

**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. 13/2022

**Date of Registration : 08.03.2022
Date of Hearing : 22.03.2022, 29.03.2022
Date of Order : 29.03.2022**

Before:

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

In the Matter of:

**Sh. Gurmeet Singh,
C/o Jaggi Sweets,
372/2, Chatakpora,
Patiala.**

**Contract Account Number: 3000059515 (NRS)
...Appellant**

Versus

**Addl. Superintending Engineer,
DS Model Town Division,
PSPCL, Patiala.**

...Respondent

Present For:

**Appellant: Sh. Mayank Malhotra,
Appellant's Counsel.**

**Respondent : Er. Surjit Singh,
AE/ Commercial Sub Divn.,
Model Town-2, PSPCL, Patiala.**

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 10.02.2022 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-292 of 2021, deciding that:

- *“Sundry notice issued vide memo no. 38 dated 19.01.2021 be amended and petitioner’s account be overhauled for (-)47% slowness of meter as per prevailing provisions of the supply code regulations for six months period from 07.07.2020 to 08.01.2021.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 08.03.2022 i.e. within the period of thirty days of receipt of the decision dated 10.02.2022 of the CGRF, Patiala in Case No. CGP-292 of 2021. The Appellant deposited requisite 40% of the disputed amount vide receipt no. 162559593 dated 22.07.2021 for ₹ 61,030/- and receipt no. 174385492 dated 04.03.2022 for ₹ 61,030/-. Therefore, the Appeal was registered on 08.03.2022 and copy of the same was sent to the Addl. SE/ DS Model Town Division, PSPCL, Patiala for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 220-22/OEP/A-13/2022 dated 08.03.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 22.03.2022 at 12.30 PM and intimation to this effect was sent to both the parties vide letter nos. 253-54/OEP/A-13/2022 dated 15.03.2022. As scheduled, the hearing was held in this Court on 22.03.2022. The representative of the Respondent was present but the Counsel of the Appellant could not appear because he was down with fever. As per request of the Appellant's Counsel, the next date of hearing was fixed as 29.03.2022 at 12.00 noon. A copy of the proceedings dated 22.03.2022 was sent to both parties vide letter nos. 280-281/OEP/A-13/2022 dated 22.03.2022. The hearing was held on 29.03.2022 and arguments were heard of both parties.

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 Counsel 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 NRS Category Connection, bearing Account No. 3000059515 with sanctioned load of 49.00 kW and with Contract Demand as 54.44 kVA.
- (ii) The present Appeal was filed against the decision dated 10.02.2022 of the Forum vide which Petition of the Appellant against demand of ₹ 3,05,144/- raised vide Memo No. 38 dated 19.01.2021 had been denied and illogically & arbitrarily decided to overhaul the account of the Appellant for a period of 6 months from 07.07.2020 to 08.01.2021 with alleged slowness factor of 47% which was earlier overhauled with slowness factor of 42%.
- (iii) The Appellant was regularly paying the electricity bills issued by the Respondent from time to time and nothing was due against the Appellant except ibid disputed illegal amount raised by the Respondent.
- (iv) The Respondent issued a notice vide Memo No. 38 dated 19.01.2021 to deposit an amount of ₹ 3,05,144/- within 15 days. It had been written in the notice that burnt meter of the

Appellant was checked in ME Lab, Patiala vide Challan No. 06/20 dated 19.01.2021 and the same was allegedly found to be running slow by 42%. But the Respondent had not supplied the copies of instructions according to which amount mentioned in the notice(s) had been calculated. The issuance of the demand notices was in violation of instructions of the PSPCL.

- (v) It had been alleged in the Challan No. 06/20 dated 19.01.2021 that meter was showing voltage of 0V/128V/230V on Blue/Yellow/Red phases. It had further been written in the checking report that slowness of 42% had been calculated on the basis of voltage calculation. But no detail of running load on each phase had been mentioned in the challan in the absence of which calculation of slowness was vague. The checking officer had admitted regarding correctness of seals affixed at the metering equipment and had not given any adverse remarks.
- (vi) The account had been overhauled from 07.07.2020 to 08.01.2021. It was submitted that all the bills issued for the period of overhauling were on the basis of correct working of the meter and the Respondent had shown 'O' meter status in the bills. It was further submitted that there was spark in the wires near the meter and the Appellant had lodged complaint with the Respondent a number of times but the fault was not

removed. Due to non-redressal of complaints, the supply of the meter was disconnected.

- (vii) Due to spread of COVID-19 Pandemic, the business of the Appellant was very less as shops were kept closed or opened for limited time on selective days as per instructions of the Punjab Govt. It was a tough time for survival during Covid-19 restrictions. The Respondent failed to take instructions issued vide CC No.47/2020 into consideration while overhauling account of the Appellant.
- (viii) The meter of the Appellant was replaced by the Respondent vide MCO No. 100012142379 dated 06.01.2021 affected on 09.01.2021. The meter was working properly upto date of disconnection of supply due to burnt meter. Due to faulty cable and non-timely action to remove the fault by the PSPCL, the meter got burnt. So, account of the Appellant could not be overhauled from 07.07.2020 to 08.01.2021.
- (ix) The Respondent had admitted vide Memo No. 586 dated 04.02.2022 addressed to the Forum that as per DDL report, zero voltage on Blue Phase and less voltage on Yellow Phase w.e.f. 09.11.2020 had been recorded. Not admitting to facts, but for the sake of arguments, it was submitted that overhauling of account w.e.f. 07.07.2020 was illegal.

- (x) As per checking in ME Lab vide Challan No. 06/20 dated 19.01.2021, the voltage on Blue Phase was 0V and it was 128V on Yellow Phase, but the tamper data showed voltage on different dates as under:-

Date	Yellow Phase(V)	Blue Phase(V)
10.01.2021	241.37	241.37
09.01.2021	236.78	236.78
08.01.2021	236.78	232.18
07.01.2021	245.97	241.37
06.01.2021	241.37	229.88
05.01.2021	245.97	236.78
04.01.2021	239.08	236.78
03.01.2021	243.67	245.97
02.01.2021	239.08	241.37
31.12.2020	151.72	0
25.12.2020	135.63	0
24.12.2020	133.33	0
22.12.2020	135.63	0
19.12.2020	133.33	0
17.11.2020	245.97	131.03

- (xi) The above tamper data clearly showed that the result in DDL report were different from the report of ME Lab. It clearly showed that there was no continued missing/less recording of voltage on Blue/ Yellow Phase, rather there might be break of voltage on different occasions. In view of position explained

above, the checking report of meter in ME Lab on 19.01.2021 could not be relied upon.

- (xii) The Respondent had not checked the load running on each phase, rather had applied alleged slowness assuming 33% load was running on each phase.
- (xiii) It had been provided in the Regulation 21.5.1 of Supply Code, 2014 that the meter of the consumer had to be tested at site/ ME Lab and on testing, if it was found that meter was running beyond the limits of accuracy, the account of the consumer needs to be overhauled. According to regulation, the meter was compulsorily required to be tested in ME Lab. The Respondent had not checked the correctness of the meter with ERS/reference meter in ME Lab, rather had done arithmetic calculations regarding alleged slowness of the meter. This was not the approved method for calculation of error factor either by PSERC or as per regulations of the PSPCL.
- (xiv) The working of equipment with which voltage had been checked might not be working properly. According to ESIM Instructions No. 59.5, meters need to be got calibrated/tested from NPL Delhi or ERTL New Delhi or any other Laboratory recognized by Central Govt./ NABL once in two years. It was

further submitted that there was every possibility of malfunctioning of equipment.

(xv) The checking report of the meter had not been carried out in ME Lab in the presence of the Appellant.

(xvi) According to ESIM Instructions No. 51.1, it was the responsibility of the Respondent to install a correct meter of suitable capacity. The Appellant never interfered with the meter or its connection and there was no allegation as such against the Appellant.

(xvii) According to Instructions No. 53 of ESIM, Competent Authority had to affix seals on the meter. The seals were affixed after checking correctness of connections of the meter/CT and consumer could not be held responsible for slow running of meter, if any, found at later stage. The Appellant could not be penalized for wrong doings, if any, of the officer(s) of the PSPCL.

(xviii) The issuances of demand notices vide Memo No. 38 dated 19.01.2021 was in violation of instructions of PSPCL, according to which recovery of charges, if any, was to be affected after serving the consumer with a notice of show cause, but no such notice had been issued to the Appellant by the Respondent. According to the instructions of the PSPCL

vide CC No. 64/05, which provided that the meter with status code OK ('O') in the last cycle of billing should be treated as undisputed case. It was pertinent to mention here that the Respondent had issued the bill upto reading dated 08.01.2021 (wherein reading of recorded consumption was 549324 kWh/ 618937 kVAh) as per 'O' code and the presumption was there that the meter was OK upto that period and account of the Appellant could not be overhauled for the period the status of the meter was shown as 'O'. The recorded consumption of the meter of the Appellant remained constant for the previous period.

- (xix) The Respondent had not supplied the copies of rules and regulations according to which the account had been overhauled, which was necessary as per CC No. 04/2008.
- (xx) The Instruction No. 104.17 of ESIM provides checking schedule for checking of connections. There was no allegation of any type of slowness etc. with regard to working of the metering equipment.
- (xxi) According to ESIM Instruction No. 104.7, an energy variation register was maintained in the office to watch variance in monthly consumption of consumers.

(xxii) According to Regulation No. 21.3 of “PSERC Electricity Supply Code and Related Matters Regulations, 2014”, the licensee had to conduct periodical inspection/testing of meters installed at the consumer’s premises. There was no allegation of slowness of kWh or kVAh in any previous checking reports.

(xxiii) The order of the Forum was non-speaking, arbitrary, illegal and was not sustainable in the eyes of Law and was against the instructions of the PSPCL, which provided that the decision should be speaking decision. The decision of the Forum was wrong, illegal, arbitrary and against the Law due to following reasons:-

- a) The Forum had failed to appreciate that there was spark in the wire near the meter and the Appellant had lodged complaints with the Respondent a number of times but the fault was not removed. Due to non-redressal of complaints, the meter got burnt and supply of the meter of the Appellant was disconnected.
- b) The Forum failed to appreciate the fact that the Respondent had not issued notice in compliance of ESIM No. 57.5, which provided that recovery of charges could be done only after serving show cause notice to the consumer but no such notice had been issued to the Appellant by the Respondent. The

Forum failed to appreciate that issuances of demand notices vide Memo No. 38 dated 19.01.2021 was in violation of instructions of PSPCL.

- c) The Forum failed to appreciate the fact that the copies of job order vide which meter & metering equipment in dispute was/were installed, checking report of replaced meter carried out in ME Lab/other agency regarding accuracy of the meter before installation at the premises of the Appellant, PO containing specifications of meter and CT/PT's in the premises of the Appellant had not been supplied.
- d) The Forum failed to appreciate the fact that according to Regulation 21.3 of PSERC (Electricity Supply Code and Related Matters) Regulations-2014, the licensee had to conduct periodical inspection/testing of meters installed at the consumer's premises. The Respondent had not placed any record regarding compliance of these instructions.
- e) The Forum failed to appreciate the fact that according to ESIM Instruction No. 59.5, meters need to be got calibrated/ tested from NPL, Delhi or ERTL, New Delhi or any other laboratory recognized by the Central Government/NABL once in two years. It was further submitted that there was every possibility of malfunctioning of LT/ ERS from last calibration of meter.

The Forum failed to appreciate the fact that the Respondent failed to place the calibration report of the equipment with which accuracy of the disputed meter had been checked in ME Lab.

- f) The Forum failed to appreciate the fact that according to ESIM Instruction No. 51.1, it was the responsibility of the Respondent to install a correct meter of suitable capacity. The Appellant never interfered with the meter or its connections and there was no allegation as such against the Appellant.
- g) The Forum failed to appreciate the fact that according to Instruction No. 53 of ESIM, Competent Authority had to affix seals on the meter. The seals were affixed after checking correctness of connections of the meter/ CT and consumer could not be held responsible for wrong connections, if any, found at later stage. The Appellant could not be penalized for wrong doings, if any, of the officer(s) of the PSPCL.
- h) The Forum failed to appreciate the fact that the Respondent had not supplied copies of job order vide which meter & metering equipment in dispute was/were installed, checking report of replaced meters carried out in ME Lab/other agency regarding accuracy of the meter before installation at the premises of the

Appellant, PO containing specifications of meter and CT/ PT's in the premises of the Appellant.

- i) The Forum failed to appreciate the fact that according to Instruction No. 102.2 of ESIM, it was the responsibility of the Respondent to ensure correctness of the connections and correct working of the meter. The meter might also be checked by meter testing equipment and meter should thereafter be sealed properly by the concerned officer. It was pertinent to mention that there was no allegation of any seal tempering etc. against the Appellant.
- j) The Forum failed to appreciate the fact that the Respondent had not supplied the copies of rules and regulations according to which the account had been overhauled, which was necessary as per CC No. 04/2008.
- k) The Forum failed to appreciate the fact that according to ESIM Instruction No. 104.7, an energy variation register was maintained in the office to watch variance in monthly consumption of consumers. There was no adverse allegation against the Appellant.
- l) The Forum failed to appreciate the fact that tamper data clearly showed that the results in DDL report were different from the report of ME Lab. It clearly showed that there was no

continued missing/less recording of voltage on Blue/Yellow Phase, rather there might be make/ break of voltage on different occasions. The checking report of meter in ME Lab on 19.01.2021 could not be relied upon.

- m) The Forum failed to appreciate the fact that the Respondent had admitted vide Memo No. 586 dated 04.02.2022 addressed to the Forum that as per DDL report, zero voltage on Blue Phase and less voltage on Yellow Phase w.e.f. 09.11.2020 had been recorded. Not admitting to facts, but for the sake of arguments, it was submitted that overhauling of account w.e.f. 07.07.2020 was illegal.
- n) The Forum failed to appreciate the fact that the Respondent had not checked the load running on each phase, rather had applied alleged slowness assuming 33% load was running on each phase.
- o) The Forum failed to appreciate the fact that it had been provided in the Regulation 21.5.1 of Supply Code, 2014 that meter of the consumer had to be tested at site/ ME Lab and on testing, if it was found that meter was running beyond the limits of accuracy, the account of the consumer needs to be overhauled. The Forum failed to appreciate the fact that according to regulations the meter was compulsory required to

be tested in ME Lab. The Respondent had not checked the correctness of the meter with ERS/reference meter in ME Lab, rather had done arithmetic calculations regarding alleged slowness of the meter. This was not the approved method for calculation of error factor either by PSERC or as per regulations of the PSPCL.

(xxiv) In view of the position explained above, it was most humbly requested that the order dated 10.02.2022, vide which Complaint/ Petition of the Appellant against the demand of ₹ 3,05,144/- raised vide Memo No. 38 dated 19.01.2021 by the Respondent had been denied and illogically & arbitrarily decided to overhaul the account of the Appellant for a period of 6 months from 07.07.2020 to 08.01.2021 with alleged slowness factor of 47%, which were earlier overhauled with alleged slowness factor of 42% must be set aside. The Respondent may be directed to rectify the account of the Appellant on the basis of realistic consumption so that the Appellant may be able to deposit legitimate dues of the Corporation in instalments. The Respondent may be directed to refund the excess amount deposited by the Appellant alongwith interest.

(b) Submission during hearing

During hearing on 29.03.2022, the Appellant's Counsel (AC) 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 account of the consumer was overhauled on the basis of report received from ME Lab, Patiala vide Challan No. 06/20 dated 19.01.2021 in which the meter of the consumer was found to be slow by 42%. Therefore, the account of the consumer had been overhauled for six months (from 07.07.2020 to 08.01.2021) amounting to ₹ 3,05,144/-. After that the consumer filed a petition in the Forum and the Forum decided the case vide Memo No. 2966/CGP-292/2021 dated 10.02.2022, stating that the account of the consumer to be overhauled for 47% slowness of the meter for the above-mentioned period.
- (ii) The Appellant was paying the electricity bills from time to time as issued by the Respondent. The notice had been issued to the Appellant vide Memo No. 38 dated 19.01.2021 for depositing

the amount of ₹ 3,05,144/- as per the report received from ME Lab, Patiala for slowness of the energy meter i.e. 42%. The calculation of the amount was also provided to the consumer while filing the Appeal in the Forum at Patiala.

- (iii) The voltage on each phase had been shown as 0V/128V/230V on Blue/ Yellow/ Red phases respectively and the calculation of slowness was also carried out on the basis of the voltage shown on each phase of the meter. The seals of the meter were also affixed and there was nothing mentioned about tampering of the seals.
- (iv) The account of the Appellant had been overhauled for the period of six months from 07.07.2020 to 08.01.2021. After receiving the complaint of the Appellant, the meter was checked by the Enforcement Wing vide ECR No. 06/289 dated 02.01.2021 in which it was mentioned that the energy meter of the Appellant had to be replaced and the old meter need to be got checked from ME Lab, Patiala and during the checking, the DDL of the meter was done and it shows the status of the supply of the Appellant's premises.
- (v) It was false and hence denied that as per CC No. 47/2020, because in this case the account of the Appellant was not overhauled on the basis of LYSM and the account of the

Appellant was overhauled on the basis of the consumption recorded by the meter for last six months to the date of replacement of the meter by taking into consideration that the consumption recorded during that period was 58% and which was converted into 100% for overhauling the account of the Appellant. So, the CC No. 47/2020 was not applicable in this case.

- (vi) It was clearly stated that the meter was never got burnt as per the ECR No. 06/289 dated 02.01.2021 only LT Lead of Yellow and Blue phase was disconnected from the meter. During the restoration of supply, the DDL of the meter could not be done. Therefore, as per ECR, the energy meter of the consumer was required to be changed and the old meter was to be checked in ME Lab, Patiala.
- (vii) The report of the voltage was taken from DDL regarding less voltage on yellow phase and zero voltage on blue phase.
- (viii) The calculation of slowness of the meter was carried out on the basis of voltage on each phase of the meter rather than the load running on each phase of the meter.
- (ix) The calculation regarding slowness of the energy meter was done on the basis of voltage shown on each phase of the meter while checking in ME Lab, Patiala.

- (x) The energy meter of the Appellant was checked in ME Lab, Patiala and the DDL showed the zero voltage on blue phase and low voltage on yellow phase.
- (xi) The Appellant had submitted that it had no objection of checking the meter in his absence.
- (xii) The calibrated meter was installed in consumer's premises.
- (xiii) It was stated that nothing was mentioned about tampering the seals of the meter.
- (xiv) The amount so charged to the Appellant was as per Regulation No. 21.5.1 of Supply Code, 2014.
- (xv) The meter of the Appellant was checked by Enforcement Wing and in which they had mentioned that the meter of the Appellant need to be changed and got checked from ME Lab, Patiala and during the checking the meter was found to be slow by 42%.
- (xvi) After receiving the complaint of the Appellant, the meter was checked by the Enforcement Wing vide ECR No. 06/289 dated 02.01.2021 in which it was mentioned that the energy meter of the Appellant had to be replaced and the old meter need to be got checked from ME Lab, Patiala and during the checking, the DDL of the meter was done and it showed the status of the supply of the consumer's premises.

- (xvii) It was stated that the meter installed at consumer's premises was checked and properly calibrated by ME Lab, Patiala as per the Regulations of the PSPCL.
- (xviii) As per Instruction No. 59.5 of the ESIM, the meter was checked by ME Lab, Patiala.
- (xix) It was stated that the account of the Appellant was earlier overhauled for 42% slowness for the period of six months and which was OK and the amount was recoverable from the Appellant. After that the Appellant filed a case in the Forum, in which the Forum decided that the account of the consumer be overhauled for 47% slowness and the amount was OK and recoverable from the Appellant.

(b) Submission during hearing

During hearing on 29.03.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal. The Respondent admitted that the accuracy of the meter in dispute was not checked at site or in ME lab as per Regulation No. 21.3.6 of Supply Code, 2014. The accuracy was calculated by the ME lab on the basis of recorded phase voltages which is not in line with regulations/instructions.

5. Analysis and Findings

The issue requiring adjudication in this case is overhauling of the account of the Appellant for six months period from 07.07.2020 to 08.01.2021 by taking 47% slowness of the meter.

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

- (i) The Appellant's Counsel (AC) reiterated the submissions made in the Appeal. He further pleaded that the account of the Appellant was earlier overhauled with slowness factor of 42% of the meter but the same was enhanced by the Forum to 47% without its proper testing either at site or in the ME Lab. Therefore, the decision of the Forum was wrong, illegal, arbitrary and against the provisions of law. He also pleaded that according to regulations, the meter was compulsorily required to be tested in ME Lab. The Respondent had not checked the correctness/ accuracy of the meter with ERS/ Reference Meter in ME Lab rather done the arithmetic calculations regarding alleged slowness of the meter. It was not approved method of calculation of error factor either by PSERC or as per regulations of the Respondent. The meter was required to be tested as per provisions of law and thereafter, the amount can

be charged to the Appellant. The AC concluded his arguments by praying that the impugned order be set aside and the account of the Appellant be overhauled on the basis of realistic consumption so that the Appellant may be able to comply with the same.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant and reiterated its submissions made in the written reply. The Respondent further stated that the account of the Appellant was rightly overhauled for six months on the basis of report received from the ME Lab vide Challan No. 06/20 dated 19.01.2021 in which the meter of the Appellant was found to be slow by 42%. The said slowness of the meter was rightly increased by the Forum to 47% vide its detailed order dated 10.02.2022 which was legal and valid order. The voltage on each phase had been shown as OV/128V/230V on Blue/ Yellow/ Red phases and as such, calculation of slowness of meter was rightly carried out on the basis of the voltage shown on each phase of the meter. The points raised by the Appellant in its Appeal already stood adjudicated by the Forum and the Appellant had not brought any new fact or plea in its Appeal and therefore, the Appeal of the Appellant deserved dismissal.

- (iii) Sr. Xen/ Enf. cum EA&MMTS-2, Patiala had checked the connection of the Appellant vide ECR No. 06/289 dated 02.01.2021 and observed as under: -

whNo d/ CTC ftZu Incoming side s'A LT Lead Yellow Phase dh ;V e/ disconnect j'Jh j? ns/ Blue Phase dh LT lead dk ACSR ;VQ u[Zek j? s/ Insulator Bkb sko i[Vh j?. w"e/ s/ ygseko dh supply BjhA ub ojh j?. DG Set s/ ezw ub fojk j?. LT fEzpb Undersize j? s/ fJ; dk Insulation yokp j' u[Zek j? Overheat j'D eoe/ whNo dk DDL pko 2 e'f;a; eoB s/ Bjh j'FfJnk, LT e/pb b'v w[skfpe Proper size dh gk e/ supply ukb{ ehsh ikt/.

whNo ns/ LT CT set B{z s[ozs pdbh ehsk ikt/. T[sko/ whNo s/ LT CT set B{z ;hb g?e jkbs ftZu ygseko dh jkiaohftZu further u?fezr s/ DDL bJh ME Lab fty/ fbnkd ikt/.

MCB/ CTC y[Zbh jkbs ftZu Grs f;zx i/HJh B{z LT e/pb mhe eoB bJhA y[Zbh jkbs ftZu ;'fgnk frnk.

- (iv) The perusal of the above report reveals that Sr. Xen/ Enf. cum EA&MMTS was unable to take DDL of this consumer and the accuracy of the metering equipment was not checked at site. Further, the supply of the consumer stood disconnected at the spot and he was carrying on his job by getting supply from the installed DG set. The Meter was brought to the ME Lab vide Challan No. 06/20 dated 19.01.2021 and the accuracy of the metering equipment was not checked in the ME Lab but the

DDL of the meter was done in the ME Lab. AEE/ ME Lab, Patiala vide its office Memo No. 950 dated 08.11.2021 reported to AE/ Commercial Model Town Divn., Patiala as under:

“T[go'es jtkb/ nXhB ft;ak uofus e/; ;hBhno ekoiekoh fJzihBhno\$ fJzBc'o;w?AN, gfNnkbk Bkb discuss ehsk frnk. DDL dh fog'oN ftZu Voltage ns/ current dh variation pjs fiankdk j?, fi; ekoD Red Phase dh Voltage 230, Yellow Phase dh Voltage 128 ns/ Blue Phase dh Voltage Zero wB e/ calculation j/m fby/ nB[;ko j?L

Yellow $230-128/230 = 0.44 \times 33\%$

slowness due to yellow phase = 14%

Blue = Dead = Slowness 33%

Total slowness = 47%”

- (v) The above calculation was done by the AEE/ ME S/D, Patiala by taking the voltage recorded in the DDL i.e. Red Phase Voltage 230, Yellow Phase Voltage 128 and Blue Phase Voltage Zero. The accuracy of the meter in dispute has been worked out on the basis of voltage recorded. There is no provision in the Supply Code regulations for calculating accuracy of the meter arithmetically on the basis of recorded phase voltages. The report of ME Lab sent vide Memo No. 950 dated 08.11.2021 cannot be considered to overhaul the account of the Appellant by taking slowness of 47%. Since the accuracy of the meter in dispute was not tested either at site or in ME Lab as per Regulation No. 21.3.6 of Supply Code, 2014; so the

account of the Appellant cannot be overhauled as per Regulation No. 21.5.1 of Supply Code, 2014 by treating the meter as inaccurate. Therefore, I am not inclined to agree with the decision of the Forum.

- (vi) In view of the foregoing observations, since the accuracy of the meter was not ascertained in this case as per regulations, the account of the Appellant should be overhauled as per regulation No. 21.5.2 of Supply Code, 2014 by treating the meter in dispute as 'Defective Meter'. The perusal of Challan No. 06/20 dated 19.01.2021 also indicates that the meter in dispute was returned to ME Lab as defective meter. Therefore, the account of the Appellant for the period 07.07.2020 to 08.01.2021 is required to be overhauled on the basis of energy consumption of corresponding period of previous year i.e. from 07.07.2019 to 08.01.2020 as per Regulation 21.5.2 (a)& (e) of Supply Code, 2014.

6. Decision

As a sequel of above discussions, the order dated 10.02.2022 of the CGRF, Patiala in Case No. CGP-292 of 2021 is hereby quashed. The account of the Appellant for the period 07.07.2020 to 08.01.2021 should be overhauled as per Regulation 21.5.2 (a) & (e) of Supply Code, 2014.

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 29, 2022
S.A.S. Nagar (Mohali)

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