

**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. 23/2023

Date of Registration : 30.08.2023

Date of Hearing : 14.09.2023

Date of Order : 14.09.2023

Before:

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

In the Matter of:

M/s. Prabh Agro Food,
Indergarh Road, Village Lohgarh,
Dharamkot.

Contract Account Number:F21BK0100017 (LS)

...Appellant

Versus

Addl. Superintending Engineer,
DS City Division, PSPCL,
Moga.

...Respondent

Present For:

Appellant: Sh. Ashok Dhawan,
Appellant's Representative.

Respondent : 1. Sh. Ravinder Singh,
Sr.Xen/ DS City Division, PSPCL,
Moga.
2.Sh. Chander Parkash,
LDC.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 01.08.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-086/2023, deciding that:

“Bills issued for the period 20.06.2022 to 22.11.2022 on constant average of 33262 units per Billing Cycle, are quashed. The account of the petitioner be overhauled from 20.06.2022 to 22.11.2022 (i.e. date of replacement of meter) on the basis of consumption recorded during the corresponding period of the previous year as per regulation 21.5.2(a) of supply code 2014.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 30.08.2023 i.e. within the stipulated period of thirty days of receipt of the decision dated 01.08.2023 of the CCGRF, Ludhiana in Case No. CF-086/2023. The Appellant had deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 30.08.2023 and copy of the same was sent to the Sr. Xen/ DS City Divn., PSPCL, Moga for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 620-622/OEP/A-23/2023 dated 30.08.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 14.09.2023 and intimation to this effect was sent to both the parties vide letter nos. 642-43/OEP/A-23/2023 dated 06.09.2023. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

4. Submissions made by the Appellant and the Respondent

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral deliberations made by the Appellant's Representative and the Respondent along with material brought on record by both the parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

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

- (i) The Appellant was having a LS Category Connection, bearing Account No. F21BK0100017 with Sanctioned Load of 151.925 kW/ CD 120 kVA under DS City Division, PSPCL, Moga in the name of M/s. Prabh Agro Food.

- (ii) The meter installed by the PSPCL had stopped displaying readings during the period 21.06.2022 to 19.07.2022 and meter was replaced on 22.11.2022. However, during the billing period for the month 07/2022 to 11/2022, bills were issued on average basis for 33262 kVAh units for each month. The meter was replaced and sent to ME Lab for checking and DDL was done.
- (iii) As per Report of the Lab, the readings were taken and working of the meter was found within limits. Therefore, as a result of difference of units charged on average for 33262 kVAh units per month Vs actual consumption, a sum of ₹ 9,62,522/- had become refundable. The Respondent's office had failed to refund the excess charged amount; so a Petition was filed before the CCGRF, PSPCL, Ludhiana. But due to incorrect decision by the CCGRF, this Appeal was being filed before this Hon'ble Court.
- (iv) It is stated that the Corporate Forum while deciding the Case, did not act in a justified manner with the Appellant and the Case was decided ignoring all Rules and Regulations and even without going into facts of the Case. The Case No. CF-086/2023 was decided on 01.08.2023. The Forum had erred while deciding the Case particularly so for the working of meter was concerned, without going into the detailed

instructions already issued by the Hon'ble PSERC in this regard. Therefore, in the interest of justice, the Appellant humbly prayed to accept his Appeal otherwise he would suffer for none of his fault.

- (v) The Forum had wrongly declared meter as defective without any merit, without any Regulation and without verifying the facts of the Case. Although the bills for the period had been ordered to be set aside for the period 20.06.2022 to 22.11.2022, yet the base of overhauling the accounts was very objectionable and against the Rules and Regulations being followed by the PSPCL as directed by the Hon'ble PSERC vide Regulation 21.5 of the Supply Code- 2014. A brief analysis of the record, DDL of meter/ meter billing data and temper data which was duly recorded properly and readable, by the Enforcement and ME Lab, revealed that although the display of the meter was off, yet the meter was working and recording the all relevant data including readings as recorded from time to time. Hence, to declare a meter defective just on the basis that dial test could not be conducted, it did not justify the fact that meter was defective. The Forum had failed to appreciate the real fact that actually the meter was working and working within limits of

accuracy and as per Standard of Performance of accuracy as laid down vide Regulation 21.5.1 of the Supply Code, 2014.

- (vi) The readings recorded on 20.06.2022 were as usual and the bill upto 20.06.2022 was prepared as per meter and was normal with Status Code 'O'. However, the reading on 19.07.2022 could not be recorded due to non-display of the meter readings and the bill was issued with the Status Code as 'D' for average of 33262 Units, without verifying the facts that the Appellant had already closed the season and had no work to do. Moreover, the Meter was recording data and working normally till the change of meter on 22.11.2022 and the same could be verified from the DDL as recorded, the soft copy of which was being sent through mail and may be considered as a part of this Appeal. Since the meter had been working properly and within limits of accuracy as per Regulation 21.5.1, therefore, no question of charging average and declaring a meter defective arose. The declaration of meter status from correct meter to defective and overhauling of accounts for the period from 20.06.2022 to 22.11.2022 on the basis of consumption of the corresponding period was neither justified nor legal.
- (vii) The Forum had also wrongly considered the Case and depended only upon the past consumption for the year 2020,

2021 & 2022 as supplied by the Respondent's office. It was irrelevant in Case of a Seasonal Industry and more over it could be considered if the meter had failed to record the readings or was working beyond the limits of accuracy. Sometimes, Seasonal period started early and sometime it ended early which depended upon the various factors such as availability of paddy or milling policy of the Government. In the year 2021, the seasonal period was extended upon special instructions of the Govt. of Punjab and continued upto August, 2021 whereas the seasonal period for the 2020 ended in the month of March. During the year 2022, seasonal period ended during June, 2022. The Forum had failed to consider the Seasonal Factor and Seasonal Nature of Rice Mill Industry.

- (viii) The Forum had decided the Case without verifying the facts and considering the Regulations regarding declaring a meter defective/ inaccurate as per Reg. 21.5.1 of the Supply Code, 2014, reproduced as under:-

“21.5 Overhauling of Consumer Accounts

21.5.1 Inaccurate Meters

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

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

Sr. No.	Consumer Meter	Accuracy class as per CEA Metering Regulations*	In-Service maximum permissible error as per IS Code**
1	Upto 650 volts	1.0 or better	± 2.5%
2	Above 650 volts & upto 33 kV	0.5S or better	± 1.0%
3	Above 33 kV	0.2S or better	± 0.5%

* Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time.

** IS 15707: 2006 & IS 14697:1999**

- (ix) In this regard, the Respondent replied, before the Corporate Forum, as under:-

“ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਦੀ ਡਿਸਪਲੇ ਮਹੀਨਾ 7/22 ਦੀ ਰੀਡਿੰਗ ਲੈਂਦੇ ਸਮੇਂ ਖਰਾਬ ਪਾਈ ਗਈ। ਮੀਟਰ ਚੈੱਕ ਕਰਨ ਲਈ XEN, ENFORCEMENT ਮੇਗਾ ਨੂੰ ਪੱਤਰ ਨੰ 1016 ਮਿਤੀ 18-7-2022 ਲਿਖਿਆ ਗਿਆ। ਖਰਾਬ ਮੀਟਰ MCO No. 93/2004 ਮਿਤੀ 16-11-2022 ਨਾਲ ਮਿਤੀ 22-11-2022 ਨੂੰ ਬਦਲਿਆ ਗਿਆ। ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ME LAB ਮੇਗਾ ਵਿਖੇ ਚਲਾਣ ਨੰ 10 ਮਿਤੀ 9-12-2022 ਰਾਹੀਂ ਚੈੱਕ ਕਰਵਾਯਾ ਗਿਆ ਅਤੇ ME LAB ਬਠਿੰਡਾ ਵਿਖੇ ਚਲਾਣ ਨੰ 72 ਮਿਤੀ 6-02-2023 ਰਾਹੀਂ ਐਕੁਰੇਸੀ ਸੀਮਾ ਵਿਚ ਪਾਈ ਗਈ। ਖਪਤਕਾਰ ਨੂੰ ਖਰਾਬ ਮੀਟਰ ਦੇ ਸਮੇਂ ਦੌਰਾਨ ਮਹੀਨਾ 7/22 ਤੋਂ 11/22 ਤਕ ਐਵਰੇਜ ਬੇਸ ਤੇ ਬਿਲ ਜਾਰੀ ਹੋਏ। ਖਪਤਕਾਰ ਇਹਨਾਂ ਬਿਲਾਂ ਨਾਲ ਸਹਿਮਤ ਨਹੀਂ ਹੈ। ਖਪਤਕਾਰ ਵੱਲੋਂ ਆਪਣਾ ਕੇਸ DSC

ਵਿਚ ਲਗਾਉਣ ਲਈ ਮਿਤੀ 10-5-2023 ਨੂੰ ਬਿਨੇ ਪੱਤਰ ਦਿੱਤਾ ਕਿ ਉਹ ਆਪਣਾ ਕੇਸ DSC ਵਿਚ ਨਹੀਂ ਲਗਾਉਣਾ ਚਾਹੁੰਦਾ। ਇਸ ਤੋਂ ਬਾਦ ਖਪਤਕਾਰ ਵੱਲੋਂ ਆਪਣਾ ਕੇਸ CGRF ਵਿਚ ਲਗਾ ਦਿੱਤਾ ਗਿਆ।

- (x) The Forum while deciding the Case regarding billing on average and working of meter had decided as under:-

“On scrutinizing the Billing Report of DDL, it was observed that final reading as on 22.11.2022 i.e., the date of replacement of meter has been recorded as 256354 KVAH and 234058.6 KWH and the readings of the meter are continuously increasing from 15.09.2022 to 22.11.2022. Forum observed that although readings of the meter have been increasing as per DDL report, however as dial test of the meter could not be performed in ME Lab due to defective display of the meter, the readings recorded by it in DDL report cannot be treated as accurate and these cannot be relied upon. Therefore, the meter is to be treated as defective. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters is as under:

Keeping in view the above, Forum came to unanimous conclusion that bills issued for the period 20.06.2022 to 22.11.2022 on constant average of 33262 units be quashed. The account of the petitioner be overhauled from 20.06.2022 to 22.11.2022 (i.e., date of replacement of meter) on the basis of consumption recorded during the corresponding period of the previous year as per regulation 21.5.2(a) of supply code 2014.”

The Forum had decided to quash the bills for the period 20.06.2022 to 22.11.2022, which was correct but had erred while declaring the meter as defective. The meter had not been declared as defective either by the Enforcement or by the ME Lab, Moga and ME Lab, Bathinda.

The Forum declared the meter as defective, despite the fact that when the accuracy of the meter in question was tested in the ME Lab, Bathinda against the Challan No. 72 dated 06.02.2023 and as per Report of the ME Lab, the Meter was found working within limits of accuracy and the complete DDL was also made available including billing report and temper data.

The Meter had been tested and found working within limits of accuracy as mentioned above, as per Reg. No. 21.5.1 *“If a consumer meter on testing is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled”*.

It was specifically mentioned that no where it was written that if it is not possible to conduct dial test due to defective display of the meter then meter would be declared as defective and results of DDL of the meter is not trustable, as pointed out by the Forum. The accounts of the Appellant can be overhauled only if its accuracy test is found beyond the limits of accuracy as mentioned above as per Reg. No. 21.5.1. It was further added that the Forum had decided the case on its personal thinking and not by Rules and Regulation as prescribed/mentioned above. However, the Forum cannot decide the Case just on the basis of personal thinking. The final words in this

regard had been laid in the Supply Code, 2014 Reg. No. 21.5.1 & 21.5.2 as approved by the PSERC & as adopted by the PSPCL. Therefore, it was incorrect to declare the meter as defective as the facts can be verified from the soft copy of the DDL.

- (xi) While deciding the Case, the Forum had wrongly relied upon the consumption data, as it was very much clear that consumption data can be considered only in Case of a defective meter or in Case of meter which worked beyond the limit of accuracy as explained above. The Forum observed on page no. 6 as *“Forum observed that average consumption charged for the months of 09/2022 to 10/2022 is not commensurate with the actual consumption during the corresponding period of the previous years as industry mostly remains closed during this period of the year being seasonal industry. During discussion respondent was asked that how the average of 33262 kVAh each has been charged in the disputed bills for the month of 07 & 08/2022, to which he stated that the average has been charged on the basis of the consumption of previous month but could not provide any logic/regulation about the same. On scrutinizing the Billing Report of DDL, it was observed that final reading as on 22.11.2022 i.e., the date of replacement of meter has been recorded as 256354 kVAh and 234058.6 kWh and the readings of the meter are continuously increasing from 15.09.2022 to 22.11.2022. Forum observed that although readings of the meter have been increasing as per DDL Report, however as dial test of the meter could not be performed in ME Lab due to defective display of the meter, the readings recorded by it in DDL Report cannot be treated as accurate and these cannot be relied upon. Therefore, the meter is to be treated as defective.”*
- (xii) From the above, it was so clear that the Forum agreed that the meter was working during the month of 09/2022 & 10/2022

and that too, it was working within limits of accuracy as tested and certified by the ME Lab as mentioned above. Then there was no reason to believe that meter was defective. When the meter was working during the month of 09/2022 & 10/2022, it meant the meter was also working during the month of 07/2022 & 8/2022. Thus, the observation of the Forum was not beyond doubt and also against the rules as laid down vides Reg. No. 21.5.1 of the Supply Code, 2014 regarding defective or inaccurate meters. Therefore, the decision of the Forum cannot be considered as justified in the eyes of law. The Appellant requested this Court to consider the meter as per factual position as certified by the ME Lab and allow the overhauling of accounts as per actual consumption recorded by the meter.

- (xiii) The Appellant further prayed that the milling work was finished by 24.06.2022 and after that they had no work to do till the allotment of Paddy in the next season. The milling data as down loaded from the official web-site of GOP, Deptt. of Food, Civil Supplies & Consumer Affairs, Govt of Punjab was enclosed with the Appeal. From the data it can be easily checked that the last milling work was dispatched by the Appellant on 24.06.2022.

(xiv) Therefore, the Appellant humbly prayed that Appeal be accepted and decided, in the interest of justice otherwise Appellant will suffer irreparable loss.

(b) Submissions in Rejoinder

The Appellant submitted the following written reply for consideration of this Court:-

- (i) The Respondent was unable to present any proof or Regulation or Commercial Circular or any technical report where it was mentioned that when the display of the meter became defective, the meter was unable to record the proper data as claimed in the written reply by the Respondent.
- (ii) Moreover, the function of display unit was only to show the consumption data which was being recorded by the software of the meter. Had the data not recorded properly then it would not have been possible for the ME Lab to declare that the meter was working within the limits nor DDL of the meter would have been possible.
- (iii) However, on the basis of the recorded data of the meter only, working of meter was successfully tested in ME Lab and it was found within the limits of accuracy as per Regulation 21.5.1 of the Supply Code-2014. Hence, the written reply submitted by the Respondent was not as per the instructions laid down in the

Supply Code Regulation 21.5.1 and cannot be considered as legal, acceptable and correct.

- (iv) The meter had never been declared as defective by any technical Authority rather as per testing results of the lab as tested by the ME Lab, Bathinda, vide Challan No. 72 dated 06.02.2023, the working of the meter was found within limits of accuracy as per standard laid down by the Hon'ble PSERC and the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006. It was again reiterated that no technical proof had been submitted or any reference of any regulation had been quoted by the Respondent to prove that the meter was defective. Hence, the written reply was liable to be rejected.
- (v) The written reply to the para no. 3 was incorrect and had already been replied above.
- (vi) As already replied that no proof had been presented by the Respondent that, if accuracy of a meter was declared within limits of accuracy as per specifications mentioned in the Regulation 21.5.1 of the Supply Code by the Technical Authority i.e. ME Lab, then the meter can be considered as defective if the dial test cannot be performed. Nor any

specification or technical report had been presented in this regard.

- (vii) It was incorrect that the Corporate Forum, Ludhiana had rightly decided the case. The overhauling of account can be applied only when a meter is not working within the limits of accuracy as mentioned above.
- (viii) Therefore, it is humbly prayed that Appeal may be decided as per rules and merits of the case sympathetically in favour of the Appellant otherwise he will suffer irreparable losses.

(c) Submission during hearing

During hearing on 14.09.2023, 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 Appellant was having LS Category Connection bearing Account No. F21BK0100017 with Contract Demand as 120 kVA and sanctioned load of 151.92 kW running under DS Sub Division, Bhinderkalan under DS City Division, PSPCL, Moga.

- (ii) The meter display of the Appellant was found defective while taking readings in the month of July, 2022. The defective meter was replaced on 22.11.2022 and got checked in ME Lab, Moga on 09.12.2022. Further, the accuracy of the meter got checked in ME Lab, Bathinda on 06.02.2023. The accuracy of the meter was found within the described limits but dial test could not be conducted due to defective display.
- (iii) During the period the meter remained defective, i.e. 07/2022 to 11/2022, the bills were generated on the average basis as per the Regulations of PSERC/ PSPCL. The Appellant filed his case before the Corporate Forum, Ludhiana objecting the billing on average basis during this period from 07/2022 to 11/2022. The Corporate Forum, Ludhiana had considered the petition vide Case No. CF-86/2023 registered on 12.07.2023 and decided the case on 01.08.2023.
- (iv) The Appellant approached the DS Sub Division, Bhinderkalan Office on 14.08.2023 and gave written application for implementing the decision of Corporate Forum, Ludhiana. Now, the Appellant had approached the Hon'ble Court of Ombudsman, Electricity, Punjab with the Appeal to challenge the decision of Corporate Forum, Ludhiana.

- (v) The accuracy of the meter was conducted at ME Lab, Bathinda where the dial test of the meter could not be conducted due to the defective display of the meter. Due to the lack of dial test, the updation of Energy Register of the meter according to the actual Energy consumed through meter could not be ascertained. In view of the same the meter working could not be confirmed as accurate as per the standards of PSERC/PSPCL. Further, the consumption of the Appellant during the period of meter under defect (as per DDL readings) was not at par with the actual consumption during the same period of previous years. The order of the Corporate Forum, Ludhiana for overhauling the account for the meter defective period was correct according to Regulation 21.5.2 of Supply Code 2014, where the overhauling of account for defective meter was described.
- (vi) It was correct that the bills up to 20.06.2022 were generated as per actual meter readings and the bills during the period from 19.07.2022 to 22.11.2022 were prepared on average basis. The meter was declared defective as the dial test of meter could not be conducted due to the defective meter display and the average consumption for the period of defective meter was taken as per Regulation 21.5.1 of Supply Code-2014.

- (vii) As per Regulation 21.5.1 of Supply Code 2014, the overhauling of the defective meter was required to be done on the basis of consumption of LYSM. The Corporate Forum, Ludhiana had decided the case as per the Regulations of Supply Code-2014.
- (viii) It was already included in this reply above that though the accuracy of the meter got checked on 06.02.2022 at ME Lab, Bathinda, but dial test could not be conducted due to the defective display of the meter. The two tests were conducted in the Laboratory of Electricity Supplier i.e. accuracy test and dial test. The dial test was very important as it confirms the updation of the Energy Register of the meter under testing and that should be according to energy consumed through the meter. The meter could not be confirmed as accurate unless both accuracy test and dial test results were within the prescribed limits laid down by the Hon'ble PSERC.
- (ix) As per the Regulation of PSERC/ PSPCL, the overhauling of the defective meter was carried out as per the consumption of corresponding period of last year. The Corporate Forum, Ludhiana rightly decided that the overhauling the account of the Appellant be done as per the consumption of the corresponding period of previous year.

- (x) In view of above, it was requested that the Forum had rightly decided the Case No. CF-86/2023. The facts produced by the Appellant in the present Appeal were not as per the PSERC/PSPCL Regulations and hence the present Appeal may kindly be dismissed.

(b) Additional Submissions

The Respondent submitted the following additional information vide Memo No. 6651 dated 12.09.2023 for the consideration of this Court:-

- (i) The Appellant never informed the Respondent office at the beginning or end of the season. Also, no record was being maintained in the Sub division office of the Respondent in this regard.
- (ii) For implementation of the decision dated 01.08.2023 of the Corporate Forum, Ludhiana, Calculation sheet of refund of ₹ 5,13,792/- had been sent for Pre-audit.

(c) Submission during hearing

During hearing on 14.09.2023, 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 decision of the Corporate Forum, Ludhiana of overhauling the account of the Appellant for the disputed period from 20.06.2022 to 22.11.2022 on the basis of consumption recorded during the corresponding period of the previous year as per Regulation 21.5.2 (a) of Supply Code, 2014.

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

- (i) The Corporate Forum in its order dated 01.08.2023 observed as under:-

“Forum observed that the meter of the Petitioner got defective (display off) during 07/2022 and on the request of the respondent, site was checked by Sr. Xen/Enf., Moga vide ECR no. 21/2701 dated 26.10.2022, when display of the meter was found off and readings could not be recorded. Meter was replaced vide MCO no. 93/2004 dated 16.11.2022 affected on 22.11.2022. meter was checked in ME Lab vide challan no. 10 dated 09.12.2022 in Moga and further vide challan no. 72 dated 06.02.2023 in ME Lab Bathinda, where accuracy of the meter was found within limits but dial test could not be performed due to display defective. Meanwhile, petitioner was issued bills dated 25.07.2022 & 22.08.2022 for consumption of 33262Kvah each amounting to Rs. 424180/-. Apart from the other monthly bills, the bill dated 22.12.2022 was issued without any meter status code, amounting to Rs. 1431290/-, including arrears and adjustments. Petitioner did not agree to these bills and pleaded for the refund of Rs.

962522/- as per his calculations and filed his case in Corporate CGRF. Forum observed the consumption pattern of the petitioner provided by the Respondent reproduced as under: -

	2019		2020		2021		2022		2023	
Month	Cons	Code	Cons	Code	Cons	Code	Cons	Code	Cons	Code
Jan			8912	0	19630	0	24056	0	41890	0
Feb			20714	0	18372	0	38252	0	42356	0
Mar			18672	0	15334	0	30826	0	31026	0
Apr			1592	0	25662	0	39528	0	35356	0
May			8	0	28876	0	20762	0	15862	0
Jun			2	0	21714	0	39498	0	2356	0
Jul			1306	0	34670	0	33262	D		
Aug			2290	0	39748	0	33262	D		
Sept			1878	0	4634	0	33262	D		
Oct			1840	0	3908	0	33262	D		
Nov	986	0	2178	0	2986	0	33262	D		
Dec	1690	0	2764	0	20344	0	9129	0		
Total	2676		62156		235878		368361		168846	

From the above consumption data, the annual consumption during 2020 to 2023 (upto 6/2023) has been recorded as 62156, 235878, 368361, & 168846 units respectively. Forum observed that average consumption charged for the months of 09/2022 to 10/2022 is not commensurate with the actual consumption during the corresponding period of the previous years as industry mostly remains closed during this period of the year being seasonal industry. During discussion respondent was asked that how the average of 33262Kvah each has been charged in the disputed bills for the month of 07 & 08/2022, to which he stated that the average has been charged on the basis of the consumption of previous month but could not provide any logic/ Regulation about the same. On scrutinizing the Billing Report of DDL, it was observed that final reading as on 22.11.2022 i.e., the date of replacement of meter has been recorded as 256354 KVAH and 234058.6 KWH and the readings of the meter are continuously increasing from 15.09.2022 to 22.11.2022. Forum observed that although readings of the meter have been increasing as per DDL report, however as dial test of the meter could not be performed in ME Lab due to defective display of the

meter, the readings recorded by it in DDL report cannot be treated as accurate and these cannot be relied upon. Therefore, the meter is to be treated as defective. 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 has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner along with material brought on record. Keeping in view the above discussion, Forum is of the opinion that the bills issued for the period 20.06.2022 to 22.11.2022 on constant average of 33262 units are not justified and are liable to be quashed. The account of the

- petitioner is required to be overhauled from 20.06.2022 to 22.11.2022 (i.e., date of replacement of meter) on the basis of consumption recorded during the corresponding period of the previous year as per regulation 21.5.2(a) of supply code 2014.”
- (ii) I have gone through the written submissions made by the Appellant in the Appeal as well as in the Rejoinder, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 14.09.2023. The Court observed that the display of the meter was found defective while taking readings in the month of 07/2022. On the request of the Respondent, the meter of the Appellant was checked on the site by Sr. Xen/ ASE, Enforcement-cum-EA & MMTS, Moga vide ECR No. 21/2701 dated 26.10.2022 where the display of the meter was found defective & reading parameters of Display I & II could not be recorded. The disputed Meter No. 16294279 (L&T make) of the Appellant was removed vide MCO No. 93/2004 dated 16.11.2022 effected on 22.11.2022. The same was checked in ME Lab, Moga vide Challan No. 10 dated 09.12.2022 & further in ME Lab, Bathinda vide Challan No. 72 dated 06.02.2023 where the accuracy of the meter was found within the limits, but the dial test could not be performed due to defective display of the meter. During this period, the Appellant was issued bills for the average consumption of 33262 units for each month on ‘D’ code. Aggrieved by this, the

Appellant filed his case in Corporate Forum, Ludhiana & pleaded for the refund of ₹ 9,62,522/- as per his calculations based on the readings derived from the DDL. The Corporate Forum quashed the bills issued to the Appellant for the period from 20.06.2022 to 22.11.2022 & decided the case by ordering overhauling of the account of the Appellant for the period from 20.06.2022 to 22.11.2022 (date of replacement of meter) on the basis of consumption recorded during the corresponding period of previous year as per Regulation No. 21.5.2(a) of Supply Code-2014

- (iii) The Appellant prayed in its Appeal that the order of the Corporate Forum regarding overhauling of its account for the period from 20.06.2022 to 22.11.2022 on the basis of consumption recorded during the corresponding period of the previous year as per Regulation 21.5.2 (a) of Supply Code-2014 be set aside on the ground that the accuracy of the disputed meter was found within the permissible limits in the ME Labs. So, its account be overhauled on the basis of readings derived from the DDL of the disputed meter. The Respondent controverted this plea raised by the Appellant and argued that the ME Lab report was incomplete since only accuracy test of the disputed meter was done in ME Lab,

Bathinda & the Dial test of the disputed meter could not be done due to the defective display of the meter. He further argued that the dial test is very important as it confirms the accuracy of recording of energy units in the Energy Register of the meter under testing and that should be according to energy consumed through the meter. The meter cannot be confirmed as accurate unless the dial test results are within the prescribed limits. So this incomplete report of the ME Lab, Bathinda cannot be relied upon. Further, the consumption of the Appellant during the period of meter under defect (as per DDL readings) was not at par with the actual consumption during the same period of previous years.

- (iv) I agree with the arguments of the Respondent in this regard. The Dial Test should have been done in the ME Lab to determine the exact accuracy of the disputed meter, but it could not be done as the display of the meter was defective as confirmed in the ME Lab report. So the checking of the ME Lab regarding accuracy of the disputed meter was incomplete. The billing of the consumer is done on the basis of the actual readings recorded on the energy meter, but in the present case, the display of the meter was defective. So the energy recorded was not being shown on the meter screen. The readings as

derived from the DDL of the defective meter cannot be considered as reliable. As such, the meter needs to be considered as defective & the account of the Appellant needs to be overhauled for the period from 20.06.2022 to 22.11.2022 on the basis of consumption recorded during the corresponding period of the previous year as per Regulation 21.5.2 (a) of Supply Code, 2014. As such, I find no merit in the present appeal. The decision of the Corporate Forum, Ludhiana is upheld.

- (v) During the hearing, the Appellant's Representative (AR) pleaded that the Late Payment Surcharge (LPS)/ Late Payment Interest (LPI) was charged to the Appellant even on the amount refunded to him after the implementation of the order of the CCGRF, Ludhiana by the Respondent. In this regard, the Respondent is directed that LPS/ LPI be charged to the Appellant for the disputed period as per the relevant provisions of the applicable Tariff Order of the PSERC for that year.

6. Decision

As a sequel of above discussions, the order dated 01.08.2023 of the CCGRF, Ludhiana in Case No. CF-086/2023 is hereby upheld.

- 7.** The Appeal is disposed of accordingly.

8. As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016, the Licensee will comply with the award/order within 21 days of the date of its receipt.
9. In case, the Appellant or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016.

September 14, 2023
S.A.S. Nagar (Mohali).

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