**COURT OF THE LOK PAL (OMBUDSMAN),**

 **ELECTRICITY, PUNJAB,**

**PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,**

**S.A.S. NAGAR (MOHALI).**

**APPEAL NO. 51/2020**

**Date of Registration : 26.10.2020**

**Date of Hearing : 18.11.2020 and 23.11.2020**

**Date of Order : 26.11.2020**

**Before:**

**Er. Gurinder Jit Singh,**

 **Lokpal (Ombudsman), Electricity, Punjab**.

**In the Matter of:**

 M/s. Punjab Steel Forging & Agro Industries,

GT Road, Khanna Side,

Mandi Gobindgarh-147301,

**Contract Account Number: 3002309507**

...Appellant

Versus

Senior Executive Engineer,

DS Division (Spl.),

PSPCL, Mandi Gobindgarh.

 ...Respondent

**Present For:**

 Appellant : 1. Sh. Sandeep Kumar,

 Appellant’s Representative (AR).

 2. Sh. Bhupinder Singh,

 Appellant’s Representative (AR).

Respondent : 1. Er. J.S. Tiwana,

 Senior Executive Engineer,

 DS Division (Special),

 PSPCL, Mandi Gobindgarh.

 2. Er. Ravi Chauhan,

 Assistant Executive Engineer,

 DS Division (Spl.)

 PSPCL, Mandi Gobindgarh.

 3. Sh. Bipin Dhingra,

Revenue Accountant (RA).

 Before me for consideration is an Appeal preferred by the Appellant against the order dated 24.09.2020 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-115 of 2020, deciding that:

*“The late payment surcharge of Rs. 2,46,122/- levied in the bill dated 08.5.2018 issued to the petitioner is recoverable”.*

**2*.* Registration of the Appeal**

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 26.10.2020 i.e. within one month of receipt of the decision dated 24.09.2020 of the Forum by the Appellant. The Appeal relates to refund of late payment surcharge deposited by the Appellant with the Respondent on 25.05.2018. As such, the Appellant was not required to deposit any amount for filing the Appeal in this Court. Accordingly, the Appeal was registered and a copy of the same was sent to the Senior Executive Engineer/DS Division (Special), PSPCL, Mandi Gobindgarh for sending written reply/parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos.1004-1006/OEP/A-51/2020 dated 27.10.2020.

**3.** **Proceedings**

(i) With a view to adjudicate the dispute, a hearing was fixed in this Court on 18.11.2020 at 12.00 Noon and an intimation to this effect was sent to both the sides vide letter nos. 1103-04/OEP/A-51/2020 dated 13.11.2020. As scheduled, the hearing was held on 18.11.2020 in this Court, on the said date and time. Copies of the minutes of the proceedings were sent to the Appellant and the Respondent vide letter nos. 1115-16/OEP/A-51/2020 dated 18.11.2020. As per the said letter, the representatives of the Appellant and the Respondent were also directed to attend this Court for another hearing on 23.11.2020 at 11.00 AM.

(ii) In the hearing held on 23.11.2020, the representatives of both the sides attended this Court. Arguments were closed and the order was reserved. Copies of the minutes of this hearing were sent to them vide letter nos. 1128-29/OEP/A-51/2020 dated 23.11.2020.

**4. Submissions made by the Appellant and the Respondent**:

With a view to adjudicate the dispute, it is necessary to go through written submissions made in the Appeal by the Appellant and reply of the Respondent as well as oral submissions made by their respective representatives along with material brought on record by both the sides.

1. **Submissions of the Appellant**
2. **Submissions made in the Appeal**

The Appellant made the following submissions in the Appeal, received in this Court on 26.10.2020, for consideration:

1. The Appellant was having a Large Supply (LS) category connection, bearing account No. 3002309507, with sanctioned load of 8901 kW and CD as 9690 kVA.
2. The electricity bill for the period from 28.02.2018 to 11.04.2018 (42 days) was issued on 24.04.2018 (i.e. about 12 days late than usual monthly bill date). After enquiring about the issue of this bill, the Appellant made the payment within due date. After this, next electricity bill was expected to be received after a month i.e. around 25.05.2018 in view of Regulation 30.3 of Supply Code-2014, reproduced below:

“*The distribution licensee shall issue bills to the consumer for the electricity supplied or for other services rendered with a periodicity of;*

1. *not more than two (2) months in respect of Domestic Supply (DS) and Non-Residential Supply (NRS) consumers with loads less than 50 kW;*
2. *in the case of DS and NRS consumers with loads of 50 kW and above and all other categories of consumers including agricultural pump sets (metered supply), bills shall be issued monthly;”*
3. Regulation 30.9 of Supply Code-2014 further provides as under:  *“The bills shall be sent to the consumers, other than the HT/EHT category, either by post or by hand delivery/courier service and in case of HT/EHT consumers, either under certificate of posting or by hand delivery/courier service. The fact of dispatch of bills to consumers of a particular area shall be displayed on the notice board at the notified office of the distribution licensee and shall also be publicized in such other manner as the Commission may direct. The distribution licensee shall also upload bills on its website for information and payment by the consumers. In case of hand delivery, record of delivery of the bill shall be maintained at the designated office of the distribution licensee.”*
4. The Appellant received a call on 25.05.2018 from office of the Respondent on its phone no. 9814082425 that the Appellant had not deposited the electricity bill issued by the Respondent on 08.05.2018 which was due to be paid by 18.05.2018. The Appellant immediately went to Commercial Sub Division, Mandi Gobindgarh and received a copy of the said bill. The bill was for the period from 11.04.2018 to 30.04.2018 (19 days). The Appellant had neither received this bill earlier by messenger/by hand or through courier nor received its intimation through SMS on its registered Mobile No. 9814082425 nor received any email on its registered email ID address: psforging@yahoo.co.in though there was no provision in the Supply Code Regulations for sending bills by SMS or email as stated above. The Appellant immediately paid an amount of ₹ 1,57,91,952/- (including late payment surcharge of ₹ 2,46,122/- as Respondent insisted to pay the same) vide Receipt No. 11703 dated 25.05.2018.
5. The Appellant had written letter dated 25.05.2018 to AEE/ Commercial S/D, Mandi Gobindgarh which was diarized in its office as Diary No. 4812 dated 28.05.2018 wherein it was requested to enquire about non delivery/non intimation of bill and refund of late payment surcharge. The screen shots of emails previously received by the Appellant from the Respondent were also enclosed alongwith the said letter.
6. The Appellant, on 25.05.2018, had come to know from the Respondent that SMS messages for its connection were being sent on Mobile No. 9814082431. The Appellant had informed the Respondent that this number did not belong to it and intimated that 9814082425 was its mobile number from the very beginning and appeared on its Letter Pad. The Respondent informed on 25.05.2018 that they had got it corrected in their record. The Appellant had never informed the Respondent about its Mobile No. 9814082431 and Respondent never informed the Appellant that its Mobile No. 9814082425 had been changed to 9814082431.
7. The Appellant, on 05.07.2018, had tried to see that correction in mobile number had actually been made in the record of the Respondent or not. The Appellant opened portal of Register for payment through fund transfer NEFT/RTGS on PSPCL website. On opening this portal, it was found that still mobile number of the Appellant had not been corrected inspite of confirmation by local office on 25.05.2018 and instead, wrong Mobile No. 9814082431 was still appearing. The Appellant had tried to get it corrected by changing the Mobile No. to 9814082425 but could not succeed because the correction required an OTP and the OTP was sent to old Mobile No. 9814082431 which was not in its possession. So, the Appellant again wrote a letter dated 05.07.2018 to AEE/Commercial, PSPCL, Mandi Gobindgarh which was diarized in its office at Diary No. 4993 dated 05.07.2018 and requested for correction of Mobile No. to 9814082425 in the system of the Respondent.
8. The Appellant was constrained to approach CE/DS (Central), PSPCL, Ludhiana, vide its letter dated 04.02.2019 received by the CE on 06.02.2019, since the Appellant had not been given the refund. But nothing was heard about the outcome of that letter.
9. No action was taken on the abovesaid letter and feeling aggrieved, the Appellant had no option but to approach the Forum. Accordingly, the Appellant filed a Petition before the Forum on 16.03.2020. After deliberations, the Forum decided the case on 24.09.2020 and held that late payment surcharge levied in the bill dated 08.05.2018 was recoverable from the Appellant.
10. The late payment surcharge levied in this bill was not chargeable to the Appellant. The Forum had erred in deciding the case against the Appellant. The Respondent had neither delivered the bill by messenger/by hand nor through UPC.
11. The Respondent had also issued CC No. 20 of 2017 dated 23.05.2017 (for receiving payment through RTGS/ NEFT on voluntary basis for bills above ₹ one lac). This Circular also stated that the Respondent will deliver e-bills via e-mail and alert shall be sent through SMS. Simultaneously, PSPCL had issued CC No. 21 of 2017 dated 23.05.2017 for collecting mobile numbers and e-mail addresses through Meter Readers and Cashiers. However, no amendment in Regulations about sending bills through e-mail or sending SMS had been carried out by PSERC in the Supply Code-2014 till the date of issue of bill in question i.e. April-May, 2018.
12. The Respondent had failed to comply with the aforesaid provisions of Regulation 30.9 of Supply Code-2014 applicable to EHT consumer (the Appellant was EHT consumer getting supply at 66kV).
13. The bill dated 08.05.2018 was neither delivered under certificate of posting nor by hand delivery/courier service. PSPCL had neither sent any SMS on its registered Mobile No. 9814082425 nor any e-mail was sent to the Appellant on its registered e-mail address though not mandatory as per Supply Code-2014. The Forum, in its proceedings dated 24.08.2020, directed the Respondent to produce the record of uploading the energy bill on 08.05.2018 but upto the final hearing date on 21.09.2020, PSPCL had not submitted any information regarding record of uploading the energy bill on 08.05.2018.
14. Regulation 30.2 of Supply Code, 2014 provides for Meter Reading as under:
	1. **Meter Reading**

*30.2.1 The meter of a consumer shall be read on one of three specified days in a billing period and such days shall be publicized in advance. In case meter is installed outside the consumer’s premises and a display unit installed inside the premises, the readings of the consumer meter and not the display unit shall be taken into account for billing purposes.”*

1. The PSPCL, in this case, took readings and prepared bills on its own whims and fancies and was expecting the Appellant to be vigilant which was totally unjustified. In fact, it was PSPCL which had not followed the Regulation 30.2, 30.3 and 30.9 of Supply Code-2014 and had changed the mobile number and deleted e-mail ID from its records on their own without informing the Appellant. It is evident that bill reading dates were changed arbitrarily without publicizing the same. One bill was issued for 42 days and then next bill for 18 days instead of on monthly basis which was contrary to the applicable Regulations. Therefore, charging of late payment surcharge from the Appellant, when the Appellant was not at fault and PSPCL violated the provisions of the Regulations, was arbitrary, totally unjustified and illegal and needed to be set aside.
2. The Respondent, while responding to the directions given by the Forum on 24.08.2020, on next date i.e. 21.09.2020 submitted a copy of e-mail dated 29.05.2018 received by it from IT Cell. It was intimated that no email was registered with PSPCL. Two SMS were sent on mobile no. 9814082431 on 09.05.2018 and 16.05.2018 regarding the latest bill. Consumer changed his mobile no. to 9814082425 and registered e-mail ID as psforging@yahoo.co.in on 25.05.2018.
3. It was wrong to state that the Appellant had got its mobile number for SMS changed from 9814082431 to 9814082425. In fact, the mobile number of the Appellant was already registered with the Respondent and the Respondent changed the same without its knowledge and without any request from the Appellant. The Appellant had intimated the factual position to the Respondent.
4. From the above, it appeared that before 25.05.2018, no e-mail ID was registered with PSPCL. One mobile number 9814082431 was registered with PSPCL and two SMS were sent; 1st on 09.05.2018 and second on 16.05.2018 regarding latest bill on Mobile No. 9814082431 and on 25.05.2018 (after due date) consumer changed its mobile to 9814082425 and registered email ID (psforging@yahoo.co.in). The above statement of IT Cell was wrong as the Appellant had already received SMS messages dated 20.07.2017 and 24.07.2017 from PSPCL on its mobile No. 9814082425. In support of this, the Appellant was ready to produce its mobile bearing No. 9814082425 containing these messages. Further, the Appellant had never requested for any change in its registered Mobile No. 9814082425. Therefore, it was proved that PSPCL had registered Mobile No. 9814082425 of the Appellant otherwise the above said messages would not have reached the Appellant on its Mobile No. 9814082425.
5. Mobile No. 9814082431 did not belong to the Appellant and the Respondent had wrongly picked up the same and the Appellant had been made to suffer on account of that act on the part of the Respondent, which was great injustice to it.
6. The Appellant had come to know from reliable source that the Addl. S.E., DS Division (Special), Mandi Gobindgarh had written letter No. 4112 dated 12.06.2018 to AEE/Commercial S/D, PSPCL, Mandi Gobindgarh wherein it was mentioned that bill for the month of 04/2018 was issued to the consumer having A/c No. 3002309507 and late payment surcharge of ₹2,46,122/- was charged from it. It has also intimated that this bill was neither sent to the Appellant through Bill Distributor nor any intimation was sent to the Appellant. It was also written that the IT Cell had also informed that they also did not inform the Appellant in regard to issue of this bill, due to which, the Appellant could not deposit the bill in time and as a result late payment surcharge of ₹ 2,46,122/- had been charged to the Appellant. He had further recommended that this amount charged in the bill, be refunded to the Appellant in the next bill and also directed that in future, the delivery of bill may be ensured. The fate/outcome of this letter was not known to the Appellant but it proved its point that PSPCL agreed that it had neither delivered the bill to the Appellant nor any timely intimation was sent to it. Therefore, the late payment surcharge should be refunded to the Appellant.
7. The Appellant prayed for waiving off the late payment surcharge of ₹ 2,46,122/- and had requested for refund of this amount alongwith interest thereon.
8. **Submissions in the Rejoinder**

The Appellant’s Representative made the following submissions in its Rejoinder to the written reply of the Respondent.

1. The Appellant, at the very outset, had denied each and every content of the reply filed by the Respondent except the averments specifically admitted by the Appellant herein after as well as in the Appeal filed by the Appellant. The Appellant had placed its complete reliance upon the Appeal filed by it and the contents of which were reiterated.
2. The reply of Respondent was devoid of any merit and thus no reliance upon the same could be placed in any manner and deserved to be rejected.
3. The reply of the Respondent that the Appellant had received two number messages on 09.05.2018 and 16.05.2018 on its registered Mobile No. 9814082431 was wrong and misleading as the Respondent might have sent the messages but the Respondent cannot state that the Appellant had received the same. There was no way to confirm in the SMS system that the messages were actually delivered to the recipient or he had read the messages. Further, it was reiterated that this Mobile No. 9814082431 did not relate to the Appellant and the Appellant had never requested Respondent to register this Mobile No. 9814082431 for sending SMS regarding billing.
4. The Respondent had stated that bill was payable by 08.05.2018 but the Appellant made its payment on 18.05.2018. The said statement of the Respondent was wrong. In fact, the bill dated 08.05.2018 was payable by 18.05.2018 and the Appellant had made the payment on 25.05.2018.
5. The payment of surcharge had to be made with the bill amount on 25.05.2018 under duress as the Respondent insisted on making full payment with surcharge inspite of the fact that the Respondent had not followed the due procedure of reading dates, issuance of bills, periodicity of bills, physical delivery of bills and their own methodology of sending the bill through e-mail and alerts through SMS.
6. The instant bill dated 08.05.2018 was for 19 days instead of 30 days and the previous bill dated 24.04.2018 was for 42 days instead of 31 days. This established that the bills were not issued on monthly basis thus violating the provisions contained in Regulation 30.3 of Supply Code-2014. Further, the meter reading dates were changed arbitrarily and without any notice to consumer/publication which violated Regulation 30.2.1 of Supply Code-2014.
7. The Respondent had issued Commercial Circular No. 20 of 2017 on 23.05.2017 mainly for depositing the bills above ₹ one lac through RTGS/NEFT and it also contained the provision of delivery of e-bills through e-mail and sending alerts for the same through SMS. The said Commercial Circular seemed to have been issued by the Respondent without any amendment in Supply Code-2014 by the Hon’ble Commission at that time, since the provision regarding e-bills was added in the Supply Code-2014 much later through 6th amendment dated 09.01.2020. The delivery of bills through e-mail and sending notification through SMS were not covered in ESIM as it refers to Supply Code-2014 only. The action of the Respondent in not delivering the bill physically through hand delivery/courier/UPC on 08.05.2018 as per the then applicable Supply Code-2014 was clear violation of the provisions of Supply Code-2014. Even sending only SMS without sending e-mail to the Appellant for bill dated 08.05.2018 was violation of CC No. 20 of 2017 which provided for sending both e-mail and SMS whereas IT Cell had admitted that they had no e-mail ID with them at the time of issuing the bill as was evident from communication of IT Cell. Collection of Mobile No. and e-mail was responsibility of the Respondent. Thus, selective reference to CC No. 20 of 2017 did not absolve the Respondent from complying with Supply Code-2014 and CC Nos. 20/21 of 2017.
8. The Appellant had come to know about non-payment of bill dated 08.05.2018 on 25.05.2018 when the Respondent informed that the messages were being sent by the Respondent on Mobile No. 9814082431 and no e-mail id had been registered with the Respondent. The Appellant wrote a letter dated 25.05.2018 in response to which, the Respondent informed the Appellant verbally on 25.05.2018 that the Respondent had updated the Mobile No. to 9814082425 and also registered email ID as psforging@yahoo.co.in. As the said Mobile No. 9814082431 was appearing on PSPCL website against contract account of the Appellant, the Appellant followed up the matter with the Respondent vide its letter dated 05.07.2018. The factual position was stated in Para Nos. 7 and 8 of the Appeal and the statement of the Respondent was generic statement without any co-related evidence, which needed to be outrightly rejected.
9. The reply of the Respondent was silent as to how and on whose request, the Mobile No. 9814082431 was changed in place of already registered Mobile No. 9814082425 and e-mail ID was deleted in February, 2018. It needed to be explained as to why physical bill was not delivered to the Appellant as per Supply Code Regulations and ESIM Instructions.
10. The Respondent was taking shelter under CC No. 20 of 2017 but it was reiterated that applicable Regulations as well as ESIM Instructions as applicable in May, 2018 did not provide for e-billing i.e. sending it through e-mail followed by SMS alerts and provided only delivery of bills through hand delivery/courier/UPC which had not been followed. The e-billing system may be adopted by the Respondent in addition to provisions of regulations but not exclusive mode of delivery/service.
11. The Respondent had not submitted the proof of uploading the bill on PSPCL website on 08.05.2018. The meter reading dates and billing were not being observed in letter and spirit. The reply of the Respondent nowhere explained as to why the reading dates were changed arbitrarily, periodicity of issue of bills on monthly basis was not maintained and why the physical delivery of the bill was not made inspite of clear cut specific regulations for all the 3 counts.
12. The Mobile No. 9814082425 was already registered with the Respondent who itself changed registered Mobile No. of the Appellant to 9814082431 without any request from it. The Respondent had not submitted any proof that the Appellant had requested for registration of Mobile No. 9814082431. The Appellant had never requested to register this Mobile No. From the very beginning, Mobile No. 9814082425 was registered with the Respondent.
13. **Submissions during Hearing**
14. During hearing on 18.11.2020, the Appellant’s Representative reiterated the submissions already made in the Appeal and Rejoinder to the written reply of the Respondent. The Appellant’s Representative, on being asked, admitted that the Appellant had not consulted PSPCL web-site due to which, uploading of the bill dated 08.05.2018 on 09.05.2018 (on which, the disputed amount of late payment surcharge was levied and paid) escaped the attention of the Appellant.
15. During hearing on 23.11.2020, Sr. Xen/DS Division, Mandi Gobindgarh provided copy of dates and details of entering the mobile no. 98140-82431 and 98140-82425 on the website and SAP system of the PSPCL relating to pre and post disputed period/bill to the Appellant’s Representative who reiterated its earlier submissions.
16. **Submissions of the Respondent**
17. **Submissions made in the Written Reply**

The Respondent, in its written reply sent vide e-mail dated 12.11.2020, made the following submissions for consideration of the Court:

1. A bill for the period from 11.04.2018 to 30.04.2018 for kVAh consumption of 25606710 was prepared on 08.05.2018 for ₹1,55,45,830/- which was payable by 18.05.2018 (online) or by RTGS and uploaded on PSPCL website on 08.05.2018. PSPCL, through its IT Department regularly uploads the bills on its website for information and payment by the consumers and messages were also delivered on the registered mobile numbers of all the consumers.
2. The bill dated 08.05.2018 was uploaded on the website of PSPCL and the Appellant also received two messages on 09.05.2018 and 16.05.2018 on its registered Mobile No. 9814082431.
3. The Appellant was having a Large Supply Category connection with Sanctioned Load of 8901 kW & CD as 9690 kVA and its Account No. was 3002309507.
4. Since the Appellant was a Large Supply consumer, so, the bills to the Appellant were regularly issued every month as per the rules and regulations.
5. As per the Commercial Circular No. 20/2017, PSPCL will deliver e-bills via e-mail and alert for the same shall be communicated via SMS to the consumers.
6. A bill from 11.04.2018 to 30.04.2018 for kVAh consumption of 25606710 was prepared on 08.05.2018 for ₹ 1,55,45,830/- which was payable by 18.05.2018 (online) or by RTGS and uploaded on PSPCL website on 08.05.2018. PSPCL, through its IT Department, regularly uploads the bills on its website for information and payment by the consumers and messages were also delivered on the registered mobile numbers of all the consumers. The bill dated 08.05.2018 was uploaded on the website and the consumer also received two messages on 09.05.2018 and 16.05.2018 on registered Mobile No. 9814082431. The bill was payable by 18.05.2018 but the Appellant made its payment on 25.05.2018. Hence, the Appellant deposited the amountof ₹ 1,57,91,952/- including the surcharge amount. The Appellant deposited the bill after the due date i.e. on 25.05.2018. An amount of ₹ 2,46,122/- as late payment surcharge was leviable. It was confirmed from IT Department that from February, 2018 onwards, all communications were sent to Mobile No. 9814082431 registered with PSPCL. The Appellant had updated its mobile number from 9814082431 to 9814082425.
7. The Appellant had registered e-mail ID by using the updation portal of PSPCL. No email was registered before 25.05.2018.
8. Regarding the confirmation, an e-mail had been sent to IT Department whose response was still awaited.
9. The Forum had rightly decided the case that late payment surcharge of ₹ 2,46,122/- levied in the bill dated 08.05.2018 issued to the Appellant was recoverable.
10. **Submission during Hearing**
11. During hearing on 18.11.2020, the Respondent reiterated submissions made in its written reply. The Respondent was directed to intimate the mode, date and details of entering the mobile no. 98140-82431 of the Appellant (on which, OTP was generated) in its record/system for sending SMS etc. regarding the bills issued by the PSPCL.
12. During the hearing held on 23.11.2020, Sr. Xen, DS Division (Spl.), PSPCL, Mandi Gobindgarh submitted a copy of the dates and details of entering the mobile nos. 98140-82431 and 98140-82425 on the website and SAP system of the PSPCL relating to pre and post disputed period/bill. A copy of this information was given to the Appellant during the hearing on 23.11.2020.

**5.** **Analysis and Findings**

The issue requiring adjudication is the legitimacy of the late payment surcharge of ₹ 2,46,122/- levied in the electricity bill dated 08. 05.2018 issued to the Appellant.

*My findings on the points emerged, deliberated and analyzed are as under:*

1. In the present dispute, the Appellant had challenged the levy of late payment surcharge of ₹ 2,46,122/- on the electricity bill dated 08.05.2018 amounting to ₹1,55,45,830/- for the period from 11.04.2018 to 30.04.2018. The Appellant pleaded that the disputed bill was not delivered through hand delivery/e-mail/SMS at its registered mobile no. 9814082425/e-mail ID available with the Respondent. The Appellant also stated that it came to know about the disputed bill dated 08.05.2018 through telephonic call from the office of the Respondent on 25.05.2018. The payment of surcharge had to be made with the bill amount on 25.05.2018 under duress as the Respondent insisted on making full payment with surcharge inspite of the fact that the Respondent had not followed the due procedure of reading dates, issuance of bills, periodicity of bills, physical delivery of bills and their own methodology of sending the bill through e-mail and alerts through SMS. The instant bill dated 08.05.2018 was for 19 days instead of 30 days and the previous bill dated 24.04.2018 was for 42 days instead of 31 days. This established that the bills were not issued on monthly basis thus violating the provisions contained in Regulation 30.3 of Supply Code-2014. Further, the meter reading dates were changed arbitrarily and without any notice to consumer/publication which violated Regulation 30.2.1 of Supply Code-2014. The reply of the Respondent was silent as to how and on whose request, the Mobile No. 9814082431 was changed in place of already registered Mobile No. 9814082425 and e-mail ID was deleted in February, 2018. It needed to be explained as to why physical bill was not delivered to the Appellant as per Supply Code Regulations and ESIM Instructions. The Respondent was taking shelter under CC No. 20 of 2017 but it was reiterated that applicable Regulations as well as ESIM Instructions as applicable in May, 2018 did not provide for e-billing i.e. sending it through e-mail followed by SMS alerts and provided only delivery of bills through hand delivery/courier/UPC which had not been followed. The Mobile No. 9814082425 was already registered with the Respondent who itself changed registered Mobile No. of the Appellant to 9814082431 without any request from it. The Respondent had not submitted any proof that the Appellant had requested for registration of Mobile No. 9814082431. The Appellant had never requested to register this Mobile number. From the very beginning, Mobile No. 9814082425 was registered with the Respondent. The Appellant’s Representative prayed to this Court to set-aside the levy of late payment surcharge of ₹ 2,46,122/- and requested for refund of the same with interest.
2. The Respondent contested the submissions made by the Appellant in its Appeal, rejoinder to the written reply and oral submissions during hearings. A bill for the period from 11.04.2018 to 30.04.2018 for kVAh consumption of 25606710 was prepared on 08.05.2018 for ₹ 1,55,45,830/- which was payable by 18.05.2018 (online) or by RTGS and uploaded on PSPCL website on 08.05.2018. PSPCL, through its IT Department regularly uploads the bills on its website for information and payment by the consumers and messages were also delivered on the registered mobile numbers of all the consumers. The bill dated 08.05.2018 was uploaded on the website and the Appellant also received two messages on 09.05.2018 and 16.05.2018 on its registered Mobile No. 9814082431. Since the Appellant was a Large Supply consumer, so, the bills to the Appellant were regularly issued every month as per the rules and regulations. It was confirmed from IT Department that from February, 2018 onwards, all communications were sent to Mobile No. 9814082431 registered with PSPCL. The Appellant had updated its mobile number from 9814082431 to 9814082425 on 25.05.2018. The Appellant had registered e-mail ID on 25.05.2018 by using the updation portal of PSPCL. No email ID was registered before 25.05.2018.

The Respondent, on being directed during hearing dated 18.11.2020, submitted on 23.11.2020, copy of the dates and details of entering the mobile nos. 98140-82431 and 98140-82425 on the website and SAP system of the PSPCL relating to pre and post disputed period/bill. In the above data was included an entry dated 04.05.2018 against mobile no. 9814082431 entered by JAGROOPC. A print out of SAP System data submitted by the Respondent revealed that an OTP was generated on 25.05.2018 for registration of mobile no. 9814082425 (showing old mobile no. as 9814082431) and also e-mail ID: psforging@yahoo.co.in. The Respondent contended that the Forum had rightly decided the case that late payment surcharge of ₹ 2,46,122/- levied in the bill dated 08.05.2018 issued to the Appellant was recoverable.

1. After perusing the submissions made in writing as well as orally alongwith the evidence brought on the record by both the sides, it is observed that:
2. The disputed electricity bill dated 08.05.2018 was duly uploaded on the website of PSPCL on 09.05.2018. No e-mail ID was registered before 25.05.2018. As such, intimation of bill dated 08.05.2018 could not be given through e -mail.
3. The Appellant’s Representatives admitted during hearing on 18.11.2020 in this Court that the Appellant had not consulted PSPCL web-site due to which, uploading of the bill dated 08.05.2018 on 09.05.2018 escaped the attention of the Appellant. The minutes of the said proceeding dated 18.11.2020 were sent to the Appellant vide letter nos.1115-16/OEP/A-51/2020 dated 18.11.2020.
4. The Appellant’s Representative submitted that bill dated 24.04.2018 (for the period 28.02.2018 to 11.04.2018) was for 42 days and the Appellant expected to receive the next bill on or around 25.05.2018. He also stated that the disputed bill dated 08.05.2018 (for the period 11.04.2018 to 30.04.2018) was only for 19 days and was not at all expected to be issued on 08.05.2018. In view of the above submission, it is inferred that the Appellant did not even visit PSPCL website till 25.05.2018 (after one month of issue of previous bill dated 24.04.2018) and came to know about the payment of disputed bill though telephonic call from the office of the Respondent on 25.05.2018. The Appellant, being a Large Supply Category Consumer did not remain vigilant in this regard due to which, the present dispute arose.
5. The intimation of issuance of disputed bill dated 08.05.2018 was duly sent through SMS to the Appellant at its registered mobile no. 9814082431 on 09.05.2018 and 16.05.2018 which was later on changed to 9814082425 on 25.05.2018.
6. The Appellant registered its new mobile no. 9814082425 in the PSPCL System on 25.05.2018.At the same time, the Appellant also registered its e-mail ID: psforging@yahoo.co.in in the record of the PSPCL.
7. The intimation/issuance of disputed bill dated 08.05.2018 by uploading on PSPCL website and through SMS at registered mobile no. 9814082431 were as per applicable instructions of PSPCL on the date of issue of the bill.
8. The evidence, regarding uploading of the disputed bill dated 08.05.2018 on PSPCL website on 09.05.2018 clearly shows that compliance of Regulation 30.9 of Supply Code-2014 regarding delivery of bill, as applicable at that time, was made. The above Regulation 30.9 of Supply Code-2014 read as under:

*“The bills shall be sent to the consumers, other than the HT/EHT category, either by post or by hand delivery/courier service and in case of HT/EHT consumers, either under certificate of posting or by hand delivery/courier service. The fact of dispatch of bills to consumers of a particular area shall be displayed on the notice board at the notified office of the distribution licensee and shall also be publicized in such other manner as the Commission may direct. The distribution licensee shall also upload bills on its website for information and payment by the consumers. In case of hand delivery, record of delivery of the bill shall be maintained at the designated office of the distribution licensee. ”*

1. From the above analysis, it is concluded that the Appellant failed to prove that the levy of late payment surcharge of ₹ 2,46,122/- on account of non-payment of disputed bill dated 08.05.2018 by due date i.e. 18.05.2018 was unjustified/ illegal. On the other hand, uploading of disputed bill on PSPCL website and intimation through SMS at the registered mobile number brought on the record of this Court by the Respondent (PSPCL) clearly showed that the Appellant (LS Category Consumer) failed to keep a watch on issuance and timely payment of the said electricity bill. Accordingly, the levy/recovery of late payment surcharge of ₹ 2,46,122/- on the bill dated 08.05.2018 is justified and sustainable in the eyes of law as also decided by the Forum.

**6.** **Decision**

As a sequel of above discussions, the order dated 24.09.2020 of the CGRF, Patiala in Case No. CGP-115 of 2020 is upheld.

**7**. The Appeal is disposed of accordingly.

**8**. 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.

 (GURINDER JIT SINGH)

November 26, 2020 Lokpal (Ombudsman)

 SAS Nagar (Mohali) Electricity, Punjab.