was 12.580 kW and Solar Panel was 10 kW. The Bill and consumption data was attached herewith.
- (xii) No remarks of rejections were given in the order passed on 14.07.2023. The detailed comparison for the consideration is as under:-

Consumption Data A/c no. 3005149567, Smt. Harjinder Kaur under Aggar Nagar Division, PSPCL, Ludhiana SL-12.80 kW SVP-10 kW

		REG.	Date	Readings	Status	Date	Readings	Status	Days	Total Units
Import from PSPCL	kWh	1	25.05.2023	55,201	O	27.03.2017	2	O	1866	55,199
	kWh	1		43,479	O		2	O		43,477
	kVAh	2		44,346	O		2	O		44,344
	MDI	3		7	O		0	O		7
Export to PSPCL	kWh	4		40,494	O		2	O		40,492

	kVAh	5		41,690	O		2	O		41,688
	MDI	6		7	O		0	O		7
Net	kWh	7		2,984	O		2	O		2,982
	kVAh	8		2,656	O		2	O		2,654
	MDI	9		0	O		0	O		0

The above data was of status of “OK” meter and relied upon.

(xiii) The Appellant requested that the SVP consumption benefit be allowed to be given to charge in our bill for the maximum period as per Limitation Act.

(xiv) The Respondent had also violated the ESIM-2018 Instruction No. 93.2 and cannot claim the bill not more than 2 years old according to Limitation Act 56 (2) which is as under:-

“93.2 Limitation:

Under Section 56(2) of the Act, no sum due from any consumer shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied.”

(xv) In these orders dated 14.07.2023 at 2nd Para at page 19, corporate Forum ruled out the above limit by quoting the reference of Legal Advisor, PSPCL, Patiala vide Memo No. 12/76/LB-3(1399)21 dated 24.01.2022 in the Case of Hon’ble Supreme Court decided in a similar nature case of M/s. Prem Cottex Versus Uttar Haryana Bijli Vitran Nigam Ltd. Ors. filed against Civil Appeal No. 7235 of 2009 as under: -

Regarding, issue no. 2, Hon’ble Supreme Court in Para 24 & 25 of this judgment observed as follows:

“24. Subsection (2) uses the words “no sum due from any consumer under this Section.” Therefore, the bar under Subsection (2) is relatable to the sum due under Section 56. This naturally takes us to Subsection (1) which deals specifically with the negligence on the part of a person to pay any charge for electricity or any sum other than a charge for electricity. What is covered by Section 56, under subsection (1), is the negligence on the part of a person to pay for electricity and not anything else nor any negligence on the part of the licensee.

In other words, the negligence on the part of the licensee which led to short billing in the first instance and the rectification of the same after the mistake is detected is not covered by Subsection (1) of Section 56. Consequently, any claim so made by a licensee after the detection of their mistake, may not fall within the mischief, namely, “no sum due from any consumer under this Section,” appearing in Subsection (2).”

- (xvi) The decision of Forum was not correct and acceptable as in this case, the bill was never issued from the D.O.C. i.e. 05/2017. As such para 24 was not related because the Appellant had not at negligence to pay. The PSPCL was negligent. No such bill was ever issued and no such dues were pending before 10/2022 at the time of first checking. That’s why the Forum had directed to enquire into.
- (xvii) Similarly para 25 was not applicable because it was not the case of short billing in the first instance and the rectification of the same after the mistake was detected. Therefore, the Limitation Act” Under Section 56 (2) of the Act, no sum due from any Consumer shall be recoverable after the period of two years from the date when such sum became first due” was

applicable in this Case and appellate was ready to pay for 2 years to be revised after adjusting Solar consumption.

(xviii) The Corporate Forum had not gone through the points raised in the petition of

(a) Inst. No. 93.1 of ESIM-2018 Why the entire supplementary bill was not issued on or after the checking on 27.10.2022 and withheld the big amount till 03/2023. After issuing two bills it was charged directly in the bill of 03/2023.

(b) As per Inst. No.91.1 of ESIM-2018 had any TDCO after 15 days of due date of Notice dated 26.10.2022 and similar of Notice dated 18.11.2022 were issued? The PSPCL amount was outstanding to the tune of ₹ 17,09,942/-, it was added in the PSPCL issued notices in their own record and not handed over. They had not produced any acknowledgements of both notices, due to this reason they had not issued any TDCO/ PDCO where a big amount was involved and PDCO's after 30 days was mandatory according to Reg. 32 of Supply Code, 2014.

(c) The PSPCL in reply admitted that Solar Check Meter was not installed and submitted that "Solar Meter" was only to show the generation of Solar Panel Energy and it did not affect the energy consumed by main meter. A false and assumed reply was furnished by the PSPCL, the Solar Energy Meter was

showing the generated units which were adjusted in the main consumption while issuing the bill every month. If it was not required for any purpose then why this had been installed now. As explained in para no. 3 above had they installed this Solar Check Meter, the correct billing had been done by adjusting the generated Solar energy now from the main meter consumption.

(d) The Respondent had failed to comply with the Instruction no. 81.1.1 of ESIM-2018 as they failed to issue first bill within 60 days from its release, as such cannot claim more than 2 years, which is as under:-

“82.1.1 As per instructions issued vide CC No. 40/2017 dt. 27/09/17 after issue of meter against the SCO for release of new connection/extension in load, the first bill should be issued within 60 days of issue of SCO for LT consumers having load less than 20 kW. In case the SCO is not completed for billing, the bill shall be prepared levying fixed charges on pro rata basis for the number of days for which supply is given during the billing cycle on completion of the group. The SDO/ RA/ JE/ DS shall ensure meticulous compliance of said instructions otherwise strict action shall be initiated on that account.”

(e) The Respondent had to check the connection according to Inst.106.1.1 of ESIM-2018 but violated the same. No such checking was ever conducted. Now replying that this instruction was not applicable being non billing case.

- (xix) The Respondent was taking the decision more than instruction of EA-2003, ESIM-2018 Inst. 106.1.1 & instructions issued by the PSERC. This was clear cut harassment case and the Respondent was sheltering their staff of this lapse of non issuing bill more the 5 years. The PSPCL staff was not taking regular readings even when staff was coming regularly for recording the readings of the other connection.
- (xx) The Meters were challenged and it was pointed out that Solar check meter which was installed on 14.11.2022 vide SJO No. 128/45285 dated 27.10.2022 Installed with IR-1220 kWh & 1225 kVAh but during DDL it recorded consumptions prior to its date of installation is as below:- (w.e.f 01.04.2022 as under)

BILLING HISTORY 305743				
RESET DATE	kWh	Units	kVAh	Units
AT 00.00 HRS				
01.06.2023	4626.99	0.01	4650.73	0
01.06.2023	4626.98	79.97	4650.73	80.49
01.05.2023	4547.01	625.48	4570.24	629.18
01.04.2023	3921.53	797.08	3941.06	801.24
01.03.2023	3124.45	639.43	3139.82	643.51
01.02.2023	2485.02	451.34	2496.31	453.95
01.01.2023	2033.68	460.23	2042.36	462.96
01.12.2022	1573.45	352.61	1579.4	354.46
14.11.2022	1220.84	1	1224.94	1.09
07.08.2022	1219.84	598.09	1223.85	298.24
01.06.2022	621.75	93.38	925.61	394.01
01.05.2022	528.37	208.04	531.6	208.96

01.04.2022	320.33	320.33	322.64	322.64
427 Days	-	4626.99	-	4650.73

It was a Repaired Meter and installed on 14.11.2022 at IR 1220 kWh and 1225 kVAh as such the Actual Consumption was recorded:-

DALIY LOAD SURVEY REORT-100DAYS Sr-305743					
	kWh	Units	kVAh	Units	
14.11.2022	1220		1222		
28.01.2023	2422.88	1202.88	2433.83	1211.83	75 Days
01.06.2023	4626.98	2204.10	4650.73	2216.90	124 Days
199 Days		3406.98		3428.73	

The above data was not relied upon

- (xxi) The decision of the Corporate Forum had not given justice to the Appellant. It was prayer that justice be made with the Appellant by setting aside the order dated 14.07.2023.
- (xxii) Keeping in view the facts stated above it was requested that the account be charged only for previous 2 years from the date of checking date vide LCR No. 42/564 dated 27.10.2022 after deducting the Solar units produced as per the data submitted in Para no. 6 (above) of account No. 3005149567 which had already been considered by the PSPCL while issuing the electricity bills to one Smt. Harjinder Kaur.

(xxiii) As this was a religious institution and has no source of income except charawa of devotees, so it was again requested to consider the case of the Appellant sympathetically.

(b) Submissions in Rejoinder

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

- (i) The alleged Notices Memo No.1211 dated 28.10.2022 and Memo No.1282 dated 18.11.2022 were never sent to the Appellant. These were issued but kept pending with them. Neither these were refused nor were denied to accept by anybody in Mandir. It was totally false & fabricated story to shelter their own negligence. Had we refused to accept both notices, the Respondent had option to send these by **Registered Post**. Even the copies produced before the Corporate Forum, Ludhiana during the proceedings it was not mentioned "REFUSE"/ "DENIED". It was also not mentioned on these notices which person had refused/ denied and also by whom (name of person) through which were sent to deliver i.e. name of Bill Distributer or Peon.
- (ii) It was further added after checking, the Appellant had met SDO/ Xen personally but they didn't handover the notices alleged to be refused by some one of Mandir like Pujari as the

Mandir remain open from 4.00 A.M. [morning] to 10.00 P.M. [night]. No such efforts were made to deliver these notices to the Appellant.

- (iii) Why they had not issued TDCO/ PDCO on refusal to disconnect the supply. They directly debited the amount in the current bill in 03/2023 and violated the **Instruction no. 93.1 of ESIM-2018.**
- (iv) Para No.1 of the reply was wrong and denied and that of the Appeal was correctly stated and reiterated here. It was absolutely absurd to say that the Appellant did not communicate with any official of DS Sub Division, Lalton Kalan through any medium possible, regarding the non-billing of the electricity connection. The Appellant and representative of Mandir visited many times and since the installation on SVP meter, so many officers & officials were changed during this period i.e. 05/2017 to 10/2022 and even Meter Readers were telling every times that due to solar panel, electricity bills were not issued and were being adjusted automatically. The Appellant had never been told by anybody/ Meter Reader that this meter (under dispute) was not under his charge. This content was also not given before the Corporate Forum, Ludhiana. In this regard, it was clear here that the reply

submitted in Para No. 1 was again wrong. The second connection was running in DS category with same ledger A/c no. GT41/528W having sanctioned load of 10.20 kW in the name of Kaveerdeep Singh S/o Joginder Singh. This piece of land was at the adjoining back side of Mandir and had been merged to extend the Mandir namely Maa Bagla Mukhi Dham registered. The meter was already installed before the purchasing and change of name was not applied but will be done after the solution of this dispute. The reading of both the meters were under the charge of the same Meter Reader and still the same Meter Reader was recording regular monthly readings. The approach passage was from the front side of Main Gate of Mandir where the disputed meter was installed outside the wall of the Mandir.

- (v) The Para No. 2 of the reply needs no rejoinder. The Mandir has no funds and was working on the **donation and Charawa from Publics-Devotees**. No such other source of income was available to the Institution-Mandir to pay the huge amount. If the PSPCL issued every month bill regularly then it was easy to pay by Mandir.

“The Petitioner having DS connection with sanctioned load of 14.00KW under DS Suburban Division, PSPCL, at Lalton kalan Ludhiana, Petitioner got the load extended from 2.69

KW to 7.00 KW in 01/2017 and again got it extended from 7.00 KW to 14.000 KW in 04/2017. Petitioner then applied for installation of Solar System (SPV) in MANDIR and same was installed at site/ premises in 05/2017 but the S.C.O/I.O. was not issued as such Master file of the connection was not sent to concerned Office/Computer Cell by the Sub-Division. As such, due to which billing of the connection of the petitioner did not start post installation of the solar meter? The site of the petitioner was checked by AEE/Op. Lalton Kalan vide LCR no. 42/564 dated 27.10.2022 when it was found that billing of the connection was not being done from the date of its installation of SPV plant. Petitioner was then issued new account no. U41ZD410088M vide SJO no. 128/45285 dated. 27.10.2022 and billing to the account was billed for 190856 KWH units due to non-billing and an amount of Rs. 1709942/- was charged vide notice no. 1282 dated 18.11.2022 was issued to Institution but not delivered. Later this amount was charged as sundry charges in bill dated 28.03.2023. As per calculation sheet provided to the appellant, the amount charged without SOLAR benefit & Petitioner did not agree to the amount charged to us and filed the case in Corporate CGRF, Ludhiana. The appellant deposited 10% amount (On approval) as per procedure in CCHP issued by PSERC for hearing the case as Rs. 1,70,955/-on dt. 29-05-2023. Receipt No. 53/75289. The Forum heard the case and decided the case against the appellant by ignoring all facts/ point rose in petition/ rejoinder & Oral discussion. No Solar benefit was allowed even similar account detail was submitted to count for the energy generated by same capacity/load SPV.”

(vi) The Para No. 3 of the reply was wrong and denied and that of the Appeal was correctly stated and reiterated here. It was absolutely absurd to say that the damage and replacement of solar inverter cannot be co-related with billing of the account. It was incorrect that the meter recording export as well as import of energy was never challenged by the Appellant as alleged. It was further incorrect that in voltage related events, the total exported energy units during the period from 19.02.2019 to 27.09.2022 was same. It was incorrect that on the date 27.10.2022 of checking report, the same export reading was recorded from the Bi-Directional meter. It was incorrect that the same reading on the alleged dates clarifies that solar system was not working or not exported any energy. It was incorrect that solar started working after the date of checking as alleged. The SPV was damaged in the month of 10/2020. It was related to the generated units recorded in main meter and are related to billing. Had they recorded regular readings that facts were available on record? The old inverter generated units were not available in the bi-directional meter. The Respondent had intentionally concealed these material facts.

(vii) The Para No.4 of the reply was wrong and denied and that of the Appeal was correctly stated and reiterated here. It was

absolutely incorrect that the non-installation of solar meter did not affect the billing of the solar account or the same was installed only to complete the logic of the billing as alleged. In fact, the installation of Solar Check Meter was compulsory to check the generation of SPV energy. **If it was not necessary then why it was installed after the checking in 10/2022 itself by PSPCL.** No such representation was obtained from the Appellant. Furthermore, it was mandatory to install but was ignored and the Appellant was in financial losses as the benefit of **Solar generated units** was not given in the calculation sheet.

(viii) The Para No. 5 of the reply was wrong and denied and that of the Appeal was correctly stated and reiterated here. It was absolutely incorrect that the non-installation of solar meter did not affect the billing of the solar account. In fact, the units prior to 10/2020 of damaged of inverter were not available in Bi-directional meter and these would have been available in **Solar Check Meter** which was not installed due to negligence on the part of PSPCL and the benefit of the Appellant of solar generation has been seized. The instructions were there to install this check meter but the same were ignored by the officials of the Respondent negligently.

- (ix) The Para No. 6 of the reply was wrong and denied and that of the Appeal was correctly stated and reiterated here. It was absolutely incorrect that the data of other similar connection cannot be compared with this connection. It was also incorrect that the main meter has recorded all the import and export units or the meter accuracy was found correct in the ME report. In fact, the data of same DS connection of same load & Solar Plant of same capacity should be considered to solve the issue. That in the connection a/c no. 3005149567 the **Inverter was not damaged and Solar Check meter was installed** but in the case of the Appellant both were not. The regular billing was done without any break to a/c no. 3005149567 and no such billing was done in Appellant's case. The Mandir has been forced to this litigation due to the negligence of PSPCL staff.
- (x) The Para No. 7 of the reply was wrong and denied and that of the Appeal was correctly stated and reiterated here. It was absolutely incorrect that the contention under point no. 7 was not maintainable. In fact, the contention under point no. 7 was fully maintainable. The Bills were never issued since 05/2017 as admitted by Respondent in Para no. 2 in the reply. The PSPCL can have only to claim of past bills only if issued regularly and any short assessment/ defect in billing was

detected later on. The Hon'ble Supreme Court had passed order **in Civil Appeal No. 7235/2009** regarding any mistake detected was not covered in Subsection(1) and clarified that the short billing in first instance and rectifying the same after mistake detected was not covered under Subsection (1) of Section 56. The case contents were regarding wrong MF, short assessment, which was circulated by PSPCL Legal Section Patiala vide Memo No. 12/76/LB-3(1399)21 dated 24.01.2022.

- (xi) The Hon'ble Lokpal can check the judgment **Civil Appeal No. 7235/2009** vide Para No. 26 at page no. 15 &16 reproduced as under that, reference **the same is very much clear that Limitation Act is applicable in our case:-**

“26 The matter can be examined from another angle as well. Subsection (1) of section 56 as discussed above, deals with the disconnection of electric supply if any person, neglects to pay any charge for electricity”. The question of neglect to pay would arise only after a demand is raised by the licensee. If the demand is not raised, there is no occasion for a consumer to neglect to pay any charge for electricity. Sub-section (2) of Section 56 has a non-obstante clause with respect to what is contained in any other law, regarding the right to recover including the right to disconnect. Therefore, if the licensee has not raised any bill, there can be no negligence on the part of the consumer to pay the bill and consequently the period of limitation prescribed under Sub-section (2) will not start

running. So long as limitation has not started running, the bar for recovery and disconnection will not come into effect. Hence the decision in *Rahamatullah Khan and Section 56(2)* will not go to the rescue of the appellant.

- (xii) Hence from the aforementioned proposition it was crystal clear that the Licensee cannot recover the amount beyond the period of Limitation i.e.2 years.
- (xiii) The Para No. 8 of the reply was wrong and denied and that of the Appeal was correctly stated and reiterated here. As already explained in history that both the **notices** were never sent to Appellant. These were issued but kept pending with them. Neither these were refused nor denied to accept by anybody in **Mandir**. It was totally false & fabricated story to shelter their own negligence. Had the Appellant refused to accept both notices? The Respondent had the option to send these by **Registered Post**. 2nd option was to **paste** these notice on the Main Gate of Mandir. Even the copies of that notices produced before the Corporate Forum, Ludhiana during the proceedings it was not mentioned **”Refused”** or **“Denied”**. It was also not mentioned on these notices which person had refused/ denied and also through whom were sent to deliver i.e. name of Bill Distributer or Peon.

- (xiv) It was further added after checking, the Appellant met SDO/ Xen personally but they didn't handover the notices being refused by some one of Mandir like Pujari as the Mandir remained open from 4.00 A.M. (morning) to 10.00 P.M.(night). The Respondent was furnishing wrong statement and was unable to prove regarding the delivery of these two notices. Had the Appellant refused to accept the notices, PSPCL could have disconnected the supply which involved high revenue to the tune of ₹ 17,09,942/-. The PSPCL raised this disputed amount directly in the energy bill of 03/2023 by violating Instruction No. 93.1 of ESIM-2018.
- (xv) The solar meter was mandatory to install by PSPCL and in this case it was affected assessment of the solar generation energy. Why it was installed after 10/2022 on checking. Due to defect arise in SVP by natural effect of Lighting, this check meter was helpful to solve the issue.
- (xvi) The **Instruction No. 104.1.1 of ESIM-2018** was fully applicable if it was obeyed. The meter was installed in open area outside of Mandir. No JE/ Meter Inspector who were deputed/ posted for the purpose had not checked the site in the last 5 years (under dispute). The PSPCL had not allotted a/c no. as replied and hence remained deficient in service. The PSPCL

be exonerated by just forcing Mandir to pay such a huge amount. It was requested that the Respondent be directed to submit the status report of the enquiry as ordered by Corporate Forum, Ludhiana. The Mandir had no source of income except charawa of devotees.

(xvii) The action was being taken against the effected persons of negligence to this non-billing did not solve the purpose of Mandir. Due to the negligence the harassment was created to the Appellant and forced to pay ₹ 17,09,942/-. The PSPCL should recover the loss of revenue from the officials/ officers.

(xviii) The Respondent had not replied to the point raised in the **Instruction no. 81.1.1 of ESIM-2018** as they failed to issue first bill within 60 days from its released and as such cannot claim more than 2 years from 10/2022 date of checking.

(xix) The Respondent had not replied to point raised in Appeal as per **Instruction No. 91.1 of ESIM-2018** had any TDCO after 15 days of due date of Notice No. 1211 dated 26.10.2022 and similar of Notice No. 1282 dated 18.11.2022 were issued? The PSPCL amount was out stands ₹ 17,09,942/-. This proves that the notices were not delivered by the issuing authority i.e. SDO concerned, Lalton Kallan and who was well known about this non delivery of notices.

(xx) The Para No. 9 of the reply was wrong and denied and that of the Appeal was correctly stated and reiterated here. **That the decision of Corporate Forum, Ludhiana was not a justice with the Appellant.** It was prayed that justice be made with the Appellant by setting aside the order dated 14.07.2023.

(xxi) Keeping in view the facts stated above it was requested that the account be charged Being religious place Mandir “MAA BAGLAMUKHI DHAM” only for previous 2 years from the date of checking date vide LCR No. 42/564 dated 27.10.2022 after deducting the Solar units produced as per the data submitted in the Appeal and rejoinder in the Para No. 6 (above) of account no. 3005149567 which has already been considered as correct by PSPCL while issuing the electricity bills to one Smt. Harjinder Kaur. Apart from this, it was submitted despite order made by the Corporate Forum, Ludhiana vide dated 13.07.2023 the Licensee had not taken any steps towards adjusting the due credits of units exported to PSPCL and so much no compliance has been made by licensee to investigate the matter of non-billing of about 5 years and no action has been initiated yet against the erring, delinquent officers for loss to PSPCL as well as humiliation to the Appellant who was Non Profitable institute as the same is Temple of Maa Bagla Mukhi

which never earn and being religious activities were carried on for social cause and was fully surviving on offering of devotees.

(xxii) It is again humbly submitted that aforesaid compliance was to complied within 21 days from the order passed by the Corporate Forum, Ludhiana, which reflects about the high hastily and arbitrarily attitudes of licensee department.

(xxiii) As this is a religious institution Mandir called "MAA BAGLAMUKHI DHAM" and has no source of income except Charawa of devotees so it is again requested to consider our case sympathetically and give relief.

(c) Submission during hearing

During hearings on 06.09.2023, 14.09.2023 and 21.09.2023, the Appellant's Representative (AR) reiterated the submissions made in the Appeal as well as in the Rejoinder 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 old a/c no. U41DD122557X with sanctioned load of 7.90 kW was running under DS Category Connection for religious

place Mandir Maa Baglamukhi Dham at Singla Enclave, Pakhowal Road, Lalton Kalan in the name of Smt. Manjit Kaur.

- (ii) The Appellant got its load extended from 7.90 kW to 13.90 kW through BA 16 No.335/49523 dated 26.04.2017. Due to load extension, new account of GT ledger was allotted to the Appellant i.e. U41GT410534K.
- (iii) The Appellant had applied for solar connection having 10 kW load vide online registration RID No. 7215 dated 26.04.2017 and purchased a new bidirectional 3 phase meter (PBB48909) on 06.05.2017. The Appellant had deposited the meter testing fee vide BA 16 No. 50/49664 dated 18.05.2017 and the meter was got tested in ME Lab vide Challan No. 242 dated 19.05.2017. The already installed Energy Meter was disconnected and removed from the site and after the acceptance of the online application for Solar bidirectional meter (Net meter) under solar category was installed at the site of the Appellant on the date of removing the old Energy Meter (GT41/534K) dated 26.07.2017. But during installation of bidirectional meter (Net meter), solar meter was not installed at the site of the Appellant.
- (iv) The old connection (U41GT410534K) of the Appellant got disconnected and advice was also sent to the Computer Cell for

affecting PDCO in the system and the billing of the connection under solar category did not get started.

- (v) The site of the Appellant was checked by the Officer of Sub division, Lalton Kalan vide LCR No. 42/564 dated 27.10.2022 and it was found that this was a non-billing case. The new solar account no. U41ZD410088M was allotted to the Appellant vide SJO No. 128/45285 dated 27.10.2022. Subsequently, two notices were issued to the Appellant vide Memo No. 1211 dated 28.10.2022 and Memo No. 1282 dated 18.11.2022 to deposit the amount of ₹ 17,09,942/- for 190856 units. But the Appellant had denied to accept the notices and said that it had already paid the bills and verbally asked for some time to produce the record for the paid bills. The Appellant had failed to produce the record for the paid bills and the same was charged to the Appellant vide SCA No. 6/3/242 for the amount of ₹ 17,09,942/- in the month of March, 2023 for 190856 units.
- (vi) The Appellant had challenged its meter by depositing the challenging fee at Sub division, Lalton Kalan vide BA 16 No. 274, 275, 276/55286 dated 19.04.2023. The meter was checked in ME Lab and as per report it was found that meter accuracy was accurate.

- (vii) The Appellant had filed its petition in Corporate Forum, Ludhiana after depositing 10% amount (on approval) i.e. ₹ 1,70,955/- of the total disputed amount vide BA 16 No. 93/55289 dated 29.05.2023.
- (viii) The Corporate Forum, Ludhiana heard the petition and decided the case on 13.07.2023.
- (ix) The Appellant never visited the Sub Division, Lalton Kalan and did not communicate to official of the Sub Division, Lalton Kalan regarding the non-billing of the electricity connection. The other meter (a/c no. GT41/528W) about which the Appellant was discussing was located at back gate of the premises and solar meter with account no. ZD41/0088M was located at front gate of the premises. Moreover the meter readers of both the accounts were different.
- (x) The Respondent admitted that no bills were issued till 10/2022. The bills of the connection no. GT41/0528W were issued on time and the same were paid by the Appellant on time.
- (xi) The Respondent stated that as the Appellant, the solar inverter got damaged and replaced in 10/2022 and this cannot be correlated with billing of the account because the bidirectional meter recorded both energy export as well as import and the

meter was also challenged by the Appellant and meter was found accurate as per ME Lab report.

- (xii) The DDL report bearing Sr. No. PBB48909 was downloaded on 01.06.2023 and it clarified that in voltage related events the total exported energy units during the period from 19.02.2019 to 27.09.2022 was same i.e. 4953 kWh units. Also on the date of checking on 27.10.2022, the same export reading was recorded from the Bi-directional meter in the checking report. The same readings on above mentioned dates clarified that solar system was not working or not exported any energy. After checking, DDL report dated 25.01.2023 showed the export reading increased to 5302 kWh, which meant solar started working after the date of checking.
- (xiii) The units exported by SVP were already recorded in the net meter and non-installation of solar check meter does not affect the billing of the solar account. Therefore, the Appellant had not suffered any financial loss due to this issue.
- (xiv) The data of other similar connection cannot be compared with this connection as the main meter has recorded the all the export and import units also the meter accuracy was found correct in the ME Lab report.

(xv) The contention under Point No. 7 of the Appellant is not maintainable that the amount prior to two years is not recoverable as the same was also explained by the Corporate Forum, Ludhiana while making its decision that Section 56 (2) of Limitation Act is not applicable on this case and given the reference of similar nature case M/s. Prem Cottex versus Uttar Haryana Bijli Vitran Nigam Ltd. decided by Supreme Court of India and the same was circulated by o/o Legal Advisor, PSPCL, Patiala vide Memo No. 12/76/LB-3(1399)21 dated 24.01.2022 as under:-

Regarding, issue no. 2, Hon'ble Supreme Court in para 24 & 25 of this judgement observed as follows:

“24. Subsection (2) uses the words “no sum due from any consumer under this section”. Therefore, the bar under subsection (2) is relatable to the sum due under section 56. This naturally takes us to subsection (1) which deals specifically with the negligence on the part of a person to pay any charge for electricity or any sum other than a charge for electricity or any other sum other than a charge for electricity. What is covered by section 56, under subsection (1), is the negligence on the part of a person to pay for electricity and not anything else nor any negligence on the part of the licensee.

25. In other words, the negligence on the part of the licensee which led to short billing in the first instance and the rectification of the same after the mistake is

detected is not covered by subsection (1) of section 56. Consequently, any claim so made by licensee after the detection of their mistake, may not fall within the mischief, namely, “ no sum due from any consumer under this section” appearing in subsection(2)”.

- (xvi) After checking the site on 27.10.2022, the notices were issued to the Appellant vide Memo No. 1211 dated 28.10.2022 and Memo No. 1282 dated 18.11.2022 but the Appellant had denied to accept the notices. The Appellant had said that it had already paid the bills and asked some time to produce the record of the same. The Appellant had failed to produce the record of the paid bills and the same amount was charged to the Appellant vide SCA No. 6/3/242 with an amount of ₹ 17,09,242/- in the month of March, 2023 for 190856 units.
- (xvii) If solar meter was not installed at the site, then it did not affect the billing of the appellant arithmetically because billing was done as per the import-export units of main meter.
- (xviii) Instruction No. 106.1.1 of ESIM-2018 was not applicable in this case because it was a non-billing case and after installation of the meter no account was allotted to the Appellant of this account.
- (xix) Also, the staff was not sheltered by the PSPCL and the investigation was already started on the officials of that period

and the explanation regarding this was already called from them.

(xx) It was correct that the solar check meter which was installed at the site of the Appellant was reused meter with IR-1222 kWh & 1225 kVAh and while billing of the Appellant this reading was taken into consideration and started from this reading only. The DDL report showed the data of the meter from starting only that's why DDL report was showing data prior to the date of installation.

(xxi) As per the above stated facts and reply, it is clear that all the amount charged to the Appellant due to non-billing for the said period is recoverable.

(b) Submission during hearing

During hearings on 06.09.2023, 14.09.2023 and 21.09.2023, 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 amount of ₹ 17,09,942/- charged to the Appellant for 190856 units vide Notice No. 1282 dated 18.11.2022 on account of non billing of her connection from 05/2017 to 10/2022 after installation of

SPV plant by her and claim of the Appellant that she be given credit of more units for electricity produced by her Solar plant against credit of 4593.80 units given by the Corporate Forum in this regard.

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

- (i) The Corporate Forum in its order dated 13.07.2023 observed as under:-

“Forum observed that petitioner got her load extended from 2.69 KW to 7.00 KW in 01/2017 and again got it extended from 7.00 KW to 13.900 KW in 04/2017. Petitioner then applied for installation of solar plant and same was installed at her premises in 05/2017 but the master file of the connection was not sent to concerned Office by the Sub-Division due to which billing of the solar connection of the petitioner did not start. The site of the petitioner was checked by AE/Op. Lalton Kalan vide LCR no. 42/564 dated 27.10.2022 when it was found that billing of the connection was not being done from the date of its installation of SPV plant. Petitioner was then issued new account no. vide SJO no. 128/45285 dated 27.10.2022 and his account was billed for 190856 units due to non-billing and an amount of Rs. 1709942/- was charged and notice no. 1282 dated 18.11.2022 was issued to her. Later this amount was charged as sundry charges in bill dated 28.03.2023. Petitioner did not agree to the amount charged to her and filed her case in Corporate CGRF, Ludhiana.

Forum observed that the petitioner has raised dispute regarding bill dated 28.03.2023 in which an amount of Rs. 1709942/- has been charged as sundry charges. As per the

petitioner, a solar plant was installed by him in May 2017 and thenceforward no bill was issued to him. As per the Respondent petitioner had applied for installation of Solar Plant of 10 KW capacity vide Online Registration no. 7215 against which bi-directional meter was installed for his connection but billing against the same could not start as master file of solar meter was not sent by the Sub-Division. Site of the petitioner was checked up and LCR no. 42/564 dated 27.10.2022 was prepared on the basis of which, it was found a case of non-billing. New account no. U41ZD410088M was issued to the prosumer petitioner and amount of Rs. 1709942/- for a consumption of 190856 units was charged vide SCA no. 6/3/242 in the bill dated 28.03.2023. Forum perused LCR no. 42/564 dated 27.10.2022 and observed that Secure Make bi-directional meter bearing Sr. No. PBB48909 had recorded the following readings: -

	Import	Export	Net
KWH	195810	004953	190856
KVAH	196318	005080	193743
MDI		13.78	

Petitioner did not agree to the working of the meter and challenged the meter on dated 19.04.2023. Bi-directional meter was replaced vide MCO no. 83/95513 dated 19.04.2023 and was checked in ME Lab vide challan no. 65 dated 01.06.2023 wherein it was reported as under: -

“ਮੀਟਰ ਦੇ ਰਿਜਲਟ ਸੀਮਾ ਵਿੱਚ ਹਨ। DDL MRI ਤੇ ਲੈ ਲਿਆ ਗਿਆ ਹੈ।”

ME Lab report confirmed that readings of the meter as recorded in LCR no. 42/504 dated 27.10.2022 are correct.

Respondent submitted the DDL report of the bi-directional meter wherein it is depicted that Export reading of the meter was static at 4953.80 KWH for the period from 19.02.2019 to 27.09.2022. This means that no energy was exported to PSPCL during the period from 09.02.2019 to 27.09.2022. During proceedings dated 06.06.2023, Forum directed Respondent to clarify the remarks

“ਮੇਕੇ ਤੇ ਸੇਲਰ ਸਿਸਟਮ ਕੰਮ ਨਹੀਂ ਕਰ ਰਿਹਾ ਹੈ” in LCR no. 42/564 dated 27.10.2022. Respondent submitted LCR no. 48/564 dated 09.06.2023 as per which FAULT LED on the display of inverter was ‘ON’ at the time of checking on 27.10.2022 which means inverter was faulty. Petitioner in his petition contended that his SPV has not generated as much electricity as his neighboring SPVs have generated. Forum observed that SPV Plant might have been generating electricity but since inverter was faulty; it was not being converted to AC, hence not being put to use or being exported to PSPCL. Hence, it was duty of the petitioner and she should have kept vigil on the SPV plant and satisfied herself about its working post its installation. The amount of Rs. 1709942/- charged to petitioner for 190856 units (difference of Import and Export reading) is based upon actual consumption and hence is justified.

Forum further observed that the Petitioner in his rejoinder of dated 27.06.2023 has agreed to pay the amount for two years prior to Oct-2022 but contended that no sum of amount can be recovered from the consumer after the period of two years and quoted following relevant regulation no. 93.2 of ESIM-2018 in his petition which is reproduced under: -

93.2 Limitation:

Under Section 56(2) of the Act, no sum due from any consumer shall be recoverable after the period of two years from the date when such sum became first due unless such sum has-been shown continuously as recoverable as arrears of charges for electricity supplied.

In this regard, Forum observed that Hon’ble Supreme Court decided a similar nature case M/S Prem Cottex versus Uttar Haryana Bijli Vitran Nigam Ltd. & Ors. filed against Civil Appeal no. 7235 of 2009. The same was circulated by O/O Legal Advisor, PSPCL, Patiala vide Memo no. 12/76/LB-3(1399)21 dated 24.01.2022 as under: -

Regarding, issue no.2, Hon'ble Supreme Court in para 24 &25 of this judgement observed as follows:

"24. Subsection (2) uses the words "no sum due from any consumer under this Section". Therefore, the bar under Subsection (2) is relatable to the sum due under Section 56. This naturally takes us to Subsection (1) which deals specifically with the negligence on the part of a person to pay any charge for electricity or any sum other than a charge for electricity. What is covered by section 56, under subsection (1), is the negligence on the part of a person to pay for electricity and not anything else nor any negligence on the part of the licensee.

25. In other words, the negligence on the part of the licensee which led to short billing in the first instance and the rectification of the same after the mistake is detected is not covered by Subsection (1) of Section 56. Consequently, any claim so made by a licensee after the detection of their mistake, may not fall within the mischief, namely, "no sum due from any consumer under this Section", appearing in Subsection (2)"

Therefore, the contention of the petitioner is not maintainable that the amount of the period prior to two years is not recoverable under Limitation act.

Keeping in view the petition, written reply of the Respondent as well as rejoinder/oral arguments along with the relevant material brought on the record, and other regulations, Forum is of the opinion that amount of Rs. 1709942/- charged to petitioner for 190856 units vide notice no. 1282 dated 18.11.2022 which was later charged as sundry charges in bill dated 28.03.2023, is justified. Further due credit of units exported to PSPCL as per reading of 4953.80 Kwh recorded in export register of the meter as depicted in the DDL, is required to be given to the petitioner. Contention of the petitioner that his account cannot be charged beyond a period of 2 years is not acceptable as per the instructions stipulated in Memo no. 12/76/LB-3(1399)21 dated 24.01.2022 of O/O Legal Advisor, PSPCL, Patiala. Further CE/DS, Central Zone, Ludhiana, may investigate the matter of

non-billing for a long period of about five years and action may be initiated against the delinquent officer(s)/official(s).”

- (ii) I have gone through the written submissions made by the Appellant in the Appeal as well as in Rejoinder, written reply of the Respondent as well as oral arguments of both the parties during the hearings on 06.09.2023, 14.09.2023 & 21.09.2023. The Appellant, in her Appeal, had sought the relief in regard to two issues only. Firstly, she prayed that electricity charges for previous two years from the date of checking on 27.10.2022 be recovered from her as per the regulations contained in Instruction ‘93.2 Limitation’ of ESIM-2018. Secondly, she prayed that deduction of electricity units produced by the Solar plant installed by her be given on the pattern of other consumer of the Respondent, i.e. Smt. Harjinder Kaur (Account No. 3005149567) with similar load & solar capacity.
- (iii) As regards the first prayer of the Appellant, she reproduced in her Rejoinder the Para no. 26 of the judgment of the Supreme Court of India in Civil Appeal No. 7235/2009 in M/s. Prem Cottex Versus Uttar Haryana Bijli Vitran Nigam Ltd. case and argued that the PSPCL cannot recover the amount beyond the period of limitation i.e 2 years. During the hearing on 21.09.2023, the Appellant’s Representative (AR) argued that the disputed demand of the Respondent is time barred as per

Section 56 of the Electricity Act, 2003, so the same is not recoverable. The Respondent argued that the Corporate Forum, Ludhiana had explained in its decision that limitation of two years was not applicable on this case & quoted the judgment of the Supreme Court of India in M/s. Prem Cottex Versus Uttar Haryana Bijli Vitran Nigam Ltd case. It is observed by this Court that the disputed meter was checked in the ME Lab where its accuracy was found within the permissible limits. So the Respondent had charged the Appellant for a period of more than five years from 05/2017 to 10/2022 on the basis of actual consumption of electricity by the Appellant. In the light of the judgment of the Supreme Court of India in M/s. Prem Cottex Versus Uttar Haryana Bijli Vitran Nigam Ltd case, it was held by the Apex Court that the escaped assessment can be recovered from the consumer & there is no limitation of time in this regard., this is clearly mentioned in Para no. 26 of judgment. In the present case also, it was an escaped assessment & the same is recoverable from the Appellant. The decision of the Corporate Forum, Ludhiana is upheld in respect of this part of the Appeal.

- (iv) As regards the second issue, the Court agrees with the observation of the Corporate Forum that the SPV Plant might

have been generating electricity but since inverter was faulty; it was not being converted to AC, hence not being put to use or being exported to PSPCL. Hence, it was duty of the Appellant and she should have kept vigil on the SPV plant and satisfied herself about its working post its installation. The meter was checked & found ok in the ME Lab. Also, the production pattern of some other consumer cannot be applied to the Appellant. So, this prayer of the Appellant is also rejected after due consideration.

- (v) The billing of the Appellant was not done for more than five years. Standards of Performance as provided in the Supply Code-2014 were not followed by the officials/ officers of the Respondent in this regard. So action be taken against the delinquent officials/ officers of the Respondent for causing recurring revenue loss to the PSPCL as well as causing undue harassment to the Appellant.

7. Decision

As a sequel of above discussions, the order dated 13.07.2023 of the CCGRF, Ludhiana in Case No. CF-067/2023 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.

September 21, 2023
S.A.S. Nagar (Mohali).

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