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

 **ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 46/2020**

 **Date of Registration : 01.10.2020**

 **Date of Hearing : ­­21.10.2020**

 **Date of Order : 27.10.2020**

**Before:**

 **Er. Gurinder Jit Singh,**

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

**In the Matter of:**

 Meenu Goyal,

 Village Pawa Khakat,

 Opposite Ludhiana Airport,

 GT Road, Ludhiana,

 **Contract Account Number: 3002620419**

 ...Appellant

Versus

 Addl. Superintending Engineer,

 DS Estate Division (Special),

 PSPCL, Ludhiana. ...Respondent

**Present For:**

Appellant : 1. Er. Sukhminder Singh,

 Appellant’s Representative (AR).

 2. Sh. Kulbhushan Goyal,

 Appellant’s Representative (AR).

Respondent : 1. Er. Mandeep Kumar

 Assistant Executive Engineer,

DS Estate Division (Special),

 PSPCL, Ludhiana.

 2. Sh. Rishav Singla,

 Revenue Accountant (RA).

 Before me for consideration is an Appeal preferred by the Appellant against the order dated 17.08.2020 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-162 of 2020, deciding that:

 *“The bill dated 26.08.2019 issued on ‘O’ code for 7257 units, amounting to Rs. 63140/-, is correct and recoverable”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 01.10.2020 i.e. within one month of receipt by the Appellant of the decision dated 17.08.2020 sent by the office of CGRF, Ludhiana vide letter no. 2281-82/CGL-162/2020 dated 24.08.2020. Besides, the Appellant had deposited ₹ 3,000/- on 22.05.2020, ₹ 3,000/- on 08.09.2020, ₹ 18,000/- on 17.09.2020 and ₹ 1,260/- on 19.09.2020. Thus, the Appellant deposited ₹ 25,260/- on account of requisite 40% of the disputed amount of ₹ 63,140/- (mentioned in the decision of the Forum and format of the Appeal) with the PSPCL. Accordingly, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/DS Estate Division (Special), PSPCL, Ludhiana for sending written reply/parawise comments with a copy to the office of the CGRF, Ludhiana for sending case file under intimation to the Appellant vide this office letter numbers 922-24/OEP/A-46/2020 dated 05.10.2020. Subsequently, it was noticed that the Appellant had also prayed for overhauling its account for the disputed period from 08/2019 to 06/2020 deliberated by the Forum without mentioning anything in its decision. Accordingly, the Appellant, on being directed by this Court, deposited ₹ 22,180/- on 19.10.2020 on account of balance requisite 40% of the total disputed amount of ₹ 1,15,450/-.

**3.** **Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 21.10.2020 at 11.45 AM and an intimation to this effect was sent to both the sides vide letter numbers 985-86/OEP/A-46/2020 dated 15.10.2020. As scheduled, the hearing was held on 21.10.2020 in this Court, on the said date and time. Copies of the minutes of the proceedings were sent to the Appellant and the Respondent vide this office letter numbers 994-95/OEP/A-46/2020 dated 21.10.2020. The case was closed on 21.10.2020 after hearing arguments of both the parties and the order was reserved.

**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 alongwith 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, received in this Court on 01.10.2020, for consideration:

1. The Appellant was having a small Domestic Supply category connection bearing Account No. 3002620419, with sanctioned load of 0.94 kW in her name under DS Estate Division (Special), Ludhiana. The copy of the decision was dispatched by the Forum vide letter dated 24.08.2020 and received by the Appellant through Postal Department on 04.09.2020. Accordingly, the Appeal was filed within limitation period as prescribed under regulations.
2. The reading of the Meter was taken every month and the bills as raised by the Respondent from time to time, on the basis of measured consumption (except the disputed bill) had been duly paid.
3. The bill for the period 19.04.2019 to 16.06.2019 was issued on ‘O’ Code for consumption of 31 units (421 kWh-390 kWh). The next bill for the period 16.06.2019 to 12.08.2019 was issued on ‘P’ Code with average consumption for ₹ 400/- which was paid in due course. Thereafter, bill for the period 16.06.2019 to 13.08.2019 was issued on ‘O’ code for very abnormal consumption of 7257 units (7678 kWh-421 kWh) amounting to ₹ 63,140/-. The Appellant was unable to pay the huge bill of ₹ 63,140/-, which was due to some defect in the Meter. The defective Meter was replaced on 21.08.2019 and the same was declared burnt in ME Lab.
4. The new Meter bearing Sr. No. 667741, was installed on 21.08.2019 which also recorded very abnormal consumption from the date of installation. The energy bill for the period 13.08.2019 to 14.10.2019 was issued for 1788 units, from 14.10.2019 to 09.12.2019 for 1077 units and 09.12.2019 to 07.02.2020 for 2516 units. The outstanding amount due to issue of abnormal bills, accumulated to ₹ 1,15,450/- as per bill issued on 07.02.2020.
5. The Appellant filed a case before the Forum in regard to disputed bill of ₹ 63,140/-. However, the Forum vide its order dated 17.08.2020, did not provide any relief as admissible on merit and decided that the bill dated 26.08.2019 issued on ‘O’ Code for 7257 units, amounting to ₹ 63,140/- was correct and recoverable.
6. The said decision of the Forum was wrong and biased. The Appellant was not satisfied with the decision of the Forum, therefore, the present Appeal was filed.
7. The supply from the DS connection, bearing Account No. 3002620419, was being used in a very small room where only 0.160 kW load was installed as checked by the official of Respondent vide LCR No. 20/1811 dated 24.06.2020. The use of supply from the connection was very negligible and therefore, average bi-monthly consumption was less than 100 units. The Meter Reader of the Respondent was recording reading every month and bills as issued on the basis of recorded consumption, were being paid in due course. The energy bills upto reading taken on 16.06.2019 as 421 kWh were issued on ‘O’ code with normal consumption and paid accordingly. However, bill for the period 16.06.2019 to 13.08.2019 was issued for very abnormal consumption of 7257 units (7678 kWh-421 kWh) amounting to ₹ 63,140/-. The huge consumption of 7257 units for 58 days (16.06.2019 to 13.08.2019) from DS connection with connected load of only 0.160 kW was definitely due to some internal defect in the Meter which eventually got burnt as declared in ME Lab. It was quite possible that before burning, the meter reading might had jumped which resulted into such a huge consumption of 7257 units in 58 days from DS connection with connected load of only 0.160 kW. Thus, energy bill issued for the period 16.06.2019 to 13.08.2019 for very abnormal consumption of 7257 units was required to be revised on average basis.
8. The new meter having Sr. No. 667741 which was installed on 21.08.2019 had been recording abnormal consumption from the date of installation. The energy bill for the period 13.08.2019 to 14.10.2019 was issued for 1788 units. Similarly, subsequently bills for the period 14.10.2019 to 09.12.2019 for 1077 units and from 09.12.2019 to 07.02.2020 for 2516 units were apparently for abnormal consumption. The position was brought to the notice of the Forum. As per order of the Forum, the Meter installed on 21.08.2019 was replaced in 06/2020 and tested in ME Lab, where the results were declared within limits and DDL of the meter was also taken. It was submitted that consumption of 1788 units, 1077 units and 2516 units was not possible from a DS connection with connected load of just 0.160 kW. The outstanding amount due to issue of abnormal bills got accumulated to ₹ 1,15,450/- as per bill issued on 07.02.2020. It was worthwhile to mention here that consumption of 2516 units as recorded for the period 09.12.2019 to 07.02.2020 (60 days) related totally to winter period when Fans etc. were also not used. Even then, huge consumption had been measured from a meter installed against very small DS load which was substantial proof that behaviour of the meter installed on 21.08.2019 was also erratic. Thus, the bills issued from 08/2019 to 06/2020 with the meter installed on 21.08.2019 also needed to be revised on average basis.
9. The Forum had arrived at the wrong conclusion to uphold the disputed amount on the basis of DDL data of the meter (Sr. No. 667741 installed on 21.08.2019) and site checking report dated 22.07.2020 of AEE/ DS Unit-3, Sahnewal. AEE/ Sahnewal, in the site checking report, mentioned that “the intermixing of supply of DS & NRS meters is not ruled out”. These remarks were vague as AEE/ Sahnewal had not found any evidence such as intermixing of supply through, change over switch or any naked joint in cable from the meter to the premise of the consumer or any other evidence which suggested intermixing of supply. Thus, mere conjectures and surmises could not be considered as any proof/evidence for any alleged malpractice.
10. The Forum had tabulated the data (at Page No. 8 of the judgment) of reading recorded in different time zones (ToD profile). This data was not reliable and it did not prove that consumption as shown in DDL report was from accurate meter and that reading of the meter was not abnormal. Moreover, the MDI as tabulated from DDL (ToD profile) was not even matching with date wise reading of MDI at different time intervals as per DDL. The MDI of 6.10 kW and 6.08 kW was mentioned against 29.12.2019 and 09.01.2020 whereas the MDI as per site checking report dated 22.07.2020 had been mentioned as 0.31 kVA. Similarly, in the same report, the connected load of NRS connection & MDI had been mentioned as 5.300 kW (against sanctioned load of 19.900 kW) and 3.96 kVA respectively. It was also pointed out that as per figures tabulated (at page No. 8 of the judgment) by the Forum, the consumption for the period 29.12.2019 to 09.01.2020 worked out to be 1340 units (5179 kWh – 3839 kWh) in 11 days i.e. per day consumption as 122 units which was again not possible, considering the consumption pattern and connected load of the consumer. This much (per day consumption of 122 units) was possible only if 5.08 kW load was used in all the 24 hours in a day. But this was an imaginary situation as use of this much load continuously for 24 hours was not possible. The Forum had not considered above points while arriving at conclusion of the disputed case. Thus, the observations/conclusion of the Forum “this was a clear case of accumulation of readings/ consumption”was wrong. It was incorrect that the Appellant was using the entire load of her premise at her will from any of the connection keeping in view the position as explained above.
11. The Forum should have considered that in majority of the cases, the working of the meter at site conditions was different from the results of accuracy of the meter at test bench in ME Lab.
12. The Appeal be allowed and the biased decision of the Forum be set aside. The Respondent may be directed to overhaul the account on average basis for the period 16.06.2019 to 13.08.2019 and from 14.08.2019 to 06/2020 (upto date of replacement of 2nd meter) in the interest of natural justice and fairness.
13. **Submissions during Hearing**

During hearing on 21.10.2020, the Appellant’s 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 written reply sent vide Memo No. 2416/2417 dated 15.10.2020, made the following submissions for consideration of the Court:

(i) The Account of the Appellant was running in DS category with sanctioned load of 0.94 kW.

1. The Energy Meter of the Appellant was changed on 23.01.2019 on account of ‘D’ Code. The Appellant was served with a bill ₹ 63,140/- for 7257 kWh for the period 16.06.2019 to 13.08.2019.
2. The Energy Meter of the Appellant was subsequently changed on 21.08.2019 on account of Meter burnt i.e. ‘R’ Code. The meter was found burnt as per ME Challan No. 243 dated 23.09.2019 which was evident from entry No. 26 in ME challan (copy of ME challan and survey off challan annexed).
3. The Appellant was subsequently billed for 1788 kWh for the period 21.08.2019 to 14.10.2019, 1077 kWh for the period 14.10.2019 to 09.12.2019, 2516 kWh for the period 09.12.2019 to 07.02.2020 and 2341 kWh for the period 07.02.2020 to 12.06.2020.
4. The bill for the period 16.06.2019 to 13.08.2019 was correctly prepared for 7257 kWh amounting to ₹ 63,140/- in SAP system on ‘O’ Code basis. The Energy Meter was changed due to meter burnt vide DRA No. 100008790816 dated 16.08.2019 effected on 21.08.2019. The final reading of the meter recorded on DRA was 7944 kWh.
5. The removed meter was sent to ME Lab for checking vide ME Challan No. 243 dated 23.09.2019 and the final reading as per ME Challan was 7944 kWh. This removed meter was installed on 23.01.2019 with initial reading 0 kWh as the earlier meter was defective.
6. As per consumption data, the Meter Reader had recorded ‘D’ Code on 22.01.2019. The Meter Reader recoded the readings as under: -

|  |  |  |
| --- | --- | --- |
| Date | Reading (kWh) | Code |
| 17.02.2019 | 314 | O |
| 19.04.2019 | 390 | O |
| 16.06.2019 | 421 | O |
| 12.08.2019 | 7678 | P (The bill was generated on P Code on average basis upto reading 472 kWh for 51 units)Source: As per online bill on PSPCL website. |
| 13.08.2019 | 7678 | O (The consumer was billed on actual basis on ‘O’ Code and ‘P’ Code was adjusted).  |

1. The Forum gave detailed speaking order in Para (v) at Page-6 to 10 and concluded that readings recorded by the Meter Reader as stated above from 17.02.2019 to 12.08.2019 were not correctly recorded and it was a clear case of accumulation of 7257 units for 58 days (i.e. 16.06.2019 to 13.08.2019) due to accumulation of readings during the previous period 17.02.2019 to 12.08.2019. It was also added that the bill dated 12.08.2019 was prepared by Meter Reader with reading 7678 kWh (as per online bill) but the consumer was billed on ‘P’ code basis with average consumption of 51 units which was subsequently rebilled on ‘O’ Code basis.
2. The wrong recording of the readings/accumulation was authenticated from the record/observation made by the Forum at Page-8 which was reproduced as under:-

“From the above, it is observed that the reading taken by Meter Reader and as recorded in DDL report is matching. The challenged meter was found OK in ME Lab. So, the contention of the Petitioner that this meter is also running fast cannot be considered as there was definitely considerable consumption during this period”.

1. The readings as shown in the DDL Report (Meter No. 667741) for the period 13.02.2019 to 01.07.2020 of the new meter which was challenged by the consumer & was changed on 24.06.2020 and checked by ME Lab with report OK were correct in all respects as it was directly derived from the Meter and DDL Report. The consumption for the period 21.08.2019 to 12.06.2020 clearly proved that the consumption for the period 16.06.2019 to 13.08.2019 of 7257 units (disputed) was due to accumulation of readings. The consumption in 10/2019 was 1788 units, 12/2019 was 1077 units, 02/2020 was 2516 units and 06/2020 was 2341 units whereas as per the consumption data, consumption for the month of 02/2019 was 314 units, 04/2019 was 76 units, 06/2019 was 31 units and 08/2019 was 31 units.
2. The energy bills for the period 08/2019 to 06/2020 were prepared on ‘O’ Code as this meter was changed and checked in ME Lab which was found correct and okay.
3. It was pertinent to mention that reading data in DDL Report was correct in all respects. AEE, Sahnewal had correctly prepared LCR No. 29/1811 dated 22.07.2020 and correctly reported that there may be inter mixing of supply from both DS meter and NRS meter. This fact was also authenticated from the fact that the sanctioned load of DS account (present dispute) was 0.940 kW but as per DDL report, the MDI had been recorded as under:-

|  |  |
| --- | --- |
| Date | MDI (kW) |
| 28.08.2019 | 3.65 |
| 12.09.2019 | 3.84 |
| 08.10.2019 | 3.25 |
| 29.11.2019 | 3.91 |
| 29.12.2019 | 6.10 |
| 09.01.2020 | 6.08 |
| 11.02.2020 | 5.06 |
| 01.03.2020 | 3.83 |
| 02.04.2020 | 1.93 |
| 24.05.2020 | 2.96 |
| 18.06.2020 | 3.06 |
| 01.07.2020 | 2.39 |

1. The above data clearly concluded that the consumer may have temporarily been using NRS load from DS meter through meter supply because the tariff rate of DS category was comparatively lower than the NRS category.
2. Regarding the contention of the consumer that MDI recorded by AEE in LCR 29/1811 dated 22.07.2020 was 0.31 kVA (Meter No. 95197083), it was submitted that as per LCR 20/1811 dated 24.06.2020, the MDI recorded by Sh. Gurcharan Singh, JE was 03.06 kVA which was related to removed Meter No. 667741. The meter No. 95197083 was newly installed on 24.06.2020 that is why, the MDI on 22.07.2020 was 0.31.
3. It was prayed that the Appeal may be dismissed in favour of the PSPCL.
4. **Submission during Hearing**

Before start of hearing on 21.10.2020, letter no. 2497 dated 20.10.2020 signed by the Addl. S.E./DS Estate Division (Special), PSPCL, Ludhiana was submitted which was taken on record and copy thereof was given to the Appellant’s Representative. The aforesaid letter was in response to this office letter no. 989/OEP/A-46/2020 dated 19.10.2020 and 992/OEP/A-46/2020 dated 20.10.2020 and stated as under:

1. The Appellant had deposited the requisite 40% of the disputed amount for filing the Appeal in this Court.
2. While taking the reading of Energy Meter on 12.08.2019 , the Meter Reader had recorded reading as 7678 kWh in spot billing machine (as per online bill and spot bill by meter reader) but the consumer was billed with ‘P’ code with 51 kWh average due to recording of abnormal reading. Subsequently ‘P’ code was cleared by the sub division with actual reading and the consumer was issued bill on 28.08.2019 for the period 16.06.2019 to 13.08.2019 for 7257 kWh units. Meanwhile meter of the consumer was changed on her own request due to block of the meter burnt (copy of request annexed) and the cost of the meter was deposited by the consumer amounting to ₹ 620/- on 16.08.2019 as per receipt no. 210900177275 dated 16.08.2019. The meter was changed on 21.08.2019 as per MCO No.100008790816 dated 16.08.2019.

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

The issues requiring adjudication are the legitimacy of

1. bill dated 28.08.2019 relating to the period from 16.06.2019 to 13.08.2019 for energy consumption of 7257 kWh amounting to ₹ 63,140/-.
2. overhauling the accounts/bills issued for the period from 14.08.2019 to 06/2020 .

*My findings on the above issues deliberated and analyzed are as under:*

**Issue (i)**

1. This issue relates to the disputed bill dated 28.08.2019 of DS category connection with sanctioned load of 0.94 kW relating to the period from 16.06.2019 to 13.08.2019 for energy consumption of 7257 kWh. The Energy Meter for which the said bill was issued was operational since 21.01.2019 after replacement of the Meter then installed showing ‘D’ Code. The Appellant requested the Respondent in writing and by depositing ₹ 620/- on 16.08.2019 for replacement of the burnt meter. Accordingly, the Energy Meter was replaced on 21.08.2019. The disputed Energy Meter was sent for checking in M.E. Lab which declared/reported on 23.09.2019 that the Energy Meter was burnt. Aggrieved with issuance of bill dated 28.08.2019, the Appellant approached the CGRF, Ludhiana, who, vide order dated 17.08.2020, held that the said bill was correct and recoverable.
2. The Appellant’s Representative submitted that the bill for the period 19.04.2019 to 16.06.2019 was issued on ‘O’ Code for consumption of 31 units (421 kWh-390 kWh). The next bill for the period 16.06.2019 to 12.08.2019 was issued on ‘P’ Code with average consumption for ₹ 400/- which was paid in due course. Thereafter, bill for the period 16.06.2019 to 13.08.2019 was issued on ‘O’ code for very abnormal consumption of 7257 units (7678 kWh–421 kWh) amounting to ₹ 63,140/-. The Appellant was unable to pay the huge bill of ₹ 63,140/-, which was due to some defect in the Meter. The defective Meter was replaced on 21.08.2019 and the same was declared burnt in ME Lab. The decision of the Forum was not just and fair and was based on the presumption of accumulation of consumption during the period prior to disputed period. The matter needs to be reviewed and the Appellant be charged for the disputed period on average basis.

The Respondent, in its defense submitted that the Forum gave detailed speaking order in Para (v) at Page-6 to 10 and concluded that readings recorded by the Meter Reader as stated above from 17.02.2019 to 12.08.2019 were not correctly recorded and it was a clear case of accumulation of 7257 units for 58 days (16.06.2019 to 13.08.2019) due to accumulation of readings during the previous period 17.02.2019 to 12.08.2019. The bill dated 12.08.2019 was prepared by Meter Reader with reading 7678 kWh (as per online bill) but the consumer was billed on ‘P’ code basis with average consumption of 51 units which was subsequently rebilled on ‘O’ Code basis. The wrong recording of the readings/accumulation was authenticated from the record/observation made by the Forum at Page-8. The Forum observed that the reading taken by Meter Reader and as recorded in DDL report were matching in respect of the challenged meter ( No. 667741) which was found OK in ME Lab on 01.07.2020. So, the contention of the Appellant that this challenged meter was also running fast could not be considered as there was definitely considerable consumption during this period.

As per material on record, the Energy Meter of DS category connection of the Appellant having sanctioned load of 0.94 kW was installed on 21.01.2019 after replacement of previous Energy Meter with ‘D’ Code. The said Energy Meter got burnt and was replaced vide Device Replacement Application No. 100008790816 dated 16.08.2019 effected on 21.08.2019.The removed Energy Meter was checked in M.E. Lab vide Store Challan No. 243 dated 23.09.2019 (Serial no. 26) and was reported Burnt. A perusal of the consumption data of the Appellant’s connection from 2015 to 2019 reveals that billing during this period has mostly been done on average basis due to D, N, C Code etc. I have noted the submission of the Respondent that while taking the reading of Energy Meter installed at the premise of the Appellant, the reading was taken by the Meter Reader on 12.08.2019 and he had recorded reading as 7678 kWh in spot billing machine (as per online bill and spot bill by meter reader) but the consumer was billed with ‘P’ code with 51 kWh average due to recording of abnormal reading. Subsequently ‘P’ code was cleared by the sub division with actual reading and the consumer was issued bill on 28.08.2019 for the period 16.06.2019 to 13.08.2019 for 7257 kWh. Meanwhile meter of the consumer was changed on her own request due to block of the meter burnt and the cost of the meter was deposited by the consumer amounting to ₹ 620/- on 16.08.2019 as per receipt no. 210900177275 dated 16.08.2019. The meter was changed on 21.08.2019.

I observe that the Appellant’s Representative failed to prove that the disputed bill is incorrect. He also did not provide any evidence to justify the reasons for very low consumption/billing on average basis from 2015 to 2019. Mere submission that the disputed connection was having small load was not sufficient unless corroborated by valid evidence in support of the contention of low consumption. The maximum demand (MD) recorded by the disputed connection as per DDL report is as below:-

|  |  |
| --- | --- |
| Date | MD (kW) |
| 28.08.2019 | 3.65 |
| 12.09.2019 | 3.84 |
| 08.10.2019 | 3.25 |
| 29.11.2019 | 3.91 |
| 29.12.2019 | 6.10 |
| 09.01.2020 | 6.08 |
| 11.02.2020 | 5.06 |
| 01.03.2020 | 3.83 |
| 02.04.2020 | 1.93 |
| 24.05.2020 | 2.96 |
| 18.06.2020 | 3.06 |
| 01.07.2020 | 2.39 |

 The above recorded maximum demand indicates that the Appellant was using more load than the sanctioned load of 0.94 kW. As such, the consumption of 7257 units for 58 days (16.06.2019 to 13.08.2019) recorded by the Energy Meter with “O” code appears to be correct/genuine and is recoverable. I, therefore, agree with the decision of the Forum on this issue which is now again decided against the Appellant.

**Issue (ii)**

1. The Appellant’s Representative submitted that the new meter having Sr. No. 667741 which was installed on 21.08.2019 had been recording abnormal consumption from the date of installation. The energy bill for the period 13.08.2019 to 14.10.2019 was issued for 1788 units. Similarly, subsequently bills for the period 14.10.2019 to 09.12.2019 for 1077 units and 09.12.2019 to 07.02.2020 for 2516 units were apparently for abnormal consumption. This position was brought to the notice of the Forum. As per order of the Forum, the Meter installed on 21.08.2019 was replaced in 06/2020 and tested in ME Lab on 01.07.2020, where the results were declared within limits and DDL of the meter was also taken. It was submitted that consumption of 1788 units, 1077 units and 2516 units was not possible from a DS connection with connected load of just 0.160 kW. The outstanding amount due to issue of abnormal bills got accumulated to ₹ 1,15,450/- as per bill issued on 07.02.2020. It was worthwhile to mention here that consumption of 2516 units as recorded for the period 09.12.2019 to 07.02.2020 (60 days) related totally to winter period when Fans etc. were also not used. Even then, huge consumption had been measured from a meter installed against very small DS load which was substantial proof that behaviour of the meter installed on 21.08.2019 was also erratic. Thus, the bills issued from 08/2019 to 06/2020 with the meter installed on 21.08.2019 also needed to be revised on average basis. The Forum had arrived at the wrong conclusion to uphold the disputed amount on the basis of DDL data of the meter (Sr. No. 667741 installed on 21.08.2019) and site checking report dated 22.07.2020 of AEE/ DS Unit-3, Sahnewal. AEE/ Sahnewal, in the site checking report, mentioned that “the intermixing of supply of DS & NRS meters is not ruled out”. These remarks were vague as AEE/ Sahnewal had not found any evidence such as intermixing of supply through, change over switch or any naked joint in cable from meter to the premise of the consumer or any other evidence which suggested intermixing of supply. Thus, mere conjectures and surmises could not be considered as any proof/evidence for any alleged malpractice.
2. It is observed that the Energy Meter of the Appellant was replaced vide Device Replacement Application no. 100009378256 dated 03.12.2019. The Energy Meter was checked by the Respondent vide LCR no. 20/1811 dated 24.06.2020 as per which, it was reported that there was only one room for the caretaker. Load was checked as 0.160 kW and readings were recorded as 8268 kWh, 9180 kVAh and MDI was 3.06. The removed Energy Meter was checked in M.E. Lab vide Store Challan No. 524 dated 01.07.2020 whereby, it was reported that accuracy of the meter was within limits and DDL was taken. As per the DDL report, the readings recorded in different time zones were as under:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Date | Zone-1 | Zone-2 | Zone-3 | Zone-4 | TotalKWH | MDIKW |
| 01.07.2020 | 1579 | 3769 | 2088 | 836 | 8272 | 2.39 |
| 13.06.2020 | 1579 | 3767 | 2088 | 836 | 8270 | 3.06 |
| 24.05.2020 | 1388 | 3419 | 1957 | 764 | 7528 | 2.96 |
| 01.04.2020 | 1191 | 3159 | 1827 | 686 | 6863 | 1.93 |
| 01.03.2020 | 1069 | 3013 | 1732 | 638 | 6452 | 3.83 |
| 11.02.2020 | 979 | 2835 | 1616 | 584 | 6014 | 5.06 |
| 09.01.2020 | 862 | 2428 | 1386 | 503 | 5179 | 6.08 |
| 29.12.2019 | 765 | 1686 | 981 | 407 | 3839 | 6.10 |
| 29.11.2019 | 680 | 1036 | 646 | 318 | 2682 | 3.91 |
| 31.10.2019 | 582 | 801 | 504 | 276 | 2163 | 3.25 |
| 20.09.2019 | 407 | 523 | 328 | 207 | 1465 | 3.84 |
| 27.08.2019 | 132 | 156 | 96 | 65 | 449 | 3.65 |

From the above data, it is observed that the readings were continuously being recorded and there was considerable consumption in each month/cycle. The recorded MDI indicates that the Appellant was using more load than the sanctioned load of 0.94 kW. The readings recorded by Meter Reader & DDL were as under:

By Meter Reader As per DDL Report

 14.10.2019→1788 31.10.2019→2163

 09.12.2019→2865 29.12.2019→3839

 07.02.2020→5381 11.02.2020→6014

 26.04.2020→5479 (N) 01.04.2020→6863

 12.06.2020→7820 13.06.2020→8270

 The above data reveals that the readings taken by Meter Reader and as recorded in DDL report were nearly matching. The challenged meter was found OK in ME Lab on 01.07.2020. So, the contention of the Appellant that this meter was also running fast could not be established.

I am of the view that the Appellant had not brought on record any evidence in support of contention that the Energy Meter replaced on 21.08.2019 was running fast or was defective. On the other hand, there was sufficient evidence in the form of M.E. Lab report dated 01.07.2020 indicating that the Energy Meter installed on 21.08.2019 was accurate.

The status of Energy Meter no. 174214 was OK on 13.08.2019. Device Replacement job order no. 100008790816 dated 16.08.2019 was issued to replace the burnt meter (no. 174214) on the request of the Appellant who had deposited ₹ 620 vide receipt no. 210900177275 dated 16.08.2019 as cost of replacement of the burnt meter. The burnt meter was replaced/changed on 21.08.2019. Further, this meter was also reported as “Burnt” by ME Lab as per Store Challan No. 243 dated 23.09.2019 duly signed by four officials/officers of PSPCL. It is evident that the meter remained burnt from 14.08.2019 to 21.08.2019. The energy recorded by the burnt meter during the period 14.08.2019 to 21.08.2019 is not reliable. This period should be over overhauled as per Regulation No. 21.5.2 (d) & (e) of Supply Code-2014. The bills issued to the Appellant for the energy recorded during the period 22.08.2019 to 06/2020 (up to date of replacement of second meter no. 667741) are correct and recoverable from the Appellant because the meter was OK and its accuracy was within limits as per report of ME lab dated 01.07.2020. However, the Respondent had failed to comply with instructions contained in Regulation No. 21.4.1 of Supply Code-2014 relating to Burnt Meters.

**6.** **Decision**

As a sequel of above discussions, the Appeal preferred by the Appellant against the order dated 17.08.2020 of the CGRF, Ludhiana in Case No. CGL-162 of 2020 is hereby disposed of with the following directions:-

(A) The bill dated 28.08.2019 for ₹ 63,140/- issued on ‘O’ code for 7257 kWh relating to the period 16.06.2019 to 13.08.2019 is correct, hence, recoverable.

(B) The energy recorded by the burnt meter during the period 14.08.2019 to 21.08.2019 is not reliable. Energy consumption relating to this period should be overhauled as per Regulation 21.5.2 (d) & (e) of Supply Code-2014.

(C) The bills for energy consumption recorded by Meter No. 667741 during the period 22.08.2019 to 06/2020 (up to date of replacement of meter no. 667741) are correct, hence, fully recoverable.

(D) Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short after adjustment, if any, with surcharge/interest (if applicable) as per instructions of PSPCL.

**7**. 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)

 October 27, 2020 Lokpal (Ombudsman)

 SAS Nagar (Mohali) Electricity, Punjab.