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

 **ELECTRICITY, PUNJAB,**

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

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

 **APPEAL NO. 33/2020**

**Date of Registration : 10.02.2020**

**Date of Hearing : 29.07.2020**

**Date of Order : 31.07.2020**

**Before:**

 **Er. Gurinder Jit Singh,**

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

**In the Matter of:**

 Principal,

Government Medical College,

Circular Road,

Amritsar.

**Contract Account No. 3002808454**

 ...Appellant

 versus

Senior Executive Engineer,

DS Civil Line Division,

PSPCL, Amritsar. ...Respondent

**Present For:**

Appellant: 1. Dr. J.S. Kullar

 Vice Principal,

 Government Medical College,

 Amritsar.

 2. Sh. Chetan Puri

 Clerk.

 Respondent: 1. Er. Tejinderpal Singh

 Senior Executive Engineer,

 DS Civil Line Division,

 PSPCL, Amritsar.

 2. Sh. Amritpal Singh

 Revenue Accountant (RA).

 Before me for consideration is an Appeal preferred by the Appellant against the order dated 30.12.2019 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-304 of 2019, deciding that:

 *“As per checking by ASE/MMTS, Amritsar vide ECR No. 11/2332 dated 16.10.2018 and DDL report, contribution of current of ‘R’ phase was missing for 663 days, therefore, the amount charged to the petitioner is correct & recoverable.”*

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

 An application to prefer an Appeal was received in this Court on 28.01.2020 on behalf of the Appellant, vide its letter no. 2365-67 dated 28.01.2020, through Sh. Chetan Puri, Clerk, Govt Medical College, Amritsar. The Appellant was informed in writing on the same day through the bearer (Sh. Chetan Puri) that the Appeal, against the order dated 30.12.2019 of the CGRF, Ludhiana in Case No. CGL-304 of 2019, would be registered on receipt of evidence in support of deposit of requisite 40% of the disputed sum assessed by the Forum. Subsequently, the Principal, Govt. Medical College, Amritsar, vide its office letter no. 3222/A-15 dated 07.02.2020, sent the present Appeal by post received on 10.02.2020. A scrutiny of the Appeal and related documents revealed that the Appellant had till not deposited the requisite 40% of the disputed amount assessed by the Forum in terms of provisions contained in Regulation 3.18 (iii) of PSERC (Forum and Ombudsman) Regulation, 2016. Accordingly, the Principal, Government Medical College, Amritsar was informed, vide letter no. 121/OEP/A-2020 dated 11.02.2020, that the Appeal preferred by it would be registered on receipt of evidence in support of deposit of requisite 40% amount. The Appellant was again requested vide this office letter no. 284/OEP/A-2020 dated 19.03.2020 to deposit the requisite amount and send a copy of receipt of PSPCL in token of deposit of the amount.Subsequently, the Principal, Government Medical College, Amritsar informed this Court, vide letter no. 6440 dated 19.03.2020, that owing to non availability of budget, it was not possible to deposit a sum of ₹ 49,03,530/- (40% of the disputed amount of ₹ 1,22,58,826/-) immediately and requested to reduce the amount to be deposited for registration of the Appeal.The Appellant was informed, vide this office e-mail dated 14.05.2020, that the Appeal preferred by it could not be considered for registration in this Court without deposit of requisite 40% of the disputed amount in terms of provisions of Regulation 3.18 (iii) of PSERC (Forum and Ombudsman) Regulations, 2016.In response, the Principal, Government Medical College, Amritsar intimated, vide letter no. 11941 dated 28.05.2020, that 20% of the disputed amount i.e. ₹ 24,51,717/- had been deposited with the PSPCL vide Receipt No. 142880973 dated 07.05.2020 and requested that the Appeal submitted, vide Appellant’s letter no. 3222 dated 07.02.2020, be considered for registration.The Principal, Government Medical College, Amritsar was again apprised, vide this office letter No. 399-400 dated 08.06.2020, that the Appeal could not be entertained in the absence of deposit of 40% of the disputed amount. However, an opportunity was afforded to the Appellant of being heard in this regard in this Court on 17.06.2020 at 11 AM.During hearing, the Appellant’s Representative stated that its institution had already deposited 20% of the disputed amount assessed by the Forum on 07.05.2020 and the Appellant may be given some more time for depositing the balance amount required for filing the Appeal in this Court.The request of the Appellant’s Representative was accepted and hearing was adjourned to 29.07.2020 at 11 AM by which date, the balance requisite amount (20% of the disputed amount) was to be deposited and a copy of receipt in support of deposit of the said amount was to be submitted by e-mail/registered post.Thereafter, the Appellant, vide letter no. 15887/A-15 dated 10.07.2020, sent a copy of receipt for balance amount of ₹ 24,51,717/- deposited on 08.07.2020. As a result, the Appeal was registered and a copy was forwarded to the Senior Executive Engineer, DS Civil Lines Division, PSPCL, Amritsar for furnishing written reply/parawise comments with a copy to the office of CGRF, Ludhiana for sending the Case File under intimation to the Appellant vide letter no. 574-576/OEP/A-33/2020 dated 13.07.2020.

**3.** **Proceedings**

With a view to adjudicate the present dispute, a hearing was fixed for 29.07.2020 and intimation to this effect was sent to both the sides vide letter no. 574-576/OEP/A-33/2020 dated 13.07.2020. After hearing, copies of proceedings were sent to the Appellant and the Respondent vide this office letter no. 649-50/OEP/A-33/2020 dated 29.07.2020.

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

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

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

The Appellant made the following submissions in the Appeal, for consideration of this Court:

1. The account no. 3002808454 of the Appellant for the period 14.12.2016 to 19.11.2018 was overhauled due to Energy Meter, being defective and Demand Notice for ₹ 1,22,58,826/- was issued by the Respondent vide letter no. 6505 dated 22.11.2018.
2. The matter was taken up with the SDO, DS Civil Lines

Division, Amritsar vide letter no. 8197 dated 19.03.2019 intimating that if the Energy Meter was defective, the Appellant’s institution was not at fault. The Appellant was not in a position to pay such abnormal bill. Accordingly, the said amount be waived off.

1. Thereafter, a grievance was filed in the office of the CGRF,

Ludhiana vide letter no. 22827/A-15 dated 02.09.2019. Hearings were held in the Forum on 13.12.2019 and 16.12.2019 in the Forum’s office at Ludhiana while a hearing was held on 23.12.2019 at Shakti Saden (Conference Hall), Jalandhar. On 23.12.2019, the representatives of the Appellant were told that the Appellant would be charged for only six months and orders in this regard will be issued separately.

1. The Appellant received order dated 30.12.2019 of the Forum on 15.01.2020 conveying the decision that the Appellant would be charged ₹ 1,22,58,826/- for 663 days.
2. In this connection, provisions of Regulation 21.5.2 of Supply Code-2014 were relevant/applicable to overhaul the account of a Defective (other than inaccurate) Energy Meter.
3. Accordingly, the Appellant be charged for six months only as

per provisions of Regulation 21.5.2 of Supply Code-2014 and the remaining amount charged to the Appellant be waived off.

1. **Submission in Rejoinder**

The Appellant, in its rejoinder to written reply of the Respondent, submitted the following, vide letter no. 16881/A-15 dated 24.07.2020, for consideration of this Court:

1. No notice was served to the Appellant for checking of

disputed Energy Meter and the checking was done in the absence of representative of the Appellant.

1. All the bills except the disputed one were paid by the

 Appellant regularly.

1. The demand of ₹ 1,22,58,826/- raised by the Respondent was

not in accordance with provisions of Regulation 21.5.2 of Supply Code-2014.

1. As per checking by ASE/MMTS, Amritsar vide ECR No.

11/2332 dated 16.10.2018 and DDL Report, contribution of ‘R’ phase was missing for 663 days.

1. The decision of the Forum was not on merits, so, the present

 Appeal was filed in the interest of justice.

The amount charged to the Appellant was not recoverable as per Regulation 21.5.2 of Supply Code-2014. As such, the decision dated 30.12.2019 of the Forum be set aside and revised demand charging the Appellant for six months be ordered to be raised after adjusting the 40% of the disputed amount deposited with PSPCL.

1. **Submission during Hearing**

During hearing, the Appellant’ Representative reiterated the submissions already made in the Appeal and prayed to allow the same.

1. **Submissions of the Respondent**
2. **Submissions made in the Written Reply**

The Respondent, in its defence, made the following submissions for consideration of the Court:

1. The connection of the Appellant was running in the name of

Principal, Medical College, Amritsar bearing Account No. 3002808454 having sanctioned Load of 1380.420 kW and contract demand (CD) of 1533.500 kVA under DS Tariff being Govt. Hospital.

1. The connection was checked by the Addl. SE/MMTS, Amritsar vide ECR No. 11/2332 dated 16.10.2018 in the presence of the representative of the Appellant, who appended his signature on the checking report and received the copy of the same from MMTS.
2. As per the said checking report, it was reported that

Icon (1) of the Energy Meter was sticky and was not blinking while the other Icon (2) and (3) were continuously blinking. The per-phase current on the Energy Meter display could not be checked due to defective scroll switch of the Energy Meter. DDL of the Energy Meter was done at site.

1. The CTs cables of ‘R’ phase and ‘B’ phase were inter-

changed on meter terminal and it was observed that Icon (1) was blinking but Icon (2) was stable.

1. On further checking of L.T. side of the transformer, it was found that current on all three phases was being recorded, with the result that the Energy Meter was not being supplied current of CTs and R-phase of CT/PT. As such, CT/PT unit was declared defective.
2. The installed Energy Meter was non-DLMS and scroll push

button was also found defective. In continuation of this checking, the Addl. SE/MMTS, vide letter no. 260 dated 18.10.2018, intimated that further investigation of DDL prints revealed that ‘Current failure’ on ‘R’ phase of the Energy Meter was appearing since 14.12.2016. So, the account of the consumer be overhauled on current failure of one phase for 663 days from 14.12.2016 to 09.11.2018.

1. As per checking report & DDL submitted by ASE/MMTS, Amritsar and instructions of the PSPCL, it was found that amount of ₹ 1,22,58,826/- was recoverable from the Appellant for the period during which ‘R’ phase of the CT/PT was not contributing. So, under due procedure of the PSPCL, AEE/Comm., Civil Line Division, Amritsar issued Notice bearing No. 6505 dated 22.11.2018 to the Appellant for depositing ₹ 1,22,58,826/-. A copy of calculation sheet and ECR was also attached with the said Notice.
2. Instead of depositing the above amount, the Appellant

 approached the CGRF, Ludhiana in this matter.

1. The Forum after making detailed deliberations and considering the DDL report, consumption record and relevant documents submitted by the Appellant rightly upheld, vide order dated 30.12.2019, the amount charged to the Appellant by the Respondent.
2. The Forum rightly decided this case on merits and sent

the copy of the said decision to the Appellant as well as the Respondent vide Memo No. 4479 dated 30.12 2019.

1. As per record, Addl. SE/MMTS, Amritsar checked the

Appellant’s connection, vide ECR No.11/2332 dated 16.10.2018, in the presence of the representative of the Appellant, who appended his signature on the checking report and also received the copy of the same from MMTS. It was evident from the DDL of the Energy Meter that ‘R’ Phase of the Energy Meter was not contributing/counting reading but the consumer was using electricity on all three phases without any interruption. PSPCL claimed the actual consumption charges from the Appellant and the Forum rightly decided the case on merit. So, the Appellant has to pay the charged amount.

1. It was confirmed that the Appellant, Principal Govt. Medical college Amritsar had deposited 40% of disputed amount. ₹24,51,717/- were deposited on 08.05.2020 and ₹ 24,51,717/- were deposited again on 08.07.2020. Thus, total amount of ₹ 49,03,434/- as 40% of the disputed amount was deposited.
2. **Submission during Hearing**

During hearing, the Respondent reiterated the submissions already made in its written reply.

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

The issue requiring adjudication is the legitimacy of the amount of ₹ 1,22,58,826/- charged to the Appellant, vide Notice bearing No. 6505 dated 22.11.2018, for the period from 14.12.2016 to 09.11.2018 (663 days) on account of non contribution of current of ‘R’ phase of CT/PT and as per checking report dated 16.10.2018 of Addl.,S.E, MMTS, Amritsar.

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

1. The present dispute arose when the connection of the Appellant bearing Account No. 3002808454 having sanctioned load of 1380.420 kW and contract demand (CD) as 1533.500 kVA under DS Tariff being Govt. Hospital, was checked by the Addl. S.E., MMTS, PSPCL, Amritsar vide ECR No. 11/2332 dated 16.10.2018. As per this checking report, Icon (1) of the Energy Meter was sticky and was not blinking while the other Icon (2) and (3) were continuously blinking. The per-phase current on the Energy Meter display could not be checked due to defective scroll switch of the Energy Meter. DDL of the Energy Meter was done at site. The CTs cables of ‘R’ phase and ‘B’ phase were inter-changed on meter terminal and it was observed that Icon (1) was blinking but Icon (2) was stable. On further checking of L.T. side of the transformer, it was found that current on all three phases was being recorded, with the result that the Energy Meter was not being supplied current of R-phase of CT/PT. As such, CT/PT unit was declared defective. The installed Energy Meter was non-DLMS and scroll push button was also found defective. In continuation of this checking, the Addl. SE/MMTS, vide letter no. 260 dated 18.10.2018, intimated that further investigation of DDL prints revealed that ‘Current failure’ on ‘R’ phase of the Energy Meter was appearing since 14.12.2016. So, he advised that the account of the consumer be overhauled on account of current failure of one phase for 663 days from 14.12.2016 to 09.11.2018.

As a result, the account of the Appellant for the period 14.12.2016 to 09.11.2018 was overhauled and a Notice, bearing No. 6505 dated 22.11.2018, asking the Appellant to deposit a sum of ₹ 1,22,58,826/- was issued by the AEE/Commercial, DS Civil Lines Division, PSPCL, Ludhiana. Aggrieved, the Appellant filed a case in office of the CGRF, Ludhiana which, vide order dated 30.12.2019, held that the said amount was recoverable.

(ii) As per material on record, the accuracy of the Energy Meter which included the CT/PT Unit was not checked at site during checking on 16.10.2018 by the Addl.S.E., MMTS, Amritsar with a view to arrive at accurate conclusion.

In this connection, it is worthwhile to have a look at the definition of Meter as per Regulation 2 (zo) of Supply Code-2014 which reads as under:

**“Meter”** means a device suitable for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include, wherever applicable, other equipments such as Current Transformer, Voltage Transformer with necessary wiring & accessories or Capacitor Voltage Transformer necessary for such purpose.”

 (iii) It is observed that the Energy Meter including CT/PT Unit was not sent to M.E. Laboratory immediately after checking on 16.10.2018 by the MMTS and after replacement of the same vide MCO dated 18.10.2018 effected on 15.11.2018. The removed CT PT unit of this connection was sent by SDO/ME, Amritsar to SDO, ME Jalandhar vide memo no. 338 dated 13.02.2019 for testing. The perusal of testing report no.387 dated 20.02.2019 establishes beyond doubt that CT PT unit was defective. It means Meter was also defective because CT PT unit is a part of Meter as per its definition in Supply Code-2014.

Actually, the Energy Meter was sent to M.E. Lab. vide Challan no. 141 dated 27.07.2020 just two days before the hearing and that too on inquiry from this Court as to whether checking was got done from M.E. Laboratory.

 I find that SDO, M.E. Lab., Jalandhar reported vide Challan dated 27.07.2020 as under:

 *“****ਮੀਟਰ ਦੀ ਬਾਹਰੀ ਜਾਂਚ ਕੀਤੀ ਗਈ। ਇਹ ਮੀਟਰ*** ENF/MMTS ***ਅੰਮਿਰਤਸਰ ਵੱਲੌਂ*** ECR No. 11/2332 ***ਮਿਤੀ 16.10.2018 ਅਨੁਸਾਰ ਚੈਕੱ ਕੀਤਾ ਗਿਆ ਅਤੇ ਇਸ ਰਿਪਰੋਟ ਅਨੁਸਾਰ*** DDL ENF/MMTS ***ਦੁਆਰਾ ਕੀਤਾ ਗਿਆ ਹੈ। ਮੀਟਰ ਦਾ*** Scroll ***ਸਵਿੱਚ ਖਰਾਬ ਹੈ। ਮੀਟਰ ਦਾ*** P.O. No. MH-164/MQ-82 ***ਮਿਤੀ*** 24.09.2007 ***ਹੈ।****”*

 A perusal of the above report reveals that the accuracy of the Energy Meter was not checked in M.E. Lab.

From the above, it is evident that action of the Respondent (PSPCL) to charge the Appellant, without ascertaining/confirming that the Energy Meter was defective or inaccurate was not justified. Notice for overhauling of the account of the consumer should have been served only after verification of disputed meter & its CT/PT unit in M.E. Lab.

(iv) The Respondent defaulted in not ensuring compliance of the provisions contained in Instruction No. 81 of ESIM 2018 which reads as under:

“METER READING, BILLING AND PAYMENT OF BILLS

81. METER READING:

81.2 Reading of meters of consumers having connected load exceeding 500 kW/kVA:

81.2.1 The monthly reading will be recorded by Sr. XEN/ASE (DS) & AE/AEE/XEN (DS) concerned and entered in the passbook of the consumer and of the billing section. Before recording the reading and breaking of paper/Patented seals, Sr. Xen/ASE (DS) shall verify intactness of these seals and certify genuineness of all other seals affixed on the meter and CTs/PTs before recording the reading and re-setting the MDI of the same. After recording the readings and resetting of MDI, the MCB will be sealed by Sr. XEN/ASE (DS). The paper seal signed by the Sr. XEN/ASE (DS) and AE/AEE/XEN (DS) and the consumer's representative will be affixed on the MCB. This paper seal will have irregular figure drawn at site. Carbon copy of paper seal will be kept in the custody of Sr. Xen/ASE (DS). The entries of the whole exercise, sequence-wise shall be made by Sr. Xen/ASE (DS) in the pass books and signed by them. While recording the readings, one copy of the passbook will remain with the consumer and the other with the billing section.

The officers while recording readings shall study the consumption pattern of the consumer and in the event of any abnormal variation, the case shall be referred to SE (Enforcement/MMTS) for in-depth investigation. **NOTE: HT/EHT categories of connections with load/ demand exceeding 500 kVA, where Automated Meter Reading (AMR) has been started, the readings are available in Meter Data Acquisition System (MDAS) SAP. Sr. Xen (DS) shall ensure the availability of meter reading of all the HT connections under their jurisdiction at the time of billing and keep a regular watch over the consumption pattern of HT consumers as available in MDAS/SAP.”**

1. It is also observed that the connection of the Appellant having sanctioned load of 1380.420 kW was not checked periodically as required by the MMTS/Enforcement and was checked only once during last five years. The Respondent defaulted in conducting periodical checks of the connection of the Appellant as per schedule prescribed in Regulation 21.3.5 of Supply Code-2014 which provides as under:

 *“The distribution licensee shall also conduct periodical inspection/testing of the meters/metering equipment installed at the consumers’ premises as per following schedule:*

1. *EHT meters:- atleast once in a year*

*(ii) HT meters:- atleast once in 2 years*

*(iii) LT 3-phase meters:- atleast once in 3 years*

*(iv) LT 1-phase meters:- atleast once in 5 years”*

Had the above provision been complied with by the Respondent, the fact of non contribution of one phase of CTs could have been noticed and corrective action could have been taken earlier.

PSPCL may take action against officers/officials who have failed to detect non-contribution of current by ‘R’ phase of CT/PT unit for a very long period. Periodical inspection/testing of the meter as per Regulation was not done. Even Energy Variation was not watched in this case.

1. As per material brought on record by the Respondent, the details of the energy consumption of the Appellant’s connection during the years 2015 to 2019 are tabulated below:

|  |
| --- |
|  Consumption in kWh |
| Month  | 2015 | 2016 | 2017 | 2018 | 2019 |
| Jan |  | 202060 | 116060 | 107890 | 178540 |
| Feb |  | 144830 | 84520 | 77530 | 168880 |
| Mar |  | 120730 | 90260 | 71590 | 138860 |
| April |  | 201750 | 134830 | 115220 | 202180 |
| May |  | 375840 | 213400 | 200200 | 310000 |
| June | 254180 | 356960 | 178360 | 179530 | 310220 |
| July | 272460 | 302590 | 214400 | 213000 | 279440 |
| Aug |  | 338520 | 201000 | 205010 | 348900 |
| Sep |  | 266340 | 172300 | 182660 | 369740 |
| Oct | 1012430 | 200400 | 141630 | 96220 | 229660 |
| Nov | 127540 | 114660 | 89100 | 333035510 |  |
| Dec | 160710 | 104460 | 98300 | 12380 |  |

A comparative study of the energy consumption recorded by the disputed Energy Meter during 12/2016 to 10/2018 (disputed months) vis-à-vis during 12/2015 to 11/2016 reveals the following trends:

* 1. 200400 kWh in 10/2016 and 141630 kWh in 10/2017

 as compared to 1012430 kWh in 10/2015.

* 1. 114660 kWh in 11/2016 and 89100 kWh in 11/2017 as

 compared to 127540 kWh in 11/2015.

* 1. 104460 kWh in 12/2016 and 98300 in 12/2017 against

 160710 kWh in 12/2015.

The above comparative study of the consumption pattern during disputed period as compared to corresponding period of previous year reveals that there were significant variations in the energy consumption. But the Respondent did not keep a watch on the variations in energy consumption as required under Instruction No. 104.7 of ESIM 2018. Had the Respondent been vigilant, non-contribution of current by CT/PT unit to the Energy Meter could have been detected much earlier.

1. As per DDL report, in the ‘Sequential Storage of Event ON’, the current failure of ‘R’ phase occurred at 00:57:00 Hrs. on 14.12.2016 and remained for the duration of 662 days, 23 hrs & 41 minutes. Even in the tamper report, the record shows zero current of ‘R’ phase since 06.11.2016. This means that there was actual failure of current of ‘R phase for almost 700 days as per DDL report.
2. Written and oral submissions made by both the sides alongwith evidence/material brought on record of this Court have been gone through. Supply Code-2014 provides for overhauling of consumers’ accounts both in respect of Inaccurate Meters (Regulation 21.5.1) and for Defective (other than Inaccurate)/Dead Stop/Burnt/Stolen Meters (Regulation 21.5.2).

 I find that in the present dispute, overhauling of the Appellant account can be done in terms of provisions of Regulation 21.5.1 only if the disputed Energy Meter was declared inaccurate during checking/testing at site and in M.E Lab. But the accuracy of the disputed Energy Meter was not checked either at site on 16.10.2018 or in M.E. Lab. on 27.07.2020. Accordingly, the account of the Appellant can not be overhauled in terms of provisions contained in Regulation 21.5.1 of Supply Code-2014 after considering the findings of checking done by Addl.S.E, MMTS, Amritsar at site on 16.10.2018 and report of M.E. Lab. dated 27.07.2020.

 The CT PT unit of the disputed Energy Meter was declared defective during testing done in M.E Lab. Jalandhar on 20.02.2019. As such, the meter is also required to be declared defective in view of its definition given in Supply Code-2014 because CT PT unit of this meter was declared defective beyond any doubt. The Respondent agreed during hearing on 29.07.2020 that the meter is defective as per its definition given in Supply Code-2014 after going through the report dated 20.02.2019 of M.E. Lab. Jalandhar relating to disputed CT/PT unit. Overhauling of account of defective meter is to be done as per Regulation 21.5.2 of Supply Code-2014 which is reproduced as under:

 “*The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop subject to maximum period of six months. In case of burnt/stolen meter, where supply has been made direct, the account shall be overhauled for the period of direct supply subject to maximum period of six months. The procedure for overhauling the account of the consumer shall be as under:*

1. *On the basis of energy consumption of corresponding period of previous year.*

 *b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.*

*c) If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.*

*d) Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para-4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.*

*e) The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts.”*

 Regulation 21.5.2 (a) of Supply Code-2014 can not be applied in the present case as energy consumption of the corresponding period of previous year is not reliable because ‘R’ phase of CT PT unit was not contributing current to Energy Meter since 14.12.2016. Therefore, provisions of Regulation 21.5.2 (b) have to be applied and the account of the Appellant is required to be overhauled for a period of six months prior to the date of replacement of disputed Energy Meter vide Device Replacement job order no. 100006806241 dated 18.10.2018 on the basis of average monthly consumption of six months prior to 14.12.2016 during which the meter was functional. Six months for this purpose are to be taken from May, 2016 to October, 2016. Meter status was ‘O’ during these months.

 The account of this connection can not be overhauled beyond six months in view of Regulation of Supply Code-2014 relating to defective meter.

**6. Decision**

As a sequel of above discussions, the order dated 30.12.2019 of CGRF, Ludhiana in Case No. CGL-304 of 2019 is set aside. It is held that the account of the Appellant shall be overhauled for six months prior to the date of replacement of disputed Energy Meter vide Device Replacement job order no. 100006806241 dated 18.10.2018 on the basis of average monthly consumption for the period May, 2016 to October, 2016 in terms of provisions contained in Regulation 21.5.2 (b) of Supply Code-2014. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short, if any, after adjustments with surcharge/interest as per instructions of the PSPCL.

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

**8.** In case, the Appellant or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016.

 (GURINDER JIT SINGH)

 July 31, 2020 Lokpal (Ombudsman)

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