

**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. 26/2022**

**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. Rajinder Singh,  
Basant Ice Cream, Railway Road,  
Clock Tower, Ludhiana.

**Contract Account Number: 3002514393 (NRS)**

...Appellant

Versus

Addl. Superintending Engineer,  
DS City Central (Spl.) Divn.,  
PSPCL, Ludhiana.

...Respondent

**Present For:**

Appellant: Sh. Gurdev Kumar  
Appellant's Representative.

Respondent : Er. S.K.Goyal,  
Addl. Superintending Engineer,  
DS City Central (Spl.) Divn.,  
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 24.02.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-462 of 2021, deciding that:

*“Amount charged for overhauling the account for the period 14.11.2020 to 15.03.2021 amounting to Rs. 78418/- is correct and recoverable.”*

## **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 24.02.2022 of the CGRF, Ludhiana in Case No. CGL-462 of 2021. 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) Regulation, 2016 and request for condonation of delay with reasons despite requests vide letter nos. 425/OEP/ Rajinder Singh dated 09.05.2022 and 445/OEP/Rajinder Singh dated 16.05.2022. The Respondent was also asked vide letter no. 448/OEP/Rajinder Singh dated 16.05.2022 about the implementation of the decision of the

Forum and whether the Appellant had deposited the 40% of the disputed amount as required under Regulation 3.18 (iii) of PSERC (Forum & Ombudsman) Regulation, 2016. The Respondent confirmed vide Memo No. 1887 dated 17.05.2022 that the Appellant had deposited the full disputed amount on 18.04.2022 vide Receipt No. 217900156016. The Appellant also confirmed vide e-mail dated 20.05.2022 that he had already deposited the full disputed amount and sent the request letter 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 City Central (Spl.) Divn., 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. 467-69/ OEP/ A-26/2022 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 12.00 Noon and intimation to this effect was sent to both the parties vide letter nos. 479-80/OEP/ A-26/2022 dated 23.05.2022. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

#### 4. Condoning 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 24.02.2022 in the last week of March as he personally collected it from the office of the Forum. 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. 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.”*

The Court 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 NRS Category Connection, bearing Account No. 3002514393 with sanctioned load of 24.87 kW in his name.

- (ii) The Appellant's meter was changed vide MCO No. 100013168138 dated 20.04.2021 effected on 20.04.2021. The meter was checked in the ME Lab vide Challan No. 101 dated 04.05.2021.
- (iii) As per ME Lab report, the meter of the Appellant was burnt. The accuracy could not be done and DDL was not coming.
- (iv) The Audit Party during checking of accounts, overhauled the account of the Appellant for the period from 14.11.2020 to 15.03.2021 on the basis of consumption recorded from 14.11.2019 to 15.03.2020 i.e., corresponding period of the previous year vide Half Margin No. 77 dated 03.09.2021. The Appellant was charged an amount of ₹ 78,418/- vide Notice No. 5209 dated 30.09.2021 and later charged in bill dated 19.10.2021.
- (v) The Appellant filed the case in the Forum against this notice. The Forum decided that amount of ₹ 78,418/- charged to the Appellant was correct and recoverable.
- (vi) The Appellant stated that he had deposited all the bills issued by the PSPCL from time to time and no bill was pending. The bills were issued to him as per the electricity consumed. The Appellant's business got affected due to Corona Virus, so his consumption was reduced.

(vii) The reading of the Appellant was taken regularly every month. So, how the Audit Party assumed that bills were not issued correctly. When the Meter Reader observed that meter was not working fine, he had put 'D' code in April, 2021. Before that 'O' code bills were issued which were paid by the Appellant.

**(b) Submission during hearing**

During hearing on 30.05.2022, the Appellant's Representative (AR) reiterated the submissions made in the Appeal 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 Meter of the Appellant was changed vide MCO No. 100013168138 dated 20.04.2021 effected on 20.04.2021 due to 'D' code. The meter was checked in ME Lab vide Challan No. 101 dated 04.05.2021. As per ME Lab report, meter of the Appellant was burnt, accuracy could not be done and DDL was not coming.
- (ii) The Audit Party during checking of accounts, overhauled the account of the Appellant for the period 14.11.2019 to 15.03.2021 on the basis of consumption recorded from

14.11.2019 to 15.03.2020 i.e. corresponding period of previous year vide Half Margin No. 77 dated 03.09.2021 and the amount of ₹ 78,418/- was charged vide Notice No. 5209 dated 30.09.2021 and later charged in bill dated 19.10.2021.

(iii) The Appellant did not agree to it and filed the case in the CGRF, Ludhiana on 14.12.2021. The Forum closed the case on 24.02.2022 and decided that amount charged for overhauling the account for the period from 14.11.2020 to 15.03.2021 amounting to ₹ 78,418/- was correct and recoverable.

**(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 admitted during hearing on 30.05.2022 that the demand raised on the basis of half margin of the Audit was not based on any regulations/ instructions of the Licensee.

**6. Analysis and Findings**

The issue requiring adjudication is the legitimacy of amount of ₹ 78,418/- charged to the Appellant vide Notice No. 5209 dated 30.09.2021 and later charged in his bill dated 19.10.2021 due to overhauling of the account of the Appellant for the period from

14.11.2019 to 15.03.2021 on the basis of consumption recorded from 14.11.2019 to 15.03.2020 i.e. corresponding period of previous year vide Half Margin No. 77 dated 03.09.2021.

*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 on what basis the Audit Party overhauled the account of the Appellant for the period from 14.11.2020 to 15.03.2021, when he had already paid all the bills issued to him on 'O' Code during this period. His electricity consumption got low due to the fact that his business got affected due to Corona Virus. He further pleaded that when the meter reader observed that the meter was not working fine in April, 2021, he put 'D' Code, but the Audit Party overhauled the account from 14.11.2020 to 15.03.2021, when 'O' Code bills were issued to him. He prayed that the Appeal be allowed and the Notice No. 5209 dated 30.09.2021 of the Respondent be quashed.
- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and reiterated the submissions made by the Respondent in the written reply. The Respondent argued that the Audit Party had overhauled the account of the

Appellant correctly as per Regulation 21.5.2 of the Supply Code-2014 and the decision of the Forum was also justified.

The Respondent prayed for the dismissal of the Appeal.

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

“From the consumption pattern submitted by the Respondent, Forum observed that consumption of corresponding period of previous year as well as corresponding period of succeeding year is higher. Even petitioner did not appear in the proceeding and appeared only after the final notice of Forum. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters is reproduced 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”.*

From the above, the Forum is of the opinion that the account of the petitioner overhauled by Audit party is justified. So, the amount charged for overhauling the account for the period

14.11.2020 to 15.03.2021 amounting to Rs. 78418/- is correct and recoverable.”

- (iv) I have gone through the written submissions made by the Appellant in the Appeal, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 30.05.2022. The Appellant had pleaded in his Appeal that he had already paid his monthly bills upto 15.03.2021 on ‘O’ Code, then how the Audit Party had overhauled his account from 14.11.2020 to 15.03.2021? I agree with this contention of the Appellant. The Reading Record of the Appellant’s consumer account available in SAP system shows that bills were regularly being issued to the Appellant on the basis of ‘O’ code till 15.03.2021. The Appellant was issued bill on ‘O’ Code on 15.03.2021 and after that next month on 15.04.2021, the meter reader noticed that the meter was not working properly and put ‘D’ Code. The meter in dispute was declared as Burnt by the ME lab. So as per Regulation 21.5.2 of Supply Code-2014, the account of the Appellant was required to be overhauled from 15.03.2021 to 20.04.2021 i.e. the date of replacement of the defective/burnt meter. However, in contrary to the Regulation 21.5.2 of Supply Code-2014, the account of the Appellant was overhauled from 14.11.2020 to 15.03.2021 by the Audit Party, which is not as per any regulations/

instructions of the Distribution Licensee. The Respondent had failed to prove that the readings recorded by the Meter Reader during the period from 14.11.2020 to 15.03.2021 were incorrect. This proves that the Respondent was satisfied with the 'O' Code bills issued to the Appellant.

- (v) The Respondent issued all the bills in the disputed period from 14.11.2020 to 15.03.2021 on 'O' Code, which were neither challenged by the Appellant nor by the Respondent. The decision dated 24.02.2022 of the Forum in this case is not correct and not as per Regulations of the PSERC and the Licensee as the previous settled bills issued on 'O' Code cannot be changed or modified. The decision of the Forum is not based on any regulations/ instructions of the Distribution Licensee and the Forum had erred in passing such order.
- (vi) In view of the above, this court is not inclined to agree with the decision dated 24.02.2022 of the Forum in Case No. CGL-462 of 2021. The Respondent could not prove that the readings recorded by the Meter Reader during the period from 14.11.2020 to 15.03.2021 were incorrect. As such, the Notice No. 5209 dated 30.09.2021, vide which the amount of ₹ 78,418/- was charged to the Appellant, is hereby quashed. The meter replaced on 20.04.2021 was a burnt meter as per

report of ME lab. The account of the Appellant should be overhauled from 15.03.2021 to 20.04.2021 i.e. the date of replacement of the defective/ burnt meter as per Regulation 21.5.2 (a) of Supply Code-2014

## **7. Decision**

As a sequel of above discussions, the order dated 24.02.2022 of the CGRF, Ludhiana in Case No. CGL-462 of 2021 is hereby quashed. The amount of ₹ 78,418/- charged to the Appellant vide Notice No. 5209 dated 30.09.2021 is against the regulations and not recoverable from the Appellant. The account of the Appellant should be overhauled from 15.03.2021 to 20.04.2021 i.e. the date of replacement of the defective/ burnt meter as per Regulation 21.5.2 (a) & (e) 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.

