

**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. 27/2023

Date of Registration : 09.10.2023

Date of Hearing : 03.11.2023

Date of Order : 03.11.2023

Before:

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

In the Matter of:

Sh. Subhash Sharma,
Luxmi Gali, Near Bank,
Shiv Puri, Ludhiana.

Contract Account Number: 3002800090 (MS)

...Appellant

Versus

Senior Executive Engineer,
DS City Central (Spl.) Division, PSPCL,
Ludhiana.

...Respondent

Present For:

Appellant: Sh. Parvesh Chadha,
Appellant's Representative.

Respondent : Er. Gurpreet Singh,
Addl. SE
DS City Central (Spl.) Divn., PSPCL,
Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 05.09.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-101/2023, deciding that:

“The decision dated 20.06.2023 of Zonal CGRF, Central Zone, PSPCL, Ludhiana is set-aside and notice no. 66 dated 04.01.2023 of AEE/ (Comm.), City Central Divn., PSPCL, Ludhiana is quashed. Account of the petitioner be overhauled for the period of six months prior to date of setting right of the potential connection of yellow phase i.e., 30.12.2022, on the basis of energy consumption of corresponding period of previous year as per Regulation no. 21.5.2 (a) of Electricity Supply Code and Related Regulations Matters-2014.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 09.10.2023 i.e. within the period of thirty days of receipt of the decision dated 05.09.2023 in Case No. CF-101/2023 of the CCGRF, Ludhiana on 28.09.2023. The Appellant had deposited the requisite 40% of the disputed amount of ₹ 2,13,899/- vide receipt no. 191224887 dated 06.02.2023 for ₹ 42,850/- and receipt no. 198560074 dated 02.10.2023 for ₹ 42,850/-. Therefore, the Appeal was registered on 09.10.2023 and copy of the same was sent to the Addl. SE/ DS City Central (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. 721-723/OEP/A-27/2023 dated 09.10.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 03.11.2023 and intimation to this effect was sent to both the parties vide letter nos. 751-52/OEP/A-27/2023 dated 25.10.2023. 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 its Appeal for consideration of this Court:-

- (i) The Appellant was having an MS Category Connection, bearing Account No. 3002800090 in his name with Sanctioned Load of 48.820 kW and CD as 54.24 kVA. The connection was

obtained on 08.01.2015 for Hosiery Manufacturing and was under the control of Unit-I, under ASE, DS City Centre (Spl.) Division, Ludhiana.

(ii) The Appellant had received a notice no. 66 dated 04.01.2023 for payment of ₹ 2,13,899/- on the basis of checking by Enforcement vide ECR No. 38/2014 dated 30.12.2022 against letter no. 154 dated 08.12.2022 issued by SDO/ Unit-I, City Central (Spl.) Divn., Ludhiana being the low voltage receiving to meter on 'Yellow' Phase.

(iii) The Enforcement had checked the meter on 30.12.2022 vide ECR No. 38/2014 and pointed out the below noted observations: -

a) As per site the display of the meter segment no. '2' phase was not shown out of segments '1,2,3'. The Parameters of voltage checked and found that voltage to meter was less receiving whereas the Appellant was receiving the Voltage as '258' V. As per checking the accuracy of the meter with LTERS meter, the meter was running (-) 61.62% slow. The account be overhauled as per instruction on the basis of results and inform this office.

b) The CT Chamber was opened and found that low voltage was due to Oxidize of the PT Link wire of 'Y' Phase. The accuracy

was again checked after correcting and found within prescribed limit.

- c) The MCB box was of old version, it should be replaced with new MCB by fixing at appropriate place and inform this office.
- d) As per checking by the Enforcement, the results of voltage on LT ERS meter were as below:-

Quantity	Red Phase	Yellow Phase	Blue Phase
Voltage	258	24	259
Current	1.9	26.2	7.6

- e) The DDL was done.
- (iv) As per speaking order passed by ASE/ Enf., Ludhiana vide Memo No. 138 dated 18.05.2023 (after lapse of 4 months & 17 days of charging the amount) that the account be charged as per latest instructions of the PSPCL during the proceedings in ZLDSC and the case was decided against the Appellant. The Appeal was made on 10.08.2023 before the Corporate Forum, Ludhiana, which was decided vide Appeal No. CF-101/2023 on 05.09.2023 as under:-

“The decision dated 20.06.2023 of Zonal CGRF, Central Zone, PSPCL, Ludhiana is set-aside and notice no. 66 dated 04.01.2023 of AEE/ (Comm.), City Central Divn., PSPCL, Ludhiana is quashed. Account of the petitioner be overhauled for the period of six months prior to date of setting right of the potential connection of yellow phase i.e. 30.12.2022, on the basis of energy consumption of corresponding period of previous year as per

Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014.”

- (v) The decision of the Corporate Forum, Ludhiana was not acceptable as the same was not correct. The Forum vide Para No. 2 of page No. 9 of the order dated 05.09.2023 against the Appellant not to charge as -61.62% of oxidation on yellow phase with the following observations:-

“Petitioner has contended in his petition and rejoinder that the meter was not recording energy on yellow phase only and it was hence recording energy on remaining two phases and accordingly it was recording 2/3rd energy correctly. This contention of the petitioner is not acceptable as his load is not balanced means it has not been divided equally on all the phases as depicted in ECR no. 38/2014 dated 30.12.2022. Current on Red phase is 1.9 Amp, Yellow phase 26.2 Amp and Red phase 7.6 Amp. So maximum load has been put on yellow phase, the potential connection of which was found oxidized and meter was found running slow by 61.62% when it was checked with LTERS meter on 30.12.2022. At the same time, action of overhauling the account of the petitioner by 61.62% slowness by the Respondent is also not justified. The process of oxidation of potential connection is not sudden but it takes place slowly over a period of time. Normally the voltage starts diminishing once the oxidation process sets in and go on reducing slowly over a period of time. In some cases, the joint behaves erratically and cause wild fluctuations in voltage contribution of the concerned phase to the meter. This behavior is visible from the ‘voltage of V_y on different dates in DDL as tabulated below: -

Date	Voltage (V _y)
22.05.22	131.09
20.07.22	184.03
21.09.22	249.6
01.10.22	177.39
29.11.22	252.49
01.12.22	37.51
19.12.22	183.45
26.12.22	46.99
30.12.22	0.28

Hence slowness of 61.62% is the slowness at the instant of checking and it cannot be treated as a uniform slowness as it depends upon multiple variable factors like current being drawn from different phases, power factor of the loads put on different phases, voltages of different phases, particularly that of yellow phase; etc. Hence, in this case the meter is required to be treated as defective. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters.”

(vi) The DDL data was reproduced on all as under to clear the picture:-

Date	Time	V-1	V-2	V-3	Status
30.12.2022	13.55	258.15	258.36	258.62	OK on “Y” Phase
30.12.2022	13.55.43	258.13	255.38	258.74	OK on “Y” Phase
30.12.2022	13.50.03	258.59	0.28	258.86	Defective
26.12.2022	15.19	255.77	237.49	255.82	OK on “Y” Phase
19.12.2022	11.27	243.94	215.08	245.81	OK on “Y” Phase
19.12.2022	10.06	244.03	230.20	246.67	OK on “Y” Phase
18.12.2022	19.06	257.9	257.96	260.3	OK on “Y” Phase
11.12.2022	11.57.35	250.78	216.81	252.18	OK on “Y” Phase
11.12.2022	11.57.30	250.79	215.39	252.21	OK on “Y” Phase

01.12.2022	5.28	258.15	37.51	258.94	Defective
29.11.2022	15.55	255.42	252.81	255.58	OK on "Y" Phase
29.11.2022	11.54	255.58	252.49	255.63	OK on "Y" Phase
01.10.2022	13.37	252.01	177.39	251.62	Defective
21.09.2022	20.02	257.01	254.74	257.23	OK on "Y" Phase
21.09.2022	19.07	122.42	249.60	128.16	OK on "Y" Phase
31.07.2022	17.16	258.12	257.10	258.93	OK on "Y" Phase
31.07.2022	16.46	134.28	257.84	123.57	OK on "Y" Phase

- (vii) The above data clearly shows that the meter was OK till 26.12.2022 as such the observation to treat it as defective was not correct even Corporate Forum, Ludhiana itself quoted as 252.49 on 29.11.2022. So, charging for the last 6 months prior to defect was not genuine and against the Principle of Law. The one phase defective can only be charged from the actual defect dated i.e 26.11.2022 to 30.12.2022 (date of set right the oxidation joint) as per Instruction No. 21.5.1 (Inaccurate Meter) of the Supply Code, 2014.
- (viii) The decision of the Corporate Forum, Ludhiana was wrong for charging as per Instruction No. 21.5.2 (a) of Supply Code-2014 for 6 months as per last year consumption, even the slowness -61.62% was also not correct as declared by the Enforcement. As per DDL report one phase was to be chargeable as -33.33%

from the defect arise which was 26.11.2022. The meter was not declared as dead stop/ defective.

- (ix) The account of the Appellant be charged with slowness of - 33.33% against -61.62% for the period from 26.11.2022 to 30.12.2022 only.
- (x) It was requested that relief be given and the account of the Appellant be charged for the period from 26.11.2022 to 30.12.2022 under Regulation 21.5.1 instead of Regulation 21.5.2(a) of Supply Code-2014. Further, the excess amount already deposited as 40% be refunded please.

(b) Submissions made in Rejoinder

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

- (i) The load connection was being used for Hosiery purpose and all apparatus were of Single phase and appellant had no knowledge to divide it in equally on all phases. That the wiring/ electrician had not told and the factory was running accordingly.
- (ii) The respondent submitted the data in this Para was not correct and revised data was attached and explained as bellow:-

DDL ACCOUNT NO.3002800090 SH. SUBHASH SHARMA

				RED	YELLOW	BLUE	
Sr. no.	DATE		TIME	V-1	V-2	V-3	Status
1	30.12.2022	Voltage	13.55.44	258.15	255.36	258.62	OK on "Y" phase
		current		0.00	8.70	0.70	
2	30.12.2022	Voltage	13.55.43	258.13	255.38	258.74	OK on "Y" phase
		current		0.00	8.70	0.70	
3	30.12.2022	Voltage	13.50.03	258.59	0.28	258.86	DEFECTIVE
		current		1.20	16.60	0.70	
4	26.12.2022	Voltage	18.10.19	254.95	46.99	254.44	DEFECTIVE
		current		0.70	7.00	2.00	
5	26.12.2022	Voltage	15.19	255.77	237.49	255.82	OK on "Y" phase
		current		0.50	12.60	1.70	
6	19.12.2022	Voltage	11.27	243.94	215.08	245.81	OK on "Y" phase
		current		0.70	19.80	1.30	
7	19.12.2022	Voltage	10.06	244.03	230.20	246.67	OK on "Y" phase
		current		0.50	11.20	1.30	
8	18.12.2022	Voltage	19.06	257.9	257.96	260.3	OK on "Y" phase
		current		0.00	0.30	0.00	
9	11.12.2022	Voltage	11.57.35	250.78	216.81	252.18	OK on "Y" phase
		current		0.70	7.40	0.90	shown defective
10	11.12.2022	Voltage	11.57.30	250.79	215.39	252.21	OK on "Y" phase
		current		0.70	7.30	0.90	shown defective
11	05.12.2022	Voltage	16.12.05	256.56	11.65	256.79	DEFECTIVE
		current		0.50	10.50	11.65	
12	01.12.2022	Voltage	5.28	258.15	37.51	258.94	DEFECTIVE
		current		0.00	0.40	0.00	
13	29.11.2022	Voltage	15.55	255.42	252.81	255.58	OK on "Y" phase
		current		2.30	8.70	1.10	
14	29.11.2022	Voltage	11.54	255.58	252.49	255.63	OK on "Y" phase
		current		2.30	8.70	1.10	
15	22.10.2022	Voltage	19.22.13	256.45	10.44	256.24	DEFECTIVE
		current		10.30	10.20	10.00	
16	01.10.2022	Voltage	13.37	252.01	177.39	251.62	DEFECTIVE
		current		0.10	0.80	6.70	
17	21.09.2022	Voltage	20.02	257.01	254.74	257.23	OK on "Y" phase
		current		0.10	6.60	2.30	
18	21.09.2022	Voltage	19.07	122.42	249.60	128.16	OK on "Y" phase
		current		0.20	7.40	3.40	
19	31.07.2022	Voltage	17.16	258.12	257.10	258.93	OK on "Y" phase
		current		0.00	0.20	0.00	
20	31.07.2022	Voltage	16.46	134.28	257.84	123.57	OK on "Y" phase
		current		0.00	0.20	0.00	
21	31.07.2022	Voltage	16.46	134.28	257.84	123.57	OK on "Y" phase
		current		0.00	0.20	0.00	

22	31.07.2022	Voltage	15.47.08	123.99	10.69	131.45	DEFECTIVE	
		current		9.70	10.90	10.69		
23	28.07.2022	Voltage	10.44.42	247.54	53.48	246.94	DEFECTIVE	
		current		22.50	38.60	38.40		
24	19.07.2022	Voltage	21.16	256.67	234.01	255.14	OK on "Y" phase	
		current		10.20	10.40	10.30		
25	19.07.2022	Voltage	21.13	256.77	133.79	255.7	DEFECTIVE	
		current		10.20	10.40	10.30		
26	17.07.2022	Voltage	0.8.44.13	262.55	223.86	263.64	OK on "Y" phase	Not in Data
		current		10.20	10.40	10.30		
27	16.07.2022	Voltage	23.33.28	263.82	147.77	265.02	DEFECTIVE	
		current		0.10	0.30	0.00		
28	14.07.2022	Voltage	11.07.17	245.57	231.17	249.07	OK on "Y" phase	Not in Data
		current		61.10	51.50	67.80		
29	23.05.2022	Voltage	18.41.30	245.57	243.77	244.57	OK on "Y" phase	Not in Data
		current		46.40	42.10	59.10		
30	22.05.2022	Voltage	20.10.52	258.62	131.09	128.01	DEFECTIVE	
		current		10.30	5.50	5.00		

The data on dated on 11.12.2022 at time 11.57.35 & 11.57.30 was 'Ok' but shown 'Defective' to miss lead the court. Similarly Data on dated 17.07.2022, 14.07.2022 & 23.05.2022 were "OK" but were ignored.

- (iii) The reply to the Para (c) was not admitted, the meter showed the data of Make & Break as replied. The checking agency i.e. Enforcement has not declared it as **Make and break** in the speaking orders issued vide Memo No. 138 dated 18.05.2023. It was ordered that office may scrutinize the DDL and as ordered in ECR for overhauling the account of the consumer according to instructions of PSPCL for the slowness declared as -61.62% detected by LT-ERS meter at site. The account was overhauled for 6 months vide Memo No. 154 dated 08.12.2022

by charging the amount ₹ 2,13,899/- which was challenged that meter on yellow phase non-contribution be considered as -33.33% instead of -61.62% slow. The same was rejected by ZLDSC and appeal was made before Corporate Forum, Ludhiana but the Forum declared the meter as DEFECTIVE and increased the Penalty and not considered the request to charge the period 26.11.2022 to 30.12.2022. It was added the meter Forum itself quoted as 252.49 on 29.11.2022 (as per Para A in decision) was ok.

- (iv) The DDL Data showed that after 26.11.2022, this meter was OK on 11.12.2022, but the Respondent declared it as Defective. The voltage on all phases was as per limit and it remained till 26.12.2022. So declaring Meter as defective was not admitted.
- (v) The consumption of the petitioner became low due to less work according to Market of Hosiery unit and shifting of Machinery to second connection. This was authenticating from LCR No. 31/2117 dated 15.03.2023, the Load was 27.983 against SL-48.82 kW. The consumption data of 2nd account is attached for reference. The MDI was low in this account.
- (vi) The reply in Para E was admitted to the extent that load had not been divided equally on all phase but this was due to lack of knowledge as explained above in Para 1. The Corporate Forum

had wrongly declared the Meter as defective. If so, why it was not replaced as per instruction. The order passed to overhaul the account as per Supply Code-2014 Instruction no. 21.5.2 (a) was incorrect and was great injustice to the Appellant. It needed to be quashed.

- (vii) It was further added that according to the Respondent in Para (E) “metering equipment is inaccurate since 22.05.2022 and it is clear from DDL”. The connection was only direct from the Transformer installed in the front of factory, there might be a chance of defect in transformer itself which was evident from DDL of meter as NO indication of YELLOW phase was recorded earlier during monthly reading by JE/Meter reader except when letter no. 154 dated 08.12.2022 was issued to Enforcement to check the site. No such CT chamber was ever opened by PSPCL/Appellant before 30.12.2022 to correct the “Y” phase connections. The defect and Ok were recorded itself by the meter. So there may be fault in Transformer.
- (viii) That the revised calculation received today vide email in Memo No. 4273 dated 31.10.2023 was also wrong. The consumption from 08/2022 was low due to load/machinery shifted to 2nd connection vide Account No. 3007805488 and consumption was recorded in that account. The comparison consumption

data was added as below for reference. This can also be compared with MDI of both connections.

consumption a/c no.3002800090				consumption a/c no.3007805488			
Month	kwh	kvah	MDI	Month	kwh	kvah	MDI
Aug-22	8835	9046	40	Aug-22	4390	4393	32
Sep-22	1297	1338	38	Sep-22		2642	32
Oct-22	811	863	5	Oct-22	5597	5603	34
Nov-22	296	305	3	Nov-22	4431	4433	28
Dec-22	414	424	4	Dec-22	6113	6117	30
Jan-23	2	1	4	Jan-23	4057	4063	22
Feb-23	1333	1365	6	Feb-23	3723	3728	28
Mar-23	981	1006	5	Mar-23	4569	4577	24
Apr-23	1033	1062	4	Apr-23	588	5945	29
May-23	864	894	8	May-23	3489	3548	27
Jun-23	1721	1811	9	Jun-23	5322	5552	26
Jul-23	0	2921	9	Jul-23	9797	10226	32
Aug-23	4487	1864	9.34	Aug-23	6596	6857	32
Sep-23	1996	2130	9.48	Sep-23	7322	7581	38
Oct-23	1381	1483	9.06	Oct-23	5595	5650	31.35
26513				80915			

(ix) It is therefore prayer that the Appellant be charged only for the period as relief prayed in the appeal for the period from 26.12.2022 to 30.12.2022, [instead of 26.11.2022] as there was no provision in Supply Code to charge the slowness for OK period.

(c) Submission during hearing

During hearing on 03.11.2023, 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 Respondent had filed the present Appeal against the decision dated 05.09.2023 of the Corporate Forum, Ludhiana in respect of A/c No. 3002800090 in its name. The Appellant was having MS Connection with the Sanctioned Load of 48.820 kW and Contract Demand 54.240 kVA. On the request vide letter No. 154 dated 08.12.2022 of the SDO/ Unit-1, City Center (Spl.) Divn., Ludhiana that meter was getting less voltage 'Y' Phase, the Connection was checked by the ASE/ Enf.-cum-EA & MMTS-2, Ludhiana and ECR No. 38/2014 dated 30.12.2022 was prepared. In ECR it was reported that due to oxidation, PT link wire of Yellow Phase was contributing less voltage and on checking meter with LTERS meter, meter of the Appellant was found running 61.62% slow. As per said checking, an amount of ₹ 2,13,890/- was charged vide Notice No. 66 dated 04.01.2023 of the AEE/ (Comm.), City Center (Spl.) Divn., Ludhiana. The Appellant did not agree to this amount and filed its case in the Zonal CCGRF (Central Zone), Ludhiana where

his case was decided on 20.06.2023, that amount charged to the Appellant was correct and recoverable.

- (ii) The Appellant did not agree with the decision of the Zonal CCGRF (Central Zone), Ludhiana and filed an Appeal in the Corporate CGRF, Ludhiana. Corporate Forum had heard the case and passed Order on 05.09.2023 holding that “the decision dated 20.06.2023 of Zonal CCGRF (Central Zone), Ludhiana is set aside and Notice No. 66 dated 04.01.2023 of AEE/ (Comm.), City Center (Spl.) Divn., Ludhiana is quashed. The Appellant’s account be overhauled for the period of six months prior to date of setting right of the potential connection of Yellow Phase i.e. 30.12.2022 on the basis of Energy consumption of corresponding period of previous year as per Regulation No. 21.5.2 (a) of Electricity Supply Code and related Regulations Matters-2014.”
- (iii) The Appellant being not satisfied with the orders of the Corporate Forum had filed the present Appeal. The observation of Enforcement was correct, The Appellant had not divided load equally on all the Phases. As per ECR Current on Red Phase was 1.9 AMP, Yellow Phase 26.2 AMP & Blue Phase 7.6 AMP. The maximum Load was put on Yellow Phase, the

potential connection of which was found oxidized and meter was found running slow by 61.62%.

- (iv) Complete data of the DDL for the period of overhauling of account as per the decision of the Corporate Forum, Ludhiana was as under:-

Date	Time	V1 (R)	V2 (Y)	V3 (B)	Meter status
30.12.2022	13:55:44	258.15	255.36	258.67	OK
30.12.2022	13:55:43	258.13	255.38	258.74	OK
30.12.2022	13:50:03	258.59	0.28	258.86	Defective
26.12.2022	18:10:19	254.95	46.99	254.44	Defective
26.12.2022	15:19:03	255.77	237.49	255.82	OK
19.12.2022	11:27:36	243.94	215.08	245.81	OK
19.12.2022	10:06:16	244.03	230.20	246.67	OK
18.12.2022	19:06:26	257.90	257.96	260.30	OK
11.12.2022	16:19:22	259.24	12.73	263.50	Defective
11.12.2022	11:57:35	250.78	216.81	252.18	Defective
11.12.2022	11:57:30	250.79	215.39	252.21	Defective
05.12.2022	16:12:05	256.56	11.65	256.79	Defective
01.12.2022	05:28:24	258.15	37.51	258.94	Defective
29.11.2022	15:55:15	255.42	252.81	255.58	OK
29.11.2022	15:54:00	255.58	252.49	255.63	OK
22.10.2022	19:22:13	256.45	10.44	256.24	Defective
01.10.2022	13:37:37	252.01	177.39	251.62	Defective
21.09.2022	20:02:59	257.01	254.74	257.23	OK
21.09.2022	19:07:30	122.42	249.60	128.16	Defective
31.07.2022	17:16:21	258.12	257.10	258.93	OK

31.07.2022	16:46:18	134.28	257.84	123.57	Defective
31.07.2022	15:47:08	123.99	10.69	131.45	Defective
28.07.2022	10:44:42	247.54	53.48	246.94	Defective
19.07.2022	21:13:23	256.77	133.79	255.70	Defective
16.07.2022	23:33:28	263.82	147.77	265.02	Defective
22.05.2022	20:10:52	258.62	131.09	128.01	Defective

- (v) As per DDL Report meter was defective on 22.05.2022, 16.07.2022, 19.07.2022, 28.07.2022, 31.07.2022, 21.09.2022, 01.10.2022, 22.10.2022, 01.12.2022, 05.12.2022, 11.12.2022, 26.12.2022 and 30.12.2022. Moreover Voltage of V1 and V3 was also not in limits as per the DDL as depicts dated 21.09.2022 at 19:07:30, 31.07.2022 at 16:46:18 and on 31.07.2022 at 15:47:08.
- (vi) It was clear cut case of breakup and makeup of voltage as indicated in the DDL, resulting into downfall in the consumption. In the compliance of the decision of the Corporate Forum account of the applicant was overhauled from 01.07.2022 to 30.12.2022. Consumption of the Appellant during this period was recorded only 14712 kVAh units, which was far lesser than the previous year's consumption during same period i.e. 46528 kVAh units in 2021.
- (vii) Hence meter cannot be considered defective only for the period from 26.11.2022 to 30.12.2022 as asked by the Appellant.

Thus, the contention of the Appellant that the meter was defective only from 26.11.2022 to 30.12.2022 was incorrect.

- (viii) As the load had not been divided equally on all the Phases, so it was incorrect to say that meter be considered -33.33% slow.
- (ix) As the meter was rightly declared inaccurate and Corporate Forum rightly decided to charge the amount as per Supply Code instruction No. 21.5.2 (a). Moreover, metering equipment of the Applicant was inaccurate since 22.05.2022 as was clear from the DDL produced above.
- (x) Keeping in view the above it was requested to direct the Appellant to deposit balance amount alongwith interest, if any.

(b) Submission during hearing

During hearing on 03.11.2023, 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 claim of the Appellant to overhaul his account as per Regulation 21.5.1 of Supply Code, 2014 for the period from 26.11.2022 to 30.12.2022 only instead of Regulation 21.5.2 (a) of the Supply Code, 2014 for the period of 6 months prior to date of setting

right of the potential connection of yellow phase i.e. 30.12.2022, on the basis of energy consumption of corresponding period of previous year as decided by the Corporate Forum.

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

- (i) The Corporate Forum in its order dated 05.09.2023 observed as under:-

“Forum observed that on the request vide letter no. 154 dated 08.12.2022 of SDO/Unit-1, City Central Division, Ludhiana that meter is getting less voltage on ‘Y’ phase, the connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-2, Ludhiana and ECR no. 38/2014 dated 30.12.2022 was prepared. Relevant part of the observations recorded in the ECR is reproduced under: -

“ਮੈਂਕੇ ਤੇ ਦੇਖਿਆ ਕਿ ਮੀਟਰ ਡਿਸਪਲੇ ਤੇ 1,2,3 ਸੈਗਮੈਂਟ ਵਿੱਚੋਂ ‘2’ phase ਸੈਗਮੈਂਟ ਨਹੀਂ ਆ ਰਿਹਾ ਹੈ। Voltage ਪੈਰਾਮੀਟਰ ਨੇਟ ਕੀਤੇ ਤੇ ਮੀਟਰ ਨੂੰ voltage ਘੱਟ ਮਿਲ ਰਹੇ ਹਨ। ਜਦ ਕਿ ਖਪਤਕਾਰ ਨੂੰ voltage ‘258’ ਮਿਲ ਰਹੀ ਹੈ। LTERS ਮੀਟਰ ਨਾਲ ਮੀਟਰ ਦੀ Accuracy ਚੈਕ ਕਰਨ ਤੇ Result- 61.62% ਦੀ slowness ਪਾਈ ਗਈ ਹੈ। CT’s chamber ਖੋਲ ਕੇ ਘੋਖਣ ਤੇ ਪਤਾ ਲਗਾ ਕਿ ‘Y’ phase ਦੇ PT link wire ‘oxidize’ ਹੋਣ ਕਾਰਨ voltage ਮੀਟਰ ਨੂੰ ਘੱਟ ਮਿਲ ਰਹੀ ਸੀ। ਠੀਕ ਕਰਕੇ Accuracy ਕਰਨ ਤੇ Result ਸੀਮਾ ਵਿੱਚ ਪਾਏ ਗਏ।”

As per the above checking, petitioner was charged an amount of Rs. 213899/- vide notice no. 66 dated 04.01.2023 of AEE (Comm.)/City Central Division, PSPCL, Ludhiana. Petitioner did not agree to this amount and filed his case in Zonal CGRF, Central Zone, PSPCL, Ludhiana where his case was decided on 20.06.2023 as under: -

“As per calculation sheet the account had been overhauled only for six months. So, the Forum decides that the amount charged to the consumer is correct and recoverable.”

Petitioner did not agree to the above decision of Zonal CGRF, Central Zone, PSPCL, Ludhiana and filed an appeal in Corporate CGRF, Ludhiana. Forum observed the consumption data submitted by the respondent, reproduced as under:

Year	2019		2020		2021		2022	
Month	Cons.	Code	Cons.	Code	Cons.	Code	Cons.	Code
Jan	7539	0	3054	0	4547	0	4377	0
Feb	5182	0	2555	0	5052	0	7420	0
Mar	5803	0	2463	0	6026	0	5565	0
April	4987	0	2511	0	4760	0	5489	0
May	4788	0			5778	0	7365	0
June	9017	0	2202	0	4881	0	8299	0
July	7760	0	3863	0	7171	0	8209	0
Aug	4501	0	5145	0	7784	0	9046	0
Sep	5171	0	5394	0	9775	0	1338	0
Oct	4769	0	3490	0	9696	0	863	0
Nov	3929	0	3765	0	7329	0	305	0
Dec	3483	0	3513	0	6257	0	223	0
							201	0
Total	66929		37955		79056		58700	

Forum observed from the consumption data that has decreased considerably from 09/2022 onwards as compared to the same recorded in the corresponding period of previous year. This clearly shows that something went wrong with the metering equipment causing considerable decrease in the consumption.

Petitioner has contended in his petition and rejoinder that the meter was not recording energy on yellow phase only and it was hence recording energy on remaining two phases and accordingly it was recording 2/3rd energy correctly. This contention of the petitioner is not acceptable as his load is not balanced means it has not been divided equally on all the phases as depicted in ECR no. 38/2014 dated 30.12.2022. Current on Red phase is 1.9 Amp, Yellow phase 26.2 Amp and Red phase 7.6 Amp. So maximum load has been put on yellow phase, the potential connection of which was found oxidized and meter was found running slow by 61.62% when

it was checked with LTERS meter on 30.12.2022. At the same time, action of overhauling the account of the petitioner by 61.62% slowness by the Respondent is also not justified. The process of oxidation of potential connection is not sudden but it takes place slowly over a period of time. Normally the voltage starts diminishing once the oxidation process sets in and go on reducing slowly over a period of time. In some cases, the joint behaves erratically and cause wild fluctuations in voltage contribution of the concerned phase to the meter. This behavior is visible from the 'voltage of V_y on different dates in DDL as tabulated below: -

Date	Voltage (V_y)
22.05.22	131.09
20.07.22	184.03
21.09.22	249.6
01.10.22	177.39
29.11.22	252.49
01.12.22	37.51
19.12.22	183.45
26.12.22	46.99
30.12.22	0.28

Hence slowness of 61.62% is the slowness at the instant of checking and it cannot be treated as a uniform slowness as it depends upon multiple variable factors like current being drawn from different phases, power factor of the loads put on different phases, voltages of different phases, particularly that of yellow phase; etc. Hence, in this case the meter is required 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”.*

On the perusal of DDL report submitted by the Respondent on record, Forum observed that voltage fluctuation on yellow phase was first recorded on 22.05.2022. This means that voltage had been normal on all three phases before 22.05.2022, as such the consumption of corresponding period of previous year can be taken as basis for overhauling the account of the petitioner. However, the overhauling of the account of the petitioner has to be restricted to six months prior to the date of checking i.e., 30.12.2022 when potential connection of yellow phase was set right.

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. In view of the above discussion, Forum is of the opinion that the decision dated 20.06.2023 of Zonal CGRF, Central Zone, PSPCL, Ludhiana is required to be set-aside and notice no. 66 dated 04.01.2023 of AEE/(Comm.), City Central Divn., PSPCL, Ludhiana is liable to be quashed. Account of the petitioner is required to be overhauled for the period of six months prior to date of setting right of the potential connection of

yellow phase i.e., 30.12.2022 on the basis of energy consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-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 03.11.2023. It is observed that the connection of the Appellant was checked by ASE/ Enf.-cum-EA & MMTS-2, Ludhiana vide ECR No. 38/2014 dated 30.12.2022 & the relevant part of the report is reproduced as under:

“ਮੈਂਕੇ ਤੇ ਦੇਖਿਆ ਕਿ ਮੀਟਰ ਡਿਸਪਲੇ ਤੇ 1,2,3 ਸੈਗਮੈਂਟ ਵਿੱਚੋਂ ‘2’ phase ਸੈਗਮੈਂਟ ਨਹੀਂ ਆ ਰਿਹਾ ਹੈ। Voltage ਪੈਰਾਮੀਟਰ ਨੇਟ ਕੀਤੇ ਤੇ ਮੀਟਰ ਨੂੰ voltage ਘੱਟ ਮਿਲ ਰਹੇ ਹਨ। ਜਦ ਕਿ ਖਪਤਕਾਰ ਨੂੰ voltage ‘258’ ਮਿਲ ਰਹੀ ਹੈ। LTERS ਮੀਟਰ ਨਾਲ ਮੀਟਰ ਦੀ Accuracy ਚੈਕ ਕਰਨ ਤੇ Result- 61.62% ਦੀ slowness ਪਾਈ ਗਈ ਹੈ। CT’s chamber ਖੋਲ ਕੇ ਖੋਖਣ ਤੇ ਪਤਾ ਲਗਾ ਕਿ ‘Y’ phase ਦੇ PT link wire ‘oxidize’ ਹੋਣ ਕਾਰਨ voltage ਮੀਟਰ ਨੂੰ ਘੱਟ ਮਿਲ ਰਹੀ ਸੀ। ਠੀਕ ਕਰਕੇ Accuracy ਕਰਨ ਤੇ Result ਸੀਮਾ ਵਿੱਚ ਪਾਏ ਗਏ।”

- (iii) On the basis of this checking, the account of the Appellant was overhauled & an amount of ₹ 2,13,899/- was charged to the Appellant vide Notice No. 66 dated 04.01.2023 of AEE (Comm.)/City Central Divn., Ludhiana. The Appellant did not agree to this amount and filed his case in the Zonal CGRF, Central Zone, PSPCL, Ludhiana, where the Notice No. 66 dated 04.01.2023 was upheld by the Zonal CGRF. Aggrieved

by this decision of the Zonal CGRF, Central Zone, Ludhiana, the Appellant filed his Appeal before the Corporate Forum vide Case No. CF-101/2023. The Corporate Forum, in its decision dated 05.09.2023, quashed the Notice No. 66 dated 04.01.2023 & ordered that the account of the Appellant be overhauled for the period of six months prior to date of setting right of the potential connection of yellow phase i.e. 30.12.2022, on the basis of energy consumption of corresponding period of previous year as per Regulation 21.5.2 (a) of Supply Code, 2014. Not satisfied with the decision of the Corporate Forum, Ludhiana, the Appellant had filed the present Appeal before this Court.

- (iv) The Appellant's Representative (AR) argued that the account of the Appellant be overhauled as per Regulation 21.5.1 of Supply Code, 2014 for the period from 26.11.2022 to 30.12.2022 only considering slowness factor as 33.33% as only one phase, i.e. Yellow phase was found defective. The Respondent controverted these pleas of the Appellant & argued that the load of the Appellant had not been divided equally on all the phases. The maximum Load was put on Yellow Phase, the potential connection of which was found oxidized and thus the meter was found running slow by 61.62%. So the meter cannot be

considered slow by only 33.33%. Moreover, the metering equipment of the Applicant was defective since 22.05.2022 as was clear from the DDL report of the meter.

- (v) I agree with the arguments put forward by the Respondent that the meter was defective and not slow by 33% as contended by the Appellant since the meter was found running slow by 61.62% by ASE/ Enf.-cum-EA & MMTS-2, Ludhiana at the instance of checking with LTERS meter & reported vide ECR No. 38/2014 dated 30.12.2022. It needs to be noted that the process of oxidation of potential connection is not sudden and it takes place slowly over a period of time. There are makes & breaks in the connection of Potential due to oxidation of the same. There will be variation in the magnitude of the voltage supplied to the meter at different times. This is also evident from the DDL of the meter that there were variations in the magnitude of the voltage at different dates & times. At the time of checking the meter, it was found to be slow by 61.62% corresponding to the voltage being received by the meter at that instant. However, the accuracy at any given instance would also depend upon the load on all three phases at that time. In view of the above, considering slowness factor of 61.62% for overhauling the account of the Appellant would be incorrect.

Therefore, the meter ought to be treated as defective meter & not as inaccurate meter. The overhauling of the account of the Appellant should be done as per Regulation 21.5.2 of the Supply Code-2014 & not as per Regulation 21.5.1 as contended by the Appellant. As regards the time period for which the account of the Appellant should be overhauled, it is observed that the metering equipment of the Applicant was defective since 22.05.2022 as was clear from the DDL report of the meter, but the maximum period for which the account can be overhauled as per Regulation 21.5.2 is six months. Also, the Appellant did not provide any documentary evidence in support of his contention that the meter was inaccurate only for the period from 26.11.2022 to 31.12.2022 only. So the account of the Appellant should be overhauled for six months immediately preceding the date of checking & setting right of the defect. As such, the Appeal of the Appellant is rejected after due consideration.

- (vi) However, it was observed by this Court that the subsidy given by the Govt. of Punjab to the Industrial consumers had not been given to the Appellant while overhauling his account. The same was communicated to the Respondent after which the

Respondent rectified the same and refund of ₹ 30,760/- was given to the Appellant.

6. Decision

As a sequel of above discussions, the order dated 05.09.2023 of the CCGRF, Ludhiana in Case No. CF-101/2023 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.

November 03, 2023
S.A.S. Nagar (Mohali).

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