

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

**APPEAL NO. 13/2021**

**Date of Registration : 26.02.2021**

**Date of Hearing : 22.03.2021**

**Date of Order : 24.03.2021**

**Before:**

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

**In the Matter of:**

Anu Gupta,  
B-29-95-D, Street No. 2,  
Baba Mukand Singh Nagar,  
Daba Road, Ludhiana-141003

**Contract Account Number: 3002889442**

...Appellant

Versus

Adtl. Superintending Engineer,  
DS Estate Division (Spl.),  
PSPCL, Ludhiana.

...Respondent

**Present For:**

Appellant: 1. Mrs. Anu Gupta,  
Appellant.

2. Sh. Rahul Gupta,  
Appellant's Representative.

Respondent : 1. Er. Kulwinder Singh,  
Additional Superintending Engineer,  
DS Estate Division (Special),  
PSPCL, Ludhiana.

2. Sh. Kishan Singh,  
Assistant Accounts Officer.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 12.02.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-408 of 2020, deciding that:

*“The bill dated 12.11.2020 on ‘O’ code from for the consumption of (302706 old & 2829 new) 305535 units, amounting Rs. 1821240/-, is quashed. The account of the Petitioner be overhauled from 13.07.2019 to 28.08.2020 i.e. date of change of meter, with LDHF formula, except from 23.03.2020 to 10.05.2020, where only fixed charges be charged being lockdown period.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 26.02.2021 i.e. within thirty days of receipt of the decision dated 12.02.2021 of the CGRF, Ludhiana in Case No. CGL-408 of 2020 by the Appellant. The Appellant submitted copies of receipt nos. 152179873 dated 09.12.2020 for ₹ 18,552/-, 155810254 dated 24.02.2021 for ₹ 20,000/- and 155786712 dated 24.02.2021 for ₹ 45,000/- as evidence of deposit of the requisite 40% of the disputed amount of ₹ 1,97,700/-. Therefore, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/DS Estate Division (Spl.), 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. 229-231/OEP/A-13/2021 dated 26.02.2021.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 22.03.2021 at 11.30 AM and an intimation to this effect was sent to both the sides vide letter nos. 314-15/OEP/A-13/2021 dated 15.03.2021. As scheduled, the hearing was held on 22.03.2021 in this Court, on the said date and time. Arguments were heard from both sides and the order was reserved. Copies of the minutes of the proceedings were sent to the Appellant and the Respondent vide letter nos. 366-67/A-13/2021 dated 22.03.2021.

### **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.

**(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 Small Power Supply Category Connection, bearing Account No. 3002889442 with sanctioned load of 19.990 kW/ 19.990 kVA as Contract Demand (CD).
- (ii) The meter of the Appellant was found burnt and on the complaint of the Appellant, it was replaced by the Respondent on 28.08.2020.
- (iii) The replaced meter of the Appellant was sent to ME Lab, vide Challan No. 35 dated 05.11.2020, for testing.
- (iv) The Appellant had received bill dated 12.11.2020 for ₹ 18,21,240/- according to kVAh (jumped) and filed complaint against the said demand before the Forum at Ludhiana.
- (v) As per decision of the Forum dated 12.02.2021, the Respondent revised the bill of the Appellant to ₹ 1,97,700/- vide its memo No. 274 dated 22.02.2021.

- (vi) The Respondent overhauled the account of the Appellant, as per decision of the Forum, from 13.07.2019 to 28.08.2020 (i.e date of change of defective meter).
- (vii) The premises of the Appellant had remained under shut down from 14.07.2019 to 14.07.2020. Hence, there was nil consumption and LDHF formula was not applicable on the Appellant and minimum charges were waived by the Chief Minister, Punjab.
- (viii) The Appellant was not liable to deposit bills according to LDHF formula amounting to ₹ 1,97,700/- for the aforesaid period.
- (ix) The Appellant had prayed for preparation of correct bills so that the Appellant could be able to deposit the same with the Respondent.

**(b) Submission during hearing**

During hearing on 22.03.2021, the Appellant 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) A Small Power Supply Category Connection, bearing Account No. 3002889442 with sanctioned load of 19.99 kW/CD 19.990 kVA had been running in the name of the Appellant.
- (ii) The meter of the Appellant was changed vide DRA No. 100010756826 dated 24.08.2020 effected on 28.08.2020 as the earlier meter of the Appellant had burnt. The reading as per DRA in kWh was 50006 and in kVAh was 368504.
- (iii) The energy bill issued on 12.11.2020 was prepared for 302706 kVAh and 5319 kWh consumption with power factor (PF) of 0.02 for the period 12.07.2020 to 10.11.2020 amounting to ₹18,21,240/-. The bill was prepared on actual consumption in the SAP system. There was abnormal increase in kVAh consumption in comparison to kWh consumption.
- (iv) Aggrieved, the Appellant filed a Petition before the Forum for the said amount of the bill and the same was decided on 12.02.2021 by the Forum by quashing the demand of bill for ₹18,21,240/- issued by the Respondent with a direction to overhaul the account of the Appellant from 13.07.2019 to 28.08.2020 i.e. upto the date of change of meter with LDHF formula except for the period from 23.03.2020 to 10.05.2020 for which, only fixed charges were to be charged.

- (v) Accordingly, the account of the Appellant was overhauled as per decision of the Forum dated 12.02.2021 and net amount of ₹ 1,91,013/- (revised demand of ₹ 1,97,700/- ₹ 15,552/- as already deposited by the Appellant plus interest ₹ 4,565/-) was raised vide memo no. 274 dated 22.02.2021.
- (vi) The meter of the Appellant was sent to ME Lab vide Store Challan no. 35 dated 05.11.2020 but at present the copy of the same was not available in the record and the same would be produced and commented later on.
- (vii) The Forum had correctly decided the case of the Appellant by passing a detailed speaking order dated 12.02.2021.
- (viii) Sh. Sanjay Kumar who was then working as Meter Reader, in his explanation dated 02.02.2021, which was submitted in the Forum, had stated that on 12.07.2020, the Factory of the Appellant was running and after this the consumption was less due to the fact that the Factory of the Appellant was taken on rent by second person. Hence, the contention of the Appellant that there was no work during the period 13.07.2019 to 28.08.2020 was on shaky ground and falls flat. Therefore, the decision of the Forum was correct and further the Appellant was not charged for the lockdown period from 23.03.2020 to 10.05.2020 as per decision of the Forum.

- (ix) In view of the position explained above, the present Appeal should be dismissed.

**(b) Submission during hearing**

During hearing on 22.03.2021, the Respondent reiterated the submissions made in the written reply and prayed for dismissal of the Appeal.

**5. Analysis and Findings**

The issue requiring adjudication is the legitimacy of the overhauling of the account of the Appellant due to burning of its Meter which was replaced on 28.08.2020 as decided by the Forum leading to raising of revised demand by the Respondent vide memo no. 274 dated 22.02.2021.

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

- (i) As per material brought on record, the Appellant was having a Small Power Category Connection with sanctioned load of 19.99 kW and CD as 19.99 kVA. The Energy Meter installed at the premises of the Appellant got burnt and was replaced vide Device Replacement Application No. 100010756926 dated 24.08.2020 effected on 28.08.2020. The reading as per DRA in kWh was 50006 and in kVAh was 368504. The removed



Energy Meter was sent to M.E. Lab, vide Store Challan No. 35 dated 05.11.2020 whereby, it was reported that:

“ਮੀਟਰ ਸੜਿਆ ਹੈ, ਐਕੁਰੈਸੀ ਨਹੀਂ ਹੋ ਸਕਦੀ, DDL ਨਹੀਂ ਆ ਰਿਹਾ।”

The energy bill issued on 12.11.2020 was prepared for 302706 kVAh and 5319 kWh consumption with power factor (PF) of 0.03 for the period 12.07.2020 to 10.11.2020 amounting to ₹ 18,21,240/-. The bill was prepared on actual consumption in the SAP system. There was abnormal increase in kVAh consumption in comparison to kWh consumption. Aggrieved, the Appellant filed a Petition before the Forum against the said billed amount and the same was decided on 12.02.2021 by the Forum by quashing the demand of bill for ₹ 18,21,240/- issued by the Respondent with a direction to overhaul the account of the Appellant from 13.07.2019 to 28.08.2020 i.e upto the date of change of meter with LDHF formula except for the period from 23.03.2020 to 10.05.2020 for which, only fixed charges were to be charged. Accordingly, the account of the Appellant was overhauled as per decision of the Forum dated 12.02.2021 and net amount of ₹ 1,91,013/- (revised demand of ₹ 1,97,700/- - ₹ 15,552/- as already deposited by the Appellant plus interest ₹ 4,565/-) was raised vide memo no. 274 dated 22.02.2021.

- (ii) The Appellant's Representative contended that the Respondent overhauled the account of the Appellant, as per decision of the Forum, from 13.07.2019 to 28.08.2020 (i.e date of change of defective meter). The premises of the Appellant had remained under shut down from 14.07.2019 to 14.07.2020. Hence, there was nil consumption and LDHF formula was not applicable on the Appellant and minimum charges were waived by the Chief Minister, Punjab. The Appellant was not liable to deposit bills according to LDHF formula amounting to ₹ 1,97,700/- for the aforesaid period. The Appellant prayed for preparation of correct bills so that the Appellant could be able to deposit the same with the Respondent.
- (iii) The Respondent contested the averments of the Appellant's Representative and stated that the Forum had correctly decided the case vide detailed speaking order dated 12.02.2021. The Respondent added that Sh. Sanjey Kumar, who was then working as Meter Reader, in his explanation dated 02.02.2021, which was submitted in the Forum, had stated that on 12.07.2020, the Factory of the Appellant was running and after this the consumption was less due to the fact that the Factory of the Appellant was taken on rent by second person. Hence, the contention of the Appellant that there was no work during the

period 13.07.2019 to 28.08.2020 was on shaky ground and falls flat. Therefore, the decision of the Forum was correct and further the Appellant was not charged for the lockdown period from 23.03.2020 to 10.05.2020 as per decision of the Forum.

- (iv) It is observed that the Forum decided the case taking into consideration the consumption data in kVAh supplied by the Respondent as under:

Year	2017		2018		2019		2020		2021	
Month	Cons	Code	Cons.	Code	Cons.	Code	Cons.	Code	Cons.	Code
Jan			332	O	3909	O	2	O	2154	O
Feb	1975	O	480	O	5502	O	10	O		
March	980	O	1073	O	5570	O	0	A		
April	537	O	697	O	3740	O	1145	N		
May	461	O	171	O	3530	O	0	A		
June	574	O	691	O	3204	O	0	A		
July	639	O	267	O	3567	O	35	O		
Aug	830	O	138	O	25	O	31	N		
Sept	831	O	62	O	0	A				
Oct	644	O	24	O	0	A	302675	N		
Nov	320	O	20	O	0	A	305535	O		
Dec	260	O	2077	O	0	A	1365	O		

- (v) The Forum Observed that:

“Meter definitely misbehaved and its KVAH register recorded wrong KVAH reading. It is also noted that the consumption before Aug/2019 is more than 4000 units/month and after the change of meter in Aug/2020 is also about 1500 units/month. During the intermediate period, nil consumption is not at all digesting, so definitely meter became dead stop in Aug/2019. Therefore, Forum is of the opinion that the exonerated reading

of 368504 Kvah, recorded by the meter, can be ignored. In the absence of DDL report and considering the circumstance, the account of the Petitioner is required to be overhauled from 13.07.2019 to 28.08.2020 i.e. date of change of meter, with LDHF formula, except from 23.03.2020 to 10.05.2020, being lockdown period and only fixed charges be charged for this period. Keeping in view the above, Forum came to unanimous conclusion that the bill dated 12.11.2020 on 'O' code from 12.07.2020 to 10.11.2020 for 121 days, for the consumption of (302706 old & 2829 new) 305535 units, amounting Rs. 1821240/-, is liable to be quashed. The account of the Petitioner be overhauled from 13.07.2019 to 28.08.2020 i.e. date of change of meter, with LDHF formula, except from 23.03.2020 to 10.05.2020, being lockdown period, where only fixed charges be charged.”

- (vi) For a fair adjudication of the present dispute, the relevant provisions contained in Supply Code-2014 are required to be considered. It is observed that the Energy Meter installed at the premises of the Appellant was replaced on 28.08.2020 and was declared burnt by ME Lab. during checking on 05.11.2020. Therefore, Regulation 21.5.2 (a) of Supply Code-2014 is

relevant in the present context and the same is reproduced below:

**21.5.2 “Defective (other than inaccurate)/ Dead Stop /Burnt /Stolen Meters**

*The accounts of a consumer shall be overhauled/ billed for the period meter remained defective/ dead stop subject to maximum period of six months. In case of burnt/ stolen meter, where supply has been made direct, the account shall be overhauled for the period of direct supply subject to maximum period of six month. The procedure for overhauling the account of the consumer shall be as under:]*

- a) *On the basis of energy consumption of corresponding period of previous year. ”*

Thus, the account of the Appellant is required to be overhauled from 29.02.2020 to 28.08.2020 (date of change of Meter) on the basis of energy consumption of corresponding period of previous year (when status of Meter was OK) in terms of provisions contained in Regulation 21.5.2 (a) of Supply Code -2014.

It is also observed that the Appellant is also liable to be charged on the basis of actual consumption recorded after installation of

new Meter on 28.08.2020 as per instructions of PSPCL. The plea of the Appellant not to charge it for the period from 23.03.2020 to 10.05.2020 (COVID -19 lockdown period) due to closure of its unit is not valid and is not supported by any evidence indicating that no electricity was consumed during this period.

- (vii) The Respondent defaulted in investigating the reasons for burning of the Energy Meter installed at the premises of the Appellant in terms of provisions contained in Regulation 21.4.1 of Supply Code-2014. It needs to be ensured by the Licensee that the requisite compliance is invariably done in future.

**6. Decision:**

As a sequel of above discussions, the order dated 12.02.2021 of the CGRF, Ludhiana in Case No. CGL-408 of 2020 is set aside. It is held that the account of the Appellant shall be overhauled for the period from 29.02.2020 to 28.08.2020 ( date of change of Burnt Meter) on the basis of consumption of the corresponding period of the previous year in terms of provisions of Regulation 21.5.2 (a) of Supply Code-2014. It is also held that the Appellant shall be charged from 29.08.2020 (after installation of new Meter) on the basis of actual consumption recorded as per instructions of PSPCL.

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 off 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 24 , 2021  
S.A.S. Nagar (Mohali)

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