

**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. 27/2022

Date of Registration : 23.05.2022

Date of Hearing : 30.05.2022

Date of Order : 30.05.2022

Before:

**Er. GurinderJit Singh,
Lokpal (Ombudsman), Electricity, Punjab.**

In the Matter of:

M/s. Tajinder Singh,
Hosiery Complex, Noorwala Road
Nand Puri, Ludhiana-141001.

Contract Account Number: 3002800675 (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-323 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 and (Rs. 66223/- had already been updated) 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 01.04.2022 of the CGRF, Ludhiana in Case No. CGL-323 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 condoning of delay despite requests vide letter nos. 427/OEP/ Tajinder Singh dated 09.05.2022 and 443/OEP/

Tajinder Singh dated 16.05.2022. The Respondent confirmed that 40% of disputed amount has been deposited. Therefore, the Appeal was registered on 23.05.2022 and copy of the same was sent to the Addl. SE/ DS Sunder Nagar (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. 474-476/ OEP/A-27/2022 dated 23.05.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 30.05.2022 at 11.15 AM and intimation to this effect was sent to both the parties vide letter nos. 490-91/OEP/A-27/2022 dated 25.05.2022. 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 and it can be confirmed from the CGRF office. 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 did not object to the request of condoning of delay.

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 Medium Supply Category Connection, bearing Account No. 3002800675 with sanctioned load of 90.96 kW and CD as 99.999 kVA in its name.
- (ii) The Appellant had stated that the Respondent had raised demand of ₹ 1,73,006/- as AACD Security amount in April, 2021. But the Appellant was not satisfied with this demand and

approached the Forum but the decision of the Forum was vague. The Forum in its decision, had mentioned that ₹ 66,223/- had already been adjusted but it had been reversed on dated 08.10.2021 which needs to be adjusted. No clear instruction was given in its decision to adjust the Security amount already deposited against the notice and interest on Security amount was also 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. Due to which notice of AACD needs to be revised after adjusting the Security amount already deposited and interest should also be provided till date on Security amount already deposited.

(b) Submissions in Rejoinder

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

- (i) The Respondent had submitted that ₹ 66,223/- had already been adjusted in the account of the Appellant but the Respondent had concealed the fact that amount of ₹ 66,223/- which was adjusted was again charged on the account and the same can be confirmed from the account statement. The Appellant

demanded account statement from 04/2021 till date and also requested for payment of interest.

(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. The Appellant admitted during hearing that the decision of the Forum now stands fully implemented.

(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. 3002800675 in the name of M/s. Tajinder Singh, Hosiery Complex, Noorwala Road, Nand Puri, Ludhiana with sanctioned load of 90.96 kW and CD as 99.999 kVA. The Appellant had deposited a sum of ₹ 73,500/- vide Receipt No. 334/19924 dated 01.06.2009 but in SAP, Security was updated with ₹ 7,277/- only. After checking of the record, it was found that ₹ 66,223/- had also been updated as a security in account of the consumer on 08.05.2021.

- (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 amount because the Respondent had written a letter to Audit Wing on 17.05.2022 for Pre-audit of calculation of interest on Security amount and the pending relief would be given after pre-audit to the Appellant.

(d) Submission during hearing

During hearing on 30.05.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed to dismiss the Appeal. The Respondent stated that interest on Securities amounting to ₹ 71,519/- has been credited in the account of the Appellant vide SCA No. 188/97, R-505A. He pleaded that the decision of the Forum has been implemented.

6. Analysis and Findings

The issue requiring adjudication is the legitimacy of Notice No. 896 dated 08.03.2021 for deposit of Additional Security (Consumption) amounting to ₹ 1,73,006/- .

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 ₹ 1,73,006/- 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 was also 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

paid in the account of the Appellant. 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 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 amount. In view of this, the impugned Notice No. 896 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 after re-calculation as per Regulation 16 of Supply Code, 2014 after adjusting already deposited amount on account of Securities. The amount of Security calculated as above should be recovered as per Supply Code Regulations. The interest on Securities shall be paid as per Regulation 17.1 of Supply Code, 2014.

7. Decision

As a sequel of above discussions, the order dated 24.03.2022 of the CGRF, Ludhiana in Case No. CGL-323 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 to be deposited by the Appellant should be issued and the same may be recovered as per Supply Code Regulations. The interest on Securities should 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.