

**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. 09/2022**

**Date of Registration : 25.02.2022**

**Date of Hearing : 07.03.2022**

**Date of Order : 07.03.2022**

**Before:**

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

**In the Matter of:**

Smt. Misha Uppal,  
H. No. 226, Block-XI, Gali No. 5,  
Mohalla Fatehganj, Samrala Road,  
Ludhiana.

**Contract Account Number:3001820903 (Old)  
3007774159 (New)**

...Appellant

Versus

Addl. Superintending Engineer,  
DS CMC (Spl.) Divn., PSPCL,  
Ludhiana.

...Respondent

**Present For:**

Appellant: Sh. Ashok Kumar,  
Appellant's Representative.

Respondent : 1. Er. Mandeep Singh,  
AEE/ Commercial,  
DS CMC (Spl.) Divn., PSPCL,  
Ludhiana.  
2. Sh. Puneet Khullar,  
AAO (Revenue)

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 24.01.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-411 of 2021, deciding that:

*“i. The amount charged of Rs. 131494/-vide half margin no. 3 dated 13.05.2021 is correct and recoverable.*

*ii Dy. CE/ OP City West Circle, Ludhiana, is directed to investigate the case for not billing the account under D-code by meter reader for longer period of time and suitable action should be taken against meter reader/ meter reading agency for causing revenue loss to the PSPCL.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 23.02.2022 i.e. within the period of thirty days of receipt of the decision dated 24.01.2022 of the CGRF, Ludhiana in Case No. CGL-411 of 2021. The Appellant had deposited the requisite 40% of the disputed amount. An amount of ₹ 26,300/- was deposited vide receipt no. 254600278491 dated 13.09.2021 and another receipt no. 277000063920 dated 23.02.2022 was issued for ₹ 26,300/-. The Respondent was asked vide letter no. 156/OEP/Misha Uppal dated 23.02.2022 about the status of application for

Change of Name filed by the Appellant and to confirm whether the Appellant had deposited the requisite 40% of the disputed amount. The Respondent had replied vide letter no. 1069 dated 25.02.2022 that the Change of name had been affected on 25.02.2022 and New Account No. 3007774159 had been allotted to the Appellant. Further, the Respondent had also confirmed that the Appellant deposited requisite 40% of the disputed amount. Therefore, the Appeal was registered on 25.02.2022 and copy of the same was sent to the Addl. Superintending Engineer/ DS, CMC (Spl.) Divn., PSPCL, Ludhiana for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 176-178/OEP/A-09/2022 dated 25.02.2022.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 07.03.2022 at 12.00 noon and an intimation to this effect was sent to both the parties vide letter nos. 204-205/OEP/A-09/2022 dated 02.03.2022. 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 alongwith 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 Non-Residential Supply category connection, bearing Account No. 3001820903 in the name of Sh. Mohan Singh with sanctioned load of 8.22 kW.
- (ii) The meter of the Appellant was changed vide MCO No. 100012313195 dated 25.01.2021 effected on 02.02.2021. The meter was checked in the ME Lab vide Challan No. 1118 dated 25.02.2021. As per ME Lab Report, the meter of the Appellant was found burnt and reading was recorded as 67841 kWh.
- (iii) The Audit Party overhauled the account of the Appellant for the period 10.07.2019 to 18.01.2021 on the basis of consumption recorded from 20.07.2018 to 18.01.2020 i.e. corresponding

period of the previous year vide Half Margin No. 02 dated 13.05.2021 and an amount of ₹1,31,494/- was charged to the Appellant.

- (iv) The Appellant had filed Petition in the Forum for justice praying that the amount be charged as per rules of PSPCL but the Appellant had not got justice.
- (v) The Appellant submitted that the Forum observed in its decision that as per Regulation 21.5.2 of Supply Code, 2014; the account of the Appellant could be overhauled for six months but the Forum itself didn't follow the same. So, the Appellant had requested that her account be overhauled for six months only as per Regulation 21.5 of Supply Code, 2014 but the account of the Appellant had been overhauled for more than 6 months.
- (vi) The Appellant alleged that the Forum gave biased decision in favour of the Respondent by holding that the amount charged was fully recoverable.
- (vii) The Appellant had requested to give strict direction to the Forum to decide the case in 45 days as per rules so that the Consumer would not suffer and provide her compensation for the harassment caused for filing the present Appeal.



**(b) Submission during hearing**

During hearing on 07.03.2022, the Appellant's Representative (AR) reiterated the submissions made in the Appeal 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 a Non Residential Supply category connection, bearing Account No. 3001820903 (Old) and new Account No. was 3007774159.
- (ii) The meter of the Appellant was changed vide MCO No. 100012313195 dated 25.01.2021 affected on 02.02.2021 being defective. The replaced meter was sent to ME Lab vide Challan No. 1118 dated 25.02.2021 where the meter was found defective.
- (iii) The account of the Appellant was overhauled by the Audit Party vide Half Margin No. 02 dated 13.05.2021 for the period from 10.07.2019 to 18.01.2021 (558 days) by taking the average base of consumption consumed in last year for the same month.

- (iv) Accordingly, this amount was raised through supplementary bill vide Memo No. 2807 dated 19.05.2021. The Appellant failed to deposit the supplementary bill and accordingly, the amount was charged to the Appellant through SCA in her regular bill.
- (v) The Appellant did not agree with the supplementary bill issued to her on average basis and filed a Petition in the Forum. The Forum after affording opportunity of being heard to the Appellant and considering the relevant facts of the case decided to uphold the amount charged to the Appellant by the Respondent. The Appellant had failed to justify fall in her consumption when compared to her old electricity consumption.
- (vi) The Appellant never submitted any documents regarding subletting of her premises. No documentary or any other evidence was submitted by the Appellant from which it can be inferred or established that during the disputed period her consumption was very low. It was worthwhile to mention here that load of the Appellant consisted of Lamp: 32, Plug: 32, fan: 26, motor: 0.373. If one tenth of this load was in use during the disputed period, the consumption of meter cannot be Zero. This

fact, itself confirm that meter of the Appellant became defective before declaration by the Meter Reader.

- (vii) The amount charged to the Appellant was fully recoverable and the Appeal of the Appellant was devoid of facts and it was prayed that the Appeal of the Appellant may be dismissed in the interest of justice.

**(b) Submission during hearing**

During hearing on 07.03.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal.

**5. Analysis and Findings**

The issue requiring adjudication is the legitimacy of sundry charges of ₹ 1,31,494/- charged vide Notice No. 2807 dated 19.05.2021 on account of overhauling the account due to defective meter for the period from 10.07.2019 to 18.01.2021.

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

- (i) The Appellant's Representative (AR) reiterated the submissions made by the Appellant in the Appeal. He pleaded that the meter of the Appellant was changed vide MCO No. 100012313195 dated 25.01.2021 affected on 02.02.2021. The meter was



checked in the ME Lab vide Challan No. 1118 dated 25.02.2021. As per ME Lab Report, the meter of the Appellant was found defective and reading was recorded as 67841 kWh. The Audit Party overhauled the account of the Appellant for the period 10.07.2019 to 18.01.2021 on the basis of consumption recorded from 20.07.2018 to 18.01.2020 i.e. corresponding period of the previous year. The Forum though observed in its decision that as per Regulation 21.5.2 of Supply Code, 2014, the account of the Appellant could be overhauled for six months but didn't follow the same while deciding the case of the Appellant. The AR requested that the account of the Appellant be overhauled for six months only and the decision of the Forum be set aside in view of the provisions contained in the Supply Code, 2014.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant and pleaded that the account of the Appellant was overhauled by the Audit Party vide Half Margin No. 02 dated: 13.05.2021 for the period from 10.07.2019 to 18.01.2021 (558 days) by taking the average base of electricity consumption consumed in last year for the same month and this amount was raised through supplementary bill vide Memo No. 2807 dated 19.05.2021. The Appellant did not agree with the

supplementary bill issued to her on average basis and filed Petition in the Forum. The Forum after affording opportunity of being heard to the Appellant and considering the relevant facts of the case, decided to uphold the amount charged to the Appellant by the Respondent. The Appellant had failed to justify fall in her consumption when compared to her old electricity consumption. Further, the Appellant had not submitted any document or evidence from which it can be inferred or established that during the disputed period her consumption was very low. The amount charged to the Appellant was recoverable. The Appeal of the Appellant was devoid of facts and merits and hence should be dismissed in the interest of justice.

(iii) The Forum while deciding this case has observed as under: -

“Forum observed that meter of the Petitioner was changed vide MCO no. 100012313195 dated 25.01.2021 effective on 02.02.2021. The meter was checked in the ME Lab vide challan no. 1118 dated 25.02.2021. As per ME Lab report, meter of petitioner was burnt. Readings were recorded as 67841 KWH. The Audit party overhauled the account of the petitioner for the period 10.07.2019 to 18.01.2021 on the basis of consumption recorded from 20.07.2018 to 18.01.2020 i.e. corresponding period of the previous year vide Half Margin no. 03 dated 13.05.2021 and the amount of Rs. 131494/- was charged. Amount was raised through supplementary bill vide bill no. 2307 dated 19.05.2021. Petitioner failed to pay supplementary bill and the

amount was charged in his regular bill vide SCA no. 32/9/649. The Petitioner did not agree to it and filed the case in the Forum.

Forum observed that the consumption considerably reduced from 09/2019 onwards. From 13.03.2020 onwards upto 03.11.2020, same reading of 67841 was recorded which has been confirmed as per ME Lab challan. Respondent submitted LCR no. 11/5120 dated 02.12.2021 where connected load was found as 3.5 KW against sanctioned load of 8.22 KW and there are 32 no. rooms in the building for which electricity is used. Meter was replaced on D-code in 02/2021. Therefore, it can be presumed that the meter software got erratic during 2019 due to which meter recorded less consumption. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters is as reproduced below:

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”.*

However, as per above regulation the account of the Petitioner can be overhauled for six months only but in present case it is observed that the consumption of the Petitioner reduced significantly from 2019. During 2017 the consumption was 13009, during 2018 consumption was 11158 whereas the consumption during 2019 was 4251 and further in 2020 reduced to only 15 units during the whole year which seems impossible, unjustified because immediately after replacement of meter in 02/2021 consumption was 10038 KWH units in 10 months. Also it is observed that from 13.03.2020 to 03.11.2020 continuous same reading of 67841 KWH was entered on O code instead of D code which shows that the meter reader had not recorded proper readings timely nor reported about the correct status of the meter leading to recurring revenue loss of PSPCL revenue. Also as per LCR no. 11/5120 dated 02.12.2021 it was found that 32 no. rooms were let out for residential purpose, therefore, the amount charged of Rs. 131494/- seems justified for the period 07/2019 to 01/2021.

From the above, the Forum is of the opinion that the amount charged of Rs. 131494/- vide half margin no. 3 dated 13.05.2021 is correct and recoverable.”

(iv) The meter in dispute (Sr. No. 1707485) was replaced vide MCO No. 100012313195 dated 25.01.2021 affected on



02.02.2021. It is written on the MCO that the meter was defective. The meter was sent to ME Lab vide Challan No. 1118 dated 25.02.2021 and as per this Challan, the meter was returned as Defective with reading written as 67841 kWh. The account of defective meter cannot be overhauled for a period of more than six months and maximum period permitted is six months as per Supply Code, 2014 (Regulation no. 21.5.2) . The overhauling of the account of the Appellant for 558 days (10.07.2019 to 18.01.2021) as per Half Margin No. 02 dated 13.05.2021 is against the regulations and hence it is illegal and unjustified. This Court is not inclined to agree with the decision of the Forum which is not based on regulations/ instructions. Meter Reader/ Meter Reading Agency miserably failed to detect the defect of meter at the relevant time and continued to issue the bills to the consumer with 'O' Code. The Respondent cannot take benefit of its own wrongs. The account of the Appellant should be overhauled for six months only prior to replacement of defective meter on 02.02.2021 as per under Regulation 21.5.2 (d) and (e) of the Supply Code, 2014. No compensation shall be payable to the Appellant.



## 6. Decision

As a sequel of above discussions, the order dated 24.01.2022 of the CGRF, Ludhiana in Case No. CGL-411 of 2021 is hereby quashed. It is decided that the account of the Appellant shall be overhauled for a period of six months prior to 02.02.2021 as per Regulation No. 21.5.2 (d) and (e) of the Supply Code, 2014. Accordingly, the Respondent is directed to refund/ recover the amount found excess/ short after adjustment, if any, with surcharge/ interest 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.

March 07, 2022  
S.A.S. Nagar (Mohali)

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