

**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. 25/2022

Date of Registration : 20.05.2022

Date of Hearing : 30.05.2022

Date of Order : 30.05.2022

Before:

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

In the Matter of:

Sh. Dhanwinder Singh,
C/o Shri Gurdev Kumar,
Gali No. 3, Kuldeep Nagar,
Basti Jodewal, Ludhiana.

Contract Account Number: 3003292920 (MS)

...Appellant

Versus

Addl. Superintending Engineer,
DS Sunder Nagar (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

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

Respondent : Er. J.S.Jandu,
Addl. S.E.,
DS Sunder Nagar (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 24.03.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-322 of 2021, deciding that:

“Keeping in view of the above Forum observes and decides that as the Respondent himself admitted/ submitted during the hearing of the case that security amount of alongwith interest needs to be adjusted therefore, there stands no dispute which needs the interference of the Forum and further the supply is cater on LT, no HT rebate is admissible. The case is disposed off accordingly.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 09.05.2022 i.e. beyond the period of thirty days of receipt of decision dated 24.03.2022 of the CGRF, Ludhiana in Case No. CGL-322 of 2021. The Appellant had not submitted 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) Regulation, 2016 and application for condonation of delay despite requests vide letter no. 426/OEP/ Dhanwinder Singh dated 09.05.2022 and letter no. 444/OEP/ Dhanwinder Singh dated 16.05.2022. The

Appellant confirmed vide e-mail dated 20.05.2022 that he had already deposited the full disputed amount on 29.11.2021 and also filed an application for condonation of delay in filing the Appeal. Therefore, the Appeal was registered on 20.05.2022 and copy of the same was sent to the Addl. SE/DS Sunder Nagar (Spl.) Division, PSPCL, Ludhiana for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 464-466/OEP/A-25/2022 dated 20.05.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 30.05.2022 at 11.30 AM and intimation to this effect was sent to both the parties vide letter nos. 477-78/OEP/A-25/2022 dated 23.05.2022. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

4. Condonation of Delay

At the start of hearing on 30.05.2022, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant's Representative stated that the Appellant received decision dated 24.03.2022 in the second week of April, 2022 & the same can be confirmed from the CGRF office also. Intimation of decision has been delayed by the CGRF.

Thereafter, the Appellant took some time to know the procedure for filing the Appeal. The Appellant's Representative further prayed that the delay in filing the present Appeal may kindly be condoned and the Appeal be adjudicated on merits in the interest of justice. The Respondent didn't object to the request of condoning of delay in the written reply and even during hearing on 30.05.2022.

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.”

The Court observed that the Appellant received decision dated 24.03.2022 in the second week of April, 2022 i.e. beyond the period of 21 days from the decision dated 24.03.2022 of the Forum. The Appeal was received in this Court on 09.05.2022. It

was also observed that non-condoning of 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 alongwith 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 MS Category Connection, bearing Account No. 3003292920 in its name.
- (ii) The Appellant had stated that the Respondent had raised demand of ₹ 1,08,330/- as AACD Security amount in April,

2021. The Appellant was not satisfied with this demand and approached the Forum but the decision of the Forum was vague. No clear cut instructions were given in its decision to adjust the Securities already deposited against the notice and interest on Security was not given.

- (iii) The Respondent admitted that the Appellant had deposited the Security at the time of release of connection but the same had not been updated in the bill/ record. Due to which notice of AACD needs to be revised after adjusting the Security already deposited and interest should also be provided till date on the Security amount already deposited in 2016.

(b) Submissions in Rejoinder

In its Rejoinder to the written reply of the Respondent, the Appellant submitted that the following for consideration of this Court: -

- (i) The Respondent had submitted that ₹ 67,500/- had already been updated on 27.09.2021 but the Respondent had not provided any proof regarding the same. The Appellant demanded account statement from 04/2021 till date and also requested for payment of interest on Securities.

(c) Submission during hearing

During hearing on 30.05.2022, the Appellant's Representative (AR) reiterated the submissions made in the Appeal as well as in the Rejoinder and prayed to allow the same. AR admitted during hearing on 30.05.2022 that decision of the Forum has been implemented and the dispute stands resolved.

(B) Submissions of the Respondent

(a) Submissions in written reply

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

- (i) The Appellant was having a MS Category Connection, bearing Account No. 3003292920 in the name of Shri Dhanwinder Singh S/o Shri Jaswant Singh, Hosiery Complex, Ludhiana with sanctioned load of 89.472 kW. The Appellant had deposited a sum of ₹ 73,480/- vide Receipt No. 210011974603 dated 25.04.2016 but in SAP, Security was updated with ₹ 5,980/- only. After checking of the record, it was found that ₹ 67,500/- had also been updated as a security in account of the consumer on 27.09.2021.

- (ii) As per LCR of AEE/ Tech., the electricity connection of Appellant was running on LT Supply and as such, the Appellant was not eligible for HT rebate.
- (iii) The Forum had observed and decided that as the Respondent admitted/ submitted during the hearing of the case that Security amount alongwith interest needs to be adjusted, there stands no dispute which needs the interference of the Forum and further the Supply was catered to the Appellant on LT, so no HT rebate was admissible.
- (iv) The decision of the Forum was implemented except interest on Security because the Respondent had written a letter to Audit Wing on 17.05.2022 for Pre-audit of calculation of interest on Security and the pending relief would be given after pre-audit to the appellant.

(b) Submission during hearing

During hearing on 30.05.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal. The Respondent pleaded that interest amounting to ₹ 19,227/- has been credited into the account of the consumer vide SCA No. 187/96, R-505A. The decision of the Forum has been fully implemented.

6. Analysis and Findings

The issue requiring adjudication is the legitimacy of Notice No. 951 dated 08.03.2021 for deposit of Additional Security (Consumption) amounting to ₹ 1,08,330/- .

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

- (i) The Appellant's Representative (AR) reiterated the submissions made in the Appeal. He pleaded that the Respondent had raised demand of ₹ 1,08,330/- as AACD Security amount in April, 2021 and the Appellant was not satisfied with this demand and approached the Forum. No clear cut instructions were given in its decision to adjust the Securities already deposited against the notice and interest on Security amount was not given. The already deposited Security had not been adjusted in the demand raised by the Respondent and as such, the notice issued by the Respondent was liable to be quashed.
- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and pleaded that the amount of Security (Consumption) already deposited by the Appellant, stood adjusted and for payment of interest on the amount of Security to the Appellant, the interest has been calculated and adjusted through Sundries. In view of this, the Respondent

prayed for dismissal of the Appeal of the Appellant being not maintainable and devoid of merits.

- (iii) I have gone through the written submissions made by the Appellant in the Appeal/ Rejoinder and by the Respondent in its written reply. It is an admitted fact that the Appellant had deposited some amount on account of Security (Consumption) and Security (Meter) at the time of release of connection and the Security amount needs to be recalculated after adjusting already deposited Security amounts. In view of this, the impugned notice no. 951 dated 08.03.2021 is hereby quashed. The Security amount should also be calculated as per Supply Code, 2014 Regulation 16. A fresh notice should be issued to the Appellant as per Regulation 16 of Supply Code, 2014 after adjusting already deposited Security amounts. The amount of Security calculated as above should be recovered strictly as per Supply Code Regulations. The interest on Securities should be paid as per Regulation No.17.1 of Supply Code, 2014. The Respondent admitted during hearing on 30.05.2022 that interest on Securities amounting to ₹ 19,227/- has been credited in the account of the Appellant through Sundries.

7. Decision

As a sequel of above discussions, the order dated 24.03.2022 of the CGRF, Ludhiana in Case No. CGL-322 of 2021 is hereby quashed. The Respondent is directed to recalculate the amount of Security (Consumption) as per Regulation 16 of the Supply Code, 2014 after adjusting already deposited amount of Securities. A fresh notice regarding the Security (Consumption) to be deposited by the Appellant should be issued and the same may be recovered as per Regulations. The interest on Securities deposited by the Appellant should also be paid as per Regulation 17.1 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, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance

with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016.

May 30, 2022
S.A.S. Nagar (Mohali)

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

