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

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

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

 **APPEAL NO. 06/2021**

**Date of Registration : 22.01.2021**

**Date of Hearing : 24.02.2021**

**Date of Order : 02.03.2021**

**Before:**

 **Er. Gurinder Jit Singh,**

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

**In the Matter of:**

Vijay Kumar Rice Mill,

Bhadaur-148108,

Distt. Barnala.

**Contract Account Number: L65MS650004F**  ...Appellant

 Versus

Addl. Superintending Engineer,

DS Sub-urban Division,

PSPCL, Barnala.

 ...Respondent

**Present For:**

Appellant: 1. Sh. S.R. Jindal,

Appellant’s Representative.

 2. Sh. Subash Chander,

 Appellant’s Representative.

Respondent : 1. Er. Amandeep Singh,

 Assistant Executive Engineer,

 DS Sub Division,

PSPCL, Tapa-I.

 2. Sh. Satish Kumar,

 Lower Division Clerk.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 06.01.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-155 of 2020, deciding that:

*“The amount of Rs. 2,44,590/- charged to the petitioner for consumption of 54470 units on LYSM basis during the period of direct supply from 20.12.19 to 30.01.20 has been charged as per Supply Code 2014 Regulation clause 21.5.2(a) and is recoverable.*

*The amount of Rs. 64050/- charged to the petitioner as the cost of damaged CT/PT unit has been charged correctly and is recoverable.*

*The TOD Rebate for the period prior to 12/2017 and the Threshold Unit rebate for the year 2017-18 is not considerable for decision now being time barred in view of clause no. 2.25 of PSERC (Forum & Ombudsman) Regulation, 2016.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 22.01.2021 i.e. within thirty days of receipt of the decision dated 06.01.2021 of the CGRF, Patiala in Case No. CGP-155 of 2020 by the Appellant. The Appellant submitted copies of receipts nos. 378/51995 dated 04.06.2020 for ₹ 48,918/- and 32/52804 dated 15.01.2021 for ₹ 48,918/- with the Appeal. Thus, the Appellant deposited ₹ 97,836/- which was equivalent to the requisite 40% of the disputed amount of ₹ 2,44,590/-. Therefore, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/DS Sub-urban Division, PSPCL, Barnala for sending written reply/parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 77-79/OEP/A-06/2021 dated 22.01.2021.

**3.** **Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 24.02.2021 and an intimation to this effect was sent to both the sides vide letter nos. 165-66/OEP/A-06/2021 dated 11.02.2021. As scheduled, the hearing was held 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 letter nos. 206-07/OEP/A-06/2021 dated 24.02.2021.

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

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral submissions made by the Appellant’s Representative and the Respondent alongwith material brought on record by both the sides.

1. **Submissions of the Appellant**

**(a) Submissions made in the Appeal**

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

1. The Appellant was having a Medium Supply Category Connection, bearing Account No. L65-MS65-0004F with sanctioned load of 91.99 kW and CD as 100 kVA since 18.10.1984.
2. The connection of the Appellant was checked by Enforcement on 17.12.2019 and it was reported that CT/PT unit, which was installed on 05.01.2019, had got damaged. The Appellant was advised to deposit ₹ 64,050/- as cost of damaged CT/ PT unit, which was deposited on 19.12.2019. As required under CC No. 55/2017 and ESIM Instruction No. 56.2/57.5, no investigation report was prepared and sent to the Appellant within 30 days. The supply to the Appellant was given direct on 20.12.2019 which remained upto 30.01.2020 (41 days). The Respondent failed to submit any investigation report as required under instruction of Licensee in respect of CT/PT unit installed on 05.01.2019 and declared damaged on 17.12.2019 within one year.
3. The cost of the aforesaid CT/PT unit amounting to ₹ 34,080/-was deposited on 02.08.2018. The cost of CT/PT Unit checked on 17.12.2019 was also got deposited on 19.12.2019, though the same was damaged within one year of its installation and was within warranty period. But, the cost of CT/PT amounting to ₹ 64,050/- got deposited on 19.12.2019 was beyond rules in view of Schedule of General Charges, Clause 17.1.7 and it was admitted by the Respondent in its reply to the petition filed before the Forum.
4. There was no doubt that the accuracy class of new CT/ PT Unit was 2S which had been replaced by CT/PT unit of 0.5, which was declared damaged on 17.12.2019. In view of Clause 17.1.7, cost of CT/PT Unit burnt required to be recovered was ₹ 34,080/- which was also agreed to by the Respondent and the Appellant should not be charged any cost on account of CT/PT Unit burnt within the warranty period.
5. Recovery of cost of new installed CT/ PT Unit of 2S was not justified and genuine because if the Respondent had purchased higher capacity CT/PT Unit, then, it was at liberty to recover more security of CT/PT Unit and revised the Schedule of General Charges Clause 16.2.8 and it could also revise CT/PT unit rent on the basis of the cost of the newly installed CT/PT unit as per rules. If the cost of the equipment (CT/PT unit) was recovered, how and why and under what instruction, rent of the CT/PT unit was recovered from the Appellant, which was not fair in the eyes of law.
6. The Respondent (PSPCL) introduced Threshold Unit Rebate first time vide Commercial Circular No. 49/2014 dated 16.10.2014 w.e.f. 01.04.2014. Subsequently, further Commercial Circular No. 31/2016, 41/2017, 49/2017, 13/2018, 14/2018, 26/2019 and 31/2020 were issued on the above subject. The Appellant claimed 26717 unit rebate on account of threshold unit rebate for the year which was not given to the Appellant in the bills as was required to be given by the CBC as and when, the same were due. But, the Forum, in its decision dated 06.01.2021, declared the dispute time barred in view of Regulation 2.25 of PSERC (Forum and Ombudsman) Regulation-2016. Similarly, ToD rebate prior to 12/2017 was also declared time barred which was not given to the Appellant in the bills. After giving third reminder, the Appellant received reply from the Respondent through e-mail dated 21.08.2020 explaining that software for giving threshold rebate was not modified by them in the System and the same was allowed from 2019-20. The mistake lies with the Respondent which was agreed to by the Central Billing Cell in its g-mail. Hence, declaring it in the impugned order as time barred was not genuine and justified. The Appellant prayed to condone the same in the interest of justice and allow threshold rebate as claimed by the Appellant as the deficiency in the services was on the part of the Respondent.
7. The Respondent claimed ₹ 2,44,590/- for direct supply from 20.12.2019 to 29.01.2020 on average charged for 40765 units by the Audit vide Half Margin No. 46 dated 26.02.2020 for the period during which, supply remained direct on the basis of LYSM in view of Regulation 21.5.2(a). The Appellant had supplied production data of milling as it was with contract for milling of paddy with FCI and total milling work was done as per the directions and requirements of the FCI. The Appellant represented that paddy was stored by FCI in the month of October and November and the Appellant milled the paddy according to the directions of the FCI as per their requirement. The Appellant had supplied the data/quantity milled under custom milling obtained from the FCI for the year 2017-18, 2018-19 and 2019-20 as demanded by the Forum and the Appellant requested to review the average charged from 20.12.2019 to 30.12.2019 on the basis of LYSM {Regulation21.5.2(a)} because actually very less milling was done and the same was done after wards as evidently data of consumption for 04, 05 and 06/2020 was supplied and requested for review of average in view of Regulation 21.5.3 of Supply Code-2014. A copy of decision in the case of M/s. Krishna Rice Mill, Nabha in Appeal No. A-20 of 2019 decided on 09.07.2019 was also supplied in which this Court reviewed the average of the consumer on the basis of production data supplied and verified by the Sr. Xen/DS Division, Nabha obtained from the FCI, Nabha.

The Forum, on 21.12.2020, directed the Appellant to bring data from FCI for the year 2017-18 which was not supplied earlier and consumption data to the Respondent for the same period to study the case in detail and the matter was discussed in the proceeding dated 28.12.2020. The Forum, on 28.12.2020, discussed the matter in detail and the Appellant satisfied the Forum regarding genuineness of the case as the production for the year 2017-18 was 19212.90 Qtl. (38610 bags) and for 2018-19 was 15941.81 Qtl. (32564 bags) and for 2019-20 was 15847.59 Qtl. (31510 bags). The consumption billed units were compared for the year 2017-18, 2018-19 and 2019-20 and it was noticed that the billed units were very much on the higher

side due to charging of higher rate average for the period of direct power supply. During discussion, the Respondent and the Forum were fully satisfied that the billed units during 2019-20 were on the very higher side and in view of Regulation 21.5.3 of Supply Code-2014, the same can be reviewed because the production of paddy was done on the direction of the FCI on the basis of their demand. If this Court goes through the consumption data, then, it will be found that the milling was done during the month of April to June, 2020 whereas in the last year, it was not done. The milling done during the period 20.12.2019 to 30.01.2020 was very minor due to moisture problem and the less demand of the FCI. Hence, it was prayed that the facts can be verified from the FCI/FSD, Bhadaur through Respondent if this Court wants to investigate the data supplied by the Appellant and the case be reviewed in terms of Regulation 21.5.3 of Supply Code-2014 to grant justice to the Appellant in the light of the codal instructions.

1. In view of the submissions made above, the Appellant had prayed for acceptance of the Appeal and setting aside of the impugned order.

**(b)** **Submission during hearing**

During hearing on 24.02.2021, the Appellant’s Representative reiterated the submissions made in the Appeal and prayed to allow the same.

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

The Respondent submitted the following written reply for consideration of this Court:

1. A Medium Supply Category Connection, bearing Account No. L65-MS65-0004F with sanctioned load of 91.99 kW and CD 100 kVA had been running in the name of Vijay Kumar Rice Mill.
2. It was correct that on receipt of information dated 16.12.2019, CT/PT of the Appellant was found burnt during checking vide ECR No. 40/547 dated 17.12.2019. There was excessive moisture in the chamber, due to which, CT/ PT Chamber of the Appellant was flashed. Carbon deposited on the CT and because of that, CT/PT had got damaged. The Appellant/ Consumer was responsible for the same and a copy of the checking was handed over to the Appellant. The amount was deposited vide BA 16 receipt no. 115/51995 dated 19.12.2019 by the Appellant as per CC No. 55/2017 dated 29.11.2017. As per SJO No. 01/60583 dated 20.12.2019, direct supply was restored to the Rice Sheller of the Appellant.
3. CT/PT Unit bearing No. 9867, make Adhunik, was brought from ME Lab, Sangrur vide Store Challan No. 312 dated 30.08.2018, which was got installed on 06.09.2018 vide MCO No. 81/1222 dated 02.08.2018. The said CT/PT was purchased vide PO No. M01/MQ-111/2009-10/PO(M) dated 26.04.2010. When the CT/ PT Unit was burnt, then, a sum of ₹ 34,080/- was got deposited from the Appellant. When CT/PT Unit No. 20, Make SARAF, capacity 10/5 Ampere was brought vide SR No. 21/7006 dated 27.01.2020 and was replaced on 30.01.2020 vide MCO No. 30/60583 dated 27.12.2019, then, it was having 0.2S Accuracy.
4. The CT/ PT Unit No. 20 Make SARAF, capacity 10/5 Ampere was replaced on 30.01.2020 vide MCO No. 03/60583 dated 27.12.2019 and was having 0.2S Accuracy. The warranty period of the damaged CT/PT had expired as it was purchased vide PO No. M01/MQ-111/2009-10/PO (M) dated 26.04.2010.
5. It was correct that new CT/PT Unit bearing Sr. No. 20 was having 0.2S accuracy. A sum of ₹ 64,050/- was got deposited from the Appellant on account of cost of the burnt CT/PT whereas it should have been ₹ 34,080/-.
6. The Appellant was eligible for rebate of 26717 units on account of rebate of Threshold Units but the Appellant had not filed any application for the same within the stipulated period and as such, the claim of the Appellant on this account had become time barred as declared by the Forum also.
7. It was pertinent to mention that ToD rebate for the period 17.11.2016 to 18.12.2016 had been allowed to the Appellant in the energy bill dated 03.01.2017.
8. An amount of ₹ 2,44,590/- was charged in accordance with Half Margin No. 46 dated 26.02.2020 for direct supply to the Appellant for the period from 20.12.2019 to 29.01.2020 (41 days) and out of that, a sum of ₹ 2,035/- would be refunded vide SCA No. 50/14/87R to the Appellant in the ensuing energy bill. This amount was charged as per Regulation 21.5.2 of Supply Code-2014.

**(b)** **Submission during hearing**

During hearing on 24.02.2021, the Respondent reiterated the submissions made in the Appeal and prayed to decide the same accordingly.

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

The issues requiring adjudication are the legitimacy of

1. Recovery of cost of damaged CT/PT unit as ₹ 64,050/- instead of ₹ 34,080/-.
2. Allowing Threshold rebate for the financial year 2017-18.
3. Allowing ToD rebate prior to 12/2017.
4. Review of average charged for ₹ 2,44,590/- after overhauling the account for the period of direct supply.

*My findings on the said issues deliberated and analysed are as under*:

**Issue (i)**

1. The Appellant’s Representative contended that the connection of the Appellant was checked by the Enforcement on 17.12.2019 and it was reported that CT/PT unit, which was installed on 05.01.2019, had got damaged. The Appellant was advised to deposit ₹ 64,050/- as cost of damaged CT/ PT unit, which was deposited on 19.12.2019. As required under CC No. 55/2017 and ESIM Instruction No. 56.2/57.5, no investigation report was prepared and sent to the Appellant within 30 days. The supply to the Appellant was given direct on 20.12.2019 which remained upto 30.01.2020 (41 days). The Respondent failed to submit any investigation report as required under instructions of the Licensee in respect of CT/PT unit installed on 05.01.2019 and declared damaged on 17.12.2019 within one year. The cost of the aforesaid CT/PT unit amounting to ₹ 34,080/- was deposited on 02.08.2018. The cost of CT/PT Unit checked on 17.12.2019 was also got deposited on 19.12.2019, though the same was damaged within one year of its installation and was within warranty period. But, the cost of CT/PT amounting to ₹ 64,050/- got deposited on 19.12.2019 was beyond rules in view of Schedule of General Charges, Clause 17.1.7 and it was admitted by the Respondent in its reply to the petition filed before the Forum.
2. The Respondent, in its written reply and also during hearing on 24.02.2021, stated that it was correct that new CT/PT Unit bearing Sr. No. 20 was having 0.2S accuracy. A sum of ₹ 64,050/- was got deposited from the Appellant on account of cost of the burnt CT/PT unit whereas it should have been ₹ 34,080/-.
3. It is observed that the Respondent defaulted in complying with the provisions contained in Regulation 21.4.1 of Supply Code-2014 regarding investigation of the reasons of damage to the CT/PT unit which is part of the meter as per definition given in Regulation 2 (zo) of Supply Code-2014. Regulation 21.4.1 of Supply Code reads as under:

***“21.4.1*** *In case a consumer’s meter becomes defective/dead stop or gets burnt, a new tested meter shall be installed within the time period prescribed in Standards of Performance on receipt of complaint [or detection by the distribution licensee]. If the meter is burnt due to reasons attributable to the consumer, the distribution licensee shall debit the cost of the meter to the consumer who shall also be informed about his liability to bear the cost. In such cases the investigation report regarding reasons for damage to the meter must be supplied to the consumer within 30 days. However, supply of electricity to the premises shall be immediately restored even if direct supply is to be resorted to, till such time another tested meter is installed.]”*

1. Since the Respondent admitted in its written reply as well as during hearing dated 24.02.2021 that cost of disputed CT/PT unit recoverable from the Appellant was ₹ 34,080/- instead of ₹ 64,050/- as per instructions of PSPCL, the issue stands resolved to the satisfaction of the Appellant and is decided in its favour.

**Issue (ii)**

1. The Appellant’s Representative stated that the Respondent (PSPCL) introduced Threshold Unit Rebate first time vide Commercial Circular No. 49/2014 dated 16.10.2014 w.e.f. 01.04.2014. Subsequently, Commercial Circular Nos. 31/2016, 41/2017, 49/2017, 13/2018, 14/2018, 26/2019 and 31/2020 were issued on the above subject. The Appellant claimed 26,717 unit rebate on account of Threshold unit rebate for the year which was not given to the Appellant in the bills as was required to be given by the CBC as and when, the same were due. But, the Forum, in its decision dated 06.01.2021, declared the dispute time barred in view of Regulation 2.25 of PSERC (Forum and Ombudsman) Regulation-2016. The Appellant prayed to condone the same in the interest of justice and allow threshold rebate as claimed by the Appellant as the deficiency in the services was on the part of the Respondent.
2. The Respondent stated that the Appellant was eligible for rebate of 26,717 units for the financial year 2017-18 on account of rebate of Threshold Units but the Appellant had not filed any application for the same within the stipulated period and as such, the claim of the Appellant on this account had become time barred as declared by the Forum also.
3. In this connection, it worthwhile to peruse the observations/findings of the Forum on this issue which are reproduced as under:

“Forum has observed that the Petitioner is a MS consumer receiving regular energy bills from the respondent corporation from time to time and in all the bills, the details of various amounts charged/rebates given were invariably depicted. The petitioner did not point out or represent to the respondent the issue of non receipt of Threshold Units Rebate during the year 2017-18 and even after that upto the year 2020. Thus the petitioner did not take appropriate remedy at appropriate time and has failed to exercise its obligation to approach respondent in time for attending this issue. The onus for not taking appropriate remedies rests on the petitioner, being a MS consumer. He failed to point out to the respondent to take timely action for giving him Threshold units Rebate. As such, any rebate on account of consumption of electricity above Threshold Units by the Petitioner during the year 2017-18 is not considerable for decision now being time barred.”

1. Even during the hearing in this Court on 24.02.2021, the Appellant’s Representative was asked to intimate as to whether any representation on the subject was given to the Respondent within the stipulated period. But he did not quote any written reference made in this regard to the Respondent.
2. In view of the above discussions, the decision of the Forum not to consider this issue for decision due to being time barred as per Regulation 2.25 of PSERC (Forum and ombudsman) Regulation 2016 is correct and justified. This issue is, therefore, decided against the Appellant.

**Issue (iii)**

1. The Appellant’s Representative also submitted that ToD rebate prior to 12/2017 was declared time barred which was not given to the Appellant in the bills. After giving third reminder, the Appellant received reply from the Respondent through e-mail dated 21.08.2020 explaining that software for giving Threshold rebate was not modified by them in the System and the same was allowed from 2019-20. The mistake lies with the Respondent which was agreed to by the Central Billing Cell in its g-mail. Hence, declaring it in the impugned order as time barred was not genuine and justified.
2. The Respondent, in its defence, stated that it was pertinent to mention that ToD rebate for the period 17.11.2016 to 18.12.2016 had been allowed to the Appellant in the energy bill dated 03.01.2017.
3. This issue was deliberated during proceedings of the case in the Forum who observed as under:

“Forum has observed that the Petitioner is a MS consumer receiving regular energy bills from the respondent corporation from time to time and in all the bills, the details of various amounts charged / rebates given were invariably depicted. The petitioner did not point out or represent to the respondent the issue of non receipt of TOD Rebate for the period prior to 12/2017 and even after that upto the year 2020. Thus the petitioner did not take appropriate remedy at appropriate time and has failed to exercise its obligation to approach respondent in time for attending this issue. The onus for not taking appropriate remedies rests on the petitioner, being a MS consumer. He failed to point out to the respondent to take timely action for giving him TOD Rebate. As such, TOD Rebate to the Petitioner for the period prior to 12/2017 is not considerable for decision now being time barred.”

1. Since the Appellant’s Representative, on being asked during hearing on 24.02.2021, did not provide any evidence to the effect that the Appellant had represented to the Respondent within the stipulated time limit for allowing ToD rebate for the period prior to 12/2017, the decision of the Forum that this issue was not considerable being time barred as per Regulation 2.25 of PSERC (Forum and Ombudsman) Regulation 2016 is just and fair. Accordingly, this issue is decided against the Appellant.

**Issue (iv)**

1. The Appellant’s Representative argued that the Respondent claimed ₹ 2,44,590/- for direct supply from 20.12.2019 to 29.01.2020 on average charged for 40765 units by the Audit vide Half Margin No. 46 dated 26.02.2020 for the period during which, supply remained direct on the basis of LYSM in view of Regulation 21.5.2 (a) . The Appellant had supplied production data of milling as it was with contract for milling of paddy with FCI and total milling work was done as per the directions and requirements of the FCI. The Appellant represented that paddy was stored by FCI in the month of October and November and the Appellant milled the paddy according to the directions of the FCI as per their requirement. The Appellant had supplied the data/ quantity milled under custom milling obtained from the FCI for the year 2017-18, 2018-19 and 2019-20 as demanded by the Forum and the Appellant requested to review the average charged from 20.12.2019 to 30.12.2019 on the basis of LYSM {Regulation 21.5.2(a)} because actually very less milling was done and the same was done afterwards as evidently data of consumption for 04, 05 and 06/2020 was supplied and requested for review of average in view of Regulation 21.5.3 of Supply Code-2014. Hence, it was prayed that the facts can be verified from the FCI/FSD, Bhadaur through Respondent if this Court wants to investigate the data supplied by the Appellant and the case be reviewed in terms of Regulation 21.5.3 of Supply Code-2014 to grant justice to the Appellant in the light of the codal instructions.
2. The Respondent contended that an amount of ₹ 2,44,590/- was charged in accordance with Half Margin No. 46 dated 26.02.2020 for direct supply to the Appellant for the period from 20.12.2019 to 29.01.2020 (41 days) and out of that, a sum of ₹ 2,035/- would be refunded vide SCA No. 50/14/87R to the Appellant in the ensuing energy bill. This amount was charged as per Regulation 21.5.2 of Supply Code-2014.
3. The Forum, after hearing both sides, observed on this issue as under:

“Forum further observed that the milling data submitted by the petitioner relates to lifting of Rice (finished product) by the FCI does not indicate the date/ time/ month wise milling of paddy on which the consumption of electricity depends. The energy consumption pattern for the years 2018-19 and 2019-20 viz a viz lifting details of the lifting finished product for the year 2018-19 & 2019-20 provided by the petitioner does not lead to any definite conclusion and also does not prove / justify the contention of the petitioner for relief on the plea that actual consumption during the months of December, 2019 & January, 2020 was less than the corresponding months of the previous year due to less milling of paddy. The Petitioner has not referred to any 'Conditions of Working' i.e. labour problem or natural calamity or occupancy of concerned premises having a bearing on energy consumption which can be taken into consideration by the forum. Accordingly, the claim of the petitioner for relief on this account is not sustainable.”

1. After due consideration of the oral and written submissions made by both the sides alongwith evidence brought on record of this Court as well as the observations/decision of the Forum, this Court is of the view that the submission of the Appellant on this issue are without merit. The Appellant failed to disprove the legitimacy of the amount charged on account of overhauling of its account as per applicable regulation 21.5.2 (a) of Supply Code-2014 by not providing valid/convincing justification for relief. The reliance placed by the Appellant’s Representative on the decision dated 09.07.2019 of this Court in A-20/2019 titled M/s. Krishna Rice Mill, Nabha V/s PSPCL is not convincing as the facts and circumstances of that Case are not strictly relevant with those of the present Appeal. Accordingly, the prayer of the Appellant for relief in terms of Regulation 21.5.3 of Supply Code-2014 is not corroborated with the requisite reasoning/evidence. This issue is, therefore, decided against the Appellant.

**6.** **Decision**

As a sequel of above discussions, the order dated 06.01.2021 of the CGRF, Patiala in Case No. CGP-155 of 2020 is partly modified. It is held that:

1. Recovery of cost of damaged CT/PT unit shall be made @ ₹ 34,080/- instead of @ ₹ 64,050/- as also admitted/confirmed by the Respondent in written reply and also during hearing on 24.02.2021.
2. Threshold rebate for the year 2017-18 is not considered being time barred as decided by the Forum.
3. ToD rebate prior to 12/2017 is not considerable/maintainable being time barred as decided by the Forum.
4. Average charged for ₹ 2,44,590/- after overhauling the account for the period of direct supply is correct and recoverable as per provision of Regulation 21.5.2 (a) of Supply Code-2014 as also decided by the Forum.
5. 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.** The Appeal is disposed of accordingly.

**8**. As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016, the Licensee will comply with the award/ order within 21 days of the date of its receipt.

**9.** 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.

 (GURINDER JIT SINGH)

March 02 , 2021 Lokpal (Ombudsman)

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