

**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. 28/2023**

**Date of Registration : 09.11.2023**

**Date of Hearing : 22.11.2023**

**Date of Order : 22.11.2023**

**Before:**

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

**In the Matter of:**

Smt. Heera Devi W/o Late Sh. Ram Dutt,  
#4A/50, Dharampura Mohalla,  
Dhuri (Sangrur), Punjab-148024.

**Contract Account Number: 3000683358 (Old)  
3008580801 (New)**

...Appellant

Versus

Addl. Superintending Engineer,  
DS Division, PSPCL,  
Dhuri.

...Respondent

**Present For:**

Appellant: None.

Respondent : Sh. Sahil Kumar,  
RA/DS Division, PSPCL,  
Dhuri.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 22.08.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-095/2023, deciding that:

*“Decision dated 13.03.2023 of Divisional CGRF, City Division, Dhuri, is set-aside. Petitioner has already been charged as per Reg. 21.5.2(a) of Supply Code-2014, therefore no action be taken regarding overhauling of the account. The disputed bill dated 03.10.2022 amounting to Rs. 5620/- 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 18.09.2023 i.e. within the period of thirty days of receipt of the decision dated 22.08.2023 in Case No. CF-095/2023 of the CCGRF, Ludhiana. The Appellant had already deposited the full disputed amount. But, it was observed that the Appeal was not filed by the Consumer. The Appellant was requested vide letter no. 670/OEP/Sh. Ram Dutt dated 18.09.2023, 686/OEP/Sh. Ram Dutt dated 25.09.2023 and 702/OEP/Sh. Ram Dutt dated 29.09.2023 to complete the above formalities for the timely registration of her Appeal, but the Appellant did not comply with the same. In view of these shortcomings in the Appeal, a pre-hearing was fixed in this Court for 03.11.2023 and an

intimation in this regard was sent to the Appellant vide letter no. 757/OEP/Sh. Ram Dutt dated 25.10.2023. On 03.11.2023, the Appellant failed to attend the pre-hearing. Her Representative sent an email & submitted the copy of Demand Notice for Change of Name Order but did not send any receipt of deposit for compliance of the said Demand Notice. When inquired on phone, he replied that the fee had not been deposited yet. He requested some more time to deposit the same. The Court allowed the same. The next date of pre-hearing was fixed for 09.11.2023 and an intimation in this regard was sent to both the parties alongwith the proceedings dated 03.11.2023 vide letter no. 779-80/OEP/2023 dated 03.11.2023. On 09.11.2023, the Appellant's Representative (AR) sent the scanned copy of Receipt No. 213400408790 dated 08.11.2023 of Rs. 2,580/- through e-mail & submitted that the requisite fee for the change of name had been deposited. The Respondent also sent an e-mail confirming that the Appellant had deposited the requisite fee for the change of name of the connection in her name & the said change of name had been affected. The new Account No. 3008580801 had been issued to the Appellant. Therefore, the Appeal was registered on 09.11.2023 and copy of the same was sent to the Addl.

Superintending Engineer/ DS, Divn., PSPCL, Dhuri for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 789-791/OEP/A-28/2022 dated 09.11.2023.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 22.11.2023 and intimation to this effect was sent to both the parties vide letter nos. 803-04/OEP/A-28/2023 dated 14.11.2023. 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 a DS Category Connection, bearing Account No. 3000683358 in the name of Sh. Ram Dutt, deceased husband of the Appellant, with Sanctioned Load of 3.00 kW under DS City Division, PSPCL, Dhuri.
- (ii) The Appellant submitted that it was not a case of broken meter or electricity stealing or the meter carrying fake seals, rather it was a case of technical defect of the meter which had not been cared by concerned authorities.
- (iii) In response to our question about why the PSPCL team visited our home without wearing off or showing their I-Cards, the Corporate Forum did not respond. A report of LDHF was not provided by the PSPCL team after the inspection.
- (iv) The Corporate Forum did not respond to our query that the Electricity Meter Reading Photo appeared to be fabricated. Unless forensic evidence was provided, no one can decide whether a meter reading photo was authentic, then how the Corporate Forum team authenticated this meter Report?
- (v) What was the reasoning behind the Corporate Forum and local authorities not taking into account the decision of the Local MC (stating that one family had already been shifted during the billing period)? Why have we been asked to provide his signed statement of MC if the statement of MC had no value?

- (vi) The Forum had not clarified why the PSPCL authorities visited our home repeatedly whenever the decision was under the Forum's jurisdiction.
- (vii) When there was sufficient evidence to shift one family and there was no availability of high consumable items (AC/Gyser/Sound System), then why the Forum did not take decision in our favour.
- (viii) ATRs provided by earlier panels had totally dissatisfied us. You are humbly requested to examine each fact & provide your genuine decision. It is kindly requested to arrange online hearing with the help of Google meet app to save our time, money & energy.

**(b) Submission during hearing**

On the date of hearing i.e on 22.11.2023, neither the Appellant nor her Representative came present. The AR had sent an e-mail that the case be decided in the interest of justice in his absence.

**(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 submitted that display of the meter was defective so the case of the Appellant was related to technical

defect (display defect) and same was considered by the Corporate Forum in its decision dated 22.08.2023.

- (ii) The PSPCL team visited the Appellant's premises to check the load of Appellant's premises on 13.01.2023, 10.03.2023 and 07.08.2023 because fresh LCR was needed to decide the dispute cases. Moreover, every employee of the PSPCL had their I-Card with them while visiting any premises for checking. Sanctioned Load of the Consumer was 3.00 kW and on Checking, Load of the Consumer was found 1.695 kW. Checking was done in the presence of person present at spot.
- (iii) The meter photos were uploaded by the meter reader at the spot while taking reading. These photos were submitted after downloading it online from billing software hence did not need any authentication.
- (iv) The Decision was taken by the Forum after considering all the facts of the Case.
- (v) The PSPCL employees visited to the Consumer premises because fresh LCR was needed for deciding the disputed Case.
- (vi) The Decision was taken by the Forum after considering all the facts of the Case.

**(b) Submission during hearing**

During hearing on 22.11.2023, 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 bill dated 03.10.2022 of ₹ 5,620/- issued to the Appellant on 'D' code on the basis of consumption of the corresponding period of previous year.

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

- (i) The Corporate Forum in its order dated 22.08.2023 observed as under:-

“Forum observed that bill dated 03.10.2022 was issued for the period from 01.08.2022 to 03.10.2022 on average basis due to D-code for a consumption of 1174 units amounting to Rs. 5620/-. Thereafter bills dated 08.12.2022, 02.02.2023 and 15.02.2023 were issued on D-code but consumption being less than 600 units, all these bills were of nil amount. Meter was changed vide MCO no. 100020367596 dated 12.01.2023 effected on 16.02.2023 and as per MCO reading was not visible. Removed meter was accepted as defective in ME Lab vide challan no. 27 dated 06.03.2023 and it was reported as under: -

*“ਮੀਟਰ ਦਾ DDL ਦੀ ਕੋਸ਼ਿਸ਼ ਕੀਤੀ ਗਈ ਪ੍ਰੰਤੂ ਨਹੀਂ ਹੋ ਸਕਿਆ।”*

Petitioner did not agree to bill dated 03.10.2022 and filed his case in Divisional CGRF, City Divn., Dhuri. Divisional

CGRF, City Division, Dhuri, in hearing dated 13.03.2023, decided the case as under: -

“ਐਮ. ਈ ਲੈਬ ਦੇ ਚਲਾਨ ਵਿੱਚ ਖਪਤਕਾਰ ਦੀ ਫਾਇਨਲ ਰੀਡਿੰਗ ਆਈ ਹੈ।  
ਇਸ ਲਈ ਖਪਤਕਾਰ ਦੇ ਝਗੜੇ ਵਾਲੇ ਬਿੱਲ ਦੀ ਰਕਮ ਉਗਰਾਹੁਣਯੋਗ ਹੈ।”

Petitioner did not agree to the decision dated 13.03.2023 of Divisional CGRF, City Divn., Dhuri and filed his case in Corporate CGRF, Ludhiana.

Forum observed consumption pattern submitted by the Respondent which is tabulated below: -

	2019		2020		2021		2022		2023	
Months	Con s.	Cod e	Con s.	Cod e						
Jan	89	O	184	O	137	O			140	D
Feb							173	O	33	D
Mar	104	O	142	N	177	O	220	O	89	C
May	724	O	924	O	594	O	456	O	264	O
Jul	914	O	117 1	N	121 2	O	279	O	443	O
Sept	901	O	269 2	O	111 8	O	117 4	D		
Dec	187	O	402	O	525	O	533	D		
<b>TOTAL</b>	<b>2919</b>		<b>4202</b>		<b>3763</b>		<b>2835</b>		<b>969</b>	

Forum observed that the consumption of petitioner during the years 2019 to 2023 (upto July) is 2919, 4202, 3763, 2835 and 969KWH respectively.

Petitioner in his petition stated that earlier two families were living at the premises and accordingly consumption was high and that one family had left the premises last year and moved to newly built house. He further pleaded that if the meter was not in working condition, then why meter reader did not inform about this to the consumer and to the department for its repair and that the meter is installed at a distance of 30-35 meters from the premises. Forum observed that Respondent in hearing dated 16.08.2023 submitted certificate issued by Smt. Saroj Rani/M.C., Dhuri available on the record of his office, wherein, it has been written that she knows personally that Sh. Surinder Kumar s/o Late Sh. Ram

Dutt who was residing at 4A/50, Dharampura Mohalla had shifted to the house of his son Sh. Gaurav Joshi in 05/2022 on permanent basis and still living there. Respondent in reply to the above stated that petitioner had sent email to his office on dated 28.10.2022 in which he has intimated that earlier two families were residing there and now only one family is residing but he has not decreased his load. Further on the objections raised by the petitioner vide email dated 16.08.2023, respondent stated that there is no base of the said objections.

Forum observed that as per the certificate issued by Smt. Saroj Rani/ M.C., Dhuri, Mr. Gaurav Joshi shifted from the premises during 05/2022, whereas the petitioner had intimated about the same to the respondent on dated 28.10.2022 i.e., after about five months. Although not very significant, if the petitioner had intimated at the same time, the respondent could have taken corrective measure as per rules and regulation. Moreover, although petitioner submitted the undated certificate issued by M.C., Dhuri, but he has not changed/reduced his load when one family (as claimed by him) shifted to another place. Had he reduced his load at that time, the benefit as per Reg. 21.5.2(e) could have been given to the petitioner. Further, connection of the petitioner was checked vide LCR no. 50890 dated 07.08.2023 and reading was recorded as 2195 Kwh. This means that consumption of 837 units was recorded from 16.02.2023 to 07.08.2023. During the previous year in almost the same period, consumption of 955 units was recorded, meaning thereby there is not much difference in his consumption. Therefore, this Forum is not inclined to agree with the contention of the petitioner. Meter of the petitioner has been declared defective in ME Lab. 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”.*

Forum have gone through written submissions made by the Petitioner in the petition, written reply of the

Respondent, rejoinder along with the relevant material brought in the record. In view of the above discussion, Forum is of the opinion that contention of the petitioner is not acceptable. Further, the consumption of 279 units recorded in 08/2022, is very less as compared to the same in successive year, which confirms that the meter must have gone defective any time after the reading recorded on dated 01.06.2022, but as the bill has been issued on 'O' code therefore, no action on this bill can be taken at this stage. It is also observed that Divisional CGRF, City Division, Dhuri, erred in its speaking order by stating in it that final reading of the meter has been recorded in ME Lab challan and decided the case accordingly, whereas in the column of reading 'ND' has been written. Hence decision of Divisional CGRF, City Division, Dhuri is factually incorrect and is liable to be set-aside. Further, Petitioner has already been charged as per Reg. 21.5.2(a) of Supply Code-2014, therefore no further action is required to be taken regarding overhauling of the account of the petitioner. Forum also observed that petitioner in his rejoinder (received through email on dated 14.08.2023) again requested for online meeting for face-to-face enquiries. In this regard petitioner had already been intimated vide this office memo no. 889/90 dated 02.08.2023 that no such provision is existing in this office.

Keeping in view the above, Forum came to unanimous conclusion that decision dated 13.03.2023 of Divisional CGRF, City Divn., Dhuri, be set-aside. Petitioner has already been charged as per Reg. 21.5.2(a) of Supply Code-2014, therefore no action be taken regarding overhauling of the account. The disputed bill dated 03.10.2022 amounting to Rs. 5620/- is correct and recoverable."

- (ii) 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

22.11.2023. It is observed that the disputed bill dated 03.10.2022 of ₹ 5,620/- was issued to the Appellant on 'D' code. This bill was made on the basis of consumption of the corresponding period of previous year. The disputed meter bearing Serial No. 619208 was changed on 16.02.2023 vide MCO No. 100020367596 dated 12.01.2023. It was checked in ME Lab vide Challan No. 27 dated 06.03.2023, where it was found defective with no display.

- (iii) The Appellant contended that her account cannot be overhauled on the basis of consumption of corresponding period of previous year as one family residing in the same premises had already shifted in the month of 05/2022. The Respondent controverted this argument of the Appellant & submitted that the Appellant informed them about this through email only after 5 months on 28.10.2022. He further argued that the Appellant did not reduce her Sanctioned Load. As such, the benefit of Regulation 21.5.2(e) of the Supply Code, 2014 cannot be given to the Appellant in this case. It has been observed that the consumption of the new meter installed on 16.02.2023 was more or less the same as recorded in previous year. The consumption recorded in new meter for the period from 16.02.2023 to 07.08.2023 was 837 units while in the

previous year, 955 units of consumption was recorded for the period from 11.02.2022 to 01.08.2022. As such, there was no appreciable change in consumption after 05/2022. Therefore, the Court is not inclined to agree with this contention of the Appellant. The disputed meter bearing Serial No. 619208 was found defective with no display in ME Lab. So, the account of the Appellant was required to be overhauled as per Regulation 21.5.2 of the Supply Code, 2014. Since the disputed bill dated 03.10.2022 has already been made on the basis of consumption of corresponding period of previous year as per Regulation 21.5.2(a) of Supply Code, 2014. Therefore, I am not inclined to interfere with the decision of the Corporate Forum in this case.

**6. Decision**

As a sequel of above discussions, the order dated 22.08.2023 of the CCGRF, Ludhiana in Case No. CF-095/2023 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 22, 2023  
S.A.S. Nagar (Mohali).

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

