

**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. 35/2022

Date of Registration : 17.06.2022

Date of Hearing : 24.06.2022

Date of Order : 24.06.2022

Before:

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

In the Matter of:

Sh. Ashok Kumar,
Plot No. 629, Industrial Area-B,
Gill Road, Ludhiana.

Contract Account Number: 3002960253(MS)

...Appellant

Versus

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

...Respondent

Present For:

Appellant: Sh. Gurdev Kumar,
Appellant's Representative.

Respondent : Er. Nitish Kumar,
Assistant Engineer,
DS Janta Nagar (Spl.) Divn.,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 06.05.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-33 of 2022, deciding that:

“The amount of Rs. 139249/- charged vide HM no. 31 dated 03.02.2022 is correct & recoverable.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 15.06.2022 i.e. within the period of thirty days of receipt of the decision dated 06.05.2022 of the CGRF, Ludhiana in Case No. CGL-33 of 2022, received by the Appellant on 28.05.2022. But the Appellant did not provide the receipt of deposit of the requisite 40% of the disputed amount. The Appellant was requested to provide the same vide Memo No. 612/OEP/Ashok Kumar dated 16.06.2022. The Appellant deposited the balance 20% of the requisite 40% of the disputed amount on 16.06.2022. The Respondent confirmed vide Memo No. 1881 dated 17.06.2022 that the Appellant had deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 17.06.2022 and copy of the same was sent to the Addl. SE/ DS Janta 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. 628-30/OEP/A-35/2022 dated 17.06.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 24.06.2022 at 12.15 PM and intimation to this effect was sent to both the parties vide letter nos. 647-48/OEP/A-35/2022 dated 20.06.2022. 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 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 MS Category Connection, bearing Account No. 3002960253 with sanctioned load of 90.00

kW/100.00 kVA under DS Janta Nagar Division (Spl.), PSPCL, Ludhiana.

- (ii) The meter of the Appellant was changed vide MCO No. 100013923556 dated 22.06.2021 effected on 23.06.2021. The meter was checked in ME Lab vide Challan No. 412 dated 28.06.2021.
- (iii) As per ME Lab report, meter of the Appellant was dead stop, accuracy could not be done and DDL was taken. The Audit Party during checking of account, overhauled the account of the Appellant for the period from 01.05.2021 to 22.06.2021 on the basis of consumption recorded from 03.05.2019 to 27.05.2019 and the amount of ₹ 1,39,249/- was charged vide Notice No. 1015 dated 07.02.2022. The Appellant approached the Forum against this Notice.
- (iv) The Forum decided that the amount was correct and recoverable. For the sake of argument, it was reported that display had been held up but the meter had recorded the reading internally which could be verified from the reading of DDL.
- (v) In DDL, reading was continuously increasing from 17.05.2021 up to date of replacement of the meter. The last reading recorded in DDL was 650664 and upto the same reading,

billing had been done by the PSPCL and the same was paid by the Appellant.

- (vi) The Appellant submitted that he had deposited all the bills issued by the PSPCL from time to time. No bill was pending. The bills were issued as per the electricity consumed. So, how the Audit Party assumed that bills were not issued correctly? The readings were taken by the PSPCL every month.

- (vii) The Appellant requested for the quashing of the Half Margin of Audit Party and prayed that justice be given to him.

(b) Submission during hearing

During hearing on 24.06.2022, the Appellant's Representative (AR) reiterated the submissions made in the Appeal and prayed to allow the same.

(B) Submissions of the Respondent

(a) Submissions in written reply

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

- (i) The Appellant was having MS Category Connection bearing, Account No. 3002960253 with sanctioned load of 90.00 kW and CD as 100.00 kVA under DS Janta Nagar Division (Spl.), Ludhiana.

- (ii) The Respondent submitted that the SDO/ Tech. Unit-2, Janta Nagar (Spl.), Ludhiana vide its Memo No. 65 dated 04.06.2021 requested the Addl. S.E., Enforcement-Cum-EA&MMTS-6, Ludhiana to check the meter of the Appellant due to display of the meter being held up.
- (iii) Addl. S.E., Enforcement-Cum-EA & MMTS, Ludhiana visited the premise and site report was prepared vide ECR No. 23/3253 dated 21.06.2021. According to the site report “The meter display is heldup on the spot and the pulse of the meter is not blinking on the running load and no parameters could be noted. This meter should be replaced immediately and removed meter brought to ME Lab for the further investigation.” DDL of the meter could not be done.
- (iv) The meter of the Appellant was replaced vide MCO No. 100013923556 dated 22.06.2021 effected on 23.06.2021 by the JE Incharge in the presence of the Appellant. The removed meter was taken to ME Lab, Ludhiana vide Challan No. 412 dated 28.06.2021 for checking. In ME Lab, the meter was checked by Sr. Xen/ Enforcement, Sr. Xen/ ME Lab, AEE/ME Lab, AEE/ Tech. Unit-2, Janta Nagar, Ludhiana and reported that “Meter is dead stop in dial test, accuracy of the meter not done and DDL of the meter was taken.”

- (v) Internal Audit Party, Janta Nagar, Ludhiana overhauled the account of the Appellant for the period from 01.05.2021 to 22.06.2021 = 53 days as per corresponding period of 03.05.2019 to 27.05.2019 = 24 days as per Regulation 21.5 of Supply Code 2014, subject to temporary amendment as per Commercial Circular No. 20/2021 dated 30.04.2021 and charged amount of ₹ 1,39,249/- (Subsidy already adjusted in bill dated 26.07.2021). AEE/Comm., Janta Nagar Division, Ludhiana issued supplementary bill cum Notice No. 1015 dated 07.02.2022 to the Appellant to deposit the amount. Not satisfied with this supplementary bill, the Appellant lodged its case with the Forum.
- (vi) The Forum decided that the amount was correct and recoverable.
- (vii) On receiving the decision of the Forum, the Appellant was informed about the decision within 30 days from the date of decision. Not satisfied with the decision of the Forum, the Appellant approached the Court of Lokpal (Ombudsman), Electricity, Punjab and filed an Appeal against the decision.
- (viii) The Respondent submitted that ME Lab conveyed vide ME Challan No. 412 dated 28.06.2021 that “Meter is dead stop in dial test, accuracy of the meter cannot be done and DDL of the

meter was taken.” Therefore, the last reading of the meter recorded as 650664 kWh and 722684 kVAh could not be considered while overhauling the account.

- (ix) The account of the Appellant was needed to be overhauled as per Regulation 21.5 of the Supply Code-2014, subject to temporary amendment as per CC No. 20/2021, as the meter was found Defective in the ME Lab. Therefore, the amount of Half Margin charged to the Appellant was correct.

(b) Submission during hearing

During hearing on 24.06.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal. The Respondent admitted during hearing that the account of the Appellant was not overhauled as per Supply Code Regulations.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of amount of ₹ 1,39,249/- charged to the Appellant vide Supplementary Bill No. 1015 dated 07.02.2022 on the basis of Half Margin No. 31 dated 03.02.2022 of the Audit Party on account of overhauling of his account from 01.05.2021 to 22.06.2021 on the basis of consumption recorded from 03.05.2019 to 27.05.2019.

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 although the display of the meter was held up, but the meter had recorded the reading internally which could be verified from the reading as recorded in DDL, which was continuously increasing from 17.05.2021 till the date of replacement of the meter. He pleaded that the Appellant had already paid all his bills till the final reading of 722683 kVAH as recorded by the DDL. As such, he requested for the quashing of the Half Margin of Audit Party.
- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant and pleaded that the account of the Appellant was overhauled by the Internal Audit Party vide Half Margin No. 31 dated 03.02.2022 for the period from 01.05.2021 to 22.06.2021= 53 days as per corresponding period of 03.05.2019 to 27.05.2019 = 24 days as per Regulation 21.5.2 of Supply Code, 2014, subject to temporary amendment as per Commercial Circular No. 20/2021 dated 30.04.2021 and an amount of ₹ 1,39,249/- (Subsidy already adjusted in bill dated 26.07.2021) was charged by the AEE/Comm., Janta Nagar Division, Ludhiana vide supplementary bill cum Notice No.

1015 dated 07.02.2022. He argued that since the meter was found Defective in the ME Lab, so the amount of Half Margin charged to the Appellant was correct as it was as per Regulation 21.5.2 of the Supply Code, 2014. He prayed for the dismissal of the Appeal.

- (iii) 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 24.06.2022. The meter in dispute (Sr. No. 07251107 L&T Make) was replaced vide MCO No. 100013923556 dated 22.06.2021 effected on 23.06.2021. It was written on the MCO that the meter was defective. The meter was sent to ME Lab vide Challan No. 412 dated 28.06.2021 and as per this challan, the meter was found Dead Stop during its Dial Test done in ME Lab. As such, the meter was Defective. The account of the Appellant was supposed to be overhauled as per Regulation 21.5.2 (a) of the Supply Code, 2014 as amended by the Commercial Circular No. 20/2021 which was correctly followed by the Audit Party, but it erred by taking base of only 24 days. So, the Supplementary bill cum Notice No. 1015 dated 07.02.2022 based on Half Margin No. 31 dated 03.02.2022 is hereby quashed.

- (iv) In view of above, this Court is not inclined to agree with the decision dated 06.05.2022 of the Forum in Case No. CGL-33 of 2022. The account of the Appellant should be overhauled for the period from 01.05.2021 to 22.06.2021 on the basis of energy consumption of corresponding period of 01.05.2019 to 22.06.2019 as per Regulation 21.5.2 (a) and (e) of the Supply Code, 2014 to be read with Commercial Circular No. 20/2021.

6. Decision

As a sequel of above discussions, the order dated 06.05.2022 of the CGRF, Ludhiana in Case No. CGL-33 of 2022 is hereby quashed. The Supplementary bill cum Notice No. 1015 dated 07.02.2022 based on Half Margin No. 31 dated 03.02.2022 is not recoverable. The account of the Appellant should be overhauled for the period from 01.05.2021 to 22.06.2021 on the basis of energy consumption of corresponding period of 01.05.2019 to 22.06.2019 as per Regulation 21.5.2 (a) and (e) of the Supply Code, 2014 to be read with Commercial Circular No. 20/2021.

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 24, 2022
S.A.S. Nagar (Mohali)

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