

**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. 36/2022

Date of Registration : 20.06.2022

Date of Hearing : 30.06.2022

Date of Order : 30.06.2022

Before:

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

In the Matter of:

Sh. Sham Lal S/o Hazara Ram,
H. No. B-24-7898/2,
Shaheed Bhagat Singh Nagar,
Near Durgapuri, Haibowal,
Ludhiana.

Contract Account Number: 3001896109(DS)

...Appellant

Versus

Addl. Superintending Engineer,
DS Aggar Nagar (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

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

Respondent : Er. Daljit Singh,
Addl. Superintending Engineer,
DS Aggar Nagar (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 22.02.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-009 of 2022, deciding that:

- “i. Amount of Rs. 143652/- charged in bill dated 18.09.2021 is quashed. Final reading i.e., 19353 KWH/19907 KVAH reported in ME Lab is correct. Total accumulated consumption of 16563 KWH is chargeable. Accumulated consumption should be equally divided on monthly basis for the period disputed meter remained installed and amount be worked out as per applicable tariff from time to time.*
- ii. The amount of Rs 8986/- of UE case charged vide notice no. 19765 dated 19.08.2021 is correct and chargeable.*
- iii. Dy. CE/Op. City West Circle, Ludhiana, is directed to investigate the case regarding accumulation of reading in this case and suitable action should be taken against meter reader/meter reading agency.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 31.05.2022 i.e. beyond the period of thirty days of receipt of the decision dated 22.02.2022 of the CGRF, Ludhiana in Case No. CGL-009 of 2022. The Appellant did not submit any evidence in support of deposit of the requisite 40% of the disputed amount for filing the Appeal in this Court as required under Regulation 3.18 (iii) of PSERC (Forum & Ombudsman) Regulation, 2016. The

Appellant was requested vide letter nos. 524/OEP/ Sham Lal dated 31.05.2022 and 550/OEP/Sham Lal dated 02.06.2022 to deposit the requisite 40% of the disputed amount for timely registration of his Appeal, but the Appellant did not comply with the same. To consider the Appeal for registration, a pre-hearing was fixed in this Court for 13.06.2022 at 12.00 Noon and intimation to this effect was sent to both the parties vide letter nos. 572-73/OEP/ Sham Lal dated 09.06.2022. On the day of hearing on 13.06.2022, the Appellant failed to attend the pre-hearing. The Appellant requested vide letter sent through email on 13.06.2022 that some more time be given to him for the deposit of requisite 40% of the disputed amount. The Court acceded to his request and next date of pre-hearing was fixed for 20.06.2022 at 12.00 Noon and intimation to this effect alongwith the copy of proceedings dated 13.06.2022 was sent to both the parties vide letter nos. 597-598/OEP/ Sham Lal dated 13.06.2022. During the hearing on 20.06.2022, the Appellant's Representative submitted that the Appellant had deposited the requisite 40% of the disputed amount. The Respondent confirmed the same on a telephonic call. Therefore, the Appeal was registered on 20.06.2022 and copy of the same was sent to the Addl. SE/ DS Aggar 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. 649-651/OEP/A-36/2022 dated 20.06.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 30.06.2022 at 12.00 Noon and intimation to this effect was sent to both the parties vide letter nos. 702-03/OEP/A-36/2022 dated 28.06.2022. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

4. Condonation of Delay

At the start of hearing on 30.06.2022, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant's Representative (AR) stated that the Appellant was not told about the decision taken by the Forum and the Respondent did not issue any letter to him in this regard. He further prayed that the delay in filing the present Appeal may kindly be condoned and the Appeal be adjudicated on merits in the interest of justice. The Respondent did not object to the condoning of the delay in filing the Appeal in this Court either in its written reply or during hearing in this Court.

In this connection, I have gone through Regulation 3.18 of PSERC (Forum and Ombudsman) Regulations, 2016 which reads as under:

“No representation to the Ombudsman *shall lie unless:*

(ii) *The representation is made within 30 days from the date of receipt of the order of the Forum.*

Provided that the Ombudsman may entertain a representation beyond 30 days on sufficient cause being shown by the complainant that he/she had reasons for not filing the representation within the aforesaid period of 30 days.”

It was observed that refusal to condone the delay in filing the Appeal would deprive the Appellant of the opportunity required to be afforded to defend the case on merits. Therefore, with a view to meet the ends of ultimate justice, the delay in filing the Appeal in this Court beyond the stipulated period was condoned and the Appellant's Representative was allowed to present the case.

5. Submissions made by the Appellant and the Respondent

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral deliberations made by the

Appellant's Representative and the Respondent alongwith material brought on record by both the parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

The Appellant made the following submissions in its Appeal for consideration of this Court:-

- (i) The Appellant was having a DS Category Connection, bearing Account No. 3001896109 with sanctioned load of 1.97 kW running under DS Aggar Nagar (Spl.) Division, PSPCL, Ludhiana in his name.
- (ii) The Appellant stated that he was paying his electricity bills regularly but suddenly the Respondent issued a bill of ₹ 1,52,362/- in September, 2021 which was wrong. When the Appellant approached the Respondent's office, he was told that his meter was defective. They did not correct his bill and asked him to approach the Forum for the correction of the bill.
- (iii) Then the Appellant filed his case in the Forum. After hearing several times, the Forum closed the case. The Appellant was told that his disputed bill would be corrected. He was told to collect the copy of the decision after few days.
- (iv) The Appellant received the copy of the decision from the Forum. He could not understand the decision as the decision

was in English. When he enquired about the contents of the decision taken by the Forum, he was told to contact the Respondent for the implementation of the same.

- (v) Then the Appellant contacted the Respondent and he was told that the notice would be issued to him after the implementation of the decision. But the Respondent did not inform him anything about the decision even after visiting the Respondent many times. The Appellant submitted that he was harassed by the Respondent's office.
- (vi) Then the Appellant showed the decision to his known person who told him that as per the decision of the Forum, almost whole of the disputed bill was payable by him. The Appellant submitted that the decision of the Forum was wrong as the disputed bill was inflated due to the fact that the meter might be defective.
- (vii) The Appellant prayed before this Court to check his previous bills. He had not received any bill of such huge amount in the past and he had paid all the bills raised to him regularly.
- (viii) The Appellant prayed that his Appeal be heard and justice be given to him by correcting his disputed bill.

(b) Submission during hearing

During hearing on 30.06.2022, 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 DS Category Connection, bearing Account No. 3001896109 with sanctioned load of 1.97 kW running under DS Aggar Nagar (Spl.) Division, PSPCL, Ludhiana in his name.
- (ii) The meter of the Appellant being defective was replaced vide MCO No. 100011813651 dated 04.12.2020 effected on 07.07.2021. The meter was checked in ME Lab vide Challan No. 494 dated 16.08.2021. The ME Challan Report is as under:

ਸਿੰਗਲ/ਥ੍ਰੀ ਫੇਸ ਮੀਟਰ ME LAB ਲੁਧਿਆਣਾ ਵਿਖੇ ਚੈਕ ਕੀਤਾ ਗਿਆ ਅਤੇ ਮੀਟਰ ਵੀ ਤੇੜਿਆ ਗਿਆ। ਜਿਸਦੀ ਮੈਮਰੀ ਚਿਪ ਨੂੰ ਕੱਢਿਆ ਗਿਆ। ਕੰਪਨੀ ਵਲੋਂ ਦਿੱਤੇ ਜਿਗ ਮੀਟਰ ਉਪਰ ਚਿਪ ਨੂੰ ਲਗਾ ਕੇ ਰੀਡਿੰਗ ਕੱਢੀ ਗਈ। ਜਿਸਦੀ KWH 19353 ਅਤੇ KVAH 19907 ਹੈ। ਲੈਜਰ ਮੁਤਾਬਿਕ ਮੀਟਰ ਦੀ ਰੀਡਿੰਗ 2770 ਪਾਈ ਗਈ।

ਦੇਨਾਂ ਰੀਡਿੰਗਾਂ ਦਾ Difference ਘੋਖ ਕੇ ਬਣਦੀ ਯੋਗ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ। ਮੀਟਰ ਦੀ ਮੈਮੋਰੀ ਚਿਪ ਨੂੰ ਅਗਲੀ ਸਾਂਭ ਸੰਭਾਲ ਲਈ ਜੇ.ਈ. ਦੇ ਸਪੁਰਦ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

- (iii) The reading of the meter was found as 19353 kWh/19907 kVAh in ME Lab. So, the difference of reading was ascertained as 16583 kWh (19353-2770) and an amount of ₹ 1,43,652/- was charged to the Appellant vide Notice No. 19802 dated 24.08.2021. Also, the Appellant was charged ₹ 8,986/- for unauthorized extension of load (UE) vide Notice No. 19765 dated 19.08.2021 as per LCR No. 33/2347 dated 30.06.2021 wherein the Appellant was found using 5.446 kW load and using the supply for 2 No. tenants through sub meter whereas the main display was defective.
- (iv) The Appellant was issued a bill dated 18.09.2021 amounting to ₹ 1,78,870/- in which the amount of ₹ 1,52,362/- was charged as Sundry Charges.
- (v) The final reading reported in ME Lab was correct as the replaced meter (Disputed Meter) was installed on 12.03.2019 and replaced on 07.07.2021. However, the meter recorded only 2770 kWh in 2 years and 4 months as per billing i.e. about 99 units per month which clearly indicated that this was a case of reading accumulation. It was not possible to consume 99 kWh

units per month with connected load of 5.446 kW running at site including 2 no. AC and being used by 2 no. tenants alongwith the Appellant.

- (vi) On the other hand, as per the final reading of 19353 kWh reported in ME Lab, the consumption worked out to be nearly 691 units per month which was justified as per the Connected Load of 5.446 kW found at the site during checking vide LCR No. 33/2347 dated 30.06.2021.
- (vii) The Forum had rightly upheld the final reading reported in the ME Lab and the admissible relief had been given to the Appellant by dividing the accumulated consumption over the period disputed meter remained installed. The refund of ₹ 13,509/- as per decision of the Forum was posted in the Appellant's account. As per above, the amount charged was recoverable and the Appeal may be dismissed please.

(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. The Respondent admitted during hearing that the meter in dispute was defective and was returned to ME lab as a defective meter. The Respondent failed to prove that the incorrect readings were recorded by the Meter Reader/

Meter Reading Agency. He could not prove on the basis of documents submitted in the Court that this is a case of accumulating of readings.

6. Analysis and Findings

The issue requiring adjudication is the legitimacy of the amount of ₹ 8,986/- charged vide Notice No. 19765 dated 19.08.2021 on account of Unauthorized Extension of Load (UE) and ₹ 1,43,652/- charged vide Notice No. 19802 dated 24.08.2021 on account of difference of reading of 16583 kWh detected in ME Lab totalling to ₹ 1,52,638/-, further reduced to ₹ 1,38,853/- after implementation of the decision of the Forum.

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

- (i) The Appellant's Representative (AR) reiterated the submissions made in the Appeal. He pleaded that the Appellant was paying his electricity bills regularly but suddenly the Respondent issued a bill of ₹ 1,52,362/- in September, 2021 which was wrong. When the Appellant approached the Respondent's office, he was told that his meter was defective, but the bill was not corrected. So, he approached the Forum against this bill but did not get justice. The Appellant submitted that the decision of

the Forum was wrong as the disputed bill was inflated due to the fact that the meter might be defective. The Appellant prayed that his Appeal be heard and justice be given to him by correcting his disputed bill.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and reiterated the submissions made by the Respondent in the written reply. The Respondent argued that the final reading reported in ME Lab was correct as the replaced meter (Disputed Meter) was installed on 12.03.2019 and replaced on 07.07.2021. However, the meter recorded only 2770 kWh during this period of 2 years and 4 months as per billing i.e. about 99 units per month which clearly indicated that this was a case of reading accumulation. It was not possible that the Appellant consumed only 99 kWh units per month with connected load of 5.446 kW found running at site including 2 no. AC and being used by 2 no. tenants alongwith the Appellant. On the other hand, as per the final reading of 19353 kWh reported in ME Lab, the per month consumption worked out to be nearly 691 units per month which was justified as per the Connected Load of 5.446 kW found at the site during checking vide LCR No. 33/2347 dated 30.06.2021. He further argued that the Forum had rightly

upheld the final reading reported in the ME Lab and the admissible relief had already been given to the Appellant by dividing the accumulated consumption over the period disputed meter remained installed. The refund of ₹ 13,509/- as per decision of the Forum was posted in the Appellant's account. He argued that the amount charged as per decision of the Forum was fully recoverable and prayed that the Appeal may be dismissed.

(iii) The Forum in its order dated 22.02.2022 observed as under:

"The reading of the meter was found 19353 KWH/ 19907 KVAH as per ME Lab. So, difference of reading was ascertained of (19353-2770) 16583 KWH and amount was charged to consumer of Rs. 143652/- vide notice no. 19802 dated 24.08.2021. Also, consumer is charged for UE case vide notice no. 19765 dated 19.08.2021 amounting Rs. 8986/-. Petitioner was issued bill dated 18.09.2021 amounting to Rs. 178870/- in which Rs. 152362/- charged as sundry charges. Not agreed with the amount petitioner filed case in CGRF, Ludhiana.

Regarding the case in CGRF, it is inferred from the record, various events that reading ascertained in ME Lab was due to incorrect reading recorded by meter reader which resulted in accumulation of consumption. The role of meter reader needs to be investigated in this case and suitable action should be taken against meter reader/meter reading agency.

Keeping in view the above, Forum came to unanimous conclusion that amount of Rs. 143652/- charged in bill dated 18.09.2021 is quashed. Final reading i.e., 19353 KWH/19907 KVAH reported in ME Lab is correct. Total accumulated consumption of 16563 KWH is chargeable. Accumulated consumption should be equally divided on monthly basis from date the disputed meter remained installed and amount be worked out with applicable tariff from time to time. However, the amount of Rs 8986/- charged vide notice no. 19765 dated 19.08.2021 is correct and chargeable."

(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. It is observed by this Court that the decision of the Forum is not based on any regulations/ instructions of the Distribution Licensee and the Forum has erred in passing such order. The Reading Record of the Appellant's consumer account available in SAP system shows that the meter in dispute (Sr. No. 141632 L&T Make) was installed on 12.03.2019 and after that, bills were regularly being issued to the Appellant on the basis of 'O' code till 11.09.2020. The meter was found defective on 19.11.2020 and MCO No. 100011813651 was issued on 04.12.2020 to replace this disputed meter, but it was replaced on 07.07.2021, after about 7 months and it is a clear case of violation of Standards of Performance laid down in the Supply Code. The Respondent had failed to prove on the basis of documentary evidence that the readings recorded by the Meter Reader during the period from 12.03.2019 to 11.09.2020 were incorrect. No action had been initiated against the Meter Reader/ Meter Reading Agency for recording incorrect readings, if any. So, distribution of

consumption over a period of time before 11.09.2020 is not correct and also not as per any regulations/ instructions.

- (v) It is observed that the meter in dispute was replaced on 'D' Code and was returned as Defective in the ME Lab. So, the Final reading as derived in ME Lab cannot be treated as reliable. The Appellant cannot be billed on this incorrect and unreliable reading. This Court observed that even DDL of the disputed meter was not taken from which the reliable final reading could have been derived. Since no DDL was taken to support the final reading recorded by ME Lab, it would not be fair to consider the reading of the Meter recorded by ME Lab as correct and reliable.
- (vi) The disputed period is from 11.09.2020 to 07.07.2021 only as 'O' Code reading was recorded on 11.09.2020 which was neither challenged by the Appellant nor by the Respondent. The decision of the Forum to distribute the final reading derived at ME Lab to bills issued prior to 11.09.2020 is not correct and not based on any Regulations of the PSERC and the Licensee as the previous settled bills issued on 'O' Code cannot be changed or modified.
- (vii) In view of the above, this Court is not inclined to agree with the decision dated 22.02.2022 of the Forum in Case No. CGL-009

of 2022. The final reading of 19353 kWh as recorded by ME Lab in respect of DEFECTIVE METER cannot be considered as reliable & correct for billing purpose. Therefore, the Notice No. 19802 dated 24.08.2021 for ₹ 1,43,652/- is hereby quashed. As per Regulation 21.5.2 of the Supply Code-2014, the account of the consumer cannot be overhauled for more than six months, so the account of the Appellant for the period from 08.01.2021 to 07.07.2021 shall be overhauled on the basis of actual consumption recorded in the corresponding period of previous year as per Regulation 21.5.2 (a) & (e) of Supply Code-2014.

- (viii) The amount of ₹ 8,986/- charged vide Notice No. 19765 dated 19.08.2021 on account of Unauthorized Extension of Load (UE) is correct and recoverable.
- (ix) There is violation of Standards of Performance as laid down in Supply Code because the meter was not replaced within 10 working days. Also, the meter was not checked within the time as mentioned in Instruction No. 57.3 of ESIM.

7. Decision

As a sequel of above discussions:-

- (i) The order dated 22.02.2022 of the Forum in Case No. CGL-009 of 2022 is hereby set aside.
 - (ii) The Notice No. 19802 dated 24.08.2021 for ₹ 1,43,652/- is quashed. The Account of the Appellant should be overhauled from 08.01.2021 to 07.07.2021 on the basis of actual consumption recorded in the corresponding period of previous year as per Regulation 21.5.2 (a) & (e) of Supply Code-2014.
 - (iii) The amount of ₹ 8,986/- charged vide Notice No. 19765 dated 19.08.2021 on account of Unauthorised Extention of Load (UE) is correct and recoverable.
8. The Appeal is disposed of accordingly.
 9. As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016, the Licensee will comply with the award/ order within 21 days of the date of its receipt.
 10. In case, the Appellant or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance

with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016.

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

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

