

**COURT OF THE LOK PAL (OMBUDSMAN),
ELECTRICITY, PUNJAB,
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,
S.A.S. NAGAR (MOHALI).**

**(Constituted under Sub Section (6) of Section 42 of
Electricity Act, 2003)**

APPEAL No. 08/2023

Date of Registration : 13.02.2023

Date of Hearing : 22.02.2023

Date of Order : 22.02.2023

Before:

**Er. Gurinder Jit Singh,
Lokpal (Ombudsman), Electricity, Punjab.**

In the Matter of:

Smt. Asha Gupta,
Ambala-Chandigarh Highway (IIFL Bank),
Dera Bassi.

Contract Account Number: 3007362227 (NRS)

...Appellant

Versus

Senior Executive Engineer,
DS Division, PSPCL,
Lalru.

...Respondent

Present For:

Appellant: (1) Smt. Asha Gupta,
Appellant.
(2) Sh. Rajesh Kansal,
Appellant's Representative

Respondent : (1) Er. Paramjit Singh,
Senior Executive Engineer,
DS Division, PSPCL, Lalru.
(2) Er. Kamalpreet Sangar, AEE
(3) Sh. Rohit Singla, UDC/ Accounts

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 23.12.2022 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-164/2022 deciding that:

- i. *“The decision of Circle CGRF, DS Circle, Mohali taken in its meeting held on dated 15.09.2022, is set-aside. Sundry charges amounting to Rs. 167134/- charged in bill dated 19.04.2020 is quashed. The account of the petitioner be overhauled for the period of six months immediately preceding the date of checking i.e., 16.10.2015 when the defect was set right on the spot, on the basis of actual consumption recorded in the corresponding period of the succeeding year, as per Regulation 21.5.2(d) of Supply Code-2014.*
- ii. *Dy. CE/Op. Circle PSPCL, Mohali, should ensure to investigate and take action against official/officers for non-compliance of the instructions regarding not charging the short assessment on the basis of checking report for a longer period of time resulting into revenue loss to PSPCL and non-returning of replaced meter into the ME lab.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 03.02.2023 i.e. within a period of thirty days of receipt of decision of the Corporate Forum on 04.01.2023 by the Appellant in Case No. CF-164/ 2022. The Respondent was requested vide letter no. 150/OEP/ Smt. Asha Gupta dated 03.02.2023 to confirm whether the Appellant had deposited the requisite 40% of the disputed amount after the

implementation of the decision dated 23.12.2022 of the CCGRF, Ludhiana in Case No. CF-164/2022. Reminder in this regard was sent to the Respondent vide letter no. 161/OEP/ Smt. Asha Gupta dated 08.02.2023. The Respondent submitted, vide Memo No. 282 dated 07.02.2023 sent to this office through email dated 08.02.2023, that the amount of ₹ 12,479/- more was required to be deposited by the Appellant as the disputed amount had been increased after implementation of the decision of the Corporate Forum. The letter was forwarded to the Appellant vide Memo No. 162/OEP/ Asha Gupta dated 08.02.2023 with a request to deposit ₹ 12,479/- immediately so that her Appeal can be registered in this Court. The Appellant informed this Court on 13.02.2023 that balance ₹ 12,479/- had been deposited by her on 09.02.2023. Therefore, the Appeal was registered on 13.02.2023 and copy of the same was sent to the Sr. Xen/ DS Division, PSPCL, Lalru for sending written reply/ para wise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 188-90/OEP/A-08/2023 dated 13.02.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 22.02.2023 at 12.00 Noon and an intimation to this effect was sent to both the parties vide letter nos. 193-94/OEP/A-08/2023

dated 17.02.2023. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

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 deliberations made by the Appellant's Representative and the Respondent along with material brought on record by both the parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

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

- (i) The Appellant was having a NRS Category Connection for her showroom with Account No. 3007362227 (old account no. for Z21GC210067P) & with sanctioned load of 32 kW under DS Division, PSPCL, Lalru.
- (ii) The building was rented out to ICICI Bank and the electricity bills of above connection were being paid by the Bank. The Bank was her tenant for the period of 09 years from 2007 till 2016.
- (iii) The connection of the Appellant was checked by the Xen/ Enforcement, Mohali on 16.10.2015 vide Checking Report No.

92/69 dated 16.10.2015. The checking was done in the Appellant's absence. The Checking Agency had given remarks that Red Phase Potential was not contributing to the Meter and the defect was got set right by the Checking Agency itself at the same time.

- (iv) After setting right the potential wire of Red Phase, the meter was blinking on all the Three Phases. No DDL was done by the Checking Agency to know the exact date and time for the occurrence of the cause of slowness.
- (v) The Appellant had not received any communication/ information from the PSPCL side regarding this checking and defect after the checking. As per calculation sheet, the account was overhauled for the period from 27.04.2015 to 16.10.2015 by adopting slowness as 33.33%. No notice for this calculation or to deposit the amount had been given by the department till 19.04.2020. The amount had been charged as Sundry Charges in the bill of April, 2020 of ₹ 1,67,134/- after a period of about five years.
- (vi) The Appellant had deposited ₹ 93,000/- (20% of disputed amount +current bill) in the month of May, 2022 after a long discussion with the Local Officers. The case was filed in Forum of DS Circle, Mohali. The case was decided by the Circle Forum on 15.09.2022. The Appellant filed appeal against this decision before the Corporate Forum and on 23.12.2022, Corporate Forum quashed the

Sundry Charges of ₹ 1,67,134/- charged in the bill for 19.04.2020.

The Appellant's Account was asked to be overhauled for the period of six months immediately preceding the date of checking i.e. 16.10.2015 on the basis of actual consumption recorded in the corresponding period of succeeding year as per Regulation 21.5.2 (d) of Supply Code.

- (vii) On the subject cited above, it was prayed that as per consumption record submitted by the PSPCL in the Appeal Case before the Corporate Forum, the average bill on 'R' Code basis had been charged, taking into consideration already recorded consumption as per record of the PSPCL from 05/2015 to 11/2015. The decision had been made on the basis of the actual consumption for the period of 04/2016 to 10/2016. So, it was requested that average once paid by as demanded by the PSPCL from 05/2015 to 10/2015 should not be reconsidered because it was as per record of old consumption for the same period as per Regulation 21.5.2 of the Supply Code, 2014.
- (viii) The Appellant had requested this Court to investigate the facts and give her justice.

(b) Submission in the Rejoinder

The Appellant submitted the following Rejoinder to the written reply of the Respondent for consideration of this Court.

- (i) The Appellant brought to the notice of this Court that on the checking sheet dated 16.10.2015 book No. 69 page 92 his meter reading was shown as (a) kWh 183103 (b) kVAh 215376.
- (ii) On the back side of above sheet reading 173983 was deducted from reading 215376 (kVAh) and as a conclusion reading of 41393 was taken as consumption, which was totally wrong because reading of 173983 kWh should have been deducted out of reading of 183103 kWh not from KVAh and total consumption should be calculated as 9120 units. The Appellant should be charged according to this calculation and average based earlier paid bills should be adjusted accordingly.

(c) Submission during hearing

During hearing on 22.02.2023, the Appellant's Representative (AR) reiterated the submissions made in the Appeal as well as in the Rejoinder and prayed to allow the same.

(B) Submissions of the Respondent

(a) Submissions in written reply

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

- (i) The Appellant was having NRS Category Connection bearing Account No. 3007362227/Z21GC210067P running under DS Sub - division, Saidpur with Sanctioned Load/Contract Demand of 32

kW/32 kVA at the time of PDCO in her name. Earlier, the Appellant's sanctioned load was 62 kW & it was reduced vide SJO No. 170/3001 dated 20.04.2017 on her application in this regard.

- (ii) The Appellant was charged ₹ 1,67,134/- in the month of April, 2020. The connection of the Appellant was checked due to 'R' code in the bills by the Senior Xen/Enforcement (now Enforcement-cum-EA & MMTS), Mohali vide ECR No. 092/69 dated 16.10.2015. As per checking, it was reported as under: -

“Meter pulse segment 2&3 appearing on the display. Checked the voltage at meter terminal and found Rn=0 Volt, Yn=230 Volt, Bn= 250 Volt. Meter pulse LED found not blinking on load as display found held up. Checked the PT Leads, Red phase PT lead going to meter found carbonised. Got it set right from the Operation staff. Now at meter terminal voltage found Rn=226 V, Bn=230V, Yn=228V & pulse segment 1,2 & 3 appearing & blinking on load. Hence meter not contributing the consumption of Red Phase.”

- (iii) The Red phase was not contributing and display of the meter was defective, so it was instructed to replace the meter. The amount was calculated by the Revenue Accountant/Ledger keeper on the basis of checking on the back side of checking report and the same was intimated to the Enforcement Agency. MCO No. 106/105933 dated 20.10.2015 was issued. Against this, new LTCT Meter No. 09208675 was issued by the ME Lab, Ropar vide Challan No. 170 dated 21.10.2015 with initial reading as 181478 kWh/192271

kVAh which was installed at the premises of the Appellant. As per record, the meter was replaced by the J.E., but MCO was not returned to the office by him. Due to this, the Appellant was issued bills on the basis of 'F' code and later on, advice was sent and the billing was corrected. The connection of the Appellant was permanently disconnected on 30.04.2020 due to defaulting amount standing against her.

- (iv) In the year 2020, the Enforcement/ Mohali asked about the status of recovery of amount charged to the Appellant. After checking of record, it was found that no amount was charged to the Appellant. So the amount was charged to the Appellant vide Sundry No. 01/13/R115.
- (v) The Appellant filed the case in the Circle Level CGRF and Forum passed the order on 15.09.2022, but the Appellant was not satisfied and filed an Appeal in the Corporate Forum, Ludhiana. The Appellant was not satisfied with the decision dated 23.12.2022 of the Corporate Forum, Ludhiana and filed an Appeal in the Court of Ombudsman/ Electricity, Punjab.
- (vi) The Respondent had no information whether the premises was given on rent or not and it was not related to this office.
- (vii) The premises of the Appellant was checked and it was reported that the Red Phase was not contributing. DDL could not be done and it

was reported as “DDL not supporting the MRI. Hence DDL could not done”.

- (viii) The checking report was handed over to the authorized person present at site. As per Regulation 21.5.1 (Inaccurate Meters) of Supply Code-2014:- “If a consumer meter on testing is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months.” The DDL could not be taken. As Red Phase was not contributing, the amount was calculated for six months considering the slowness factor of 33.33%.
- (ix) The amount was charged as per letter no. 12/76 dated 24.01.2022 of the office of Legal Advisor, PSPCL based on judgement of the Hon’ble Supreme Court in Civil Appeal No. 7235/2009. ਜੇਕਰ ਕੋਈ ਵੀ ਗਲਤੀ ਕਾਰਨ ਖਪਤਕਾਰ ਨੂੰ ਘੱਟ ਬਿਲ ਜਾਰੀ ਹੁੰਦਾ ਹੈ ਅਤੇ Licensee discovers in the course of audit or otherwise that a consumer has been short billed, the licensee is certainly entitled to raise a demand. So long as the consumer does not dispute the correctness of the claim made by the licensee that there was short assessment, it is not open to the consumer to claim that there was any deficiency. This is why, the National Commission, in the impugned order correctly points out that it is a case of escaped liability and not deficiency in service.

- (x) The Appellant had deposited the 20% of the disputed amount before filing her case before the Circle level CGRF.
- (xi) The account of the Appellant was overhauled as per the decision of the Corporate Forum, Ludhiana. As per the order of the Corporate Forum, Ludhiana, the amount of ₹ 1,67,134/- was refunded to the Appellant and the revised amount of ₹ 1,72,138/- for 21375 units was chargeable to the Appellant as per Regulation 21.5.2 (d) of Supply Code-2014. The same was intimated to the Appellant vide Revised Notice No. 183 dated 20.01.2023 and was asked to deposit the outstanding amount of ₹ 1,47,212/-.

(b) Submission made in the Reply to the Rejoinder

The Respondent in reply to the Rejoinder submitted that the Appellant had given the facts on the basis of the checking sheet dated 16.10.2015 which had now become null and void as per decision of the Corporate Forum. The account of the Appellant had been overhauled on the basis of the consumption of the succeeding year as per the decision of the Corporate Forum.

(c) Submission during hearing

During hearing on 22.02.2023, the Respondent reiterated the submissions made in the written reply to the Appeal as well as in

the Reply to the Rejoinder and prayed for the dismissal of the Appeal.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the Sundry charges of ₹ 1,67,134/- charged in the bill dated 19.04.2020 of the Appellant on account of non-contribution of red phase as per checking of ASE/ Enforcement-cum-EA & MMTS, Mohali vide ECR No. 092/69 dated 16.10.2015, later revised to ₹ 1,72,138/- after implementation of the decision of the Corporate Forum.

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

- (i) The Corporate Forum in its order dated 23.12.2022 observed as under:-

“Forum observed that Connection of the petitioner was checked by ASE/Enf. cum EA & MMTS, Mohali vide ECR no. 092/69 dated 16.10.2015. As per checking, it was reported as under: -

“Meter pulse segment 2&3 appearing on the display; checked the voltage at meter terminal and found Rn=0 Volt, Yn=230 Volt Bn= 250 Volt. Meter pulse LED found not blinking on load as display found held up. Checked the PT Leads, Red phase PT lead going to meter found carbonized, got it set right from Operation staff. Now at meter terminal voltage found Rn=226 V, Bn=230V, Yn=228V & pulse segment 1,2 &3 appearing & blinking on load. Hence meter not contributing the consumption of Red Phase. Meter display sometimes held up...”.

As directed by the checking agency, meter was replaced vide MCO no. 106/105933 dated 20.10.2015. Replaced meter was not got checked in ME Lab. No action was taken on this report. However, on enquiry by the checking agency regarding status of recovery of amount charged, through email in 02/2020, the account of the petitioner was overhauled from 04/2015 to 10/2015 with slowness factor of 33.33% and charged Rs. 167134/- in the bill issued on dated 19.04.2020. The connection of the petitioner got PDCO vide PDCO no. 46/2107 dated 30.04.2020 due to non-payment of disputed amount. Consumer was not satisfied with the amount charged in the bill dated 19.04.2020 and filed a case in Circle CGRF, DS Circle, Mohali. Circle CGRF, Mohali in its meeting held on dated 15.09.2022 decided the case as under: -

“ਅੱਜ ਮਿਤੀ 15.09.2022 ਨੂੰ ਖਪਤਕਾਰ ਖੁਦ ਫੋਰਮ ਦੀ ਮੀਟਿੰਗ ਵਿਚ ਹਾਜ਼ਰ ਹੋਇਆ। ਪੇਸ਼ਕਰਤਾ ਅਫਸਰ ਵਲੋਂ ਪੇਸ਼ ਕੀਤੇ ਗਏ ਦਸਤਾਵੇਜ਼ਾਂ ਨੂੰ ਘੋਖਿਆ ਗਿਆ ਅਤੇ ਖਪਤਕਾਰ ਦੀਆਂ ਦਲੀਲਾਂ ਨੂੰ ਵੀ ਫੋਰਮ ਵਲੋਂ ਸੁਣਿਆ ਗਿਆ ਕਿਉਂਕਿ ਖਪਤਕਾਰ ਨੂੰ ਇੰਨਫੋਰਸਮੈਂਟ ਵਲੋਂ ਈ.ਸੀ.ਆਰ. ਨੰ. 92/69 ਮਿਤੀ 16.10.2015 ਅਨੁਸਾਰ wrong metering ਦੇ 1,67,134/- ਰੁਪਏ ਚਾਰਜ ਕੀਤੇ ਗਏ ਸਨ, ਜੋ ਕਿ ਵਸੂਲਣਯੋਗ ਹਨ।”

Petitioner did not agree with the decision and filed his appeal case in the Corporate CGRF, Ludhiana.

Forum observed the consumption data supplied by the Respondent as under:

Year	2015		2016		2017		2018		2019		2020	
Month	KWH	Code	KWH	Code	KWH	Code	KVAH	Code	KVAH	Code	KVAH	Code
Jan	552	O	670	F	7936	F	0	O	144	O	16	O
Feb	603	O	870	F	7440	C	0	O	97	O	0	O
March	756	O	836	F	0	I	0	O	86	O	0	O
April			1463	F	0	O	99	O	96	O	22	N
May	2664	R	2724	F	0	O	344	O	112	O		
June	3253	R	7990	F	0	O	247	O	170	O		
July	3083	R	8817	F	0	O	179	O	113	O		
Aug	2720	R	8542	F	0	O	131	O	137	O		
Sept	1530	R	8817	F	0	O	132	O	16	O		
Oct	1696	R	7192	F	0	I	148	O	41	O		
Nov	235	F	7936	F	11	O	180	O	63	O		
Dec	235	F	7740	F	2	O	190	O	0	O		
Total	17327		63597		15389		1650		1075		38	

From the above consumption data, the annual consumption of the Petitioner from 2015 to 2019 has been recorded as 17327KWH, 63597KWH, 15389KWH, 1650KVAH, 1075KVAH respectively. After 04/2020 connection of the Petitioner got PDCO. Forum observed that in the year 2016 the consumption was continuously recorded with meter status as 'F' code. Forum directed the Respondent to submit record based upon which consumption data has been prepared alongwith comments on reading and meter status code recorded as per ECR viz-a-viz consumption chart. Further directed to comment upon the variation in consumption. As per the directions of the Forum respondent submitted comments partially as per which "the meter was replaced by J.E. vide MCO no. 106/105933 dated 20.10.2015, but the MCO was not returned in the office by him. Due to which the 'F' code status was recorded and later on, advice was sent and billing was corrected, but did not submit other documents/comments and expressed inability to produce the same due to various reasons. Respondent also produced original ME-2 and duplicate copy of MCO and SJO, during the hearing. Petitioner stated that the premises was rented out to a Bank upto December 2016 and it is vacant since then and submitted copy of rent deed in support of her claim. Petitioner further stated that she is satisfied with the consumption recorded by the new meter installed after 29.10.2015. Forum observed that the load of the petitioner was 62 KW during the disputed period which was reduced to 32KW in 04/2017. Respondent also submitted that checking was carried out in 10/2015 and amount was calculated on the back side of the checking report and intimated to the Enforcement and thereafter on enquiry from Enforcement regarding recovery of this amount in 02/2020 respondent found that this amount was not charged till 02/2020 and then same was charged only in bill issued on dated 19.04.2020. No reason has been mentioned for delay in overhauling the account for almost five years. Forum feels

that matter needs to be investigated and suitable action against delinquent officer/official is required to be taken for causing revenue loss to PSPCL. Also, the petitioner in his petition stated that the dispute could have been avoided in case the amount had been charged in time by the department as tenant had deposited all the bills issued till 12/2016.

Forum further observed that the metering equipment of the Petitioner was neither tested at site nor in ME Lab as per Regulation 21.3.6 of Supply Code-2014. The accuracy of the meter by using ERS meter was not determined at site or in the ME Lab. The accuracy was required to be determined. The checking was not complete because the checking officer had not determined the accuracy of the meter. The Respondent was asked about this but he could not give satisfactory reply. So, considering the fact that the accuracy of the metering equipment was neither checked at site nor in ME lab and in the absence of DDL report, the account of the Petitioner cannot be overhauled by enhancing the consumption of that period by 33.33% as per Regulation No. 21.5.1 of Supply Code, 2014 by treating the meter as inaccurate because the accuracy of the meter was not determined as per Regulation No. 21.3.6 of Supply Code-2014. The potential connection of R-Phase was found not contributing in the checking report issued vide ECR no. 092/69 dated 16.10.2015. CTs and potential connections are part of Meter hence, the metering equipment in dispute is required to be treated as Defective due to non- contribution of potential of R-phase at the time of checking.

The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters is as under:

Regulation 21.5.2 of Supply Code 2014 dealing with Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters is as under: -

"The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop and in case of

burnt/stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:

- a) *On the basis of energy consumption of corresponding period of previous year.*
- b) *In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.*
- c) *If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.*
- d) *Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para -4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.*
- e) *The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts”.*

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder and its comments as well as oral arguments and other material brought on record. Keeping in view the above discussion, Forum is of the opinion that amount of Rs. 167134/- charged by arbitrarily treating meter slow by 33.33% as per ECR no. 092/69 dated 16.10.2015 of ASE/Enf. cum EA & MMTS, Mohali, in bill dated 19.04.2020, is not in order and is liable to be quashed. As the consumption of the corresponding period of the previous year is not available, therefore, the account of the petitioner is required to be overhauled on the basis of actual consumption recorded in the corresponding period of the succeeding year, as per regulation 21.5.2(d) of Supply Code-2014, for the period of six months immediately

preceding the date of checking i.e., 16.10.2015 when the defect was set right on the spot.

Keeping in view the above, Forum came to unanimous conclusion that, the decision of Circle CGRF, DS Circle, Mohali taken in its meeting held on dated 15.09.2022, is set-aside. Sundry charges amounting to Rs. 167134/- charged in bill dated 19.04.2020 is quashed. As the consumption of the corresponding period of the previous year is not available, therefore, the account of the petitioner be overhauled for the period of six months immediately preceding the date of checking i.e., 16.10.2015 when the defect was set right on the spot, on the basis of actual consumption recorded in the corresponding period of the succeeding year, as per Regulation 21.5.2(d) of Supply Code-2014.”

- (ii) I have gone through the written submissions made by the Appellant in the Appeal, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 22.02.2023. It is observed that the connection of the Appellant was checked by the ASE/ Enforcement-cum-EA & MMTS, Mohali vide ECR No. 092/69 dated 16.10.2015, wherein it was reported that the meter was not recording the consumption of Red phase. The meter was replaced vide MCO No. 106/105933 dated 20.10.2015. The accuracy of this meter was not checked either at site or in ME Lab. The Respondent admitted that the account of the Appellant was overhauled from 04/2015 to 10/2015 with slowness factor of 33.33% and amount of ₹ 1,67,134/- was calculated on the backside of the checking report and the same was intimated to the Enforcement wing. But, neither notice was issued to the Appellant

at that time nor the amount was charged to her account. However, in 02/2020, when the checking agency enquired about the status of recovery of amount charged, this amount of ₹ 1,67,134/- was charged to the Appellant in her bill dated 19.04.2020, after a gap of more than 4 years.

- (iii) The Appellant was not satisfied with this, so she filed a case in Circle level CGRF, DS Circle, Mohali where it was decided on 15.09.2022 that the disputed amount was correct and recoverable. Against this decision of the Circle level CGRF, the Appellant filed an Appeal in the Corporate Forum, where the Forum decided, in its decision dated 23.12.2022, to quash the demand of ₹ 1,67,134/- and that the account of the Appellant be overhauled for the period of six months immediately preceding the date of checking i.e. 16.10.2015, on the basis of actual consumption recorded in the corresponding period of succeeding year as per Regulation 21.5.2 (d) of Supply Code-2014. Still not satisfied with the decision of the Corporate Forum, the Appellant filed an Appeal before this Court. The Appellant submitted that the average bills on 'R' Code basis had been charged from 05/2015 to 10/2015, taking into consideration, already recorded consumption as per record of the PSPCL. She had requested that average once paid by her, as demanded by the PSPCL from 05/2015 to 10/2015, should not be reconsidered

because it was as per record of old consumption for the same period as per Regulation 21.5.2 of Supply Code-2014.

- (iv) This Court had observed that the Corporate Forum had correctly decided to quash the demand of ₹ 1,67,134/- calculated by overhauling the account of the Appellant from 04/2015 to 10/2015 with slowness factor of 33.33% as the accuracy of the disputed meter was not checked either at site or in ME Lab as per procedure laid down in the Supply Code-2014. Also, since the reading record of the corresponding period of the previous year is not available either with the Respondent or with the Appellant, so the account of the Appellant cannot be overhauled as per Regulation 21.5.2 (a) of Supply Code-2014. The contention of the Appellant, that the average bills paid by her from 05/2015 to 10/2015 on 'R' Code should not be reconsidered because it was as per record of old consumption for the same period as per Regulation 21.5.2 of Supply Code-2014, is not tenable as this contention is not supported by any concrete documentary evidence. It is observed by this Court that the bills of the corresponding period of the succeeding year were issued on 'F' Code. In this regard, the Respondent certified that although the bills of the corresponding period of the succeeding year were issued on 'F' Code, but these

were corrected on the basis of the actual readings recorded by the new meter installed in the premises of the Appellant.

- (v) In view of above, this Court is not inclined to interfere with the decision dated 23.12.2022 of the Corporate Forum in Case No. CF-164 of 2022.
- (vi) There is deficiency on the part of the Respondent because it failed to achieve the Standards of the Performance laid down in the Supply Code, 2014. The disputed meter was reported burnt in 05/2015 as per the consumption data submitted by the Respondent. This burnt meter was not changed within the stipulated time period. Also, no notice was served to the Appellant in 10/2015 in regard to the amount charged on the basis of checking of the Enforcement. The amount was directly charged in her bill dated 19.04.2020 after more than 4 years. This resulted in revenue loss to the Respondent and harassment to the Appellant. The decision of the Corporate Forum in this regard needs no modification.

6. Decision

As a sequel of above discussions, the order dated 23.12.2022 of the Corporate Forum in Case No. CF-164 of 2022 is hereby upheld.

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.

February 22, 2023
S.A.S. Nagar (Mohali)

(GURINDER JIT SINGH)
Lokpal (Ombudsman)
Electricity, Punjab.