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

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

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

 **APPEAL NO. 21/2019**

**Date of Registration : 25.03.2019**

**Date of Hearing : 30.05.2019**

**Date of Order : 10.06.2019**

**Before:**

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

**In the Matter of :**

Smt.Suman

w/o Sh.Sushil Kumar ,

S.K. Diary &Sweet Shop,

Near Chauhan Dhaba,

V.P.O. Garha, Phillaur,

 District Jalandhar ...Petitioner

 Versus

Senior Executive Engineer,

DS Division ,

 PSPCL, Goraya

 ...Respondent

**Present For:**

Petitioner : Sh. Sukhminder Singh,

 Petitioner’s Representative (PR).

Respondent : 1. Er.Hardeep Kumar,

 Senior Executive Engineer,

 DS Division ,

 PSPCL, Goraya

 2. Sh.Narinder Aneja,

 Revenue Accountant (RA).

 Before me for consideration is an Appeal preferred by the Petitioner against the order dated 11.02.2019 of the Consumer Grievances Redressal Forum, Ludhiana (Forum) in Case No.CGL-001 of 2019 deciding that :

 “ *The account of the Petitioner be overhauled with final reading of 99,717 as per M.E. Laboratory report from 20.02.2017 to 12.04.2017 ( i.e. up to the date of change of meter as per MCO No.43/364006 dated 12.04.2017) and for the period from 12.04.2017 to 10/2017, with initial reading of 000001 and reading of 27758 recorded on 23.10.2017, as per relevant tariff applicable for that time. However, the Sundry allowance given for 6266 units in the bill of 10/2018 needs to be accounted for. Therefore, the account of the Petitioner be overhauled accordingly”.*

**2**. **Facts of the Case:**

 The relevant facts of the case are that:-

1. The Petitioner was having a Non Residential Supply Category

connection with sanctioned load of 9 kW for which the Metering was being done by providing Three Phase Four Wire, 10-60A, Whole Current Energy Meter.

1. The connection was checked by the Assistant Engineer,

PSPCL, Phillaur vide Load Checking Register(LCR) No.04/20034 dated 25.03.2017, on getting a phone call from the Petitioner that its Energy Meter was defective. The said Checking Officer reported that Terminal Block of the Energy Meter installed at the Petitioner’s premises was burnt and reading was not visible and directed that the Energy Meter be replaced and got checked from the M.E. Laboratory.

1. The Energy Meter was replaced vide Meter Change Order (MCO)

No. 043/ 364006 dated 12.04.2017 affected on the same day.

1. The Energy Meter was got checked from the M.E Laboratory vide

Challan No.11 dated 27.08.2018 and was declared **burnt**. The readings were noted as under:

kWh = 9,97,171

kVAh = 1,16,794

1. Due to non-recording of readings of new Energy Meter, the energy

bill for 04/2017 was prepared for average of 1714 kWh units. The energy bills for 06/2017 and 08/2017 were also issued on ‘F’ Code i.e. on an average basis as Computer Centre did not accept advice of Meter Change Order (MCO).

1. The Respondent again sent the advice on 23.10.2017 with Meter

reading of 27,758 kWh, but the bill of average 1681 kWh units was issued with ‘C’ Code.

1. The account of the Petitioner was checked by the Audit Party,

vide Half Margin No.07 dated 09.02.2018, pointing out that a sum of Rs.2,27,824/- was outstanding for the period from 04/2017 to 10/2017. The energy bill for 04/2017 was overhauled as per actual consumption recorded in 04/2016 (i.e. corresponding period of previous year) in view of provisions contained in Regulation 21.5.2 (a) of the Supply Code-2014 and energy bills for 08/2017 and 10/2017 were overhauled/revised as per actual consumption.

1. As per observation of the Audit Party, the Respondent issued Notice,

bearing No.584 dated 12.04.2018, to the Petitioner to deposit the said amount.

1. The Petitioner did not deposit the above amount within the

stipulated period, hence the Respondent charged this amount in the Petitioner’s bill for the month of 08/2018 **under Sundry Charges.**

1. Aggrieved with the above bill, the Petitioner filed a Petition dated

04.01.2019 before the CGRF, Ludhiana , who, after hearing, passed the order dated 11.02.2019. (Reference Page-2, Para-1) as per which, a sum of Rs.1,23,533/- was recoverable in addition to the already charged amount of Rs.1,77,963/-.

**(xi)** The Respondent, vide Memo No.228 dated 28.02.2019, asked the

Petitioner to deposit the recoverable amount of Rs.1,72,641/- within 15 days.

1. Aggrieved with the demand raised, the Petitioner preferred an

Appeal in this Court and prayed to set aside the decision of the Forum, allow the Appeal and order the revision of bills for the disputed period in the interest of natural justice and fairness. The Petitioner also prayed that the Respondent may be directed to provide complete billing and payment details for each bill from 02/2017 onwards, such as date of reading, old/new reading, consumption, energy bill already issued, required to be issued, payment already deposited against each bill, balance payment, surcharge/interest levied (due to partial payment) and arrears shown in the next bill etc.

**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.

1. **Submissions of the Petitioner**:

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

1. The Petitioner was having a NRS Category Connection and the supply from the connection was being used for Dairy/Sweet Shop. The sanctioned load of the Petitioner’s connection was 9 kW and connected load was less than the sanctioned load. The energy bills to the Petitioner upto 02/2017 were issued as per measured consumption on ‘O’ Code. The reading as taken on 22.12.2016 was 79,023 kWh. The bill for 02/2017 was issued for 18,826 kWh units with reading as 97,849 kWh. Thereafter, the terminal block of the Energy Meter got burnt as confirmed by the Assistant Engineer/DS, Sub-division, PSPCL, Phillaur vide Load Checking Register (LCR) dated 25.03.2017 and the Energy Meter was replaced on 12.04.2017 and reading of the Energy Meter ( Terminal Block burnt) was declared as Not Visible (NV) in the LCR dated 25.03.2017 as well as on the MCO dated 12.04.2017. The energy bill for the period from 22.02.2017 to 21.04.2017 was issued for 1714 kWh units and thereafter, energy bill for the period from 22.02.2017 to 15.06.2017 was issued for 6266 kWh units. However, as per decision of the Forum, the energy bill of 04/2017 and 06/2017 was revised with consumption of 9,303 units each. The consumption for the period from 04/2017 to 06/2017 had been taken as per final reading of 99,917 kWh mentioned in the M.E. Lab Report of the Energy Meter replaced on 12.04.2017 and consumption of 315 kWh units from the Meter installed on 12.04.2017. However, such a huge consumption of 18,606 kWh units was not possible in a period of less than 4 months with sanctioned load of the Petitioner being 9 kW while the connected load was less than the sanctioned load. The higher consumption as per final reading may be due to defect in the Energy Meter (Terminal Block burnt as confirmed by the Assistant Engineer/DS Sub-division, PSPCL, Phillaur vide LCR No.04/20034 dated25.03.2017. Further, it was not clear as to how the consumption of the burnt Energy Meter had been considered as 18,293 kWh units ( 99,717 kWh- 81,424 kWh), whereas the energy bill of 02/2017 was issued upto reading of 97,849 kWh and bill of 04/2017 was issued for consumption of 1714 kWh units with status of Energy Meter as ‘N’. The consumption for the period 12.04.2017 (date of installation of new Energy Meter) to 15.06.2017 had been considered as 315 kWh units. In view of consumption pattern of previous period, the bill for 04/2017 was required to be revised as per consumption of corresponding period of the previous year and bill for 06/2017 was required to be revised as per actual consumption of the Energy Meter installed on 12.04.2017 instead of considering the consumption from defective Energy Meter as 18,293 kWh units (99717 kWh-81,424 kWh) as per final reading, for revising the bills for 04/2017 and 06/2017.
2. The Energy bills in 08/2017 and 10/2017 were initially issued for 2043 kWh units (F Code) and 1681 kWh Units respectively. However, after decision of the Forum, the energy bill of 08/2017 had been revised with 3190 units and bill of 10/2017 with 24,253 kWh units. The consumption of 24,253 kWh units, as considered for the period from 19.08.2017 to 23.10.2017(65 days) was not possible with sanctioned load of 9 kW and connected load even less than the sanctioned load. Further the tariff charged for revising the bill of 08/2017 had been taken as Rs. 6.99 kWh (energy charges) and for 10/2017 as Rs.7.42 kWh (Rs.1,79,912/24,253 kWh units). The Respondent should specify the actual applicable tariff.
3. Besides, the total consumption from the Energy Meter installed on 12.04.2017 to 23.10.2017 was worked out to be 27,757 kWh units ( 27,758 kWh- 1 kWh) whereas, the consumption for almost the same period of previous year ( 19.04.2016 to 22.10.2016) was 10,673 kWh units. Thus, consumption for the period 12.04.2017 to 23.10.2017 was more than 2.5 times of the consumption almost the same period of previous year, which was not possible and abnormal consumption for this period may be due to jumping of the Energy Meter any time from 04/2017 to 10/2017, but due to issue of bills with ‘N’, ‘F’ and ‘C’ Code, the Energy Meter could not be challenged in time. The issue of abnormal consumption during the period from 04/2017 to 10/2017 was considered by the CGRF who observed as under:

*“Forum also has gone through the DDL report supplied by the Respondent and as per DDL Report, the readings of dated 19.02.2018 and 20.04.2018 are 35,390 and 40,148 units respectively, whereas as per consumption data supplied by the Respondent, the readings on same dates were 35,347 and 40,124 units respectively. So, the readings were matching with readings of DDL Report. Therefore, Forum is of the opinion that there seems to be no jumping of the Meter and Meter is also not defective”.*

It was not clear as to how the Forum concluded that there was no jumping during the period from 04/2017 to 10/2017 by just matching the readings dated 19.02.2018 and 20.04.2018 ( which had been recorded 10-12 months after the installation of Energy Meter in question on 12.04.2017). The jumping might have taken place any time from 12.04.2017 to 23.10.2017 but due to issue of bills with ‘N’, ‘F’ and ‘C’ Code, from 04/2017 to 10/2017, the abnormal consumption could not be noticed/observed and the Energy Meter could not be challenged in time. But this was a clear case of jumping of reading of the Energy Meter, considering the load sanctioned/installed by the Petitioner and normal consumption pattern of the Energy Meter. As such, the account of the Petitioner was required to be overhauled also for the period from 12.04.2017 to 23.10.2017 as per consumption of corresponding period of the previous year.

1. Assistant Engineer/DS, Sub-division, PSPCL, Phillaur, vide Notice issued bearing Memo No.228 dated 28.02.2019, also charged the difference of unbilled consumption as per final reading of the Energy Meter replaced on 27.04.2018 and 27.09.2018. However, the notice/supplementary bill for this amount was required to be issued separately. It was also worth mentioning that the disputed amount of Rs.2,27,824/- was charged in the energy bill of 08/2018 and in the next bill, Sundry Allowance of Rs.48,861/- was allowed ( due to calculation mistake noticed by the Respondent’s office) and revised disputed amount was considered as Rs.1,77,963/- (as intimated by the Respondent to CGRF) . However, when disputed amount was charged in the energy bill and consumer deposited partial amount ( due to filing of the case with DSC/CGRF/Ombudsman) then, surcharge/interest was levied in every bill until full outstanding amount was paid/adjusted i.e till the date of implementation of the decision concerned. As such, while implementing the decision, a calculation sheet showing energy bill for each billing period already issued, required to be issued, payment already deposited against each bill, balance payment, surcharge/interest levied ( due to partial payment) and arrears shown in the next bill etc. was required to be prepared. However, as per notice issued by the Assistant Executive Engineer/Operation, PSPCL, Phillaur vide Memo No.228 dated 28.02.2019 for deposit of additional amount of Rs.1,72,641/-, the said details had not been provided for verification. It was clear from the said Notice that surcharge/interest levied from 08/2018 ( when disputed amount of Rs.2,27,824/- was charged in the bill) to the date of issue of Notice ( 28.02.2019) had not been adjusted. Further, it was also not clear as to whether all the payments made against disputed amount had been adjusted or not. As such, the Respondent was required to provide bill wise detail as mentioned above from 02/2017 onwards for verification.
2. There may be hardy any doubt that the Forum had not considered the above facts while deciding the case against the Petitioner. As such, the decision of the Forum be set aside, the Appeal be allowed and directions may be issued for the revision of bill for the disputed period as per submissions made in the interest of justice and fairness. Further the Respondent may be directed to provide complete billing and payment details for each bill from 02/2017 onwards, such as date of reading, old/new reading, consumption, energy bills already issued and required to be issued, payment already deposited against each bill, balance payment, surcharge/interest levied ( due to partial payment) and arrears shown in the next bill.
3. **Submissions of the Respondent:**

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

1. On receipt of a phone call from the Petitioner, its connection was

checked by the Assistant Engineer/DS Sub-division, PSPCL, Phillaur vide, LCR No.04/20034 dated 05.03.2017 as per which, it was reported that meter terminal as found burnt and reading as being depicted as NV ( Not visible).

1. As per directions given in the said Checking Report, the Energy

Meter of the Petitioner was replaced, vide MCO No.43/364006 dated 12.04.2017 affected on the same day.

1. As per reading taken by the Meter Reader of the Spot Billing

Company prepared on 21.04.2017, the bill for 04/2017 on average consumption of 1714 kWh units.

1. Due to non acceptance of advice of MCO by the Computer Centre,

the bill for 06/2017 on ‘F’ Code was prepared on average consumption of 6,266 kWh units and issued on 19.08.2017.

1. The advice of MCO dated 12.04.2017 was again sent during

10/2017 whereafter, the Meter Reader recorded reading of the Energy Meter as 27,758 kWh ( on ‘C’ Code) on 23.10.2017. This implied that the energy consumption of the Petitioner from 12.04.2017 to 23.10.2017 worked out to 27,757 kWh units but the Petitioner was billed only for 9,990 kWh units (6266+2043+1681) as per following details:

Month Code Energy Consumption as per

 bill issued(in kWh units)

\_\_\_\_\_\_ \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

06/2017 F 6,266

08/2017 F 2,043

10/2017 C 1,681

1. Revenue Audit Party, vide Half Margin No.7 dated 09.02.2018,

overhauled the account of the Petitioner in terms of provisions contained in Regulation 21.5.2(a) of Supply code-2014 by taking the energy consumption for 04/2017 (after the Meter got burnt) based on the consumption of corresponding month of previous year i.e. 04/2016. Besides, the bills for 08/2017 and 10/2017 issued on average basis were revised taking into consideration the actual energy consumption during these months. As a result of the said overhauling, the Revenue Audit Party charged a sum of Rs.2,27,824/- to the Petitioner who was issued a Notice, vide Memo No.584 dated 12.04.2018, in view of the provisions of Instruction No.93.1 of ESIM. As the Petitioner did not deposit the said amount, the same was charged in its bill for 08/2018.

 On scrutiny of the account of the Petitioner, it is revealed that average consumption of 6,266 kWh units for 06/2017 was ignored by the Revenue Audit Party while overhauling the account of the Petitioner. As such, Sundry Charges of Rs.49,861/- shown in the bill for 10/2018 for the energy consumption of 6,266 kWh units was required to be deducted from the gross amount of Rs.2,27,824/- charged by the Audit and the amount of Rs.1,77,963/- ( Rs.2,27,824- Rs.49,861) was actually the disputed amount. The Petitioner filed a Petition dated 04.01.2019 before the CGRF,

Ludhiana who, after hearing both the parties, passed the following order:

*“ The account of the Petitioner be overhauled with final reading of 99,717 kWh as per ME Lab report up from 20.02.2017 to 12.04.2017 ( i.e. upto the date of change of meter as per MCO No.43/364006 dated 12.04.2017) and for the period from 12.04.2017 to 10/2017, with initial reading of 000001and reading of 27,758 recorded on 23.10.2017, as per relevant tariff applicable for that time. However, the sundry allowance given for 6,266 kWh units in the bill of 10/2018 needs to be accounted for. Therefore, the account of the Petitioner be overhauled accordingly”.*

The Petitioner was issued a bill amounting to Rs.22,560/- for 2401 kWh units ( with reading of 81,424 kWh upto 22.02.2017) which was deposited by it on 24.03.2017.

 As per decision of the Forum, the details of amount recoverable from the Petitioner were tabulated below:

1. Chargeable Bill as per decision:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Month | Consumption in kWh units | SOP in INR | ED in INR | IDF in INR |  |
| 04/17 | (99717-81424)= 18293+315 =18608/2= 9303 | 62773 | 8160 | 3139 |
| 06/17 | (99717-81424) =18293+315= 18608/2 = 9303 | 69331 | 9013 | 3467 |
| 08/17 | 3190 | 22311 | 2900 | 1116 |
| 10/17 | 24253 | 179912 | 23389 | 8996 | Total |
|  |  Total | 334327 | 43462 | 16718 | 394507 |

1. Bill Prepared:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Month | Consumption in kWh units | SOP in INR | ED in INR | IDF in INR |  |
| 04/17 | 1714 | 11526 | 1498 | 576 |
| 06/17 | 6266 | 42255 | 5493 | 2113 |
| 08/17 | 2043 | 13743 | 1787 | 687 |
| 10/17 | 1681 | 11299 | 1469 | 565 | Total |
|  | Total in INR | 78823 | 10247 | 3941 | 93011 |

1. Chargeable amount= (a)- (b)- Amount charged vide

Half margin 07 dated 09.02.2018

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Detail | SOP | ED | IDF |  |
| Total of Chargeable bills **(a)** | 334327 | 43462 | 16718 |
| (-) Total of billed amount **(b)** | 78823 | 10247 | 3941 |
| (-) Half Margin No.7 dated 09.02.2018 (227824-49861) =177963 | 150815 | 19606 | 7542 | Total |
| Chargeable amount as per decision | 1,04,689 | 13,609 | 5235 | 1,23,533 |

It was worth mentioning that on the request dated 24.04.2018 of the Petitioner, its Energy Meter was replaced vide MCO No.92/364024 dated 24.04.2018 affected on 27.04.2018 at reading of 40,668 kWh. The recorded reading of the earlier Energy Meter 40,124 kWh on 20.04.2018 and of 7596 kWh (of new Energy Meter) on 25.06.2018 and billed accordingly. But, due to ‘C’ Code, the bill was worked out to average of 4568 (Likewise, when the working of the Energy Meter was challenged by the Petitioner on 24.09.2018,the same was replaced vide MCO No.143/364030 dated 27.09.2018 effected on the same day at reading of 21,397 kWh. The Energy Meter was checked in M.E. Lab and its accuracy was found within limits. The Meter Reader had recorded reading of 16,479 kWh at the time of billing on 22.08.2018. Subsequently, the reading of new Energy Meter was recorded as 2727 kWh at the time of billing on 22.10.2018. But, due to ‘F’ Code, the bill was prepared on average consumption of 5911 kWh units instead of on the basis of actual consumption of 7645 kWh units. Accordingly, the difference of actual energy consumption as per MCO No.92/360424 dated 24.04.2018 and MCO No.43/364030 dated 27.09.2018 was chargeable as per following details:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Month06/2018 | ConsumptionIn kWh | SOP in Rs. | Fixed Charges in Rs. | ED in Rs. | IDF in Rs. | **Total** |
| ChargeableBill | 8140 | 58744 | 792 | 8930 | 2977 |
| Bill Prepared | 4568 | 32883 | 792 | 4378 | 1684 |
| Chargeable Amount |  | 25861 | 0 | 4552 | 1293 | **31706** |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Month10/2018 | Consumption in kWh | SOP in Rs. | Fixed Charges in Rs. | Fuel Charges in Rs. | ED in Rs | IDF in Rs. | **Total** |
| ChargeableBill | 7645 | 55178 | 720 | 841 | 8511 | 2837 |
| Bill Prepared | 5901 | 42624 | 720 | 560 | 4586 | 2195 |
| Chargeable Amount |  | 12554 | 0 | 281 | 3925 | 642 | **17402** |

 Total chargeable amount is as under:

* 1. Additional amount chargeable as per 1,23,533/-

CGRF’s decision.

* 1. Amount chargeable for unbilled units 31,706/-

as per difference of actual energy

consumption in bill for 06/2018.

* 1. Amount chargeable for unbilled units 17,402/-

as per difference of actual energy

consumption in bill for10/2018.

**Total Chargeable Amount 1,72,641/-**

 As per decision of the Forum, a sum of Rs.1,23,533/- was chargeable in addition to the already charged amount of Rs.1,77,963/-. A Notice, bearing Memo No.228 dated 28.02.2019 was issued to the Petitioner for depositing the amount of Rs.1,72,641/- within 15 days. The Petitioner was again directed, vide Memo no.578 dated 2.05.2019, by the A.E.E., DS, Sub-division, PSPCL, Phillaur to deposit the disputed amount.

 **4.** **Analysis:**

The issue requiring adjudication is the legitimacy of the overhauling of its account for the period from 04/2017 to 10/2017, after the Energy Meter installed at the premises of the Petitioner was reported burnt on 25.03.2017.

*The points emerged in the case are deliberated and analysed as under:-*

1. During the course of hearing dated 30.05.2019, the representative of

the Petitioner and the Respondent reiterated the submissions made in the Appeal and written reply respectively. While making oral submissions, Petitioner’s Representative pressed for making available the detailed break up of the amount charged to the Petitioner in its bill for 04/2019. Though, the Respondent stated that all the relevant details had been provided to the Petitioner, the same were shown to the Petitioner’s Representative in the hearing itself. However, the Court directed the Respondent to send the same, by e-mail, latest by the following day. In response, the Respondent sent an e-mail dated 31.05.2019 forwarding therewith Memo No.669 bearing the same date giving the following details in support of the amounts charged to the Petitioner :

|  |  |  |
| --- | --- | --- |
| **Amount Charged****(In Rupees)** | **Billing month** | **Particulars** |
| 1,72,641/- | 04/2019 | As per decision of the Forum |
| 2,27,824/- | 08/2018 | Half Margin No.7dated 09.02.2018 |
| 8,153/- | 12/2017 | Difference on account of new Tariff rates. |
| 02/2018 |
| 04/2018 |
| 120/- | 10/2017 | RCO fees charged due to late deposit of bill for 08/2017 |
| 6,168/- | 10/2016 | Pertained to some other consumer and to be withdrawn in next bill. |
| 2/2017 |
| 19,430/- | 06/2016 | Amount chargeable upto PDCO of Temporary connection |

The Respondent added that the Petitioner had filed a Petition in the Forum challenging the amount charged in its bill for 08/2018. Pursuant to the decision of the Forum, its account was overhauled but the Petitioner was not satisfied and preferred an Appeal in this Court. Neither was there any dispute pending with the licensee nor any issue was raised in the present Appeal regarding any amount charged to the Petitioner in connection with the amounts charged in its bills prior to 08/2018.

1. As permaterial on record, the Energy Meters installed at the

premises of the Petitioner were replaced on 12.04.2017, 24.04.2018 and 27.09.2018 and its account was overhauled based on the findings of the checking done at site and/ or in M.E. Laboratory. The details of the energy consumption of the Petitioner’s connection are tabulated below:

|  |  |  |
| --- | --- | --- |
| **2016** | **2017** | **2018** |
| **Reading date** | **Consp** | **Code** | **Reading date** | **Consp** | **Code** | **Reading date** | **Consp** | **Code** |
| 20.02.2016 | 2605 | 0 | 20.02.2017 | 1886 | 0 | 19.02.2018 | 3591 | 0 |
| 19.04.2016 | 4138 | 0 | 21.04.2017 | 1714 | N | 24.04.2018 | 4777 | 0 |
| 18.06.2016 | 6836 | 0 | 15.06.2017 | 6266 | F | 25.06.2018 | 4568 | C |
| 18.08.2016 | 2137 | 0 | 19.08.2017 | 2043 | F | 22.08.2018 | 8883 | 0 |
| 22.10.2016 | 1500 | 0 | 23.10.2017 | 1681 | C | 22.10.2018 | 5911 | C |
| 22.12.2016 | 1467 | 0 | 19.12.2017 | 3998 | 0 | 20.12.2018 | 4396 | 0 |

I find that as per evidence on record, the cumulative kWh and kVAh readings for the last 100 days at 24:00 hours of Meter S.No.092998, Flash Make which was replaced on 27.04.2018 and DDL of which was taken on 25.01.2019 at 10:54 hrs, has been examined and noticed that readings on dated 19.02.2018 and 20.04.2018 were 35,390 kWh and 40,148 kWh respectively. As per consumption data, the readings on same date were 35,347 kWh and 40,124 kWh respectively. The readings of consumption data are thus matching with DDL report, meaning thereby the Energy Meter was not defective which was challenged by the Petitioner.

I also find merit in the contention of the Respondent that consumption of 9303 kWh units each during 04/2017 and 06/2017 (totaling 18,606 kWh) is possible considering the consumption record of the connection during the year 2016 and that the Meter Reader concealed the reading actually recorded by the Energy Meter.

I observe that since, the first replaced Energy Meter was found burnt in the M.E. Laboratory, hence, the account for the month of 04/2017 is required to be overhauled as per provisions contained in Regulation 21.5.2(a) of the Supply Code-2014 i.e. on the basis of energy consumption of corresponding period of previous year i.e. in the present case, the consumption of 04/2016 is required to be taken for 04/2017 and thereafter i.e. from the replacement of the Energy Meter from 12.04.2017 to 10/2017 as per actual reading recorded by the Energy Meter less the average consumption which was already billed by the Respondent.

**5. Conclusion**:

 From the above analysis, it is concluded that account of the Petitioner for the period from 25.03.2017 to 12.04.2017 ( the date of replacement of the Energy Meter) is required to be overhauled on the basis of energy consumption of corresponding period of previous year in terms of provisions of Regulation 21.5.2 (a) of Supply Code-2014. Besides, the account of the Petitioner for the period from 12.04.2017 to 10/2017 is required to be overhauled as per actual energy consumption recorded by the Energy Meter less the average consumption billed by the Respondent.

**6.** **Decision:**

 **As a sequel of above discussions, the order dated 11.02.2019 of the CGRF, Ludhiana in Case No. CGL- 001 of 2019 is modified in terms of conclusion arrived at in Para-5 above. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short after adjustment, if any, without interest/surcharge.**

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

8. 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)

June 10, 2019 Lok Pal (Ombudsman)

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