

**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. 23/2024

Date of Registration : 12.11.2024
Date of Hearing : 25.11.2024, 02.12.2024
Date of Order : 10.12.2024

Before:

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

In the Matter of:

M/s. Bee Dee Cycle Ltd.,
D-105, Phase-V, Focal Point,
Ludhiana.

Contract Account Number: 3002810065 (LS)

...Appellant

Versus

Addl. Superintending Engineer,
DS Focal Point (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Sh. K.D. Parti,
Appellant's Representative.

Respondent : Er. Manik Bhanot,
AEE, DS Focal Point (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 16.09.2024 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-143/2024, deciding that:

“Notice no. 2242 dated 25.07.2024 of AEE/Comm. Focal Point Division, Ludhiana, asking the Petitioner to deposit an amount of Rs. 21,17,310/- treating his meter slow by 33.93%, is quashed. The account of the petitioner be overhauled for a period of six months prior to the date of change of metering equipment i.e. 22.08.2024, as per regulation 21.5.2(d) of PSERC Electricity Supply Code and Related Matters Regulations 2014.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 06.11.2024 i.e. beyond the period of thirty days of receipt of the decision dated 16.09.2024 of the CCGRF, Ludhiana in Case No. CF-143/2024 by the Appellant. The Appellant was asked to deposit the requisite 40% of the disputed amount vide Memo No. 627/OEP/M/s. Bee Dee Cycle Ltd. dated 06.11.2024. The Appellant's Representative sent the receipt of deposit of the requisite 40% of the disputed amount on 12.11.2024. Therefore, the Appeal was registered on 12.11.2024 and copy of the same was sent to the Addl. SE/ DS Focal Point (Spl.) Division, PSPCL, Ludhiana for sending

written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 651-653/OEP/A-23/2024 dated 12.11.2024.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 25.11.2024 and intimation to this effect was sent to both the parties vide letter nos. 658-59/OEP/A-23/2024 dated 14.11.2024. As scheduled, the hearing was held in this Court on 25.11.2024 and arguments of both the parties were heard. The Respondent submitted the Reply to the Appeal vide Memo No. 4803 dated 22.11.2024, which was taken on record. A copy of the same was provided to the Appellant's Representative. The Appellant's Representative was directed to submit the Rejoinder to the Reply of the Respondent before the next date of hearing i.e. 02.12.2024. An intimation to this effect was sent to both the parties vide letter nos. 666-67/OEP/A-23/2024 dated 25.11.2024. As scheduled, the hearing was held in this Court on 02.12.2024. The Appellant's Representative submitted the Rejoinder to Reply of the Respondent, which was taken on record. A copy of the same was provided to the Respondent. Arguments of both the parties were heard. The case was closed for the pronouncement of the orders.

4. Condonation of Delay

At the start of hearing on 25.11.2024, the issue of condoning of delay in filing the Appeal beyond the stipulated period was taken up. The Appellant submitted that the decision of the Corporate Forum was received on 26.09.2024 vide Memo No. 1388/T-158/24 dated 16.09.2024. There was a delay in filing the present Appeal due to the reason that the Appellant waited for the implementation of decision, which was received on 26.10.2024 vide Memo No. 3525 dated 24.10.2024. The Appellant's Representative requested for the condonation of delay in filing the Appeal & prayed that Appeal be heard on merits in the interest of justice. I find that the Respondent did not object to the condoning of the delay in filing the Appeal in this Court either in its written reply or during hearing in this Court.

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

“No representation to the Ombudsman shall lie unless:

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

Provided that the Ombudsman may entertain a representation beyond 30 days on sufficient cause being

shown by the complainant that he/she had reasons for not filing the representation within the aforesaid period of 30 days.”

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

5. Submissions made by the Appellant and the Respondent

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

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

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

- (i) The Appellant was having a LS Category Connection since 06.06.2013, bearing Account No. 3002810065 with connected load of 499 kW/CD 495 kVA on HT Supply.
- (ii) The Appellant received a Notice No. 2242 dated 25.07.2024 to deposit ₹ 21,17,310/- within 15 days, as the site was checked by the Enforcement vide ECR No. 28/3468 dated 19.07.2024 and declared that the meter was running 33.93% slow.
- (iii) As per ECR No. 28/3468 dated 19.07.2024, the following observations were pointed out:-
 - (a) The premises was checked as per ASE/Focal Point, Ludhiana Memo No. 2708 dated 04.07.2024 due to installation of new Power Quality Meter.
 - (b) The Scroll Button of meter was defective. The meter screen showed 'STAR' on it. The readings and parameters of the meter were not recorded due to defective Scroll. 2 no's Indications were shown on screen of load blinks whereas 1 no. Indicator Stand Still.
 - (c) DDL of meter was taken.
 - (d) Current on T/F's LT side with Clip-on meter was recorded as under ..I R=269 A, IY=297 A, IB=320 A.
 - (e) Scroll Button of the meter was defective, meter should be replaced.

- (f) Current on 'R' Phase of meter at (Terminal) was checked with clip-on meter and found=0.3-A, on Yellow Phase=3.0-A & on Blue Phase =2.8-A recorded.
- (g) Further action will be taken after checking of the accuracy of the meter.
- (iv) According to the Notice, PSPCL had charged the account for the last 6 months (180 days) by enhancing the recorded consumption by 33.93% i.e. from 23.01.2024 to 21.07.2024. The calculation was wrong. The meter was neither DEAD nor SLOW due to any non-contribution of consumption of any phase i.e. any Phase Leads were carbonized. No such connections were made correct. The meter was slow according to Notice by 33.93% but it was never declared by the Enforcement. The meter had not been replaced and as such, accuracy was yet to be finalized in ME Lab.
- (v) It was also clear that slowness was worked without any Parameters/DDL Reports & Checking the accuracy of the meter in ME Lab. The Sr.Xen/Enforcement-cum-MMTS-3, PSPCL, Ludhiana had issued a Speaking Order vide No. 269 dated 22.07.2024 and ordered to charge the account with slowness factor of 33.93% as the Red Phase was not contributing since prior to DDL dated 17.07.2024 of 365 days.

- (vi) The account of the Appellant was to be overhauled for the six months only prior to the replacement of Inoperative/defective meter, which had yet not replaced according to Supply Code, 2014, Regulation 21.5.1 (a) as decided by the Hon'ble Court of Ombudsman, Mohali in Appeal No. A-04/2024.
- (vii) The Case can be dealt with as Defective/ Dead under Supply Code, 2014, Regulation 21.5.1 by charging/ overhauling with the last year consumption for the same period for maximum 6 months till removal of the meter.
- (viii) The meter was to be replaced within 10 days as per instructions no. 55.1 of ESIM-2018 but the PSPCL had not acted accordingly and meter had not been replaced till 05.08.2024. But the Respondent overhauled the account without any authenticity of slowness from ME Lab. It was added that account be charged as per Regulation 21.5.1 of Supply Code, 2024 being inaccurate meter 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:”

- (ix) The meter was replaced on 22.08.2024 vide MCO No. 100026006375 dated 19.07.2024 as such the period of

overhauling of the account of the Appellant should be 24.02.2024 to 22.08.2024 for the slowness chargeable instead of 23.01.2024 to 21.07.2024.

- (x) As per ME Challan No. 82 dated 23.08.2024, the meter's accuracy was within Limit but Scroll Button was defective. The dial test was not done due to defective Scroll button. DDL recorded on MRI and in Second Challan No. 32 dated 23.08.2024, the accuracy of 'R' & 'B' Phases cannot be ascertained while 'Y' Phase CT's were within limit. All PT's results were within limit. The results as per DDL-Load Survey-Energy Report from 07.05.2024 to 15.07.2024 showed Current on Red Phase as Zero only.

- (xi) The Calculation Sheet supplied with the reply amounting to ₹ 21,17,310/- was wrong and not acceptable. The Tariff Order applicable vide CC No. 11/2024 as below:-

Before 15.06.2024 =@6.45 on Gen. Ind. & from 16.06.2024=@6.60

On PIU=@6.49 & @6.64, so the calculation should be according to calculation sheet should be as under:-

Gen Ind.=44211x6.45=285161 PIU Ind.=76059x6.60=501989

-do = 15154x6.49=98349 -do- =19412x6.64=128896

[59369]

[95471]

$$\text{ToD} = 6585 \times 2.00 = 13170$$

$$\text{Total} = [285161 + 98349 + 501989 + 128896 + 13170] = ₹ 10,27,565/- +$$

$$\text{add } 20\% = 205513/- = ₹ 12,33,078/-.$$

- (xii) The office issued Memo No. 3525 dated 24.10.2024 to deposit ₹ 47,88,849/- as per decision of the CGRF which was also not acceptable.
- (xiii) The Enforcement as well as ME Lab Reports clearly mentioned that meter was slow by 33.96% being non contribution of consumption on Red Phase and account was chargeable on Slowness Factor as per provision contained in Supply Code, 2014, Regulation 25.5.1.
- (xiv) The Corporate Forum, Ludhiana decided to overhaul the account as per Regulation 21.5.2 (d) of Supply Code, 2014 which is absolutely wrong. The future base can only be taken where previous consumption is not available. In our case the consumption is available in the record.
- (xv) The Corporate Forum, Ludhiana had wrongly taken the decision by oversight the previous year consumption as per Regulation 25.5.2 (a) of Supply Code, 2014. The Future base can only be taken where last year base/consumption is not available.

(xvi) The Slowness Factor 33.96% was declared by the Enforcement as well as ME Lab. Thus, account can only be overhauled by the Factor of Slowness as per Regulation 21.5.2 (a) and not as per Regulation 21.5.2 (d) of Supply Code, 2014.

(xvii) It was prayed that the account of the Appellant be charged on the Slowness Factor of 33.96% as declared by the ME Lab as well as the Enforcement for the 6 months prior to removal of Meter as per Supply Code, 2014, Regulation 21.5.1 (a) and set aside the order passed by the Corporate Forum, Ludhiana dated 16.09.2024. The Regulation is 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 defective meter is removed for testing in the laboratory of the distribution licensee.*

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

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

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

Note: Where accuracy of meter is not involved and it is a case of application of wrong multiplication factor, the accounts shall be overhauled for the period this mistake continued.

21.5.2 Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters

The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop and in case of burnt/stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:

- a) On the basis of energy consumption of corresponding period of previous year.*
- b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.*
- c) If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked*

correctly during the last 6 months shall be taken for overhauling the account of the consumer.

d) Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para -4 of Annexure-8 and subsequently adjusted on the basis of 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.

(xviii) The Appellant be charged on the Slowness Factor of 33.96% as declared by the ME Lab as well as the Enforcement for the 6 months prior to removal of Meter as per Supply Code, 2014, Regulation 21.5.1 (a) and set aside the order passed by the Corporate Forum, Ludhiana dated 16.09.2024.

(b) Submissions in the Rejoinder

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

- (i) The Respondent had clearly admitted that the meter was detected by the Enforcement wing as slow by -33.93%. This slowness was checked at site with the help of HT ERS Meter. As such account was overhauled for the period 23.01.2024 to 21.07.2024 (180

days) as per provision of Regulation 21.5.2 of Supply Code-2014. The Appellant challenged the same before Corporate Forum, Ludhiana that it should be for six months prior from the date of replacement of meter and not from the date of detection/checking.

- (ii) The meter along with CT/PT unit was changed on the direction from Corporate Forum, Ludhiana on 22.08.2024. As such the period should be 24.02.2014 to 22.08.2024 (180 days) and not from 23.01.2024 to 21.07.2024. Otherwise PSPCL will charge continuously till the replacement of metering equipment.
- (iii) The CT/PT unit was checked in ME Lab vide Challan No. 301 dated 22.08.2024 and detected that accuracy of RED & Blue Phase CT's cannot be ascertained where as Yellow Phase CT was within limit. All PT's results were within prescribed limit. The meter was also checked vide Challan No. 32 dated 22.08.2024 and as per ME Lab report, accuracy was found to be within prescribed limit for KWH & KVAH mode. It was also added that Enforcement issued speaking orders in this regard that vide Memo No. 269 dated 22.07.2024 regarding to checking that to overhaul as per PSPCL instructions due to non contribution of RED phase CT for 356 days as per DDL report. The action was correct according to Regulation 21.5.2 of Supply Code-2014 for

180 days but the Corporate Forum, Ludhiana was approached for the purpose of period only i.e. prior to removal of meter & CT/PT unit. It was further added that due to type mistake the Instruction was quoted as 25.5.2 instead as 21.5.1 in ground of Appeal for which e-mail was also send to allow amending in Ground of Appeal.

- (iv) The decision of the Corporate Forum, Ludhiana in this regard was not correct to overhaul the account as per Regulation 21.5.2(d) of Supply Code-2014, hence challenged. It was added that the previous year's consumption was available then why future base could be taken. The decision was not according to the instructions.
- (v) It was prayed that the account of the Appellant be charged for the period 24.02.2014 to 22.08.2024 (180 days) as per provision of Regulation 21.5.2(a) of Supply Code-2014 and not as per Regulation 21.5.2(d). The account of the Appellant be charged as per slowness detected as -33.93% for the period of six months.
- (vi) The meter was declared defective by Sr.XEN, Enforcement, Ludhiana on 19.07.2024 and was replaced by PSPCL on 22.08.2024 and that too when it was directed by worthy Corporate Forum, Ludhiana to replace the meter. Had the meter/CT & PT been replaced on 20 or 21.07.2024, the full data

of 6 months for previous year would have been available for overhauling the Appellant's account. The Appellant should not be penalised for the negligence for the fault of Respondent. It was again prayer to overhaul the consumer's account for the SIX months with the slowness -33.93% or as per data of previous year as per Regulation 21.5.2.(a) of Supply Code-2014.

(c) Submission during hearing

During hearings on 25.11.2024 & 02.12.2024, the Appellant's Representative reiterated the submissions made in the Appeal & 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) It was submitted that as per checking by Sr.Xen, Enf.-3, PSPCL, Ludhiana vide ECR No. 24,28/3468 dated 17.07.2024 & 19.07.2024, the accuracy of the meter checked through HT ERS meter was found to working 33.93% slower and it was directed to replace the HT meter alongwith CT/PT. Thereby, as per Regulation 21.5.2 of Supply Code-2014, the Appellant was sent

a notice of ₹ 21,17,310/- vide Memo No. 2242 dated 25.07.2024 on account of meter slowness from 23.01.2024 to 21.07.2024.

- (ii) It was submitted that as per checking report by Sr.Xen Enforcement-3 vide ECR No. 24,28/3468 dated 17.07.2024 & 19.07.2024 the accuracy of the meter was checked through HT ERS meter and the meter was found to be working 33.93% slower and it was further directed by the Enforcement wing to replace the HT meter alongwith CT/PT to get it checked in ME Lab. Thereafter, the meter alongwith CT PT was replaced on 22.08.2024. As per ME Challan No. 301 dated 22.08.2024, the accuracy of Red and Blue Phase CTs cannot be ascertained while Yellow Phase CTs were within limits. All PTs results were within prescribed limits. The meter had been checked vide Challan No. 32 dated 22.08.2024 and as per ME Lab report, the meter accuracy was found to be within limits for kWh and kVAh mode. It was further informed that Sr. Xen Enforcement-3, Ludhiana had issued a speaking order vide Memo No. 269 dated 22.07.2024 regarding the said checking done and it was directed to the AEE/Commercial, Focal Point Division, PSPCL to overhaul the account of the Appellant as per the PSPCL instructions due to non contribution of Red Phase CT for 356 days as per the DDL report. The account of the Appellant was

therefore overhauled as per Regulation 21.5.2 of Supply Code-2014 and was charged accordingly. There was no such Regulation 25.5.1 in Supply Code-2014 as quoted by the Appellant in its Appeal.

- (iii) As per the Corporate Forum, Ludhiana, 'As there is failure of R-phase current for 375 days as per the DDL report, therefore consumption of the previous year cannot be relied upon, hence the account is required to be overhauled for a period of six months prior to the date of change of metering equipment i.e. 22.08.2024 as per Regulation 21.5.2 (d) of Supply Code-2014.'
- (iv) In compliance to the Corporate Forum, Ludhiana decision, the account of the Appellant was overhauled as per LDHF formula and vide Notice No. 3525 dated 24.10.2024, the Appellant was asked to deposit ₹ 42,88,849/-.

(b) Submission during hearing

During hearings on 25.11.2024 & 02.12.2024, 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 prayer of the Appellant that its accounts be overhauled for maximum

period of six months with the slowness factor of 33.93% or as per data of previous year as per Regulation 21.5.2 (a) of Supply Code-2014 instead of Regulation 21.5.2 (d) as decided by the Corporate Forum, Ludhiana.

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

- (i) The CCGRF, Ludhiana in its order dated 16.09.2024 observed as under:-

“Forum observed that on the request of ASE/DS, Focal Point (Spl.) Division vide Memo No. 2708 dated 04.07.2024, connection of the petitioner was checked by Sr. Xen/Enf. cum EA & MMTS-3, Ludhiana prior to installation of Power Quality Meter and ECR no. 24/3468 dated 17.07.2024 was prepared. It was reported in the ECR that Scroll button of the meter was defective; its reading and meter parameters could not be recorded, phase segment 1 on the display of the meter was not blinking but segments 2 and 3 were blinking ; DDL of the meter was done; the currents as 269A, 297A and 320A respectively of Red, Yellow & Blue phases were recorded using clamp-on meter on LT side of Transformer; the currents of Red, Yellow & Blue phases of the meter were also recorded using clamp-on meter as 0.3 A, 3.0 A and 2.8 A respectively. It was directed to change the meter and mentioned that further action will be taken after its accuracy is checked. Meter of the petitioner was again checked by Sr. Xen/Enf. cum EA & MMTS-3, Ludhiana, in continuation to the previous checking and ECR no. 28/3468 dated 19.07.2024 was prepared. It was reported in the ECR that star sign was visible on meter display; phase segment 1 was not blinking but segments 2 and 3 were blinking on running load; Scroll button of the meter was

defective; accuracy was checked with HT ERS meter on running load of 125kW and Power factor 0.98 on Pulse mode and the meter was found 33.93% slow. DDL was taken at site. It was directed to change the meter and CT/PT unit and get these checked in ME Lab. Sr. Xen/Enf. cum EA& MMTS-3, Ludhiana issued speaking orders vide his memo no. 269 dated 22.07.2024 stipulating in it that CT of R-phase had not been contributing for 356 days before 17.07.2024 i.e. date of DDL and it was directed to overhaul the account of the petitioner treating meter 33.93% slow till date of replacement of meter and CT/PT unit as per the instructions of PSPCL. As per these speaking orders, account of the petitioner was overhauled for the period from 23.01.2024 to 21.07.2024 and notice was issued to the petitioner by AEE/Comm., Focal Point Division vide Memo. 2242 dated 25.07.2024 asking him to deposit an amount of Rs. 21,17,310/- within 15 days. Meter and CT/PT unit of the petitioner were changed vide MCO no. 100026006375 dated 19.07.2024 effected on 22.08.2024. Removed CT/PT unit was checked in ME Lab vide challan no. 301 dated 23.08.2024 and it was reported that results of R- ϕ and B- ϕ CTs were not within limits of its accuracy class as per ISS; whereas that of Y- ϕ CT was within limit of its accuracy class. Results of all PT's were within limits of its accuracy class as per I.S.S. Removed meter was checked in ME Lab vide challan no. 32 dated 23.08.2024 and it was reported that Scroll button of the meter was defective; Its accuracy on kWh and kVAh mode on pulse mode was found within limits; Dial test could not be done; DDL was taken on MRI. Petitioner did not agree to the amount charged to him and filed a case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent as under:

Year	2020		2021		2022		2023		2024	
Month	Cons	Code	Cons	Code	Cons	Code	Cons	Code	Cons	Code
Jan	95790	O	86502	O	73118	O	102834	O	65045	O
Feb	49098	O	76530	O	87428	O	92580	O	48143	O
Mar	-	-	86400	O	97316	O	62514	O	42200	O
April	57798	O	85674	O	109386	O	63438	O	56379	O
May	26052	O	77502	O	121713	O	58302	O	54110	O
June	50754	O	56586	O	134336	O	64152	O	58526	O
July	50568	O	50874	O	147245	O	60216	O	57867	O
Aug	65622	O	101442	O	163348	O	60192	O	47900	O
									294	O
Sept	58794	O	49950	O	181156	O	51606	O		
			32520	O						
Oct	65004	O	103938	O	193951	O	56411	O		
Nov	68562	O	114132	O	210392	O	53585	O		
Dec	100218	O	77940	O	222876	O	61141	O		
Total	688260		999990		1742265		786971		430464	

As per the above consumption table, annual consumption of petitioner for the years from 2020 to 2024 (upto 08/24) has been recorded as 688260, 999990, 1742265, 786971 and 430464 units respectively. Forum observed that the annual consumption of the petitioner increased from 2020 onwards probably due to normalization after covid. Further, Forum observed from the consumption data that consumption is increasing considerably from 2020 to 2022 but it suddenly decreased drastically in 2023 and 2024 particularly from the month of March/2023. This clearly shows that definitely something had happened during this period. Sr. Xen /Enf. cum EA & MMTS-3, Ludhiana in his speaking orders had mentioned that as per DDL report R-φ CT was not contributing for 356 days prior to 17.07.2024, which almost coincide with pattern of decrease in consumption.

Forum scrutinized the DDL report and observed from tamper report that current on R phase had been recorded as zero for the data available i.e. from 16.02.2024 to 23.08.2024 but these events had been recorded at different intervals. No continuous event of failure of R phase current had been recorded in DDL report. Therefore, there is no event/document to prove that the metering equipment was continuously slow by 33.93% during the disputed period.

Forum further observed that Sr. Xen/Enf. cum EA & MMTS-3, Ludhiana has mentioned in his ECR no. 28/3468 dated 19.07.2024 that the meter is slow by 33.93%. Forum wondered how a precise slowness of 33.93% of an HT meter can be worked out at site by comparing parameters recorded by it with those measured on LT side ignoring losses of step down transformer, HT/LT cables etc. between HT meter and LT ERS meter. Moreover, the slowness of 33.93% is an instant slowness related to that very moment and it keeps on varying depending on various factors like voltages of the respective phases, load on these phases and power factors thereof, etc. Hence, this slowness cannot be considered as constant or uniform over the entire period of overhauling of the account.

Forum further observed that petitioner in his written OD submitted during hearing dated 03.09.2024 had submitted as under:

'That the meter has been replaced on 22.08.2024 vide MCO no. 100026006375 dt. 19.07.2024 as such the period should be 24.02.2024 to 22.08.2024 for the slowness chargeable instead of 23.01.2024 to 21.07.2024'.

It is observed that the petitioner himself had agreed that the amount charged to him against the said slowness is correct but the period of overhauling should be from 24.02.2024 to 22.08.2024 instead of 23.01.2024 to 21.07.2024 as taken by the Respondent. Forum observed that the Petitioner had agreed to the continuous slowness of 33.93%, however, in view the above discussion/fact, contention of the petitioner regarding treating the meter as inaccurate is not acceptable.

In view of the above discussion/facts, the metering equipment of the Petitioner is required to be treated as defective. The relevant Regulation 21.5.2 of PSERC Supply Code 2014 dealing with the defective meters is reproduced below:

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 written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner along with the relevant material brought on record. Keeping in view the above facts/discussion, Forum is of the opinion that the meter of the Petitioner is required to be treated as defective, hence notice issued to him vide memo no.2242 dated 25.07.2024 of AEE/Comm. Focal Point Divn. (spl.), Ludhiana asking him to deposit amount of Rs. 21,17,310/- treating his meter slow by 33.93% is required to be quashed. Further as there is failure of R phase current for 375 days as per DDL report, therefore, consumption of the previous

year cannot be relied upon, hence, his account is required to be overhauled for a period of six months prior to the date of change of metering equipment i.e. 22.08.2024, as per Reg. 21.5.2(d) of PSERC Supply Code-2014.”

- (ii) I have gone through the written submissions made by the Appellant in its Appeal as well as in the Rejoinder to the Reply of the Respondent, written reply of the Respondent & the data placed on the record by the Respondent as well as oral arguments of both the parties during the hearings on 25.11.2024 & 02.12.2024. It is observed by this Court that the Appellant was satisfied with the decision of the Corporate Forum, Ludhiana to the extent that the meter be treated as defective & the account of the Appellant be overhauled for the maximum period of six months. The only plea of the Appellant was that its account be overhauled as per Regulation 21.5.2 (a) of Supply Code-2014 instead of Regulation 21.5.2 (d) as decided by the Corporate Forum, Ludhiana as the previous year consumption data was available.
- (iii) The metering equipment of the Appellant was checked on site by the Sr. XEN, Enforcement-3, PSPCL, Ludhiana vide ECR Nos. 24/3468 dated 17.07.2024 & 28/3468 dated 19.07.2024. The accuracy of the meter was checked through HT ERS meter and the meter was found to be working 33.93% slower and it was further directed by the Enforcement wing to replace the HT

meter alongwith CT/PT to get it checked in ME Lab. Sr. Xen Enforcement-3, Ludhiana had issued a speaking order vide Memo No. 269 dated 22.07.2024 regarding the said checking and the AEE/Commercial, Focal Point Division, PSPCL was directed to overhaul the account of the Appellant as per the PSPCL instructions due to non contribution of Red Phase CT for 356 days as per the DDL report. Thereafter, the meter alongwith CT PT was replaced on 22.08.2024. The Corporate Forum gave the order to overhaul the account of the Appellant as per Regulation 21.5.2 (d) of Supply Code-2014.

- (iv) The Respondent was asked by the Enforcement staff to replace the metering equipment of the Appellant on 19.07.2024, but it was replaced by the Respondent only on 22.08.2024 i.e. after 34 days. As per Clause 3.1 of Annexure-1 (Minimum Standards of Performance) of Supply Code-2014, the meter is required to be replaced within 24 hours in urban areas and 72 hours in rural areas of the confirmation regarding defective meter from the field officers. In this regard, it is pertinent to note that if the metering equipment would have been replaced in time, then the consumption data of the corresponding period of previous year of the metering equipment would have been available. But due to the lapse on the part of the Respondent, consumption data of the

corresponding period of previous year of the metering equipment is not available if the meter replacement is considered from 22.08.2024. This Court is of the opinion that the Appellant cannot be penalized for the delay by the Respondent in replacing the meter. Therefore, the account of the Appellant needs to be overhauled as per Regulation 21.5.2 (a) of Supply Code-2014 for the maximum period of six months on the basis of the consumption of the previous year considering notionally the date of replacement of meter to be within the time frame stipulated in Clause 3.1 of Annexure-1 (Minimum Standards of Performance) of Supply Code-2014.

7. Decision

As a sequel of above discussions, the order dated 16.09.2024 of the CCGRF, Ludhiana is amended to the extent that the account of the Appellant be overhauled as per Regulation 21.5.2 (a) of Supply Code-2014 for the maximum period of six months on the basis of the consumption of the previous year considering notionally the date of replacement of meter to be within the time frame stipulated in Clause 3.1 of Annexure-1 (Minimum Standards of Performance) of Supply Code-2014.

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, he 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.

December 10, 2024
S.A.S. Nagar (Mohali).

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