

**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. 34/2022

**Date of Registration : 16.06.2022
Date of Hearing : 24.06.2022/ 30.06.2022
Date of Order : 30.06.2022**

Before:

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

In the Matter of:

M/s. G. Tech,
Dhandari Kalan, G.T. Road,
Ludhiana-141001.

Contract Account Number: 3002957646 (MS)

...Appellant

Versus

Sr. Executive Engineer,
DS Estate (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Sh. Mandeep Kaushik,
Appellant's Counsel.

Respondent : Er. Sukaran Singh Grewal,
Sr. Executive Engineer,
DS Estate (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 10.05.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-412 of 2021, deciding that:

- “i. The bill dated 20.08.2021 for the consumption of 396422 KVAH units on ‘O’ code of amounting Rs. 2321070/- is correct & recoverable.*
- ii. Dy. CE West Circle, PSPCL, Ludhiana is directed to ensure action against delinquent officials/officers/meter reader for recording incorrect reading before 07/2021 causing huge recurring revenue loss to PSPCL.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 16.06.2022 i.e. within the period of thirty days of receipt of decision dated 10.05.2022 of the CGRF, Ludhiana in Case No. CGL-412 of 2021, received by the Appellant on 19.05.2022. The Appellant deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 16.06.2022 and copy of the same was sent to the Addl. SE/ DS Estate (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. 617-619/OEP/A-34/2022 dated 16.06.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 24.06.2022 at 11.45 AM and intimation to this effect was sent to both the parties vide letter nos. 645-46/OEP/A-34/2022 dated 20.06.2022. The hearing was held in this Court on 24.06.2022. The Appellant's Counsel (AC) submitted that he could not prepare his case due to marriage of his cousin and requested for adjournment of the hearing. The case was adjourned to 30.06.2022 at 11.30 AM. As scheduled, the hearing was held on 30.06.2022 and arguments of both 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 Counsel 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. 3002957646 running under DS Estate (Spl.) Division, PSPCL, Ludhiana.
- (ii) The Appellant had received a bill of ₹ 10,300/- in February, 2021 which was paid by the Appellant. During the months of March, 2021 to July, 2021 the bill amounts were ₹ 10,880/-, ₹ 9,670/-, ₹ 9,750/-, ₹ 12,280/-, ₹ 10,900/- respectively and the previous cycle consumption was shown in each bill and all the said bills were paid in time.
- (iii) In the month of August, 2021; the Respondent issued a bill of ₹ 23,21,070/- although the consumption of the Appellant was same and the said bill was the result of meter jumping or some other fault in the metering equipment system of the PSPCL.
- (iv) The meter of the Appellant was installed outside its premises and was under the custody and control of the PSPCL. The Appellant had no access to the same.
- (v) The Appellant challenged the meter on 23.08.2021 vide application dated 23.08.2021 clearly mentioning that the meter had jumped and the reading shown was 3,96,422 kVAh and the meter be got checked and bill be corrected. Thereafter, the meter of the Appellant was replaced vide MCO No. 100015109541 dated 08.09.2021 effected on 15.09.2021.

- (vi) The meter was checked by Enforcement & ENF-5 gave directions to change the meter and get it checked in the ME Lab for accuracy vide Challan No. 428 dated 20.09.2021 where accuracy of the meter was checked on kVAh mode and it was found within limits.
- (vii) The meter of the Appellant bearing the above account number was installed outside the premises of the Appellant and as per the instructions of the Respondent issued from time to time, it was provided that where the Meter/ Metering Equipment was installed outside the premises of the Consumer, the Consumer would not be responsible for the protection of the meter or its safety or damage.
- (viii) The PSERC issued another Notification dated 05.11.2014 and the regulations came into force w.e.f. 01.01.2015. Regulation No. 30.2.2 of Supply Code-2014 provided that in case the meter was installed outside the premises in a Meter Box, then it shall be the duty of the Meter Reader to report any breakage of the seal of the Meter etc. and after inspection, the Meter Box shall be securely sealed/ locked by the official Incharge.
- (ix) The Respondent concocted a false story of sending the Meter to Manufacturing Company for getting DDL and as per their e-

mail Meter data got corrupted/ erased due to component degradation as the Meter was 18 years old.

- (x) As stated above, the meter was in custody and control of the officials of the PSPCL and the Appellant had nothing to do with it as it was installed outside the premises of the Appellant. The story of the Respondent was further falsified by issuance of the subsequent bills after the change of the meter.
- (xi) The old meter was replaced and the new meter was installed which started functioning w.e.f. 15.09.2021. After 15.09.2021, the first bill was issued on 23.10.2021 and the meter reading showed the reading as 9 Units (New Meter) and the New Reading was 355 Units and the amount payable was ₹ 2,384/-, however the Fixed Charges were ₹ 2,777/- and the same were paid.
- (xii) The next bill dated 17.11.2021 was issued for the previous meter reading as 355 Units and new reading as 982 units and the amount payable was ₹ 4,623/-, but the fixed charges were ₹ 5,728/- which were paid. Thereafter, another bill dated 17.12.2021 was issued in which the old reading was 982 units and new reading was 1298 units and the energy charges payable were ₹ 2,274/- but the fixed charges were ₹ 2,604/- which were paid.

- (xiii) The latest bill dated 19th April, 2022 was issued by the Respondent department in which the old meter reading was 3406 units and new reading was 3958 units and the amount payable was ₹ 4,188 but the fixed charges were ₹ 2,691/-. Similarly, another bill dated 17th May, 2022 was issued in which old meter reading was 3958 units and new reading was 4709 units and the energy charges were ₹ 5,133/- and the fixed charges were ₹ 2,604/-, which were paid.
- (xiv) From the above, it was clear that the electricity consumption charges were much more prior to the change of the meter and after installation of the new meter, the Appellant was receiving bills less than the previous bills which showed that there was no fault with the previous/old meter and the meter suddenly jumped when the bill in dispute was received.
- (xv) The Hon'ble High Court of Punjab & Haryana in case UHBVN & another V/S Vijay Kumar 2018 (3) Law Herald (P&H) 2670 observed as follows in para no. 10:-

“To the contrary, the plaintiff had adduced and placed on record the electricity bills Ex. P1 to Ex. P5 which were the subsequent bills that had been issued by the Nigam after installation of the New Meter and which would reflect that the unit of Electricity consumes by the plaintiff even after installation of new meter were more

or less same as recorded by the old meter and which was alleged to have been tampered.”

Consequently, the Appeal of Nigam was dismissed.

- (xvi) The facts, circumstances explained above clearly proved that the Appellant was consuming the electricity and was paying the bills regularly. The consumption of the Appellant was normal when suddenly the meter jumped due to some fault in the equipment which cannot be attributed to the Appellant and the huge bill of the amount of ₹ 23,21,070/- was issued by the Respondent. No fault was found with the previous/old meter and after change of the meter, the consumption shown was less and not more than the previous consumption.
- (xvii) The Forum had ignored the above facts and passed the impugned order dated 10.05.2022 which was against the facts, evidence & law and was liable to be set aside.
- (xviii) The Appellant respectfully prayed that the impugned order dated 10.05.2022 may kindly be set-aside and the amount of the disputed bill may kindly be corrected on the basis of 6 months average consumption of previous and past bills in the interest of justice. It was further prayed that after adjusting the amount calculated on the basis of average consumption, the excess amount deposited by the Appellant at the time of filing grievance before the Forum as well before filing the Appeal

may be refunded to the Appellant. The amount deposited was ₹ 9,30,000/- before filing the Appeal and ₹ 10,715/- at the time filing the complaint in the Forum.

(xix) It was further prayed that the recovery of disputed amount of ₹ 23,21,070/- may kindly be stayed till the decision of the Appeal. Any other relief which this Hon'ble Court deemed fit may kindly be granted in favour of the Appellant in the interest of justice, equity and fair play.

(b) Submission during hearing

During hearing on 30.06.2022, the Appellant's Counsel 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 Appellant was having a Medium Supply Category Connection, bearing Account No. 3002957646 with sanctioned load of 49.470 kW/ 54.970 kVA.
- (ii) The Respondent issued a bill on 20.08.2021 for ₹ 23,21,070/- for new reading as 789053 kVAH and old reading as 392631 kVAH with consumption as 396422 kVAH. The Appellant

challenged the meter vide letter dated 23.08.2021 that the meter was running fast and jumped to kVAh 396422 units reading.

- (iii) The meter had been checked by the Addl. S.E., Enf-5, Ludhiana in the presence of Sh. Harjeet Singh, Appellant's Representative vide ECR No. 43/5007 dated 07.09.2021, on the request of the SDO, Tech.-2 vide Memo No. 4778 dated 01.09.2021 as meter was challenged and reading jumped. Enforcement-5 directed to change the meter and get it checked in ME Lab for accuracy and DDL. Sh. Harjeet Singh had signed the ECR by admitting the contents made in it. The reading kWh- 698651, kVAh-792212, MDI 22.639 kVA had been recorded in the ECR.
- (iv) The meter was changed in the presence of Sh. Harjeet Singh, Appellant's Representative vide MCO No. 100015109541 dated 08.09.2021, effected on 15.09.2021 and he signed on it. As per MCO, the reading was kWh 699127; kVAh 792772; MDI 22.639. As per ME Store Challan No. 428 of 20.09.2021, the accuracy of meter as checked on kVAh mode was within limits. The meter was checked in the presence of the Appellant, Sh. Bhupinder Singh, who had signed this ME Store Challan by admitting the contents made in it as true. The final reading as per Store Challan was kWh 699127; kVAh 792772; MDI

22.639 (Before testing) & kWh 699130; kVAh 792775; MDI
22.639 (After testing).

- (v) The Addl. S.E., ME Lab, Ludhiana was asked to supply DDL vide Memo No. 4040 dated 06.12.2021. The ASE, ME Lab vide e-mail letter dated 07.12.2021, had intimated to this office that the DDL Report of meter no. 04229268 was corrupted.
- (vi) The Appellant had filed its Case in the Forum & Case No. was CGL-412/2021. As per the decision of the Forum, bill dated 20.8.2021 for the consumption of 396422 kVAh units on 'O' code amounting to ₹ 23,21,070/- was correct and recoverable. Now, the Appellant had filed the Appeal before this Court. The Appellant deposited ₹ 9,30,000/- on 24.05.2022 vide receipt no. 253560263967 as 40% of the disputed amount.
- (vii) The Respondent submitted that the meter was installed at LT pole nearby approx. 5 feet to the main gate of the Appellant's premises. The contention of the Appellant regarding non responsibility for protection of the meter or its safety or damage was not maintainable as this fact was not relevant in the present case. The present case did not relate to tempering of meter.
- (viii) The accuracy of the meter was found within permissible limits and no jumping had been reported by ME Lab. The accuracy of meter was also authenticated from the following data:-

Date	kWh	kWh Cons.	kVAh	kVAh Cons.	P.F.
30.07.2021 reading date	695938		789053		
30.08.2021 reading date	697781	1843	791117	2064	0.89
Final Reading date (MCO effected date) 15.09.2021	699127	1346	792777	1660	0.81

(ix) The above data clearly showed that the consumption of kWh, kVAh & P.F recorded on 30.08.2021 and 15.09.2021 were normal.

(x) The Respondent prayed that the Forum had rightly decided the case and the Appeal may kindly be dismissed in the favour of the PSPCL.

(b) Submission during hearing

During hearing on 30.06.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed to dismiss the Appeal.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the bill dated 20.08.2021 of ₹ 23,21,070/- issued to the Appellant for the consumption of 396422 kVAh.

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

- (i) The Appellant's Counsel (AC) reiterated the submissions made in the Appeal. He pleaded that the order dated 10.05.2022 of the Forum was against the facts, law, rules & regulations and was liable to be set aside. He pleaded that the Forum ignored the fact that the meter of the Appellant was installed outside his premises and as per the instructions of the Respondent issued from time to time, it was provided that where the Meter/ Metering Equipment was installed outside the premises of the Consumer, the Consumer would not be responsible for the protection of the meter or its safety or damage. Regulation 30.2.2 of Supply Code-2014 provided that in case the meter was installed outside the premises in a Meter Box, then it shall be the duty of the Meter Reader to report any breakage of the seal of the Meter etc. and after inspection, the Meter Box shall be securely sealed/ locked by the official Incharge. He further argued that the consumption of the Appellant was consistent except for the disputed bill. In fact, after the change of the disputed meter, his consumption of electricity had decreased which showed that there was no fault with the previous meter, but it suddenly jumped when the bill in dispute was received.

He prayed that the impugned order dated 10.05.2022 may kindly be set-aside and the amount of the disputed bill may kindly be corrected on the basis of 6 months average consumption of previous and past bills in the interest of justice.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and argued that the contention of the Appellant regarding non responsibility for protection of the meter or its safety or damage was not maintainable as this fact was not relevant in the present case. The present case did not relate to tempering of meter. The accuracy of the meter was found within permissible limits and no jumping had been reported by ME Lab. The Respondent prayed that the Forum had rightly decided the case and the Appeal may kindly be dismissed in the favour of the PSPCL.
- (iii) The Forum in its decision dated 10.05.2022 had observed as under: -

“From the above Forum observed that no parameter is available to testify and judge whether the reading actually jumped and it seems that the readings were taken incorrectly which might cause less billing in some previous billing cycle and very high consumption bill in 08/2021 due to earlier wrong readings entered by meter reader. Further reading as on 30.07.2021 was 789053 KVAH, reading as on 30.08.2021 was 791117 KVAH, reading as on 07.09.2021 is 792212 KVAH and final reading as on 15.09.2021 at which the meter was replaced was 792772 KVAH which shows that the reading was continuously recorded correctly from 30.07.2021 and consumption during 30.07.2021 to 30.08.2021 is 2064 KVAH and from 30.08.2021 to 07.09.2021 consumption is 1095 KVAH and consumption during 07.09.2021 to

15.09.2021 is 560 KVAH which means consumption of 1655 KVAH was recorded during 15 days of September 2021 which if grossed up, comes out as 3310 KVAH monthly consumption which had never been recorded in the past years 2017 to 06/2021. Therefore, since the accuracy of the meter is within in limits and final reading of the meter as per ME lab report & confirmed by Manufacturer's snapshots is 792776 KVAH. Therefore, the bill dated 20.08.2021 of Rs. 2321070/- seems to be correct and generated due to incorrect/less readings in previous billing cycle reading.

From the above data, it is observed that the accuracy of the meter was found within limits in ME Lab and reading ascertained in ME Lab was result of incorrect readings which might cause less billing in some previous billing cycle and very high consumption bill in 08/2021 due to earlier wrong readings entered by meter reader. Therefore, Forum is of the opinion that the bill dated 20.08.2021 amounting Rs. 2321070/-, for the consumption of 396422 KVAH units on 'O' code and final reading as per ME lab challan 792772 KVAH and confirmed by Screenshots of the meter seems to be justified.

Keeping in view the above, Forum came to unanimous conclusion that, the bill dated 20.08.2021 for the consumption of 396422 KVAH units on 'O' code of amounting Rs. 2321070/- is correct & 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 30.06.2022. The disputed period is from 01.07.2021 to 15.09.2021 only as 'O' Code reading was recorded on 01.07.2021 which was neither challenged by the Appellant nor by the Respondent. The Appellant challenged the working of the meter in dispute (Sr. No. 04229268 L&T Make) on 23.08.2021 after receiving inflated bill dated 20.08.2021 for ₹ 23,21,070/-. The meter was checked by Addl. SE/ Enforcement-cum-EA & MMTS-5, Ludhiana vide ECR No.

43/5007 on 07.09.2021 in which he directed that Meter/LTCT alongwith the cable be dismantled and brought to the ME Lab for DDL/ checking accuracy and the decision would be taken as per the ME Lab report. So, the meter was replaced vide MCO No. 100015109541 dated 08.09.2021 effected on 15.09.2021 and sent to ME Lab vide Challan No. 428 dated 20.09.2021 for checking where the accuracy of the meter was checked on kVAh mode and found within permissible limits. But when the Respondent asked Addl. SE/ ME Lab about the DDL of the meter, it was told that the DDL was found Corrupt. Then the Respondent approached the meter manufacturing company for DDL, but they also replied that meter data got Corrupted/Erased and it might have happened due to component degradation as the meter was 18 years old. This Court observed that even DDL is not available from which the reliable reading record and any incidence of jumping of the meter reading could have been derived. Since no DDL is available to support the reading recorded by the disputed meter, the Respondent failed to provide any concrete evidence to prove that there was no jumping of the meter reading. The onus to prove that the working of the meter was Ok was on the Respondent. Also, the statement of the manufacturer that the

meter data got Corrupted/Erased and it might have happened due to component degradation as the meter was 18 years old also pointed towards the fact that the disputed meter was Defective.

- (v) Further, it is observed by this Court that the 'O' Code reading of 392631 kVAh as recorded on 01.07.2021 was neither challenged by the Appellant nor by the Respondent. So considering reading of 789053 kVAh recorded on 02.08.2021 to be correct, then the Appellant had consumed 396422 kVAh units in just 32 days from 01.07.2021 to 02.08.2021, which is very high and not possible. If calculation of consumption is done as per para-4 of Annexure-8 of Supply Code, 2014 on LDHF basis, the consumption for 32 days comes to 8443 kVAH ($54.97 \times 32 \times 8 \times 60$) and even if the Factor is considered as 100% and hours are taken as 24 hours, then also the maximum consumption for 32 days will be 42217 kVAH ($54.97 \times 32 \times 24$). Further, the maximum demand recorded during the billing period from 01.07.2021 to 02.08.2021 is 23 kVA and maximum consumption with this demand as per LDHF formula works out to be 17,664 kVAH ($23 \times 32 \times 24$). It is evident that consumption of 396422 kVAH recorded for 32 days (01.07.2021 to 02.08.2021) is incorrect and not reliable.

The bill raised on the basis of this consumption can not be treated as correct & recoverable.

- (vi) The Forum had concluded that the readings of this connection prior to 07/2021 were not recorded correctly. This conclusion is not based on any documentary evidence. This court does not agree to this finding/ conclusion.
- (vii) Considering the fact that the meter was declared defective by the manufacturer and moreover the units billed (396422 kVAH) to the Appellant from 01.07.2021 to 02.08.2021 in the disputed bill were more than 47 times if calculated as per LDHF method, this Court is not inclined to agree with the decision dated 10.05.2022 of the Forum in Case No. CGL-412 of 2021. The account of the Appellant should be overhauled for the period from 01.07.2021 to 15.09.2021 i.e. the date of replacement of the disputed meter, on the basis of energy consumption of corresponding period of previous year as per Regulation 21.5.2 (a) and (e) of the Supply Code, 2014 as applicable for Defective Meters.

6. Decision

As a sequel of above discussions, the order dated 10.05.2022 of the CGRF, Ludhiana in Case No. CGL-412 of 2021 is hereby quashed. The account of the Appellant should be overhauled

for the period from 01.07.2021 to 15.09.2021 i.e. the date of replacement of the disputed meter, on the basis of energy consumption of corresponding period of previous year as per Regulation 21.5.2 (a) and (e) of the Supply Code, 2014 as applicable for Defective Meters.

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.

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

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