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

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

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

 **APPEAL No. 08/2021**

**Date of Registration : 08.02.2021**

**Date of Hearing : 24.02.2021 and 12.03.2021**

**Date of Order : 17.03.2021**

**Before:**

**Er. Gurinder Jit Singh,**

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

**In the Matter of:**

Amritpal Kaur,

House No. 550, Sector 2,

Mundi Kharar.

**Contract Account Number 3000532782**  ...Appellant

 Versus

Addl. Superintending Engineer,

DS Division,

PSPCL, Kharar.

 ...Respondent

**Present For:**

Appellant: Sh. Parminder jit Singh,

 Appellant’s Representative.

Respondent : Er. Amandeep Singh,

 Addl. Superintending Engineer,

 DS Division,

PSPCL, Kharar.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 08.01.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-270 of 2020, deciding that:

*“The charging of sundry amount of Rs. 88,809/- on account of Final meter reading difference by the Audit is in order and the amount is recoverable. Since the respondent has not issued correct bills to the petitioner due to recording of wrong meter readings, the sundry amount be recovered without any surcharge/interest. However, if the petitioner defaults in making timely payment then the amount be recovered alongwith interest/surcharge as per the General Conditions of Tariff.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 01.02.2021 i.e. within thirty days of receipt of the decision dated 08.01.2021 of the CGRF, Patiala. The available documents did not confirm the fact of deposit of the whole requisite 40% of the disputed amount of ₹ 88,809/- for filing the Appeal in this Court. The Appellant had submitted copies of receipt dated 15.09.2020 for ₹ 4,035/-, dated 24.09.2020 for ₹ 5,481/-, dated 17.11.2020 for ₹ 4,481/- and dated 29.01.2021 for ₹ 12,000/-. The matter was taken up with the Appellant as well as the Respondent. As a result, the Appellant deposited additional amount of ₹ 48,000/- on 08.02.2021 and ₹ 15,000/- (9000+6000) on 09.02.2021 and sent copies of receipts as evidence. Thus, after confirmation of the submission of documentary evidence in support of deposit of requisite 40% of the disputed amount, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/ DS Division, PSPCL, Kharar for sending written reply/parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 143-144/OEP/A-08/2021 dated 08.02.2021.

**3.** **Proceedings**

(i) With a view to adjudicate the dispute, a hearing was fixed in this Court on 24.02.2021 at 12.30 PM and an intimation to this effect was sent to both the sides vide letter nos. 201-202/OEP/A-08/2021 dated 19.02.2021. 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 numbers 210-11/OEP/ A-08/2021 dated 24.02.2021 whereby, both the sides were asked to attend this Court on 12.03.2021 at 11.00 AM to deliberate the matter further in the light of information/ documents provided by the Respondent.

(ii) The hearing dated 12.03.2021 held in this Court was attended by the Representatives of the both the sides. Deliberations were held and the order was reserved. Copies of the minutes of the proceedings were sent to the Appellant and the Respondent vide letter numbers 302-303/OEP/A-08/2021 dated 12.03.2021.

**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 Domestic Supply Category connection, bearing Account No. 3000532782 with sanctioned load of 4.100 kW.
2. As per Internal Audit, the meter reading of the account of the Appellant was 46747 but as per the meter punching record of the Respondent, it was 35274 as on 01.03.2016. Therefore, difference of 11473 units charged between 46747 and 35274 was excessive. As per Audit, a sum of ₹ 88,809/- was recoverable from the Appellant.
3. The Audit suggested that meter number on MCO had been written by mistake as 5588 but serial number of meter physically installed at the premises of the Appellant was 230047, which was returned to ME Lab. showing 46747 units.
4. The meter number had been fraudulently stated and was totally false. The exact meter number of the Appellant was 5588.
5. The bill attached alongwith job order for Device Replacement Application had clearly mentioned the meter number as 5588 and not 230047. The meter with this number was not physically installed at the premises of the Appellant.
6. The fictitious meter reading was imposed on the Appellant and hefty amount was expected fraudulently.
7. As per record, the energy consumed by the Appellant was always around 100 units every month.
8. It was prayed that justice be given to her.

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

(i) During hearing on 24.02.2021, the Appellant’s Representative reiterated the submissions made in the Appeal and prayed to allow the same. However, he was directed orally as well as vide minutes of proceedings to attend this Court on 12.03.2021 at 11 AM to deliberate the matter further as the Respondent requested for giving more time to ascertain the factual position in regard to serial no. of disputed meter returned to ME Lab.

(ii) During the hearing, the Appellant’s Representative submitted a copy of letter no. 279 dated 24.02.2021 from SDO/City, PSPCL, City Kharar-1 providing it with bill dated 11.01.2015, 23.03.2015, 11.05.2015, 13.07.2015, 14.09.2015, 14.11.2015 and 27.01.2016 showing, inter-alia, Meter Owner no. as 5588-PSPCL and Account No. 3000532782 in the name of Ms. Amritpal Kaur (Appellant). The Appellant prayed to allow the Appeal in view of the submissions made/evidence submitted.

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. The Appellant was having DS Category connection bearing Account No. 3000532782, with sanctioned load of 4.100 kW.
2. The Appellant was served with a bill of ₹ 1,08,290/- in the month of 09/2020 in which sundry amount of ₹ 88,809/- had been charged due to difference of units vide HM No. 382 dated 31.10.2019 issued by Internal Auditor, Kharar.
3. The meter of the Appellant was replaced vide DRA No. 100001474925 dated 23.12.2015 affected on 02.03.2016 with FR on the DRA as 35274 units. The FR of the disputed meter as per ME-4 record of the Sub Division was 46747 units and Audit Party, during routine checking, charged the difference of 11473 units (46747-35274) for ₹ 88,809/-. The meter was returned to ME Lab vide challan no. 66 dated 06.05.2016 with FR of 46747 units. Serial number of the meter physically installed at the Appellant’s premises was 230047 and this meter had been returned to ME Lab at FR of 46747 units.
4. Meter Sr. No. 4258404 was installed at Appellant’s premises on 02.03.2016 and this meter was subsequently replaced on “D” code vide MCO No 100009055920 dated 30.09.2019 affected on 09.01.2020.
5. Bill dated 25.01.2016 for reading up to 35220 with ‘F’ code was issued to consumer. On this bill, system meter Sr. No. 100001656634 was mentioned and this same serial number can be seen on MCO dated 23.12.2015. However, on this MCO, meter serial number was wrongly mentioned as 5588 instead of 230047. Vide this MCO dated 23.12.2015, new meter serial number 4258404 was got installed and this meter was got replaced vide MCO dated 30.09.2019. Thus, it showed that meter number 230047 was actually installed at consumer’s premises in the year, 2016.
6. Consumption pattern of the Appellant’s connection for the period from 22.10.2014 to 19.01.2021 is tabulated below:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **MR Date** | **MA** | **New Reading** | **Old Reading** | **Consumption(in kWh)** | **Code** |
| 19.01.2021 |  | 1,848 | 1,732 | 116 | O |
| 09.11.2020 |  | 1,732 | 1,530 | 202 | O |
| 15.09.2020 |  | 1,530 | 1,068 | 462 | O |
| 22.07.2020 |  | 1,068 | 10 | 1,058 | O |
| 25.05.2020 |  | 354 | 283 | 71 | N |
| 30.03.2020 |  | 283 | 10 | 273 | N |
| 28.01.2020 |  | 10 | 0 | 10 | O |
| 09.01.2020 | X | 0 |  | 0 | O |
| 08.01.2020 | X | 3,483 | 3,267 | 216 | D |
| 08.11.2019 |  | 3,267 | 2,990 | 277 | D |
| 12.09.2019 |  | 2,990 | 2,724 | 266 | D |
| 13.07.2019 |  | 2,724 | 2,460 | 264 | D |
| 07.05.2019 |  | 2,460 | 2,390 | 70 | D |
| 13.03.2019 |  | 2,390 | 2,148 | 242 | O |
| 17.01.2019 |  | 2,148 | 1,907 | 241 | O |
| 10.11.2018 |  | 1,907 | 1,076 | 831 | O |
| 13.09.2018 |  | 1,316 | 1,252 | 64 | P |
| 25.07.2018 |  | 1,252 | 1,076 | 176 | N |
| 23.05.2018 |  | 1,076 | 921 | 155 | O |
| 23.03.2018 |  | 936 | 921 | 15 | N |
| 21.01.2018 |  | 921 | 910 | 11 | O |
| 08.11.2017 |  | 910 | 877 | 33 | O |
| 21.09.2017 |  | 877 | 877 | 0 | O |
| 22.07.2017 |  | 877 | 667 | 210 | O |
| 08.05.2017 |  | 667 | 0 | 667 | O |
| 02.03.2016 | X | 0 |  | 0 | O |
| 01.03.2016 | X | 35,274 | 32,256 | 18 | F |
| 25.01.2016 |  | 32,256 | 35,220 | 36 | N |
| 14.11.2015 |  | 35,220 | 35,002 | 218 | O |
| 14.09.2015 |  | 35,002 | 34,692 | 310 | O |
| 13.07.2015 |  | 34,692 | 34,391 | 301 | O |
| 11.05.2015 |  | 34,391 | 34,303 | 88 | O |
| 23.03.2015 |  | 34,303 | 34,268 | 35 | O |
| 11.01.2015 |  | 34,268 | 34,227 | 41 | O |
| 22.10.2014 | X | 34,227 |  | 34,227 | O |

1. The amount of ₹ 88,809/- charged to the consumer vide Half Margin number 382 dated 31.10.2019 on account of difference in reading was in order and recoverable.

**(b) Submission during hearing**

(i) During hearing on 24.02.2021, the Respondent requested for giving some more time to ascertain the factual position in regard to change of serial number of the disputed meter while returning the same to ME Lab. This information would be helpful in finalising the outcome of this case. The Appellant did not object to the said request of the Respondent. Accordingly, the Respondent was directed to send the requisite information to this Court and also to the Appellant by 05.03.2021. He was informed orally as well vide minutes of proceedings that the next hearing in this Case will be held on 12.03.2021 at 11.00 AM.

(ii) Before the start of hearing on 12.03.2021, the Respondent submitted memo no. 2271 dated 10.03.2021 which was taken on record. A copy of the same was given to the Appellant. The Respondent, on being specifically asked, told that it did not have any relevant record in the form of registers for receipt of meter from ME Lab and issuing of the same to the consumer in respect of the disputed meter of the Appellant.

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

The issue requiring adjudication is the legitimacy of the charging of sundry amount of ₹ 88,809/- by the Internal Audit vide HM No. 382 dated 31.10.2019.

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

1. The Appellant’s Representative submitted that as per Internal Audit, the final meter reading of the account of the Appellant was 46747 but as per the meter punching record of the Respondent, it was 35274 as on 02.03.2016. Therefore, difference of consumption of 11473 units between 46747 and 35274 amounting to ₹ 88,809/- was charged to the Appellant. The Audit observed that meter number on MCO had been mistakenly written as 5588. But, serial number of meter physically installed at the premises of the Appellant was 230047, which was returned to ME Lab showing 46747 units. The Appellant’s Representative added that meter number had been fraudulently stated and was totally false. The exact meter number of the Appellant was 5588. The bill attached alongwith Job Order for Device Replacement Application had clearly mentioned the meter number as 5588 and not 230047. The meter with this number was not physically installed at the premises of the Appellant. The fictitious meter reading was imposed on the Appellant and hefty amount was charged fraudulently. As per record, the energy consumed by the Appellant was always around 100 units every month. It was prayed that justice be given to the Appellant.
2. The Respondent, in its defence, stated that the Appellant was served with a bill of ₹ 1,08,290/- in the month of 09/2020 in which, sundry amount of ₹ 88,809/- had been charged due to difference of units as per Final Reading vide HM No. 382 dated 31.10.2019 issued by Internal Auditor, Kharar. The meter of the Appellant was replaced vide DRA No. 100001474925 dated 23.12.2015 affected on 02.03.2016 with FR on the DRA as 35274 units. The FR of the disputed meter as per ME-4 record of the Sub Division was 46747 units and Audit Party, during routine checking, charged the difference of 11473 units (46747-35274) for ₹ 88,809/-. The meter was returned to ME Lab vide Challan No. 66 dated 06.05.2016 with FR of 46747 units. Serial number of the meter physically installed at the Appellant’s premises was 230047 and this meter had been returned to ME Lab at FR of 46747 units. Meter Sr. No. 4258404 was installed at Appellant’s premises on 02.03.2016 and this meter was subsequently replaced on “D” code vide DRA No100009055920 dated 30.09.2019 effected on 09.01.2020. Bill dated 25.01.2016 for reading upto 35220 with ‘F’ code was issued to the consumer. On this bill, system meter Sr. No. 100001656634 was mentioned and this serial number can be seen on DRA dated 23.12.2015. However, on this DRA, meter serial number was wrongly mentioned as 5588 instead of 230047. Thus, it showed that meter number 230047 was actually installed at consumer’s premises on 02.03.2016. As such, the amount of ₹ 88,809/- charged to the consumer vide Half Margin number 382 dated 31.10.2019 on account of difference in Final Reading was in order and recoverable.
3. A perusal of written reply and related documents sent by the Respondent, vide letter no. 203/OEP/A-08/2021 dated 19.02.2021, revealed that Meter Sr. No. 5588 has been written on the DRA No. 100001474925 dated 23.12.2015 but while returning the Meter to the ME Lab, Serial No. of the Meter was written as 230047 of the same Meter. In the bill dated 25.01.2016, Meter Serial No. had not been depicted. Therefore, with a view to ascertain the factual position, the Addl.S.E, DS Division, Kharar was requested, vide letter no. 203/OEP/ A-08/2021 dated 19.02.2021, to supply the actual record i.e. ME-1 and ME-2 for the same Meter in token of evidence that the Meter had been received from ME-1 and issued from ME-2 to the same account number. It was also requested to send a copy of the aforesaid documents by e-mail immediately and original be shown to this Court on the date of hearing.
4. During the hearing on 24.02.2021 in this Court, the Addl.S.E, DS Division, Kharar requested for giving some more time to ascertain the factual position in regard to change of serial number of the disputed meter while returning the same to ME Lab. This information would be helpful in finalising the outcome of this case. The Appellant did not object to the said request of the Respondent. Accordingly, the Respondent was directed to send the requisite information to this Court and also to the Appellant by 05.03.2021. It was conveyed orally and also in writing to both the sides though minutes of the proceedings that the next hearing in this Case will be held on 12.03.2021 at 11.00 AM with the direction to attend the same in this Court. Since the Respondent did not submit the requisite information/ documents by 05.03.2021 as per directions given in the hearing dated 24.02.2021, a reference was made vide e-mail dated 05.03.2021 to send the same without further delay.
5. In response to directions given by this Court during hearing on 24.02.2021, the Addl.S.E., DS Division, PSPCL, Kharar attended this Court on 12.03.2021 and submitted memo no. 2271 dated 10.03.2021 stating, inter-alia, as under:

“ ਵਿਸ਼ਾ ਚਰਚਿਤ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ MCO no. 100001474925 ਮਿਤੀ 23.12.15 ਰਾਹੀਂ ਮਿਤੀ 02.03.16 ਨੂੰ ਬਦਲਿਆ ਗਿਆ ਸੀ। ਉਪਰੋਕਤ MCO ਤੇ ਪੁਰਾਣੇ ਮੀਟਰ (ਡਿਸਪਿਓਟਡ ਮੀਟਰ) ਦਾ ਸੀਰੀਅਲ ਨੰ 5588 ਲਿਖਿਆ ਗਿਆ ਸੀ।

 ਇਹ ਵਿਸ਼ੇਸ਼ਤੌਰ ਤੇ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਐਮ.ਈ. ਲੈਬ ਵੱਲੋਂ ਮਕੈਨੀਕਲ ਮੀਟਰਾਂ ਨੂੰ ਜਾਰੀ ਕਰਨ ਸਮੇਂ ਇੱਕ ਸੀਰੀਅਲ ਨੰਬਰ ਮੀਟਰ ਦੇ ਬਾਹਰਲੇ ਕਵਰ ਤੇ ਅਤੇ ਇੱਕ ਨੰਬਰ ਮੀਟਰ ਦੇ ਅੰਦਰ ਮਸ਼ੀਨ ਨਾਲ ਪੰਚ ਹੋਇਆ, ਲਿਖਿਆ ਹੁੰਦਾ ਸੀ। ਉਕਤ ਕੇਸ ਵਿੱਚ ਵੀ ਮੀਟਰ ਦੀ ਬਾਡੀ ਤੇ ਮੀਟਰ ਨੰ (ਮੈਨੂਅਲ) 5588 ਸੀਰੀਅਲ ਨੰਬਰ ਲਿਖਿਆ ਗਿਆ ਸੀ ਪ੍ਰੰਤੁ ਪੰਚਡ ਸੀਰੀਅਲ ਨੰ 230047 ਸੀ। ਇਸ ਤਰਾਂ ਉਕਤ ਸੀਰੀਅਲ ਨੰ ਇੱਕ ਹੀ ਮੀਟਰਦੇ ਸਨ। ਇਸ ਤੱਥ ਦੀ ਪੁਸ਼ਟੀ MCO no. 100001474925 ਤੇ ਲਿਖੇ ਸਿਸਟਮ ਨੰ 10001656634 ਜੋ ਕਿ ਖਪਤਕਾਰ ਨੂੰ ਜਾਰੀ ਬਿਲ ਮਿਤੀ 25/01/2016 ਤੇ ਦਰਜ ਮੀਟਰ ਨੰ 10001656634 ਨਾਲ ਮੇਲ ਖਾਂਦਾ ਹੈ। ਇਸ ਲਈ ਡਿਸਪਿਊਟਿਡ ਮੀਟਰ ਦਾ ਸੀਰੀਅਲ ਨੰ 230047, ਸਹੀਂ ਸੀਰੀਅਲ ਨੰਬਰ ਹੈ ਜੀ।”

On the other hand, the Appellant’s Representative contested the contention of the Respondent and submitted, during the said hearing, a copy of letter no. 279 dated 24.02.2021 from SDO/City, PSPCL, City Kharar-1 providing it with bill dated 11.01.2015, 23.03.2015, 11.05.2015, 13.07.2015, 14.09.2015, 14.11.2015 and 27.01.2016 showing, inter-alia, Meter Owner no. as 5588-PSPCL and Account No. 3000532782 in the name of Ms. Amritpal Kaur (Appellant).

During deliberations, the Respondent, on being specifically asked, told that it did not have any relevant record in the form of registers for receipt of meters from ME Lab and issuing of the same to the consumer in respect of the disputed meter of the Appellant. The Respondent failed to produce any documentary evidence relating to change of Sr. No. of the disputed meter while returning the same to ME lab vide Challan No. 66 dated 06.05.2016.

(vi) From the above analysis, it is observed that the Respondent failed to bring on record of this Court, on being afforded sufficient opportunity, the requisite documentary evidence to prove that the disputed amount charged to the Appellant was sustainable. The Respondent confirmed during hearing that relevant record relating to receipt of disputed Meter from ME Lab and its subsequent issue to the Appellant was not now available with it and the disputed Meter was also, returned to ME Lab vide Challan dated 06.05.2016 . The disputed meter is not now available even in ME lab. Thus, in the absence of tangible/valid evidence, it is not just and fair to make the Appellant liable to pay for difference of 11773 (46747-35274) units by considering the FR as 46747 instead of 35274 as per meter punching machine record on 02.03.2016 also shown in DRA effected on 02.03.2016 showing Meter Serial No. 5588. This was done by the Respondent without taking appropriate care/precautions to make sure that evidence existed in support of the plea that Meter Serial No. 5588 and 230047 were of the same disputed Meter of the Appellant. On the other hand, the Respondent did not have any reply to the submissions of the Appellant’s Representative during hearing on 12.03.2021 that bills dated 11.01.2015, 23.03.2015, 11.05.2015, 13.07.2015, 14.09.2015, 14.11.2015 and 27.01.2016 showing, inter-alia, (for the period prior to replacement of disputed Meter on 02.03.2016) showed Meter Serial No. 5588 and Account No. 3000532782 in the name of the Appellant. In view of the above, the Court is inclined to allow the Appeal preferred by the Appellant and quash the demand of ₹ 88,809/- raised in the bill issued in the month of 09/2020.

**6.** **Decision**

As a sequel of above discussions, the order dated 08.01.2021 of the CGRF, Patiala in Case No. CGP-270 of 2020 is set aside. Sundry amount of ₹ 88,809/- charged in the month of 09/2020 is not recoverable from the Appellant. The Respondent may take appropriate action against the delinquent officials who had harassed the consumer after proper inquiry. Accordingly, the Respondent is directed to recalculate the demand and refund/ recover the amount found excess/short after adjustment, if any, with interest/ surcharge 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 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)

March 17, 2021 Lokpal (Ombudsman)

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