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

**ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 50/2018**

**Date of Registration : 13.08.2018**

**Date of Hearing : 20.11.2018**

**Date of Order : 28.11 .2018**

**Before:**

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

**In the Matter of :**

Sh. Sukhjinder Singh Randhawa,

VPO : Jatio Sarja, Tehsil Batala.

 ...Petitioner

 Versus

 Additional Superintending Engineer,

DS City Division ,

PSPCL, Batala.

 ...Respondent

**Present For:**

Petitioner : 1. Sukhjinder Singh Randhawa,

 Petitioner.

2. Sh. R.S. Dhiman,

 Petitioner’s Representative (PR).

Respondent : Er. Ramesh Sarangal,

 Addl. Superintending Engineer,

 DS City Division ,

 PSPCL, Batala.

 Before me for consideration is an Appeal preferred by the Petitioner against the order dated 10.07.2018 in Case No. CG-135 of 2018 of the Consumers Grievances Redressal Forum (Forum) deciding as under:

*“Amount charged of Rs. 5,03,082/- to the Petitioner due to incorrect billing made in the past since 01/2012 to 02/2018 and now rectified as above is justified and recoverable from the Petitioner. The Respondent shall recover the above amount from the Petitioner by allowing liberal instalments without interest. He will be further required to bring delinquent officials on books to take a suitable disciplinary action against them so that such like incidences are not occurred in future.”*

2. **Facts of the Case:**

The relevant facts of the case are that:

1. The Petitioner was having Domestic Supply Category connection with sanctioned load of 7.540 kW.
2. The connection of the Petitioner was checked vide LCR No. DEA/60/1570 dated 27.01.2018 when it was found that the Energy Meter (Mechanical one) was installed inside its premises. As per directions of the Checking Officer, the said Energy Meter was replaced on 05.02.2018 and installed outside the premises of the Petitioner.
3. The Petitioner was served with a Supplementary Notice vide memo no. 519 dated 16.02.2018 to deposit Rs. 5,03,082/-, against difference of consumption of 67,944 units from January, 2012 to 05.02.2018.
4. The Petitioner did not agree with the said demand and filed a Appeal a Petition in the Forum on 12.04.2017, who, after hearing, passed the order dated 10.07.2018 (Reference: Page 2, Para 1)
5. Not satisfied with the decision of the Forum, the Petitioner preferred an Appeal in this Court and prayed to set-aside the decision of the Forum, in the interest of justice.
6. **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 Domestic Supply Category connection with sanctioned load of 7.540 kW.
2. A demand of Rs. 5,03,082/-, in respect of energy charges etc. From January, 2012, was raised against the Petitioner by the Respondent – PSPCL vide memo no. 519 dated 16.02.2018.
3. The Petitioner was informed that the reading of the Energy Meter was recorded in five digit figure upto 11/2011 and thereafter, from 01/2012, the Meter Reader recorded the reading in four digits/figures which resulted in less consumption shown in the bills from 01/2012.
4. The Energy Meter was replaced and sent to ME Lab, for checking/testing, wherein, the reading was recorded as 1,37,940 kWh, but, the Petitioner was charged up to reading of 13,629 kWh, due to wrong reading taken by the Meter Reader.
5. It was incorrect on the part of the Respondent to contend that the Meter Reader was recording wrong readings. In fact, the Petitioner’s Energy Meter was replaced with new Energy Meter by the Respondent - PSPCL in 09/2011 when the initial reading was 2. Therefore, the next reading of 5359 (in four digit figure), recorded in 01/2012 was correct.
6. The Petitioner was residing alone in the premises wherein electricity connection was installed, as such, its consumption was not so high/excessive. The reading increased only when some of its foreign guests visited and stayed at its premises.
7. Sr. No. of the Energy Meter, purported to have been tested in ME Lab on 15.02.2018, did not tally with the Sr. No. of the Energy Meter installed at the Petitioner’s premises in 09/2011. Therefore, the readings of Energy Meter of some other consumer could not be related/foisted to the actual Energy Meter running at the Petitioner’s premises continuously from 09/2011.
8. The contention of the Respondent – PSPCL that the Meter Reader continued to take wrong readings in four figures/digits instead of five figures/digits from 09/2011 to 2018 was totally wrong. There could be a mistake once or twice but not for years together.
9. The decision of the Forum was wrong, illegal and biased and may be set aside in the interest of justice.

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

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

1. The Energy Meter of the Petitioner was changed on 25.01.2018 and packed in the presence of the Petitioner and sent to ME Lab, PSPCL, Batala vide Challan no. 243 on 15.02.2018, as per its consent, in the presence of the Sr. Xen/Enforcement, PSPCL, Batala.
2. On inspection, it came to the notice that the reading on the removed Energy Meter, bearing Sr. No. 259690 was 1,37,940 kWh, but, as per reading record, it was 13,629 kWh.
3. Sr. Xen/Enforcement, vide its report 76/2328 dated 15.02.2018, directed the Respondent to charge the amount for the difference of units of 1,24,311 kWh (1,37,940 – 13,629). In compliance thereto, the Respondent issued notice bearing no. 519 dated 16.02.2018 to the Petitioner to deposit Rs. 5,03,082/- on account of for the difference of 67,944 units which had been calculated after deducting the units already billed. In the month of 01/2012, the dispute arose when readings recorded by the Energy Meter was in four digits/ figures instead of five digits /figures.
4. At the time of scrutiny of the case, it was noticed that the problem started in the month of 07/2011 when ‘D’ (Defective) Code was shown in the ledger with the reading of 50,785 kWh. Thereafter, Meter Change Order (MCO), bearing No. 52/57774, dated 08.08.2011, was issued to replace the Energy Meter, and its particulars were sent to the Computer Centre in the month of 09/2011 through Advice no. 79 with “C” (Change) Code and the Sr. No. 2003877 appeared against the new Energy Meter in the record.
5. The bill of “N” Code was issued to the Petitioner in the month of 11/2011 and it started recording reading from 5359 onwards in the month of 01/2012.
6. The Energy Meter, bearing Sr. No. 2003877, was not actually installed at the premises of the Petitioner but installed at the premises of Smt. Kawaljit Kaur who, had an electricity connection, bearing Account No. TY-66, as noticed from the entry appearing in M.E-2 no. 9/2/37. The said Energy Meter, bearing Sr. No. 2003877 was actually removed from the premises of Smt. Kawaljit Kaur vide PDCO No. 53/85349 as per entry appearing in the ME-2 no. 9/84/1936 and the same had been returned to ME Lab, PSPCL, Batala vide Challan No. 59 dated 09.05.2012.
7. Though the entry of the Energy Meter bearing Sr. No. 2003877 was made by Respondent – PSPCL in the Petitioner’s record, the same was not physically installed at its premises. It was actually installed at the premises of Smt. Kawaljit Kaur having Account no. TY-66. Therefore, the amount had been charged to the Petitioner for the difference of units which related to the Energy Meter bearing Sr. No. 259690 and was recoverable from the Petitioner.
8. In view of the submissions made above, the Appeal of the Petitioner deserved to be dismissed.
9. **Analysis:**

The issue requiring adjudication is the legitimacy of the amount of Rs. 5,03,082/- charged to the Petitioner due to incorrect billing done in the from 01/2012 to 02/2018 and now rectified as above is justified and recoverable from the Petitioner.

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

1. The dispute arose after the connection of the Petitioner was checked vide Load Checking Register (LCR) No. DEA/60/1570 dated 27.01.2018 and it was observed that:

 *“fJj whNo xo d/ nzdo brk j? . fJj we?Bheb whNo j?, fJ;B{z s[ozs pdbh ehsk ikt/ .*

 *T[sko/ whNo B{z ygseko dh jkioh ftu g?e eoe/ ME Lab ftZu Enforcement dh jkioh ftu u?e eotkfJnk ikt/ . fJ; whNo B{z xoA'A pkjo Pole T[go brkfJnk ikt/ .”*

 The Energy Meter make was of Capital and its capacity was 3x10-20 Amp. The Sr. No. of the Energy Meter was 259690 and Reading was 1,36,901 kWh. Accordingly, the Energy Meter was replaced vide Device Application No. 100005323705 dated 25.01.2018, effected on 05.02.2018 at Reading of 1,37,940 kWh. The Sr. No. of Energy Meter was 259690.

I find that the Energy Meter was got checked in ME Lab in the absence of the Petitioner (**despite the directions issued by the Enforcement on 21.01.2018 that the meter should be checked in the presence of the Petitioner)** vide Challan No.243 dated 15.02.2018 as the Petitioner had given its consent letter for checking of the Energy Meter in ME Lab without his presence and without any objection. The ME Lab reported as under:

 “whNo dhnK M.E. ;hbK mhe gkJhnK / whNo s/ ckJhBb gVs 137940 j? id fe ygs v?NK wjhBk 1$2018 nB{;ko sZe 13629 sZe fpfbzr j'Jh j? fJ; soKQ 137940 – 13629 = 124311 :{fBNK d/ g?;/ yksk x'y e/ ukoi ehs/ ikD . whNo B{z T[;/ ;fEsh ftZu g?e eoe/ T[; T[go ME pNkbk dh g/go ;hb BzL 113711 fwsh 15H2H2018 brk fe ;hb g?ev whNo ns/ n;b ;fjwsh gZso ;pzXs i/HJhH B{z ;"Ag fdZsk j? .”

I observe that the Senior Executive Engineer, Enforcement vide its Report No. 76/2328 dated 15.02.2018, also asked the Respondent to charge the amount for difference of units i.e. 1,24,311 kWh (1,37,940 –13,629). I have perused the Consumption Data pertaining to June/July, 2011 and found that the status of the Energy Meter was shown as **defective** and in August/September, 2011, the Energy Meter was replaced with new Meter bearing Sr. No. 2003877 with initial reading as 2. In March/April, 2018, the Energy Meter was replaced and Final Reading of the Energy Meter was shown as 13,794 kWh.

**(ii)** A perusal of the consumption Data further reveals that the Energy Meter was replaced during August/September, 2011 with Sr. No. 2003877. However, the Respondent intimated that this Energy Meter was not actually installed at the Petitioner’s premises and it was actually installed at premises of some other consumer - Smt. Kawaljit Kaur, Account No. TY-66. The Energy Meter was replaced vide PDCO No. 43/85349 and returned to ME Lab on 09.05.2012.

I observe that the Petitioner’s Energy Meter was shown as defective during June/July 2011 whereafter, MCO dated 08.08.2011 was also issued for its replacement. Thus, taking into consideration the abnormal/excessive consumption during the disputed period and also the apprehensions about the genuineness of the Energy Meter actually installed at the Petitioner’s premises and declared defective by the Respondent can not be relied upon. Therefore, the account of the Petitioner’s is required to be overhauled from January, 2012 to the date of replacement of the Energy Meter on 05.02.2018 as per LDHF Formula by taking the sanctioned load of 7.540 kW in the interest of natural justice. The Respondent confirmed during hearing that the connected load of the Petitioner was within sanctioned load.

I also observe that the Forum has, vide its decision, directed the Respondent to bring the delinquent officials to books for taking suitable disciplinary action to avoid recurrence of such lapses in future.

From the above analysis, it is concluded that the account of the Petitioner is required to be overhauled from January, 2012 to the date of replacement of the Energy Meter on 05.02.2018, as per LDHF Formula given in Annexure-8 of Supply Code-2014 by taking the sanctioned load of 7.540 kW in the interest of justice.

1. **Decision:**

**As a sequel of above discussions, the order dated 10.07.2018 of the Forum in Case No. CG-135 of 2018 is set aside. It is held that the account of the Petitioner shall be overhauled in terms of conclusion arrived at in the Para 4 above. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short, if any, without interest/surcharge.**

6. The Appeal is disposed off accordingly.

7. In case, the Petitioner 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.

 (VIRINDER SINGH)

November 28, 2018 LokPal (Ombudsman)

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