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

 **ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 38/2020**

 **Date of Registration : 17.08.2020**

 **Date of Hearing : 07.09.2020**

 **Date of Order : 09.09.2020**

**Before:**

 **Er. Gurinder Jit Singh,**

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

**In the Matter of :**

 Satish Chander Maini,

 # 14, Prakash Colony, Near PushapVihar,

Barewal Road,

Ludhiana-141012.

**Contract Account Number: 3002869836**

 ...Appellant

versus

Senior Executive Engineer,

DS Aggar Nagar Division (Special),

PSPCL, Ludhiana.

 ...Respondent

**Present For:**

 Appellant : 1. Sh. Satish Chander Maini

 Appellant.

 2. Sh. Puneet Maini

 Appellant’s Representative (AR).

Respondent : 1. Er. Parminder Singh

 Senior Executive Engineer,

 DS Aggar Nagar Division (Special),

 PSPCL, Ludhiana.

 2. Sh. Vinay Attri,

 Assistant Account Officer (AAO).

Before me for consideration is an Appeal preferred by the Appellant against the order dated 19.02.2020 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-10 of 2020, deciding that:

*“The bill issued to the petitioner on dated 21.09.2019 is of actual consumption recorded by the meter and is justified & recoverable.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 17.08.2020 i.e. after more than one month of receipt of the decision dated 19.02.2020 of the CGRF, Ludhiana in Case No. CGL-10 of 2020. An application was also received alongwith the Appeal from the Appellant’s Representative mentioning the reasons for delay beyond stipulated time limit in filing the Appeal in this Court. Further, the Appellant had deposited a sum of ₹ 9,330/- (20% of the disputed amount of ₹ 46,610/-) on 01.01.2020 and another ₹ 9,330/- (20% of the said disputed amount) on 24.07.2020. Thus, the Appellant deposited ₹ 18,660/- as the requisite 40% of the disputed amount of ₹ 46,610/-and also submitted copies of both the receipts for the amount deposited alongwith the Appeal. Accordingly, the Appeal was registered and a copy of the same was sent to the Senior Executive Engineer/DS Aggar Nagar Division (Spl.), PSPCL, Ludhiana for furnishing written reply/parawise comments and also to the office of CGRF, Ludhiana for sending the case file under intimation to the Appellant vide this office letter nos. 732-34/OEP/A-38/2020 dated 17.08.2020.

**3.** **Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 07.09.2020 and intimation to this effect was sent to both the sides vide letter nos. 804-05/A-38/2020 dated 31.08.2020. As scheduled, the hearing was held on 07.09.2020 in this Court and copies of the proceedings were sent to both the sides vide this office letter nos. 828-29/OEP/A-38/2020 dated 07.09.2020.

**4. Condonation of Delay**

At the start of hearing on 07.09.2020, the issue of condonation of delay was taken up. The Appellant’s Representative stated that decision dated 19.02.2020 of CGRF, Ludhiana was received by the Appellant in second week of March, 2020. This was followed by period of COVID-19 Pandemic lockdown. The Appellant did not know about the procedure of filing the Appeal against the said decision of the Forum. After relaxation of lockdown and opening of PSPCL offices, the Appellant inquired about the procedure and requisite formalities. The Appellant then arranged and deposited the requisite 20% of the disputed amount with PSPCL on 24.07.2020. Thereafter, the Appellant sent four sets of Appeal related documents by registered post to the office of the Ombudsman on 29.07.2020. Even after 15 days of dispatch, the aforesaid documents did not reach the destination as confirmed telephonically from the Ombudsman’s office. Accordingly, the documents were sent by e-mail at oep.mohali@gmail.com on 14.08.2020. Thus, the delay beyond the stipulated period was due to unavoidable reasons and may be condoned in the interest of justice.

The Respondent in its written reply, objected to the delay on the part of the Appellant in filing the Appeal and stated that the same was barred by limitation.

In this connection, I have gone through Regulation 3.18 of PSERC (Forum and Ombudsman) Regulations, 2016 which reads as under:

“*No representation to the Ombudsman* shall lie unless:

*(ii) The representation is made within one month from the date of receipt of the order of the Forum.*

*Provided that the Ombudsman may entertain a representation beyond one month on sufficient cause being shown by the complainant that he/she had reasons for not filing the representation within the aforesaid period of one month.”*

I observe that non condonation of delay would deprive the Appellant of the opportunity required to be afforded to defend the case on merits. Therefore, with a view to meet the ends of ultimate justice, the delay in filing the Appeal in this Court beyond the stipulated period of one month was condoned and the Appellant’s Representative was allowed to present the case.

**5.** **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:

1. The Appellant was having a DS category connection installed at his residence, bearing Account No. 3002869836, with sanctioned load as 18.790 kW.
2. The Appellant availed itself of the Govt. Scheme of installing Solar Rooftop on grid system in order to get rid of huge amount of electricity bills. As such, a Solar Rooftop on Grid System of 9.1 kW was got installed at the Appellant’s house in June, 2019.
3. On installation of the Solar system, on 28.06.2019, the old Energy Meter installed at the premise of the Appellant was replaced by two new Meters. All Bills of the Old Meter were cleared upto 30.05.2019 and only the bill from 30.05.2019 to 28.06.2019 remained to be issued. But, due to negligence of the Respondent, no bill was delivered to the Appellant for the said month even upto December, 2019.
4. The Appellant managed to procure this bill from Respondent’s office on 20.12.2019 after great struggle. Surprisingly, it showed a consumption of 3879 units for the said period of just 30 days (Reading as on 30.05.2019 = 36078 and Reading as on 28.06.2019 was 39957). This consumption of 3879 units in the month of June, 2019 was surely a fake and false which was not possible at all. To prove it, the Appellant requested to check up the consumption of corresponding (June) month of previous years. It was noteworthy that average consumption on the basis of corresponding months i.e for the month of June only, came as 1136 units (6816/6) which was calculated as per Bills issued by the Respondent in the last 6 years. The record of monthly Bills, especially of June month, was submitted to the Forum for relief but the Forum ignored this important statistic/evidence.
5. The officials of the PSPCL (Respondent), at the time of installation of new Energy Meter on 22.06.2019 (when the old meter was removed), had not shown and recorded its final reading and had not obtained the signature of the Appellant for the final reading of the properly working Energy Meter. The Respondent had got the signature of the Appellant saying that this signature was for having received and installation of two new Meters. But the Appellant was not told that the officials of the Respondent were getting signatures of the Appellant for having his consent for checking of the Energy Meter in his absence.
6. The decision of the Forum giving no relief to the Appellant was not acceptable and the Appellant had filed the present Appeal against the said order.
7. It was prayed that the bill raised for the period 30.05.2019 to 28.06.2019 be charged upto a maximum consumption of 1136 units only.
8. The details of Solar Bills revealed that substantial amount of power was consumed by the Solar Plant itself. However, no officials of the Respondent was able to explain how such a huge amount of power had been consumed by the Solar Plant as it was not consuming electricity but producing the power. All such amounts should be refunded to the Appellant.
9. The Solar Plant of the Appellant had been generating 9.1 kW of electricity whereas the maximum consumption was only 7 kW, the balance 2 kW of power generated should be adjusted in the form of equal monetary benefits to the appellant.
10. Compensation be also granted to the tune of ₹ 25,000/- for causing mental harassment for such a long period of time and loss to his personal business due to diversion of attention and focus towards pursuing this litigation.
11. **Submissions during Hearing**

During hearing on 07.09.2020, the Appellant’s Representative reiterated the submissions already made in the Appeal and requested for allowing the Appeal.

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

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

1. The Appellant was having a DS Category connection, bearing Account No. 3002869836, with sanctioned load of 18.79 kW with Solar Plant installed in its premise.
2. An energy bill dated 21.09.2019 for 5065 units amounting to ₹ 46,610/- was issued to the Appellant after adjusting Solar units supplied to the system.
3. The Appellant did not agree with the said bill. The Energy Meter installed at its premise was replaced vide Device Replacement Job Order No. 100008180821 dated 29.04.2019 effected on 22.06.2019. The replacement of the Energy Meter was done in the presence of the Appellant whose signatures were obtained on the Job Order for device replacement.
4. The removed Energy Meter was sent to ME Lab vide Store Challan No. 350 dated 17.07.2019. After checking, ME Lab reported that working of the said energy Meter was within permissible limits.
5. The Appellant filed a Petition on 01.01.2020 in the Forum who, vide order dated 19.02.2020, upheld the amount charged to it.
6. The old Energy Meter at the premise of the Appellant was replaced at final reading of 39957. The Appellant was served with an energy bill on 21.09.2019 for the period from 30.05.2019 to 21.09.2019 with energy consumption for 6988 kWh comprising of 3879 kWh of old Energy Meter and 3109 kWh of new Energy Meter. The Solar Plant of the Appellant generated 2784 units during the period from 22.06.2019 to 21.09.2019. After adjustment of 681 units of self consumption, net 1983 units, exported to PSPCL, were deducted from the consumption of 6988 units and net bill of 5065 units (kWh) was issued to the Appellant amounting to ₹ 46,610/-. The accuracy of the removed Energy Meter was found within permissible units during checking in ME Lab vide Store Challan No. 350 dated 17.07.2019. ME Lab also reported that DDL of the said Energy Meter could not be carried out. ME Lab reported the final reading of the disputed Energy Meter as 39957 kWh. The Appellant had not given the correct particulars in the Grounds of Appeal. It was a case of actual energy consumption recorded by the Energy Meter installed at the premise of the Appellant. The said energy Meter was a correct one as reported by ME Lab during checking.
7. It was incorrect that the Appellant was not shown the reading of the Energy Meter at the time of its removal. The same was replaced in the presence of the Appellant. The reading recorded at site was 39957 kWh and Device Replacement Job Order (MCO) bears the signatures of the Appellant. This clearly proved that the Appellant had not given true facts in its Appeal.
8. The decision of the Forum was just, correct, legal and valid. The Forum had passed a speaking and well reasoned order after hearing both the parties and verifying the records. There was no infirmity in the order of the Forum. Therefore, the Appeal filed by the Appellant be dismissed.
9. **Submission during Hearing**

During hearing on 07.09.2020, Senior Executive Engineer, DS Aggar Nagar Division (Spl.), PSPCL, Ludhiana (Respondent) reiterated the submissions already made in its written reply.

**6.** **Analysis and Findings**

The issue requiring adjudication is the legitimacy of the electricity bill dated 21.09.2019 (for the period 30.05.2019 to 21.09.2019) for energy consumption of 5065 kWh amounting to ₹ 46,610/-.

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

1. The relevant facts of the case are that the Appellant was having a Domestic Supply Category connection with sanctioned load of 18.790 kW. The Appellant got installed a Solar Rooftop Plant at its premise on 28.06.2019. As a result, the Energy Meter installed at the premise of the Appellant was replaced vide Device Replacement Job Order No. 100008180821 dated 29.04.2019 effected on 22.06.2019. The Appellant paid all the energy bills issued upto 30.05.2019 as stated by him. After the replacement of the said Energy Meter (on 22.06.2019), an energy bill dated 21.09.2019 was issued to the Appellant for the period 30.05.2019 to 21.09.2019. As per this bill, energy consumption was 6988 units comprising 3879 units of old meter and 3109 units of new meter. The Solar Rooftop Plant of the Appellant generated 2784 units during the period of billing. After adjustment of 861 units of self consumption, net 1923 (2784-861) units exported to PSPCL were deducted from the energy consumption of 6988 units, bill for energy consumption of 5065 (6988-1923) units amounting to ₹ 46,610/- was issued to the Appellant on 21.09.2019.
2. The Appellant’s Representative contended that the officials of the Respondent, at the time of the installation of new Energy Meter on 22.06.2019 (when the old meter was removed), had not shown & recorded its final reading and had not obtained the signature of the Appellant for the final reading of the properly working Energy Meter. The Respondent had got the signature of the Appellant saying that this signature was for verifying installation of two new Meters. But, the Appellant was not told that the officials of the Respondent were getting signatures of the Appellant for having his consent for checking of the Energy Meter in his absence.

The Respondent, in its defence, stated that the submissions of the Appellant and its representative in this regard were not based on facts. The signatures of the Appellant were taken at the time of removal of Energy Meter installed at its premise after apprising him of the final reading as 39957 kWh. The Appellant was also told that the removed Energy Meter would be checked in ME Lab.

1. As per material on record, the Energy Meter removed from the premise on 22.06.2019 was sent, vide Store Challan No. 350 dated 17.07.2019, to ME Lab which reported as under:

“**ਐਕੁਰੇਸੀ ਸੀਮਾ ਵਿੱਚ ਹੈ,** DDL **ਨਹੀ ਆ ਰਿਹਾ**”

1. The Appellant’s Representative next contended that the reading of the Energy Meter for the month of June, 2019 taken into consideration for billing the Appellant, was not genuine. He also stated that the Forum was also requested to consider the consumption of corresponding month (June) of previous years but the Forum ignored its submissions.

In this connection, it is worthwhile to peruse the consumption pattern of the Appellant’s connection tabulated as under:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year | 2017 | 2018 | 2019 | 2020 |
| Month | Cons. | Code | Cons. | Code | Cons. | Code | Solargen | Netbilling | Cons. | Code | SolarGen | Netbilling |
| Jan |  |  | 616 | O |  |  |  |  | 889 |  | 2145 | 0 |
| Feb | 2704 | O | 583 | O | 603 | O |  |  | 585 |  | 585 | 0 |
| March | 414 | O |  |  | 605 | O |  |  |  |  |  |  |
| April | 583 | O |  |  | 334 | O |  |  |  |  |  |  |
| May | 387 | O |  |  | 1835 | O |  |  |  |  |  |  |
| June | 1172 | O | 3224 | O |  |  |  |  |  |  |  |  |
| July | 1517 | O | 1770 | N |  |  |  |  |  |  |  |  |
| Aug | 1314 | O | 2312 | O |  |  |  |  |  |  |  |  |
| Sep | 1533 | O | 1215 | O | 6988 | O | 1923 | 5065 |  |  |  |  |
| Oct | 1091 | O | 1486439 | O |  |  |  |  |  |  |  |  |
| Nov | 822 | O |  |  | 103 | O | 44 | 59 |  |  |  |  |
| Dec | 469 | O | 480544 | O |  |  |  |  |  |  |  |  |

From the above consumption data, it is observed that the consumption of the Appellant for the year 2017 & 2018 is recorded as 12006 kWh and 10899 kWh and for the year 2019 is 10468 kWh. After adding solar energy, the consumption for the year 2019 works out as 11521 kWh. Thus, there is no wide difference/variation in the consumption for the years 2017, 2018 & 2019. Further, the accuracy of the Energy Meter, during checking in the ME Lab was found within permissible limit. As such, there is no reason/evidence to disbelieve that the bill issued to the Appellant on 21.09.2019 is not for actual consumption recorded by the Energy Meter as also observed by the Forum in its order dated 19.02.2020.

1. In view of the above, it is concluded that the Appellant was not able to provide any valid evidence to prove that the energy bill issued to it on 21.09.2019 was incorrect or illegal. Mere submission that meter reading for the month of June, 2019 was fake does not suffice and has not been corroborated by documentary evidence available in the record of this court. Accordingly, the contention of the Appellant that energy consumption shown for June, 2019 by the Energy Meter installed at site was comparatively higher as compared to that of the corresponding month (June) of previous years is without merit, when accuracy of Energy Meter is within permissible limits as per checking report of ME Lab. dated 17.07.2019. Further, there is neither any provision in the Supply Code to overhaul the account of any consumer with the consumption of corresponding months of the previous years nor the Appellant has referred to any such provision in Supply Code if the accuracy of the Energy Meter is within permissible limits. The accuracy of the disputed meter was checked in the presence of five officials/officers of the PSPCL and the same was found within permissible limits as is evident from Store Challan No.350 dated 17.07.2019. This document/checking report of the designated or competent authority is valid and legal for all intents and purposes.
2. The Respondent removed the doubt of the Appellant regarding self consumed power of Solar Rooftop Plant during the hearing on 07.09.2020. It was clarified that this is the power consumed by the Appellant to meet with its own load requirements in the house. The surplus power of Solar Rooftop Plant of the Appellant injected in the PSPCL system shall be accounted for by the Respondent as per applicable regulations of PSERC in this regard. Any other monetary benefit beyond the regulations cannot be allowed.
3. Since the legitimacy of the energy bill dated 21.09.2019 issued to the Appellant (challenged in the present appeal) has been held justified, the prayer of the Appellant for grant of compensation of ₹ 25,000/- from PSPCL has no merits. As such, this prayer is not maintainable and is decided against the Appellant.

**7.** **Decision**

As a sequel of above discussions, the order dated 19.02.2020 of CGRF, Ludhiana in Case No. CGL-010 of 2020 is upheld.

1. The Appeal is disposed of accordingly.
2. 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)

 September 09, 2020 Lokpal (Ombudsman)

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