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

**ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 31/2018**

**Date of Registration : 05.06.2018**

**Date of Hearing : 27.09.2018**

**Date of Order : 04.10.2018**

**Before:**

 **Er. Virinder Singh, Lok Pal (Ombudsman) Electricity**

**In the Matter of:**

 A.K. Industries,

Village : Bhagwanpur,Tehsil Dera Bassi,

Distt. S.A.S. Nagar (Mohali).

...Petitioner

 Versus

 Additional Superintending Engineer,

DS Division,

PSPCL, Lalru.

. ...Respondent

**Present For:**

Petitioner : Sh. Mayank Malhotra, Advocate,

Petitioner’s Counsel (PC).

Respondent : Er. K.S. Randhawa,

 Addl. Superintending Engineer.

 Before me for consideration is an Appeal preferred by the Petitioner against the order dated 08.05.2018 in Case No. CG-89 of 2018 of the Consumers Grievances Redressal Forum (Forum) deciding as under:

*“Accounts of the Petitioner be overhauled for a period of six months immediately preceding the date of checking i.e. 25.11.2017 taking slowness of metering equipment as 37.68% as per Regulation 21.5.1 of the Supply Code-2014.”*

**2. Facts of the Case:**

The relevant facts of the Case are that:

1. The Petitioner was having a Medium Supply Category connection with sanctioned load of 84.840 kW and contract demand (CD) of 94.270 kVA since 25.09.2014.
2. The connection was checked by the Addl. S.E,
Enforcement, PSPCL, S.A.S. Nagar (Mohali) vide ECR No. 05/89 dated 25.11.2017 and it was reported that Pulse of Segment 1 and 2 of the Energy Meter were found blinking whereas Pulse on Segment 3 was found missing. The accuracy of the Energy Meter was checked with LT ERS Meter at 23.710 kW load and 0.99 Power Factor (PF) and was found running slow by 37.68%.
3. The connection of Potential Wire of Blue Phase was found carbonized which was not contributing towards consumption.
4. After cleaning the wire connected to the Energy Meter, all the three Phases were found in order.
5. On the basis of the said checking, the account of the Petitioner was overhauled for a period of six months immediately preceding the date of checking i.e. 25.11.2017 by taking the slowness factor of 37.68% and a notice, bearing no. 1773 dated 27.11.2017, was issued asking the Petitioner to deposit Rs. 8,27,464/-. The date of issue of the said letter was inadvertently mentioned thereon as 24.11.2017.
6. The Petitioner did not agree with the notice ibid and filed a Petition on 13.03.2018 in the Forum, who, after hearing, passed the order dated 08.05.2018 ( Reference: Page-2, Para-1).
7. Not satisfied with the decision of the Forum, the Petitioner preferred an Appeal in this Court and prayed to set-aside the decision ibid of the Forum and allow the Appeal.

**3. Submissions made by the Petitioner and the Respondent:**

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Petitioner and reply of the Respondent as well as oral submissions made by the Representatives of the Petitioner and the Respondent along with material brought on record by both the sides.

**(a) Submissions of the Petitioner**:

 The Petitioner made the following submissions for consideration of this Court:

1. The Petitioner was having a Medium Supply Category connection with sanctioned load of 84.840kW and contract demand (CD) 94.270kVA.
2. The connection was running since 05.09.2014 and the Petitioner was regularly paying the electricity bills issued with “O” Code from time to time and nothing was due against the Petitioner except the disputed amount, which had been illegally charged vide notice dated 24/27.11.2017.
3. The connection of the Petitioner was checked by the Addl. S.E/Enforcement, PSPCL, S.A.S. Nagar (Mohali), vide ECR No. 05/89 dated 25.11.2017, as per which, it was reported that the Energy Meter was running slow by 37.68%. The Checking Officer also pointed out that the Energy Meter was displaying voltage of 241 Volts on Red Phase, 242 Volts on Yellow and 0 (zero) Volt on Blue Phase. But, the contents of the Checking Report were not correct. The Checking Officer reported that on the date of checking i.e. 25.11.2017, the voltage on Blue Phase was 0 (zero), but according to Tamper Report supplied by the Addl. S.E./Sr. XEN/Enforcement, PSPCL, S.A.S. Nagar (Mohali) vide memo no. 230 dated 12.04.2018, the voltage on Blue Phase had been recorded as 234.48 Volts on 25.11.2017. It had been stated by the Checking Officer that the connection of Blue Phase was carbonized at joint. It had also been mentioned in the checking report that after removal of carbon and cleaning of wires at joint, the voltage of all three Phases was found to be in order, but the Checking Officer did not mention the correct results in its checking report. The Checking Officer failed to establish the compliance of Instruction No. 59.6 of ESIM.
4. The Checking Officer i.e. Addl. S.E/Enforcement, PSPCL, S.A.S. Nagar (Mohali) did not elaborate as to when, according to its checking report, Blue Phase connection was carbonized. The Checking Officer failed to declare slowness, if any, at each of Red, Yellow and Blue Phases. The Checking Report was not clear and was inconclusive.
5. According to DDL report supplied by the Sr. XEN/ Enforcement, S.A.S. Nagar (Mohali) vide memo no. 230 dated 12.04.2018, the exact period during which voltage had been recorded as zero Volt by the Energy Meter could be calculated. When the Respondent – Corporation could calculate exact period during which, the voltage on Blue Phase had been recorded as zero Volt, the overhauling of the Petitioner’s account for complete period of six months, was illegal and unjustified. The Respondent admitted that the voltage of Blue Phase remained zero Volt for the period from 02.10.2017 to 25.11.2017 i.e. 54 days only. Likewise, the Respondent admitted that the voltage on Red Phase remained zero for only two days i.e. on 06.11.2017 and 07.11.2017. Although, the Respondent had not mentioned the exact period on each day when voltage remained zero on each day, but for the sake of arguments, the account of the Petitioner could be overhauled maximum for a period of 56 (54+2) days only.
6. The consumption of the connection of the Petitioner remained constant and there was no decline in consumption in the past. The consumption was according to the load of the connection of the Petitioner.
7. The Respondent did not supply the detail of calculation of Rs. 8,27,464/- which was necessarily required as per CC No. 04/2008.
8. The Respondent did not issue any notice before issuance of memo no. 1773 dated 27.11.2017, in compliance to Instruction No. 57.5 of ESIM, which provided that recovery of charges, if any, was to be effected after serving the consumer with a notice of show cause, but no such notice was issued to the Petitioner by the Respondent. It was relevant to mention here that the Respondent issued the bill before the date of checking i.e. 25.11.2017 as per “O” Code due to which, it could be presumed that the Energy Meter was correct upto that period and the account of the Petitioner could not be overhauled for the period, the status of Energy Meter was shown as “O” in view of the instructions issued by the Respondent, vide CC No. 64/2005.
9. According to Instruction No. 51.1 of ESIM, it was the responsibility of the Corporation to install a correct Energy Meter of suitable capacity. The Petitioner never interfered with the Energy Meter or its connection and there was no allegation, as such, against the Petitioner.
10. According to Regulation 21.3 of the Supply Code-2014, the Licensee had to conduct periodical inspection/testing of Energy Meters installed at the consumer’s premises. But there was nothing on record to ascertain it. The Respondent was also required to place on record the calibration report of reference meter, if any, with which accuracy of metering equipment was checked, if any.
11. As per Instruction No. 102.2 of ESIM, it was the responsibility of officers concerned to ensure the correctness of connections and correct working of the Energy Meter which was also required to be checked by meter testing equipments and Energy Meter should, thereafter, be sealed properly by the concerned officer.
12. Instruction No. 104.1 of ESIM provides checking schedule for checking of connections. There was no allegation of any type of slowness or interference with regard to working of the Energy Meter including the metering equipment.
13. According to Instruction No. 102.7 of ESIM, an Energy Variation Register was required to be maintained in the Divisional Office to watch variations in monthly consumption of the consumers. There was no allegation of less consumption against the Petitioner.
14. The Petitioner was continuously suffering due to lapse on the part of the Respondent – Corporation and was, in no way, liable to pay for the faults of the Corporation.
15. The decision dated 08.05.2018 of the Forum and also the letter No. 1773 dated 27.11.2017 issued by the Respondent – Corporation directing the Petitioner to deposit an amount of Rs. 8,27,464/- may be quashed and directions be issued to the Respondent - Corporation to refund any excess amount deposited by the Petitioner alongwith interest.

**(b)**  **Submissions of the Respondent:**

The Respondent, in its defence, submitted the following for consideration of this Court:

1. The Petitioner was having a Medium supply (MS) category connection with sanctioned load of 84.840 kW and contract demand (CD) 94.270 kVA.
2. The connection of the Petitioner was checked by the Addl. S.E/Sr. XEN, Enforcement, S.A.S. Nagar (Mohali) vide ECR No. 05/89 dated 25.11.2017. It was reported that Pulse on Segment 1 and 2 of the Energy Meter were being displayed on the Energy Meter but, Pulse on Segment 3 was missing. Segment 1 and 2 were found blinking on the running load. The accuracy of the Energy Meter was checked with LT ERS Meter on 23.710 kW load and 0.99 Power Factor (PF) and was found running slow by 37.68%. The Potential wire connections of the Blue Phase was found carbonized and was not contributing towards consumption.
3. It was evident from the DDL and Tamper Report supplied by Sr. XEN, Enforcement, PSPCL, S.A.S. Nagar (Mohali) vide memo no. 230 dated 12.04.2018 that the voltage of Blue Phase was not stable from 27.07.2017 to 04.02.2018 and remained ‘zero’ Volt during 02.10.2017 to 25.11.2017. Further, Voltage of Red Phase was not stable from 03.02.2018 to 16.02.2018 and remained ‘zero’ Volt during 06.11.2017 to 07.11.2017.
4. The Petitioner’s contention that the Checking Officer had not mentioned the correct results in the Checking Report was wrong, as the Addl. SE/Sr. XEN, Enforcement, reported about the accuracy of the Energy Meter as per Instruction No. 59 of ESIM. The accuracy of the Energy Meter was checked with LT ERS Meter on 23.710 kW load and 0.99 PF and the Energy Meter was found running slow by 37.68%. The account of the Petitioner was correctly overhauled for the period of six months immediately preceding the date of checking i.e. 25.11.2017 by taking slowness of the metering equipment as 37.68% as per Regulation 21.5.1 of the Supply Code-2014.
5. The Consumption Data of Petitioner clearly depicted that during the period from December, 2015 to May, 2016, the total consumption of the Petitioner was 1,41,067 units and during December, 2016 to May, 2017 the total consumption of the Petitioner was 2,47,362 units, which clearly implied that the production of the Petitioner’s unit might have increased in 2017 due to which, consumption got increased as compared to the last year, whereas, if the period from June, 2016 to November, 2016 was considered, the total consumption was 2,38,519 units and from June, 2017 to November, 2017 the total consumption was 2,10,972 units. This proved that the Energy Meter was slow by 37.68%. Hence, the account of Petitioner was correctly overhauled. The Petitioner was thus charged correctly as per Regulation 25.5.1 of the Supply Code-2014.
6. The Calculation Sheet of the amount charged was supplied to the Petitioner.
7. Instruction No. 57.5 of ESIM related to the Direct Supply in the case of Large Supply consumers and did not relate to the present case. The Petitioner was served the notice bearing no. 1773 dated 27.11.2017 after slowness of 37.68% had been reported as per checking vide ECR no. 05/89 dated 25.11.2017 of the Addl. SE/Sr. XEN, Enforcement, PCPCL, S.A.S. Nagar (Mohali). The account of the Petitioner had, thus, been correctly overhauled for slowness of 37.68%, as per the Regulation 21.5.1 of the Supply Code-2014.
8. As per Supply Code Regulation 21.3.5, the Distribution Licensee shall also conduct periodical inspection/testing of the meters/metering equipment installed at the consumers, premises as per following schedule:

 ***LT 3 Phase Meters: At least once in 3 years.***

 The connection of the Petitioner was released on 25.09.2014. As per the above instructions, the connection of the Petitioner was checked on 25.11.2017. As per Instruction 59.3 of ESIM, Addl S.E, Enforcement, checked the accuracy of the Energy Meter with LT ERS Meter in the presence of the **Petitioner’s Representative**, which stated that *“If the meter installed at the premises of a MS consumer was found/suspected to be defective or inoperative, it shall be got checked/tested from Sr. XEN/Addl. S.E (Enforcement/DS) with the help of ERS meter at site."* Hence, the account of Petitioner was correctly overhauled for the period of six months immediately preceding the date of checking i.e. 25.11.2017 by taking slowness of metering equipment as 37.68%, as per Regulation 21.5.1 of the Supply Code 2014.

1. Instruction 102.2 of ESIM relates to the Section 135 of theft of electricity which did not relate to the present case whereas the account of consumer had been overhauled, as per Regulation 21.5.1 of the Supply Code, for wrong metering which is correctly charged.
2. Instruction No. 104 pertained to the guidelines for the prevention of Unauthorized use of Electricity and Theft of Electricity whereas the account of Petitioner had been overhauled as per Regulation 21.5.1 of the Supply Code for wrong metering and the Petitioner was correctly charged.
3. In view of the above submissions, the account of the Petitioner had been correctly overhauled for the period of six months immediately preceding the date of checking i.e. 25.11.2017 by taking slowness of metering equipment as 37.68%, as per Regulation 21.5.1 of the Supply Code-2014 and revised notice of Rs. 8,90,971/- had been issued to the Petitioner, vide memo no. 1571 dated 14.06.2018 was correct and amount is recoverable. So, the Appeal deserved to be dismissed.

**4. Analysis:**

The issue requiring adjudication is the legitimacy of the overhauling of the account of the Petitioner for a period of six months immediately preceding the date of checking of the Petitioner’s connection (i.e. 25.11.2017) taking slowness of metering equipment as 37.68%, due to carbonization of Potential Wires connections, as per applicable regulations.

 *The points emerged are deliberated and alaysed as under:*

1. PC contended that the connection of the Petitioner was checked by Addl. S.E/Enforcement, PSPCL, S.A.S. Nagar (Mohali), vide ECR No. 05/89 dated 25.11.2017, as per which, it was reported that the Energy Meter was found slow by 37.68%. The Checking Officer also pointed out that the Energy Meter displayed voltage of 241 Volts on Red Phase, 242 Volts on Yellow and zero Volt on Blue Phase. But the contents of the Checking Report were not correct. The Checking Officer reported that on the date of checking i.e. 25.11.2017, the voltage on Blue Phase was zero Volts, but according to Tamper Report supplied by the Sr. XEN, Enforcement, PSPCL, S.A.S. Nagar (Mohali) vide memo no. 230 dated 12.04.2018, the voltage on Blue Phase had been recorded as 234.48 Volt on 25.11.2017. It had been stated by the checking officer that the **connection of Blue Phase was carbonized at joint**. It had also been mentioned in the checking report that after making the corrections, the voltage of all three phases was found to be in order, but the Checking Officer did not mention the correct results in its checking report. The Checking Officer failed to establish the compliance of conditions of Instruction No. 59.6 of ESIM. The Checking Officer i.e. Addl. S.E, Enforcement, PSPCL, S.A.S. Nagar (Mohali) did not elaborate as to when according to its checking report, Blue Phase connection was carbonized. The checking Officer failed to declare slowness, if any, at each of Red, Yellow and Blue Phases. The Checking Report was not clear and was inconclusive. Besides, according to DDL report supplied by Sr. XEN, Enforcement, S.A.S. Nagar (Mohali), vide memo no. 230 dated 12.04.2018, the exact period when voltage had been recorded as zero Volts by the Energy Meter could be calculated. When the Respondent - Corporation could calculate exact period during which the voltage on Blue Phase had been recorded as zero Volt, the overhauling of the Petitioner’s account for complete period of six months, was illegal and unjustified. PC added that the Respondent admitted that the voltage on Blue Phase remained zero Volts for the period from 02.10.2017 to 25.11.2017 i.e. 54 days only. Likewise, the Respondent admitted that the voltage on Red Phase remained zero Volt for only two days i.e. on 06.11.2017 to 07.11.2017. Although the Respondent had not mentioned the exact time on each day when voltage remained zero on each day, but for the sake of arguments, the account of the Petitioner could be overhauled maximum for a period of 56 (54+2) days only.

 The Respondent, in its defence, stated that the connection of the Petitioner was checked by the Addl. S.E, Enforcement, S.A.S. Nagar (Mohali), vide ECR No. 05/89 dated 25.11.2017, and it was reported that Pulse on Segment 1 and 2 of the Energy Meter was being displayed, but, display on Segment 3 was missing. Segment 1 and 2 were found blinking on the running load. The accuracy of the Energy Meter was checked with LT ERS on 23.710 kW load and 0.99 Power Factor (PF) and the Energy Meter was found running slow by 37.68%. The Potential wire connections of the Blue Phase was found carbonized which was not contributing towards energy consumption to be recorded by the Energy Meter. Taking into consideration the DDL supplied by the Sr. XEN/Enforcement, S.A.S. Nagar (Mohali) vide letter dated 12.04.2018, the account of the Petitioner was overhauled for a period of six months immediately preceding the date of checking i.e. 25.11.2017 by taking slowness of metering equipment as 37.68%, as per Regulation 21.5.1 of the Supply Code 2014, which was correct.

 I find that Sr. XEN, Enforcement, SAS Nagar (Mohali) vide memo no. 209 dated 02.04.2018, informed the Addl. S.E, DS Division, PSPCL, Lalru that the Energy Meter, bearing S. No.1348807 of L&T Make, did not support to Meter Reading Instrument (MRI) at site, hence, the Forum during the course of hearing of the case, directed as under:

*“Complete DDL of the Meter replaced be got done from ME Lab/Manufacturer of the Meter including Tamper Data, Load Survey Data, Billing Data, Commulative Readings and analysis report alongwith comments of MMTS , Enforcement be sent.”*

I find that in compliance to the above directions, the Energy Meer was replaced and DDL was taken in the ME Lab. After studying the DDL, the Sr. XEN, Enforcement issued letter no. 230 dated 12.04.2018 stating as under:

*“whNo d/ Blue Phase dh voltage fwsh 27H7H2017 s"A 04H2H2018 sZe xNdh tXdh ojh fi; ftZu"A 02H10H2017 s'A b? e/ fwsh 25H11H2017 sZe voltage ‘0’ ojh . Meter d/ Red Phase dh voltage fwsh 03H02H2018 s'A fwsh 16H2H2018 sZe tXdh xNdh ojh fi; ftZu'A fwsh 6H11H2017 s'A fwsh 7H11H2017 sZe voltage ‘0’ ojh .”*

*I observe that the Instantaneous Report of the DDL print shows that voltage on Red, Yellow and Blue Phase was 244 Volts, zero Volts and zero Volts respectively. I have perused the Tamper Record of the DDL printout, which clearly shows that voltage on Red, Yellow and Blue Phase did not remain constant. Sometimes, it got reduced from normal voltage and sometimes, it became Zero Volts. Hence, it was a* ***make and break of connection, due to carbonization of the Potential wires, as such, the slowness factor can not remain the same.***

*I am of the view that the carbonisation problem occurred due to bimetallic resistance of the wires for which necessary instructions have been issued by the Engineer-in-Chief, Commercial, PSPCL, Patiala, vide memo no. 384 dated 12.07.2018 on the directions of this Court, to all the Engineers-in-Chief/Chief Engineers (DS) to ensure that “during the installation of LT CT operated Energy Meters along with LT CT that the potential wires tapped from the main cable shall be of the same material as that of the main cable ( directly or preferably through bi-metallic thimble) to avoid bi-metallic resistance due to which, the carbonization takes place and with the passage of time, the wires get disconnected contributing to less recording of consumption by the Energy Meter and also the CTs/PTs leads should be connected at Energy Meter terminal through ferrules which are provided by the manufacturer.”*

1. PC next contended that the consumption of the connection of the Petitioner remained constant and there was no decline in consumption in the past. The consumption was according to the load of the connection of the Petitioner.

 The Respondent stated that the Consumption Data of Petitioner clearly depicted that from December, 2015 to May, 2016, the Power consumed by the Petitioner was 1,41,067 units and from December, 2016 to May, 2017, the Power consumed by the Petitioner was 2,47,362 units. This clearly showed that the production of the Petitioner’s industry might have increased in 2017 due to which, consumption got increased as compared to the last year, whereas, if the period from June, 2016 to November, 2016 was considered, the Power consumption was 2,38,519 units and from June, 2017 to November, 2017, the Power consumption was 2,10,972 units which proved that the Energy Meter was slow by 37.68%. Thus, the account of Petitioner was correctly overhauled and the Petitioner was being charged correctly as per the provisions of Regulation 21.5.1 of the Supply Code -2014.

 I have perused the consumption Data of the Petitioner’s connection (since its release in 09/2014), placed on record by the Respondent as detailed below:

|  |  |
| --- | --- |
| Period | kVAh Consumption |
| 12/2014 | 17,149 |
| 01/2015 to 12/2015 | 2,78,533 |
| 01/2016 to 12/2016 | 3,79,586 |
| 01/2017 to 12/2017 | 4,58,334 |
| 01/2018 to 08/2018 | 1,82,731 |

*I find that average consumption during the year 2017 was more than that in the years 2015 and 2016.*

 On the other hand, half yearly consumption pattern during the year 2015, 2016 and 2017 it tabulated as under:

|  |  |
| --- | --- |
| Period | kVAh Consumption |
| 12/2015 to 05/2016 | 1,41,067 |
| 12/2016 to 05/2017 | 2, 47,362 |
| 06/2016 to 11/2016 | 2,38,519 |
| 06/2017 to 11/2017 | 2,10,972 |

I observe from the above details that kVAh consumption for six months prior to checking dated 25.11.2017 i.e. form 06/2017 to 11/2017 i.e. 2,10,972 units is less than the consumption of the corresponding period of previous year (06/2016 to 11/2016) i.e. 2,38,519 units.

1. PC also contended that the Respondent did not issue any notice before issuance of letter vide memo no. 1773 dated 27.11.2017, in compliance to the Instruction No. 57.5 of ESIM, which provided that recovery of charges, if any, were to be effected after serving the consumer with a notice of show cause, but no such notice was issued to the Petitioner by the Respondent. PC added that the Respondent issued the bill before the date of checking i.e. 25.11.2017 as per “O” Code and the presumption was there that the Energy Meter was correct upto that period and the account could not be overhauled for the period, the status of Energy Meter was shown as “O” keeping in view the instructions issued by the PSPCL vide CC No. 64/2005.

The Respondent contested the plea of the PC and argued that Instruction No. 57.5 of ESIM-2017 related to the Direct Supply in the case of Large Supply consumers and did not relate to the present case. The Petitioner had been served the notice bearing no. 1773 dated 27.11.2017 after slowness of 37.68% had been reported as per checking vide ECR No. 05/89 dated 25.11.2017 of the Addl. SE/Enforcement, PSPCL, S.A.S. Nagar (Mohali). The account of the Petitioner had been correctly overhauled for slowness of 37.68%, as per the Regulation 21.5.1 of the Supply Code-2014.

1. PC submitted that according to Regulation 21.3 of the Supply Code-2014, the Licensee had to conduct periodical inspection/testing of Energy Meters installed at the consumer’s premises. But there was nothing on record to ascertain it. The Respondent was also required to place on record the calibration report of reference meter, if any, with which accuracy of metering equipment checked, if any.

The Respondent contested the averments of the PC by stating that as per Regulation 21.3.5 of the Supply Code-2014, the Distribution Licensee shall also conduct periodical inspection/testing of the meters/metering equipment installed at the consumers, premises as per following schedule:

 ***LT 3 Phase Meters : At least once in 3 years***

 The Respondent added that the connection of the Petitioner was released on 25.09.2014 and the above instructions were complied with by checking the connection of the Petitioner on 25.11.2017. Besides, the Addl S.E, Enforcement, checked the accuracy of the Energy Meter with LT ERS Meter in the presence of the Petitioner’s representative, in terms of Instruction No. 59.3 of ESIM which read as under:

*“If the meter installed at the premises of a MS consumer was found/suspected to be defective or inoperative, it shall be got checked/tested from Sr. XEN/Addl. S.E (Enforcement/DS) with the help of ERS meter at site."*

1. PC also stated that Instruction No. 104.1 of ESIM-2011 provided checking schedule for checking of connections. There was no allegation of any type of slowness etc. with regard to working of the metering equipment. There was no allegation of any type of interference with working of the Energy Meter against the Petitioner.

The Respondent contested the plea of the PC and stated that Instruction No. 104 actually pertained to the guidelines for the prevention of Unauthorized Use of Electricity as per applicable ESIM-2017.

*I observe that the Monthly Reading of the Energy Meter was taken by AAE as per provisions contained in ESIM, but the AAE did not notice the blinking of Pulse of Red, Yellow and Blue Phase which could be easily noticed from the Glass of Meter Cup Board (MCB) and “STAR” was also coming on display of Energy Meter.*

 *I am of the view that had the Petitioner, being a Medium Supply Category consumer, acted responsibly, prudently and sincerely, by observing and bringing to the notice of the Respondent the fact of non-blinking of any Phase of the Energy Meter, corrections of the connections would have been done much earlier and dispute could have been avoided.*

The above analysis reveals that that the Energy Meter was found running slow by 37.68%, as checked at site by the Enforcement, vide checking dated 25.11.2017. But the DDL clearly shows that during 56 different days, voltage on one of the three Phases was zero Volts for some days, while on some days, voltage was less than normal voltage i.e. 240 volts till the date of checking (25.11.2017) when the carbonisation of the connections were corrected. Hence, the Energy Meter recorded some consumption, though not full consumption, if the voltage was 240 volts. Thus, it proves beyond doubt that the Energy Meter recorded less consumption but not 37.68% less at all the times and the Energy Meter was slow only by 37.68% when there was zero voltage. It will, therefore, not be just and fair to overhaul the account of the Petitioner for six months prior to date of checking (25.11.2017) by applying the slowness of 37.68%. It is, therefore, concluded that the ends of justice will be met if the account of the Petitioner is overhauled as per provisions contained in Regulation 21.5.2 (a) of the Supply Code-2014 i.e. for six months prior to the date of checking (25.11.2017) taking into consideration the consumption of the corresponding period of previous year.

**5. Decision:**

 **As a sequel of above discussions, the order dated 08.05.2018 of the Forum in Case No. CG-89 of 2018 is set-aside. It is held that the account of the Petitioner shall be overhauled for a period of six months prior to the date of checking i.e. 25.11.2017 based on the consumption of corresponding period of previous year in terms of provisions contained in Regulation 21.5.2 (a) of the Supply Code-2014. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short, if any, without interest, to the Petitioner. The Respondent shall also re-advise its field officers to implement the Engineer-in-Chief/Commercial instructions issued vide its memo no. 384 dated 12.07.2018 in letter and spirit.**

**6.** The Appeal is disposed off accordingly.

**7.** In case, the Petitioner or the Respondent (Distribution Licensee) 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.

 (VIRINDER SINGH)

October 04, 2018 LokPal (Ombudsman)

S.A.S. Nagar (Mohali) Electricity, Punjab.