

**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. 67/2022**

**Date of Registration : 29.11.2022**

**Date of Hearing : 09.12.2022**

**Date of Order : 09.12.2022**

**Before:**

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

**In the Matter of:**

Mrs. Usha Rani,  
Flat No. 877, 2<sup>nd</sup> Floor,  
Sector-115, Gillco Palms,  
Landran Road, Kharar.  
Distt. SAS Nagar (Mohali).

**Contract Account Number: 3005147437 (DS)**

...Appellant

Versus

Sr. Executive Engineer,  
DS Division, PSPCL, Kharar.

...Respondent

**Present For:**

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

Respondent : 1. Er. Aman Gupta,  
Sr. Executive Engineer,  
DS Division, PSPCL, Kharar.  
2. Er. Satpreet Singh, SDO.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 10.11.2022 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-146/2022 deciding that:

*“Bill dated 01.02.2022 amounting to Rs. 91870/-, issued to the petitioner on O-code, for consumption of 10053 units, is correct and recoverable. However, as the meter has been replaced on dated 09.07.2021 but MCO was closed in record on 13.10.2021, therefore, the bills issued from 10.07.2021 to 31.01.2022 related to the replaced meter, if any, be adjusted and amount be worked out & recovered accordingly. The decision dated 22.09.2022 of Circle CGRF, PSPCL, Ropar, is modified upto that extent.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 29.11.2022 i.e. within the period of thirty days of receipt of the decision dated 10.11.2022 of the CCGRF, Ludhiana in Case No. CF-146/2022 by the Appellant on 17.11.2022. The Appellant deposited requisite 40% of the disputed amount of ₹ 91,870/- vide receipt no. 183508122 dated 01.08.2022 for ₹ 18,374/- and receipt no. 189144186 dated 25.11.2022 for ₹ 20,000/-. Therefore, the Appeal was registered on 29.11.2022 and copy of the same was sent to the Add. SE/ DS Divn., PSPCL, Kharar for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under

intimation to the Appellant vide letter nos. 1300-1302/OEP/A-67/2022 dated 29.11.2022.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 09.12.2022 at 11.30 AM and intimation to this effect was sent to both the parties vide letter nos. 1317-18/OEP/A-67/2022 dated 05.12.2022. Arguments of both the parties were heard on 09.12.2022.

### **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 DS Category Connection, bearing Account No. 3005147437 with sanctioned load of 8.00 kW under DS Divn., PSPCL, Kharar.

- (ii) The Appellant stated that she had purchased a flat on 23.03.2018 and her Account No. is 3005147437 (DS). The flat had remained vacant for 11 months (approx.). After that the Appellant's son resided in this flat from February, 2019 to October, 2019. After 8-9 months, the Appellant's son shifted to Malerkotla. So, the flat again remained vacant for 1.5 years approximately.
- (iii) On 13<sup>th</sup> May, 2021, the Appellant rented the flat to someone. At that time, three phase electronic meter was working in her premises. On 31.12.2021, the Appellant's son by chance visited the flat and he was astonished to see that a new smart meter was installed in place of the old 3 phase electronic meter without informing the Appellant and without getting any signatures on MCO as per the instructions of the PSPCL. The new meter was showing 9448 kWh reading. The Appellant's husband immediately visited the concerned office (DS City Sub Divn.-2, PSPCL, Kharar) on 03.01.2022 to challenge the new installed meter. It was told by the office that the new smart meter was installed on 14.10.2021 as per the office record.
- (iv) The Appellant challenged the new smart meter on 03.01.2022 but instead of getting the meter checked from ME Lab., a bill of ₹ 91,870/- for 10053 Units was issued by the Respondent on 01.02.2022.

- (v) The Appellant had approached Ropar Circle Dispute Settlement Committee against this illegal bill. But, the Committee did not give any relief.
- (vi) After that, the Appellant approached the Corporate Forum to consider her case sympathetically but in the Forum's decision dated 10.11.2022, the Corporate Forum also did not give any relief.
- (vii) It was requested that the Forum had not considered the actual facts which were as under: -
- a. There was no record in the office that the smart meter was installed on 09.07.2021 as mentioned by the Forum in its decision. On the statement of the Respondent, the Corporate Forum decided that meter was installed on 09.07.2021 which was wrong as there was no concrete proof regarding the date of installation of the new meter. There was possibility that meter was installed at her premises at some initial reading. The disputed bill was issued from 13.10.2021 to 01.02.2022 for 111 days.
  - b. With LDHF formula adopted by PSPCL, per month units comes out to be 576 units. With sanctioned load of 8.00 kW, units comes out to be  $576/30 \times 111 = 2131$  units but bill was issued for 10053 units. From which it can be concluded that the meter of

the Appellant was either not working properly or it was not installed at zero reading.

(viii) As per DDL, reading in the month of April, May, June, July, August, September was also shown in the DDL but the meter at the premises of the Appellant was installed in October, 2021. Hence, it was proved that meter was not installed at zero reading.

(ix) The Corporate Forum in its observation had mentioned that as per MDI, recorded consumption of 10053 was justified. The Appellant had stated that MDI was the reading when Maximum Demand was recorded in her premises. It did not mean that load of MDI had been running continuously for 24 hrs. Even if calculated with LDHF formula considering load of 5.7 kW as recorded in MDI (as per DDL), units comes out to be 13.68 per day but in Forum's observation 48.33 kWh per day was said to be justified. So, the Corporate Forum's decision needs to be quashed.

a) MCO date was 29.07.2021.

b) New meter issue date with Serial No. 10019003 was 07.12.2021 (as mentioned in MCO).

c) Bill issued from 13.10.2021.

d) As per the Forum decision & statement of the Respondent, installation date was 09.07.2021.

All the above four dates are different and the Respondent had not provided any concrete proof regarding date of installation of meter. The Forum had given the benefit of doubt regarding the date of installation of meter to the Respondent. But it was duty of the Respondent to maintain the record of the meter but they had failed to perform their duties. So, if the benefit of doubt was to be given, it should have been in favour of the Consumer and not the Respondent.

- (x) The Appellant's bill for 111 days had been issued for inflated consumption of 10053 kWh, so it was requested to overhaul the account from 13.10.2021 to date of replacement of meter according to LDHF formula because her premises were vacant during corresponding period of previous year and succeeding year. The flat was vacated on 01.02.2022 by the tenant.

**(b) Submission of Rejoinder**

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

- (i) The Appellant did not agree with the Respondent that the meter was replaced vide MCO No. 100014474775 dated 29.07.2021 as the date of release of connection was written as 07.12.2021 in the MCO. The bill was issued to the Appellant from 13.10.2021 upto

01.02.2022 for 111 days. The decision of the DSC, Ropar and CCGRF, Ludhiana was the discussion of the officer.

- (ii) As per the MCO, smart meter was issued on 07.12.2021 and the Respondent failed to provide the copy of MCO which showed the actual IR and at which the Appellant had signed.
- (iii) The Appellant did not agree with the Respondent that the meter was replaced by the HPL Company on 09.07.2021 because there was no proof which showed that the meter was replaced on 09.07.2021 with IR = 0. The date of issue of MCO was 29.07.2021 and date of issue of meter was 07.12.2021. The bill was issued to the Appellant from 13.10.2021 upto 01.02.2022.
- (iv) The Respondent had failed to provide the proof that the meter was installed with IR=0 so the account of the Appellant be overhauled on the basis of LDHF formula till the date of replacement of the meter.
- (v) The DDL report was wrong as it showed the reading for the month of April, 2021 to September, 2021 but the meter was installed at the Appellant's premises in the month of 10/2021. So the meter was not installed at the premises of the Appellant with IR = 0.
- (vi) The consumption showed in the DDL report was wrong as it contained the reading for the month of April, 2021 to September, 2021 even the meter was installed in the month of 10/2021. The

daily consumption of the meter was less and was not as per the DDL report.

- (vii) The Appellant did not agree that the HPL Company provided the Excel-Sheet to the Respondent with delay, it was the duty of the Respondent to issue the bill to the Appellant with correct and accurate readings but he had failed to do so.

**(c) Submission during hearing**

During hearing on 09.12.2022, the Appellant's Representative reiterated the submissions made in the Appeal as well as in the Rejoinder and prayed for acceptance of the Appeal.

**(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 DS Category Connection bearing Account No. 3005147437 with sanctioned load of 8.00 kW under DS Division, PSPCL, Kharar.
- (ii) The Appellant's connection was released on 23.03.2019 with IR=15 in the SAP System. The Appellant received the bill for the months of 03/2019 to 05/2021 for consumption upto 1828 kWh units with OK status of the meter.

- (iii) The meter of the Appellant having Sr. No. 8006784 with F.R=1845 was closed vide MCO No. 100014474775 dated 29.07.2021 and the new meter having Sr. No. 10019003 was issued with I.R = 0. The Appellant consumed the electricity from zero to 10053 kWh during the months of 07/2021 to 02/2022, which came to ₹ 91,870/-.
- (iv) The Appellant had challenged the meter bearing Serial No. 10019003 and the same was removed vide MCO No. 100016747785 dated 17.02.2022 showing the last reading as 10124. As per the report, the said meter was found OK and the new meter bearing Serial No. 10056546 showing zero reading was issued to the Appellant and the meter consumed upto 40 kWh at the end of 05/2022.
- (v) The Appellant filed her case before Circle Level Dispute Settlement Committee. It was decided that the consumption of the Appellant was correct as per DDL report. Therefore, the amount charged to the Appellant was correct and recoverable from her.
- (vi) Feeling aggrieved by the said decision, the Appellant had filed its Petition before the CCGRF, Ludhiana where also it was found that the amount charged to the Appellant was correct and recoverable.
- (vii) The Appellant was issued new smart meter bearing Serial No. 10019003 for her premises with I.R.=0 vide MCO No. 100014474775 dated 29.07.2021. The Appellant challenged the

working of meter (Sr. No. 10019003) and it was found ok in the M.E., Lab report.

- (viii) The smart meter (Sr. No. 10019003) was replaced on 09.07.2021 by the HPL Company. The HPL Company submitted the Excel-Sheet in the office of the Respondent which clearly showed that the meter was replaced on 09.07.2021 with I.R.=0.
- (ix) The bill of the Appellant should have been prepared on the basis of LDHF formula if the meter of the Appellant had damaged/ burnt.
- (x) As per the DDL report, the reading shown by the smart meter installed at the premises of the Appellant was correct.
- (xi) The HPL Company replaced the meter on 09.07.2021 but it was updated in the SAP System on 14.10.2021 due to delay in submission of Excel-Sheet by the HPL Company.

**(b) Submission during hearing**

During hearing on 09.12.2022, the Respondent reiterated the submissions made in the written reply to the Appeal.

**5. Analysis and Findings**

The issue requiring adjudication is the legitimacy of the amount of ₹ 91,870/-, reduced by ₹ 2,546/- due to implementation of the decision dated 10.11.2022 of the Corporate Forum, charged to the

Appellant in bill dated 01.02.2022 for the period from 10.07.2021 to 31.01.2022.

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

- (i) The Appellant's Representative reiterated the submissions made by her in the Appeal as well as in the Rejoinder. It was argued that a new smart meter was installed in place of the old 3 phase meter without informing the Appellant and without getting her signatures on MCO as per the instructions of the PSPCL. The Appellant had challenged the new smart meter but instead of getting the meter checked from M.E., Lab., a bill of ₹ 91,870/- for 10053 Units was issued by the Respondent on 01.02.2022. The Appellant had approached Circle Level Dispute Settlement Committee and thereafter Corporate Forum but she did not get any relief. The Appellant further argued that the Respondent had no record that the smart meter was installed on 09.07.2021 as mentioned by the Corporate Forum in its decision and there was possibility that the meter was installed at her premises having some initial reading. The disputed bill was issued from 13.10.2021 to 01.02.2022 for 111 days. The Appellant did not agree with the Respondent that the meter was replaced vide MCO No. 100014474775 dated 29.07.2021 as the date of release of connection was written as

07.12.2021 in the MCO. The bill was issued to the Appellant from 13.10.2021 upto 01.02.2022 for 111 days. The Appellant contradicted the plea of the Respondent that the meter was replaced by the HPL Company on 09.07.2021 as there was no proof which showed that the meter was replaced on 09.07.2021 with IR = 0. The Appellant prayed that since she was issued bill for inflated consumption, so she requested to overhaul the account with LDHF formula.

- (ii) On the other hand, the Respondent contradicted the pleas raised by the Appellant in her Appeal as well as in the Rejoinder. It was argued that the Appellant had challenged the meter bearing Sr. No. 10019003 and the same was removed vide MCO No. 100016747785 dated 17.02.2022 showing the last reading as 10124. As per the ME lab report, the said meter was found OK and the new meter bearing Sr. No. 10056546 showing zero reading was issued to the Appellant and the meter consumed 40 kWh for the month of 05/2022. Therefore, the amount charged to the Appellant was correct and recoverable from her. The Appellant had also filed its Petition before the CCGRF, Ludhiana where also it was found that the amount charged to the Appellant was correct and recoverable. The Respondent had no grudge or ill will against the Appellant. The smart meter was replaced on 09.07.2021 by the

HPL Company. The HPL Company submitted the Excel-Sheet in the office of the Respondent which clearly showed that the meter was replaced on 09.07.2021 with IR = 0. The bill of the Appellant could only be prepared on the basis of LDHF formula if the meter of the Appellant had damaged/ burnt. Further, as per the DDL report, the reading shown by the smart meter installed at the premises of the Appellant was correct. Therefore, it was prayed that the Appeal of the Appellant was devoid of merit and as such, the same may be dismissed and the order of the Corporate Forum may be upheld.

- (iii) I have gone through the contents of the Appeal as well as the Rejoinder filed by the Appellant and the written reply of the Respondent and have given patient hearing to both the parties on 09.12.2022. It is observed that the Appellant was issued bill dated 01.02.2022 for the period 13.10.2021 to 01.02.2022 (111 days) issued on O-Code for a consumption of 10053 units amounting to ₹ 91,870/-. There is no dispute that the premises of the Appellant had remained vacant for the period from 10/2019 to 05/2021 when it was rented out to a family. The smart meter was installed at the premises on 09.07.2021 vide MCO No. 100014474775. The Appellant was not satisfied with the smart meter and challenged the working of the same. The challenged meter was removed vide

MCO No. 100016747785 dated 17.02.2021 and was checked in ME Lab vide Challan No. 05 dated 10.06.2022 where Creep Test and Dial Test results were found OK and the final reading of the meter was recorded as 10124 kWh. The Corporate Forum had observed in its decision dated 10.11.2022 in respect of this case as under: -

“Forum observed that in response to plea of the petitioner that the meter in dispute was not issued to his connection at zero reading rather than it was issued with some pre-recorded consumption after removing it from connection of some other consumer, Respondent stated that smart meter bearing Sr. No. 10019003 was issued to the connection of the petitioner at Zero initial reading. He submitted copy of MCO No. 100014474775 dated 29.07.2021 along-with copy of the related page of some register having entries regarding meters. Both these documents confirm that this meter has been issued to the petitioner on 07.12.2021. As per MCO, the meter has been issued at Zero initial reading. Forum observed further that the said smart meter has been installed on 09.07.2021 as stated by the Respondent on the basis of the record submitted by the company which changed the meter on the outsource job work basis.

Although the bill issued to petitioner on 01.02.2022 was issued from 0 KWH (initial reading) to 10053 KWH (final reading) for the period from 13.10.2021 to 01.02.2022 (111 days), but in actual, the date of initial reading is the date of installation of meter at site i.e., 09.07.2021 (as stated by the Respondent). Hence, the billing period in actual is of 208 days, not of 111 days as mentioned in the bill.

From the DDL report submitted by the respondent the Monthly Maximum Demands of petitioner as depicted in DDL are as under: -

Bill of Month	Demand and Date of recording
08/2021	6.250 KW on 08.07.2021
09/2021	5.756 KW on 13.08.2021
10/2021	5.380 KW on 06.09.2021
11/2021	5.086 KW on 09.10.2021
12/2021	2.992 KW on 10.11.2021
01/2022	3.952 KW on 09.12.2021
02/2022	5.074 KW on 29.01.2022
03/2022	5.772 on 02.02.2022

The consumption of 10053 KWH in 208 days i.e., 48.33 KWH per day, is justified vis-a-vis the maximum demands depicted above as per DDL of meter in dispute. In hearing dated 18.10.2022, Forum had directed to submit current site checking report of the petitioner. Site of the petitioner was checked vide LCR no. 12/192 dated 19.10.2022 as per which load of 5.40 KW was found connected, which also justifies the consumption of 10053 KWH in 208 days. Further petitioner himself claims that the premises remained on rent during the disputed period. Moreover, in ME Lab, Creep Test and Dial Test results of the meter were found OK and the final reading was recorded as 10124 KWH. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner & Respondent along with material brought on record. Keeping in view the above discussion, Forum is not inclined to differ with the decision dated 22.09.2022 of Circle CGRF, PSPCL, Ropar. Bill dated 01.02.2022 amounting to Rs. 91870/-, issued to the petitioner on O-code, for consumption of 10053 units, is correct and recoverable. However, as the meter has been replaced on dated 09.07.2021 but MCO was closed in record on 13.10.2021, therefore, the bills issued from 10.07.2021 to 31.01.2022 related to the replaced meter, if any, be adjusted and amount be worked out & recovered accordingly.

Keeping in view of the above, Forum came to the unanimous conclusion that. Bill dated 01.02.2022 amounting to Rs. 91870/-, issued to the petitioner on O-code, for consumption of 10053 units, is correct and recoverable. However, as the meter has been replaced on dated 09.07.2021 but MCO was closed in record on 13.10.2021, therefore, the bills issued from 10.07.2021 to

31.01.2022 related to the replaced meter, if any, be adjusted and amount be worked out & recovered accordingly. The decision dated 22.09.2022 of Circle CGRF, PSPCL, Ropar is modified upto that extent.”

- (iv) The plea of the Appellant regarding inflated consumption by the smart meter is wrong on the face of it even as per the plea of the Appellant that during the billing period, the premises of the Appellant had remained occupied by a tenant. In fact, the Appellant was issued the said bill from the date of installation of the meter at site i.e 09.07.2021 to 01.02.2022 and as such the billing period in fact is of 208 days instead of 111 days as mentioned in the bill. Therefore, the Appellant cannot escape the liability to pay the amount charged to her by the Respondent. Further, the Appellant had not brought any new point in her Appeal which was not considered by the Corporate Forum. I do not find any cogent and convincing ground in the Appeal of the Appellant to disagree with the decision of the Corporate Forum. Therefore, I am inclined to agree with the decision of the Corporate Forum.

## **6. Decision**

As a sequel of above discussions, the order dated 10.11.2022 of the CCGRF, Ludhiana in Case No. CF-146 of 2022 is hereby upheld.

- 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.

December 09, 2022  
S.A.S. Nagar (Mohali)

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