

**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. 26/2023

Date of Registration : 06.10.2023
Date of Hearing : 03.11.2023/09.11.2023
Date of Order : 20.11.2023

Before:

**Er. Anjuli Chandra,
Lokpal (Ombudsman), Electricity, Punjab.**

In the Matter of:

Sh. Khushjiv Singh,
House No. 1134, Phase-5,
Mohali.

Contract Account Number: 3000306962 (DS)

...Appellant

Versus

Senior Executive Engineer,
DS (Spl.) Division, PSPCL,
Mohali.

...Respondent

Present For:

Appellant: Sh. Khushjiv Singh,
Appellant.

Respondent : 1- Er. Taranjeet Singh,
Senior Executive Engineer,
DS (Spl.) Division, PSPCL,
Mohali.
2- Smt. Manisha Mirok, RA.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 02.08.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-070/2023, deciding that:

“All the bills pertaining to the period from 05.02.2019 to 05.01.2023 issued to the petitioner are quashed. Account of the petitioner be overhauled under Net Metering arrangement as per Commercial Circular No. 22/2015 for the period from 05.02.2019 (date of installation of SPV) to 05.01.2023 (date of checking) on the basis of actual readings, considering readings recorded in Export Register as Import readings and those recorded in Import Register as Export readings.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 06.10.2023 i.e. beyond the stipulated period of thirty days of receipt of the decision dated 02.08.2023 of the CCGRF, Ludhiana in Case No. CF-070/2023. The Appellant had deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 06.10.2023 and copy of the same was sent to the Sr. Xen/ DS (Spl.) Divn., Mohali for sending written reply/parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 718-720/OEP/A-26/2023 dated 06.10.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 03.11.2023 and intimation to this effect was sent to both the parties vide letter nos. 749-50/OEP/A-26/2023 dated 25.10.2023. As scheduled, the hearing was held in this Court on 03.11.2023. At the start of hearing, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant submitted that the order was not implemented by the Respondent within the stipulated period of 21 days as required under Regulation 2.33 of PSERC (Forum & Ombudsman) Regulations, 2021 and as such the Appellant was compelled to file an application under Section 142 of the Electricity Act, 2003/ Regulation 2.33 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016 before the Hon'ble Ombudsman, Electricity, Punjab on 05.09.2023 and the same was disposed of on 03.10.2023 by the Ombudsman, Electricity, Punjab. The present Appeal being filed immediately after the decision of the said application by the Hon'ble Court of Ombudsman, Electricity, Punjab. Though there was no delay in filing the Appeal against the impugned order, yet in order to avoid any kind of objection at any stage, an application for condonation of delay was filed alongwith grounds of the Appeal. Therefore,

the Appellant requested that the delay may kindly be condoned and the Appeal be adjudicated on merits in the interest of justice. The Respondent did not object to it.

In this connection, I have gone through Regulation 3.18 of PSERC (Forum and Ombudsman) Regulations, 2016 which reads as under:

“No representation to the Ombudsman shall lie unless:

(ii) The representation is made within 30 days from the date of receipt of the order of the Forum.

Provided that the Ombudsman may entertain a representation beyond 30 days on sufficient cause being shown by the complainant that he/she had reasons for not filing the representation within the aforesaid period of 30 days.”

It was observed that refusal to condone the delay in filing the Appeal would deprive the Appellant of the opportunity required to be afforded to defend the case on merits. Therefore, with a view to meet the ends of ultimate justice, the delay in filing the Appeal in this Court beyond the stipulated period was condoned and the Appellant was allowed to present the case.

The Appellant argued that the meter should be treated as defective & his account should be overhauled treating the meter

as defective. He also raised the issue that he was issued such a huge bill after four years. During these four years, nobody from the PSPCL informed him that his net bi-directional meter was defective & not producing any electricity resulting in huge loss to him. The Respondent controverted these arguments of the Appellant & submitted that the meter was not defective & only the connections of the meter were wrongly done.

The Appellant further requested that he received the Reply of the Respondent to his Rejoinder only yesterday. So he needs some time to file his comments. The Court allowed the same.

The next date of hearing in this case is fixed for 09.11.2023 at 02.30 PM. Both the parties are directed to attend the Court on said date and time.

As scheduled, the hearing was held in this Court on 09.11.2023.

The Appellant had given its comments on the Reply to the Rejoinder of the Respondent on 08.11.2023. The Respondent also filed its Reply to the comments of the Appellant, which was taken on file. Both the parties reiterated their respective stand taken by them in their respective replies. Arguments of both the parties were heard. The case was closed for pronouncement of final orders.

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 his Appeal for consideration of this Court:-

- (i) The Appellant was having a DS Category Connection, bearing Account No. 3000306962 with Sanctioned Load of 29.220 kW in the name of Sh. Khushjiv Singh under DS (Spl.) Division, PSPCL, Mohali.
- (ii) The Corporate Forum decided the present case CF-070/2023 vide Order dated 02.08.2023 wherein, all the bills pertaining to the period 05.02.2019 to 05.01.2023 were quashed on account of Defective Connections of the Meter, which recorded Defectively from date of installation i.e. 05.02.2019 to date of setting right the defective Connections i.e. 05.01.2023.

- (iii) The Respondent was asked to issue fresh bills from 05.02.2019 to 05.01.2023 based on Commercial Circular 22/2015 by considering the readings recorded in Export Register as Import Readings and Readings recorded in Import Register as Export Readings. The Respondent failed to comply with the Order of the Corporate Forum in 21 days and as such an Application No. 12/2023 under Regulation 2.33 of PSERC (Forum & Ombudsman) Regulations, 2021 was submitted to the Secretary, Court of Ombudsman, Electricity, Punjab. The Respondent had served the Revised Bills from 05.02.2019 to 05.01.2023 amounting to ₹ 7,70,604/- with the adjustment of 20% amount deposited to file Petition before the Corporate Forum to effect the amended disputed amount to ₹ 6,76,430/- against the application submitted u/s 142 of the Electricity Act, 2003 before your good-self vide Diary No. 119 dated 05.09.2023. The Revised Bills vide Memo No. 7396 dated 05.09.2023 of the Respondent were received on 21.09.2023. Therefore, the Application under Regulation 2.33 (Forum and Ombudsman) Regulations, 2021 was closed by the Hon'ble Ombudsman vide Order No. 710 dated 03.10.2023.
- (iv) The proceeding of the Case dealt by the Corporate Forum recorded that the Respondent deleted the Previous DATA

before raising the impugned demand of ₹ 7,76,270/- which was also argued before the Corporate Forum by the Appellant that why the earlier DATA was deleted by the Respondent to issue impugned demand of ₹ 7,76,270/- for four years period as the deletion of DATA of its own may raise doubts on the authenticity of the impugned demand and deprive the Appellant from justice against high headed and monopolistic action of the Respondent to cover his serious mistake of defective metering for more than four years.

- (v) The main issue raised by the Appellant before the Corporate Forum was that the Wrong/Defective Connections of the Meter made by the PSPCL at the time of installation, leading to defective recording/metering was to be dealt under Regulation 21.5.2 of Supply Code, 2014 to overhaul the accounts for maximum of six months on account of Defective Meter. Moreover, there was no fault of the Appellant in making wrong/Defective Connections. The Corporate Forum had wrongly considered the Defective Metering on account of Defective Connections on the basis of some hypothetical broader interpretation of the Note given under Regulation 21.5.1 of supply Code, 2014 which related to Mathematical Error of Multiplying Factor only and by no yardstick could be

extended with hypothetical broader interpretation (that too without clarification of the Hon'ble PSERC entitled to interpret the Regulations framed by the Hon'ble PSERC as clearly specified in Regulation 44.3 of Supply Code, 2014). The broader interpretation of the Note under Regulation 21.5.1 to extend to Defective Connections of the Meter with CT/PT ate into the vitals of the definition of METER given in Regulation 2 (ZO) of Supply Code, 2014 which included CT/ PT/ CVT with necessary wiring and accessories as inherent part of Meter. The Defective Connections leading to the Defective Metering fell under Regulation 21.5.2 and was not a Mathematical Error by any yardstick. Even Regulation 21.1 of Supply Code, 2014 clearly specified that term Meter shall also include wherever applicable, other Metering Equipment such as Current Transformers, Voltage Transformers with wiring and accessories for measuring/ recording conveyance of electricity and shall hereinafter called 'METER.'

- (vi) The Meter recording defectively as Import for Export and Export for Import CANNOT BE LABELED AS NON DEFECTIVE METER OR CORRECT METER WITHOUT DEFECTIVE RECORDING with any broader hypothetical

interpretation of Note of Regulation 21.5.1 on Multiplying Factor when there was no dispute over Multiplying Factor.

- (vii) The Corporate Forum had not considered the Defective Recording of Defectively Wired Meter as Defective Meter and ordered for Overhauling of Accounts from date of Installation by reversing the Defective Recording of Import and Export Readings and taking no cognizance of Regulation 21.5.2 of Supply Code, 2014 for overhauling the accounts for maximum period of Six months. If the Meter was not defective in Recording or otherwise, then why the readings were recorded Defectively and had to be reversed? Were the Connections not Defective? Are the Connection or wiring and Accessories not a part of METER with Definition of Meter?
- (viii) The Respondent had revised all Bills from 05.02.2019 to 05.01.2023 with the disputed amount getting reduced from ₹ 7,76,270/- to ₹ 6,76,430/- (as explained above in para 2) but the Respondent has not issued any Speaking Order for the same under CC 22/2015 and had also not appended any DATA Downloaded from the meter by appropriately reversing Import and Export Reading and duly correlating the same with Solar Meter Generation. The Generation readings of Solar Meter also appeared to be defective in the revised Bills served to the

Appellant. The Proceedings of the Case before the Corporate Forum had shown that the Respondent deleted the DATA on its own before raising the impugned demand of ₹ 7,76,270/- to cover its wrong action of defective metering during installation, followed by non testing of Meter for 4 years against Regulation 21.3.5, further paying no attention to analyze the DATA for four years and finally with the broader Hypothetical Interpretation of its own for the Note under Regulation 21.5.1 threw the impact/burden on the Appellant to escape the responsibility.

- (ix) The Order of Hon'ble Supreme Court of India referred in the Order of the Corporate Forum in Civil Appeal No. 7235/509 titled Prem Cottex V/s UHBVNL was regarding application of Multiplying Factor (i.e. Mathematical Error) and not for Defective or Inaccurate recording of Meter which fell under Regulation 21.5.1 and Regulation 21.5.2 of Supply Code, 2014. Both these Regulations don't permit overhauling beyond six months. Moreover, the order of the Hon'ble Supreme Court of India in Civil Appeal No. 7235/509 titled Prem Cottex V/s UHBVNL needed to be read in totality to apply the same in other orders to define ESCAPED LIABILITY and DEFICIENCY IN SERVICE. The Defective Connection of the

Meter cannot be termed as ESCAPED LIABILITY and the same was DEFICIENCY IN SERVICE for which the Respondent had admitted at page 11 of the order dated 02.08.2023 that the action against concerned staff had been initiated. The ESCAPED LIABILITY or DEFICIENCY IN SERVICE had direct relation to application of Section 56 of the Act with respect to the present situation of Defective Wiring of the Meter leading to Defective Recording read with the above complete judgment of Hon'ble Supreme Court of India.

- (x) Neither, the Inaccurate Recording by any percentage can be treated as Mathematical error nor the Defective/Dead Stop/Burnt Meters can be considered for Mathematical Error for overhauling the Accounts from date of Installation. For all Mathematical Error, the Meter should be accurate and not Defective in recording.
- (xi) The order of the Hon'ble Supreme Court of India referred by the Corporate Forum had rightly been considered by the Hon'ble PSERC with the note under Regulation 21.5.1 for Multiplying Factor to cover Mathematical Error of applying the MF i.e. CT ratio/Meter ratio from date of installation. The Defective Readings/ Defective Wiring had not been mentioned in the Note given under Regulation 21.5.1.

- (xii) The Corporate Forum had failed to appreciate the Regulation 21.3.5 of Supply Code, 2014 which specifies Testing of L.T. 3-Phase Meter at least once in three years because the Respondent failed in its duty to comply the Regulation 21.3.5 for which the Petitioner/Appellant cannot be penalized.
- (xiii) The CC 22/2015 was issued by the PSPCL on the basis of the PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulation, 2015 notified by the Hon'ble PSERC Vide No. PSERC/Secy./Regu. 101 dated 7th May, 2015. Neither the above Regulation nor the Commercial Circular 22/2015 dealt with the overhauling of Account under Defective/ Inaccurate/ Dead Stop/ Burnt Net Meter. The Specific Metering Problems as above have been addressed under Regulation 21.5.1, 21.5.2, 21.5.3 of Supply Code, 2014. The CC 22/2015 with mother Regulation as mentioned above specified the methodology of Billing of Net Metering and did not deal with the above specific problems of Net Meter i.e. Inaccurate, Defective, Dead Stop, Burnt etc.
- (xiv) The Respondent earlier violated the Regulation 30.1.2 of Supply Code, 2014 too by adding the previous period demand in the current bills at first Instance without serving any Notice.

(xv) The Respondent made Wrong/ Defective Connections of the Meter with C.T. of the Meter followed by no analysis of DATA for four years and then failed to Test the Meter at least once in three years of installation (i.e. violating Regulation 21.3 of Supply Code, 2014), further violating Regulation 30.1.2 to add previous amount in the Bills without any Notice and further wrongly justifying the Defective Recording of the Meter as Non Defective to cover series of failures and to escape Regulation 21.5.2. The Respondent failed to justify Regulations 2 (ZO) and Regulation 21.1 of Supply Code, 2014 which had clear stipulations that wiring was a part of Meter and as such Defective Wiring of CT with Meter was definitely a Defective Metering / Defective Meter.

(xvi) In view of the above discussions, the Appellant prayed before the Hon'ble Ombudsman, Electricity, Punjab to consider the above as Appeal against the order of the Corporate Forum in Case CF-070 of 2023 read with Revised Bills served by the Respondent vide Memo No. 7396 dated 05.09.2023 without correlating with the downloaded DATA to logically justify the overhauling in the concerned Settlement Period only under various riders of CC 22/2015 with Regulation 21.5.2 of Defective Meter for Overhauling the accounts being the

Principle Regulation to define overhauling period of Defective Meter.

(xvii) The Grounds of the appeals are as under:-

- a) Violation of Regulation 21.5.2 of Supply Code, 2014 for overhauling of the accounts of a Defectively Recording Meter for maximum of six months.
- b) Violation of Regulation 21.1 of Supply Code, 2014 and violation of Regulation 2 (ZO) of Supply Code, 2014 which includes wiring of CT/PT with Meter as inherent part of Meter.
- c) Violation of Regulation 21.3.5 of Supply Code, 2014 which specifies Testing of L.T. 3-Phase meters at least once in three years.
- d) The wrong and hypothetically broader extension of Note on Multiplying Factor under Regulation 21.5.1 to consider the Defective Recording of Meter as similar to Mathematical Error of applying Wrong Multiplying Factor.
- e) Violation in Interpreting Note of Regulation 21.5.1 without due clarification of the competent Authority to interpret i.e. the Hon'ble PSERC i.e. violation of Regulation 44.3 of Supply Code, 2014.

f) Violation of Regulation 30.1.2 by the Respondent in raising the impugned Demand of ₹ 7,76,270/- in the Bills without serving a prior Notice of the Arrear Bills and then further amending to ₹ 6,76,430/- with Revised Bills after adjusting 20% of the amount deposited to file Petition before the Corporate Forum.

(xviii) The Appellant prayed to quash the Non-Speaking Bills issued by the Respondent Vide Memo No. 7396 dated 05.09.2023 amounting to ₹ 6,76,430/- (after adjusting 20% amount deposited to file Petition before the Corporate Forum on its own without passing a final Speaking Order) in compliance to the order of the Corporate Forum Vide Memo No. 879/T-85/2023 dated 02.08.2023 in Case CF-070/2023 and that too without appropriately correlating the Data of four years recorded in Meter. The Hon'ble Ombudsman is further prayed to order the Respondent not to disconnect the Connection till the Case is decided with a Speaking Order based on Regulations of Supply Code, 2014 by the Hon'ble Ombudsman, Electricity, Punjab or by the Corporate Forum in Case the Appeal is remanded back to the Corporate Forum to pass Speaking Orders as per the Regulations of Supply Code, 2014.

(b) Submissions in Rejoinder

The Appellant submitted the following in Rejoinder for consideration of this Court:-

- (i) The Appellant was agreed to the extent that fresh bills from 05.02.2019 to 05.01.2023 had been issued by the Respondent on 21.09.2023 against the order dated 02.08.2023 of the Corporate Forum, Ludhiana vide which all the previous bills issued from 05.02.2019 to 05.01.2023 were quashed by the Corporate Forum, Ludhiana and the Respondent was directed to issued fresh bills as per CC No. 22/2015 but the compliance was to be made within 21 days but the Respondent issued fresh bills on 21.09.2023 (i.e. after 50 days) when the Application No. CO-12/2023 was filed before the Court of Ombudsman, Electricity, Punjab, Mohali.
- (ii) The Appellant was agreed to the extent that the periodical bills had been issued against the CC No. 22/2015, but CC No. 22/2015 stands repealed vide CC No. 36/2021 issued by the PSPCL vide Memo No. 1352/56/S-4/Net Metering /19 dated 05.10.2021 on the basis of Notification No. PSERC/Secy/Regu 158 dated 18.08.2021 of the Hon'ble PSERC, Chandigarh. Moreover, the periodical bills issued on 21.09.2023 by the Respondent had not addressed the issues raised before the

Corporate Forum, Ludhiana and as such the current Appeal had been filed before the Court of Ombudsman, Electricity, Punjab, Mohali. It was pertinent to mention that the Corporate Forum, Ludhiana decided the case on 02.08.2023 to issue the bills as per CC No. 22/2015 which was already repealed in the year 2021 by the PSPCL i.e. about 2 years earlier to the order of the Corporate Forum, Ludhiana.

- (iii) The Appellant was agreed to the extent that period bills were issued by exchanging import and export regarding from 05.02.2019 to 05.01.2023, but the Respondent had admitted before the Corporate Forum, Ludhiana that data had already been deleted before issuing the demand of ₹ 7,76,270/- for about four years. No data downloaded from the meter had been provided to authenticate the billing done after four years for a Defective Meter recoding and measuring defectively. The right of the Appellant for justice had been killed with the deletion of data by the Respondent for the meter defectively wired by the Respondent **so that Defectively wired, defectively measuring and defectively recording meter may not be considered under Regulation 21.5.2 of Supply Code-2014 by the Corporate Forum, Ludhiana and the so called Hypothetical Broader Interpretation of Note of Regulation 21.5.1 of**

Supply Code-2014 may be presented by the Respondent for acceptance by the Corporate Forum, Ludhiana, despite a specific question raised by the Corporate Forum, Ludhiana to the Respondent to quote the Regulation under which accounts can be overhauled for more than six months (page 3 of the order dated 02.08.2023 of the Corporate Forum, Ludhiana).

Is the Respondent or the Corporate Forum, Ludhiana competent to make any broader interpretation of Regulations framed by the Hon'ble PSERC? It has been clearly specified by the Hon'ble PSERC in Regulation 44.3 of Supply Code-2014 that in case of any doubt/dispute on interpretation the matter has to be referred to the Hon'ble PSERC. The Regulation 44.3 of the Hon'ble PSERC is reproduced below:-

Regulation 44.3 of Supply Code, 2014

Any dispute arising between the distribution licensee and a consumer in respect of interpretation of the Supply Code shall be referred to the Commission.

- (iv) The Appellant was denied that the defective connections/wiring of CTs to Meter Terminal block leads to Defective Meter as it measured defectively & recorded defectively. If meter was not defective in the current case, then why the connections were

reversed to interchange readings and recordings? The meter measures and records so many parameters which depend upon Current and Voltage Vectors. The other parameters viz Power (kW), Energy (kWh), Apparent Energy (kVAh), Power Factor (Cosine of the angle between V & I etc.) also become defective in measurement and recordings. **How a meter measuring and recording most of the parameters defectively has been declared as non defective by the Respondent by deleting data and the same accepted by Corporate Forum, Ludhiana too?** Moreover, CT and its wiring were the inherent part of meter by the definition 2 (ZO) in Supply Code, 2014. **How a meter with Defective Connections, Defective Measurement and Defective Recording can be a Non Defective Meter?**

The Regulation 2 (ZO) of Supply Code, 2014 is reproduced below:-

Regulation 2 (ZO) of Supply Code, 2014 before 11th amendment of Supply Code, 2014 vide PSERC/Secy./Regu. 164 dated 08.09.2022.

“Meter” means a device suitable for **measuring, indicating and recording** consumption of electricity or any quantity related with electrical system and shall include, wherever applicable, other equipments such as Current Transformer,

Voltage Transformer **with necessary wiring & accessories** or Capacitor Voltage Transformer necessary for such purpose.

Regulation 2 (ZO) of Supply Code, 2014 after 11th amendment of Supply Code, 2014 vide PSERC/Secy./Regu. 164 dated 08.09.2022.

“Meter” means a device suitable for measuring, indicating and recording conveyance of electricity or any quantity related with electrical system and shall include, wherever applicable, other equipments such as Instrument Transformer i.e. ‘Current Transformer’ (CT) or ‘Current Transformer’ (CT) and ‘Capacitor Voltage Transformer’ (CVT) of ‘Current Transformer’ (CT) and ‘Indicate Voltage Transformer’ (IVT), necessary for the purpose of measurement.”

The Regulation for overhauling of the accounts of defective meter 21.5.2 of Supply Code, 2014 and a defective meter cannot be considered as non defective with any Hypothetical Interpretation of Regulations framed by Hon’ble PSERC.

- (v) The Appellant denied that the Regulation 21.5.1 of overhauling for inaccurate meters was not applicable for a defective meter. The broader interpretation of note of Regulation 21.5.1 did not apply because neither it was a case of wrong Multiplication Factor not the Respondent was competent to make any broader interpretations of Regulations framed by Hon’ble PSERC. The

Corporate Forum, Ludhiana had failed to appreciate Regulation 44.3 of Supply Code, 2014 which did not permit any broader interpretation without the approval of Hon'ble PSERC.

- (vi) It was pertinent to mention that Multiplying Factor of a meter was the ratio of CT Ratio and Meter Ratio. Neither the CT Ratio nor Meter Ratio was measured or recorded in meters and nor the Multiplication Factor was recorded or measured in meters. These were design parameters of CT & Meters respectively. Moreover, sometime CTs were of Multiple winding connections i.e. Multiple Ratios like 200-100/5A. Therefore, its ratio was mathematical figure and rightly covered in note of Regulation 21.5.1 and order of Hon'ble Supreme Court in M/s Prem Cottex vs UHBVNL case referred by Corporate Forum, Ludhiana. But the parameters recorded and measured defectively in the meter can neither be considered mathematical error nor these be treated under Broader Hypothetical Interpretations of note of Regulation 21.5.1 to deny that meter was not defective in measuring, recording and in its operations.
- (vii) The Appellant was denied that the Respondent had not replied to the following questions in its reply to prove logically and w.r.t. the existing regulations that meter was not defective:-

- a) If the meter was not defective in recordings or otherwise, then why the readings were recorded defectively and had to be Reversed later on for issuing fresh bills?
- b) Were the connections not defective? Then why these were changed later on?
- c) Are the connections/wiring and accessories to connect CT/PT not part of meter w.r.t. definition 2 (ZO) of meter in Supply Code, 2014?
- d) Can a defective Measuring and Recordings Meter be called Non-Defective to even neutralize the basic definition of Meter?
- (viii) The Appellant was denied that the Respondent had not issued any speaking order w.r.t. billing under the already REPLEALED CIRCULAR CC No. 22/2015. The Respondent had not appended data downloaded from the meter and had not correlated Solar Generation data. The Respondent had TESTED the meter on 11.05.2023 after installing the meter on 05.02.2019, whereas Regulation 21.3.5 of Supply Code, 2014 had been violated by the Respondent which demands testing of 3 phase meter at least once in three years. The Respondent had not commented on the violation of Regulation 21.3.5 of Supply Code, 2014. The Respondent had not replied to non analysis of

data for four years. The Regulation 21.3.5 of Supply Code, 2014 is reproduced below:-

Regulation 21.3.5 of Supply Code, 2014

The distribution licensee shall also conduct periodical inspections/testing of the meters/metering equipments installed at the consumers' premises as per following schedule:

- i. EHT meters:- at least once in a year
- ii. HT meters:- at least once in 2 years
- iii. LT 3-phase meters:- at least once in 3 years
- iv. LT 1-phase meters:- at least once in 5 years

(ix) The Appellant was denied that the Respondent had tried to justify the Deficiency in service of doing wrong connection with escaped liability by using Broader Interpretation of note of Regulation 21.5.1 and by linking wrongly with order of Hon'ble Supreme Court of India in Civil Appeal 7235/509 of M/s. Prem Cottex vs UHBVNL regarding Multiplying Factor (i.e. Mathematical Error). Defective Meter or Inaccurate Meter measuring or recording Defectively/Inaccurately fall under Regulation 21.5.2 and 21.5.1 of Supply Code, 2014 respectively and both Regulations didn't permit overhauling beyond six months because Defective Meter measuring or

recording defectively and inaccurate meter measuring or recording inaccurately were not the escaped liability but these were deficiency in service on the part of the Respondent.

- (x) No reply had been given by the Respondent to the violation of Regulation 21.3.5 which desired testing at least once in three years, whereas, the same was done after 4 years of installation of meter.
- (xi) CC No. 22/2015 quoted by the Corporate Forum, Ludhiana in the order dated 02.08.2023 stands REPEALED with CC No. 36/2021 dated 05.10.2021 to render the order of the Corporate Forum, Ludhiana dated 02.08.2023 as in fructuous. Moreover neither CC No. 22/2015 nor the CC No. 36/2021 with their Regulations notified vide PSERC/Secy./Regu.101 dated 07.05.2015 and PSERC/Secy./Regu. 158 dated 18.08.2021 of the Hon'ble PSERC deals in overhauling of the accounts for Defective/ Inaccurate Meters for which Regulations 21.5.2 and 21.5.1 of Supply code, 2014 had been framed by the Hon'ble PSERC in Supply Code, 2014.
- (xii) The Respondent had not replied to the violation of Regulation 30.1.2 of Supply Code, 2014 which prohibits the adding of previous period demand at first instance in the bills without proper prior notice.

(xiii) The Respondent had not replied to the series of violation of Regulations of Supply Code, 2014 which are Subordinate Legislations of the State of Punjab. The consumption may be actual or otherwise, but the account of a defective meter cannot be overhauled for more than six months with any Hypothetical Broader Interpretations. Such Broader Interpretations eats into the vitals of Regulation 21.5.2 of Supply Code, 2014, Regulation 2 (ZO) of definition of meter, Regulation 21.1 of Supply Code, 2014 and Regulation 44.3 of Supply Code, 2014. The Respondents made wrong connections, did not analyse the data for four years, violated regulation 21.3.5 of Supply Code, 2014 by not testing the meter at least once in the three years and then threw the burden on the Appellant with so called broader Hypothetical Interpretation of note of Regulation 21.5.1 and deleting the data of its own before raising the impugned demand to escape all responsibilities. Moreover, the impugned demand had been raised after 4 years and were not a part of continuously raised demand in bills in the last 4 years, therefore Corporate Forum, Ludhiana should have appreciated the Regulation 32.2 of Supply Code, 2014 also for rejecting the demand for excessively long period beyond 2 years. The Regulation 21.1, 32.2 & 30.1.2 are reproduced below:-

Regulation 21.1 of Supply Code, 2014

No Connection shall be given without a meter and such meter shall be the smart pre-payment meter or pre-payment meter. Any exception to the smart meter or prepayment meter shall have to be duly approved by the Commission. The Commission, while doing so, shall record proper justification for allowing the deviation from installation of the smart pre-payment meter or pre-payment meter. All meters shall conform to CEA (Installation and operation of Meters) Regulation 2006, as amended from time to time. **The term meter shall also include, wherever applicable, other metering equipment such as current transformer, voltage transformer with wiring & accessories etc. essentially required for measuring/recording conveyance of electricity and shall hereinafter called “Meter”.**

Provided that the existing meters, other than smart meters, shall be replaced with smart meters with prepayment facility with effect from date as may be notified separately by the Commission.

Regulation 32.2 of Supply Code, 2014

Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under Regulation 32.1 shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for

electricity supplied & the distribution licensee shall not disconnect supply of electricity in such cases.

Regulation 30.1.2 of Supply Code, 2014

The bill cum notice for arrears in the case of under assessment or the charges levied as a result of checking etc. shall be initially tendered separately and shall not be clubbed with current electricity bill.

The arrear bill cum notice would briefly indicate the nature and period of the arrears along with calculation details of such arrears. If the arrears are not cleared by the consumer such arrears shall be indicated regularly in the subsequent electricity bills.

However, in case arrear bill is included in the current energy bill at the first instance, the distribution licensee shall not be entitled to take any punitive action against the consumer for non payment of such arrear amount along with the current energy bill.

- (xiv) It was prayed to quash the non speaking bills issued vide Memo No. 7396 dated 05.09.2023 of the Respondent on the basis of Repealed Circular CC No. 22/2015, and wrong acceptance of Hypothetical Broader Interpretation by the Corporate Forum, Ludhiana of note under Regulation 21.5.1 because the Multiplying Factor was based on CT ratio and Meter ratio which were design parameters and not measured and recorded quantities in the meter.

(xv) It was prayed to issue orders for overhauling of accounts of the defective meter for six months under Regulation 21.5.2 of Supply Code, 2014 and order to refund the balance amount against 40 % of the disputed amount deposited with the Respondent for filing the ibid Appeal please. The Ombudsman, Electricity, Punjab may issue any other orders as deemed fit.

(c) Comments on the reply to Rejoinder:

The Appellant submitted the following comments to the Reply to Rejoinder of the Respondent for consideration of this Court:-

- (i) It was submitted that the reply of the Respondent vide Memo No 9394 dated 02.11.2023, on the Rejoinder of the Appellant had been received very late on 02.11.2023 w.r.t the already fixed date of hearing as 03.11.2023.
- (ii) It was amply clear that most of the contentions like Broader Interpretation of Note of Regulation 21.5.1 of Supply Code, 2014 had not been stressed by the Respondent in view of Regulation 44.3 of Supply Code, 2014 and clarification of Multiplying Factor (MF) given in the Rejoinder.
- (iii) Secondly, the Respondent had admitted that CC-22/2015 had already been repealed with CC 36/2021 as pointed out by the Appellant in the Rejoinder to plead the Order dated 02.08.2023 of learned CCGRF as null & void.

- (iv) Thirdly, the inclusion of almost all regulations and upto date amendments of CC 22/2015 in CC 36/2021 as claimed by the Respondent by emphasizing the word almost cannot save a repealed circular CC-22/2015 and that too with retrospective effect.
- (v) Fourthly, the Respondent had accepted the violation of Regulation 21.3.5 on account of the huge burden of excessive number of Connections in Mohali Divn. The burden; even if true and verified administratively, cannot allow the Respondent to violate the Regulations. The Regulation 21.3.5 framed by the Hon'ble PSERC had not linked the specified testing periods with low/ high number of connections in the Division. The ESIM stresses to analyze the DATA regularly and take necessary action where the variations are observed.
- (vi) Further, the Respondent had **submitted totally illogical reply** to the violation of Regulation 30.1.2 of Supply Code, 2014, to add/ Club the Overhauling amount in the Current Bill without a previous Notice to the Appellant. The Appellant was not to remind the Respondent to adhere to the Regulations rather it was the moral duty of the Respondent to honour and adhere to the Regulations framed by Hon'ble PSERC because these are the Subordinate State Legislations. The addition/ clubbing of

Previous Overhauling amount in the current bills, without Notice saves the Respondent from quoting all Regulations and Sections of the Act on the Notice and leaves the burden on the consumer to seek justice without reference of Regulation or Sections of the Act for previous Demands. To desist from this practice, the Hon'ble PSERC had framed Regulation 30.1.2, which should have been adhered to by the Respondent.

- (vii) The only issues left with difference of Opinion was whether a Meter with Defective Connections (made by Respondent), with defective indication of data, with defective measurement of Data in Meter and with Defective recording of DATA in Meter is a defective or non defective meter w.r.t Regulation 2(ZO) and Regulation 21.1 of Supply Code, 2014. If the Meter was not defective, then there was no need to change CT Connections and revise Bills already issued to the Appellant with 'O' Code. The Bills should not have been revised from date of Installation by deleting of DATA from the Meter and interchanging the readings in the so called SAP DATA of the so called non defective Meter and the Respondent should not have interchanged the connections of the so called Non Defective Meter. This proved that the Meter was defective due to defective wiring/ Connections of CT with the Meter.

- (viii) Secondly, the Wiring of CT, CT/PT/CVT was/ is Part of Meter and a defectively wired CT (by the Respondent) to the Meter had made the meter defective in Indication, Measurement and Recording of electrical parameters to label the Meter as Defective w.r.t Regulation 2 (ZO) and Regulation 21.1. The Respondent had wrongly stated in the Reply that wiring of CT to meter was not a part of Meter. The Regulation 21.1 is amply clear that wiring and accessories are part of Meter. The Regulation 2 (ZO) also includes CT/PT/ICTs as part of Meter. A Meter cannot have CT as its part if not wired with the Meter.
- (ix) Moreover, the Regulation 21.2.8 of Supply Code, 2014, read with Regulation 12 of CEA (Installation and Operation of Meters), Regulations 2006, as amended from time to time clearly specifies the sealing points of the Meter to be Sealed by the Licensee after installation of meter, which covered the following.
- a. Meter Body or Cover.
 - b. Meter Terminal Cover**
 - c. Meter Test Terminal Block.
 - d. Meter Cabinet.
- (x) All the above are specified in CEA (Installation and Operation of Meters), Regulations 2006 in para 5 of schedule referred in Regulation 12. Further Tracking and Recording Mechanisms of

Seals by the Licensee was also substituted and Sealing of Instrument Transformer(s) Terminal Box and Junction Box were also added in the list of sealing points of the Meter vide amendment to the above Regulations in 2019 vide notification No. CEA-GO-13-15/3/2019-DPR Division Dated 23rd Dec, 2019. It was pertinent to mention that the wiring of CT and Meter was done on the Meter Terminals and CT Terminal Box and both were the sealing points of the Meter to be sealed by the Licensee/ Respondent after installation of the Meter. Therefore, the wiring of CT to the Meter was/ is an inherent part of the Meter as specified in Regulation 2 (ZO) and Regulation 21.1 of Supply Code 2014.

- (xi) The Respondent had been repeatedly mentioning the ECRs of Enforcement for his claim that Meter was declared as Non Defective by Enforcement and only the Connections were changed. The observation should have been recorded w.r.t the Regulations of Supply Code, 2014 (Regulation 2 (ZO) and Regulation 21.1). The Observations of Enforcement should have been read with above Regulations by the Respondent also.
- (xii) Further, the contention of the Respondent that meter was not Defective because the same meter continues even today was strongly rebutted with the remarks that the same Meter

continues till today only with the already defectively made connections by the Respondent in 2019 changed in 2023 to make the meter as Non Defective in 2023 after changing the Defective Connections. The Meter with earlier Defective Connections remained Defective from Date of Installation i.e 05.02.2019 to date of setting right the Defective Connections i.e 05.01.2023.

- (xiii) It was prayed to kindly note the Regulation 2 (ZO) of Supply Code, 2014 before 11th Amendment vide Regulation 164 dated 08.09.2022 and after 11th Amendment i.e after Regulation 164 dated 08.09.2022 read with Regulation 21.1 of Supply Code, 2014 and order of the events of the case.
- (xiv) Lastly, it was submitted that neither CC 22/2015 nor CC 36/2021 along with their respective mother Regulations (Reg. 101 dated 07.05.2015 and Reg. 158 dated 18.08.2021) describe the procedure to Overhaul the Accounts of Defective or Inaccurate Meter. These Regulations describe the procedure of Normal Billing for Rooftop SPV Systems. The Overhauling of Accounts of the Defective or Inaccurate Meters is governed by Regulations 21.5.1 & 21.5.2 of Supply Code, 2014 and both these Regulations don't permit Overhauling of Accounts beyond maximum period of six months. The title of Regulation

21.5 of Supply Code, 2014 is 'OVERHAULING OF CONSUMER ACCOUNTS' under which Regulation 21.5.1 covers Inaccurate Meters and Regulation 21.5.2 covers Defective/ Dead stop/ Burnt/ Stolen Meters. The Hon'ble Commission may have fixed the period of Overhauling to maximum Six Months so that deficiency in Service of the Respondent may not be passed on to the consumer so heavily for excessively longer periods of Deficiency in service of the Respondent.

- (xv) It has been pleaded that the Respondent made Defective Connections, the Respondent failed to analyze the DATA for four years, the Respondent violated Regulation 21.3.5, the Respondent violated Regulation 30.1.2 in avoiding a Prior Notice, the Respondent deleted the data of its own to raise the Demand to avoid proper authentication and verification and the Respondent further used a new Hypothetical Broader Interpretation of his own of Note of Regulation 21.5.1 in violation of Regulation 44.3 of Supply Code, 2014 to circumvent the Note of Regulation 21.5.1 to mix it with Repealed circular CC/22/2015 to throw the burden of Financial Implications on account of its Negligence & lapses, on the Appellant, to come out unscathed free from the lapses made in

Violating the Regulations framed by Hon'ble PSERC and negligence in making the Defective Connections.

- (xvi) It was prayed to quash the Order of the Corporate Forum based on repealed CC 22/2015 and based on broader hypothetical interpretation of Note of Regulation 21.5.1 without the approval of the Hon'ble Commission under Regulation 44.3 of Supply Code, 2014. It was prayed to issue Orders to Overhaul the Accounts under Regulation 21.5.2, meant for Overhauling the Accounts of Defective Meters and Order the Refund/ Adjustment balance amount against 40% of the disputed amount already deposited for filing the ibid Appeal please
- (xvii) It was prayed that the comments may be considered as final in continuation to the Appeal and Rejoinder submitted earlier, if the Respondent has nothing more to say please.

(d) Submission during hearing

During hearings on 03.11.2023 & 09.11.2023, the Appellant reiterated the submissions made in the Appeal, Rejoinder as well as in the comments to Reply to 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 Respondent submitted that the said decision had already been implemented and copies of periodical bills have also been provided to the Appellant.
- (ii) The previous incorrect bills were amended in order to correct the bills as per ECR No. 002 dated 05.01.2023. Old bills were corrected and new bills were issued by interchanging the import and export readings and further no right to justice had been impugned of the Appellant as all copies of bills as per decision of the Corporate Forum had been provided to the Appellant.
- (iii) The Meter itself was not defective. Only the connections of the meter were wrongly wired while installing Solar Meter as P1, P2 of main cable was found connected with S2, S1 respectively for all three Phases due to which Import reading was recorded as Export and Export reading was recorded as Import. Readings recorded by the meter were correct but only interchanged.
- (iv) Regulation 21.5.1 was applicable on inaccurate meter. As in this Case, accuracy of the meter was not involved thus Regulation 21.5.1 was also not applicable. However note mentioned under Clause 21.5.1 is reproduced here “Where

accuracy of meter is not involved and it is a case of application of wrong multiplication factor, the accounts shall be overhauled for the period this mistake continued.” The Above Clause should be interpreted in broader sense. So the account had been overhauled for the period the mistake continued (which was date of installation of Solar) till date of checking 05.01.2023.

- (v) The bill of ₹ 7,76,270/- was up to 10.05.2023 whereas disputed amount of ₹ 6,76,430/- was up to 05.01.2023. Testing of meter was done on 11.05.2023. As per ECR 039/3001 dated 11.05.2023, meter was found to be OK. The Connections were interchanged which was later rectified and correct bills were issued after 05.01.2023.
- (vi) The bills of actual consumption had been charged from the Appellant. Further, the bills generated are justified through his consumption recorded before installation of Solar from 30.03.2017 to 05.03.2019 for 705 days was 37621 kWh and bills generated after installation of Solar were of only Fixed Charges. Thus New Bills issued after corrections were of the Appellant's actual consumption and are correct and payable.

(b) Submissions in reply to Rejoinder

The Respondent submitted the following in reply to Rejoinder for consideration of this Court:-

- (i) The Respondent submitted that the fresh bill according to decision was already issued in SAP by correcting the concerned readings. Only manual periodical bills were issued later on as per the instruction issued by this Hon'ble Court.
- (ii) CC 36/2021 had incorporated the amendments made from time to time in CC 22/2015. The Regulations regarding billing remains almost the same in both the Circulars.
- (iii) The meter of the Appellant was not defective. Thus, Regulations 21.5.2 of Supply Code, 2014 is not applicable. There has been exchange of readings and bill has been overhauled for the period connections remained interchanged. The connection wire was interchanged. Moreover, the new bills issued were justified through the Appellant's consumption pattern before installation of Rooftop Solar System.
- (iv) In checking by the Enforcement, it was mentioned that connections were interchanged due to which import readings were recorded as Export and Export readings were recorded as Import. The Meter was also challenged by the Appellant therefore even in second checking Report ECR No. 39/3001 dated 11.05.2023, it was nowhere mentioned by the Enforcement that the meter was defective. Even the same meter still had continuously been installed at the Appellant's premises

and it was further mentioned that DDL Data which was downloaded had already been sent to the Appellant via e-mail.

- (v) It was not mentioned in the ECR that the meter was defective. Only the connections were wrong and same were corrected thus the new amended bills have been prepared from the period of wrong connections.
- (vi) Readings were not defective. The same readings were entered later on by interchanging.
- (vii) Connections were interchanged but the same were not defective.
- (viii) Wiring and accessories are not part of the meter.
- (ix) Meter was correctly measuring all the parameters. Only Import and Export readings were interchanged.
- (x) Quantum of LT 3 Phase Meter was very high in Mohali Sub Division. Due to Quantum of connections being huge, sometimes it was not possible to check connection every 3 years but still the connection of this Consumer was checked in approximately 4 years.
- (xi) The Meter of the Appellant was not defective. Even the connection of this Appellant was checked twice by the Enforcement nowhere in Reports mentioned that the meter was

defective even the same meter still continues to exist at Consumer's site.

- (xii) CC 36/2021 had incorporated the amendments made from time to time in CC 22/2015. The Regulations regarding billing remains almost the same in both the Circulars.
- (xiii) No previous demand was raised from the Appellant. Only bills with actual readings have been issued to the Appellant.
- (xiv) The meter of the Appellant was not defective thus Regulations 21.5.2 of Supply Code, 2014 is not applicable. There had been exchange of the readings and bill has been overhauled for the period connections remained interchanged. The connection wire was interchanged. Moreover, the new bills issued were justified through the Appellant's consumptions pattern before installation of Rooftop Solar System. Only bills of actual consumption had been charged from the Appellant. Further the bill generated were justified on the basis of the consumption recorded before installation of Solar from 30.03.2017 to 05.03.2019 for 705 days was 37621 kWh and bill generated after installation of Solar were of only Fixed Charges. Thus New Bills issued after deletions were of the Appellant's actual consumption and were correct and payable.

(c) Submissions on the Comments to the Reply to Rejoinder:

The Respondent submitted following reply to the comments of the Appellant to the Reply to Rejoinder as under: -

- (i) It was submitted that the case of the Appellant was not of defective meter but only of Interchange of connections due to which import readings were recorded as export and export readings were recorded as import, which were corrected and the Appellant had only been charged for his actual consumption.
- (ii) It was further stated that if Note of Regulation 21.5.1 of Supply Code, 2014 was applicable for multiplying factor, it should be broadly be interpreted for the consumers case too.
- (iii) Regulation regarding billing of Solar connection is same in both the circulars i.e CC 22/02015 and CC 36/2021. Commercial circular 36/2021 had only further incorporated the amendments. So the contention of the Appellant on this fact should not be considered.
- (iv) The analysis was done therefore only the letter was written to Enforcement for the checking of said connection.
- (v) The notices were issued to the Consumer. Copies of the same were attached. Further, new amended bills were also issued to the Appellant.
- (vi) It was further stated that the meter of the Appellant was not defective. Only wiring was interchanged and the same was

corrected due to which bills of actual correct consumption were issued to the Appellant, which were correct and payable.

(d) Submission during hearing

During hearings on 03.11.2023 & 09.11.2023, the Respondent reiterated the submissions made in the written reply to the Appeal as well as in the reply to Rejoinder and reply to the comments of the Appellant on the reply to Rejoinder and prayed for the dismissal of the Appeal.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the revised bills issued to the Appellant for the period from 05.02.2019 to 05.01.2023 after implementation of the orders dated 02.08.2023 of the Corporate Forum in Case No. CF-070/2023 in view of checking by the ASE/Enforcement-cum-EA & MMTS, Mohali vide ECR No. 002/278 dated 05.01.2023.

My findings on the points that emerged and my analysis is as under:

- (i) The Corporate Forum in its order dated 02.08.2023 observed as under:-

“Forum observed that petitioner installed Grid Interactive rooftop SPV system of 10Kw on 05.02.2019 under net

metering system and he was issued bills accordingly. On the request of the AEE/Tech, U-1, Mohali vide his memo no. 1176 dated 327.12.2022, connection of the petitioner was checked by ASE/Sr. Xen, Enf. cum EA & MMTS, Mohali on 05.01.2023 and ECR no. 002/278 dated 05.01.2023 was prepared. The relevant portion of the report is reproduced as under:

“ਚੈਕਿੰਗ ਦੌਰਾਨ ਮੌਕੇ ਤੇ ਮੀਟਰ ਦੀ ਪਲਸ ਬਲਿੰਕ ਕਰਦੀ ਪਾਈ ਗਈ ਅਤੇ ਪੈਰਾਮੀਟਰ ਨੋਟ ਕੀਤੇ ਗਏ। ਉਕਤ ਕੁਨੈਕਸ਼ਨ ਦਾ CT ਚੈਬਰ ਚੈਕ ਕਰਨ ਤੇ ਪਾਇਆ ਕਿ Line CTs ਉਲਟੀ (ਗਲਤ) ਡਾਇਰੈਕਸ਼ਨ ਵਿੱਚ ਪਾਏ ਗਏ ਸਨ ਕਿਉਂਕਿ MAIN POWER CABLE SIDE ਤੇ P₂ ਪੌਰਟ/Side ਅਤੇ OUT GOING SIDE ਤੇ P₁ side ਰੱਖੀ ਪਾਈ ਗਈ। CTs ਉਲਟੇ ਪਾਉਣ ਕਾਰਣ ਮੀਟਰ ਬਾਈਡਰੈਕਸ਼ਨਲ (Bidirectional) ਹੋਣ ਕਾਰਣ ਮੀਟਰ ਦੀ Import-Export interchange ਹੋ ਗਈ ਭਾਵ ਕਰੰਟ ਦੀ ਡਾਇਰੈਕਸ਼ਨ ਚੋਜ ਹੋਣ ਕਾਰਣ ਮੀਟਰ Import ਦੀ KWH/KVAH ਨੂੰ Export ਵਿੱਚ ਦਰਜ ਕਰਦਾ ਰਿਹਾ ਅਤੇ Export KWH/KVAH ਨੂੰ Import KWH/KVAH ਰਿਕਾਰਡ ਕਰਦਾ ਰਿਹਾ।”

As per report line CTs were found installed in reverse direction due to which import/export consumption got interchanged i.e., import consumption was being recorded in export register and export consumption was being recorded in import register. The CTs were got installed in correct direction at the time of checking and it was directed to overhaul the account. Account of the petitioner was overhauled by deleting all the bills from the date of installation of solar system and entering the correct import/export readings. Petitioner was issued bill dated 20.03.2023 (bill cycle 10/2022) amounting to Rs. 668050/- and bill dated 16.05.2023 (bill cycle 02/2023) amounting to Rs. 776270/- (including unpaid arrear amounting to Rs. 690870/-). Petitioner did not agree to these bills and challenged his meter. Site of the petitioner was again checked by ASE/Sr. Xen, Enf. cum EA & MMTS, Mohali on 11.05.2023 and ECR no. 039/3001 dated 11.05.2023 was prepared. Accuracy of the meter was found within limits. Petitioner did not agree to this amount charged to him and filed his case in Corporate CGRF, Ludhiana.

Forum observed that the petitioner has pleaded in his petition that Reg. 21.5 of Supply Code-2014 has been ignored while overhauling the account. Further, that the other applicable Regulation 11.0 of Grid Interactive Rooftop SP

Systems based on Net Metering, Regulations, 2015 titled Energy Accounting and Settlement has not been considered at all for overhauling the Accounts in Settlement Periods defined in Regulation 11.0 for max of last applicable Six Months of the Current Settlement Period (1st Oct 2022 to 30th Sept, 2023) to satisfy Regulation 21.5.2 of Supply Code, 2014. During proceedings, respondent stated that Reg. 21.5.2 of Supply Code is not applicable in this case when he was directed to submit the relevant Reg. applicable in this case. Respondent Vide memo no. 5143 dated 11.07.2023 submitted his reply, the relevant portion of which is as under:

"Regulation 21.5.2 of Supply Code 2014 is not applicable in this case as meter is not defective/dead stop/burnt/stolen. Further 21.5.1 is applicable on inaccurate meter. As in this case accuracy of meter is not involved, thus clause 21.5.1 is also not applicable. However, note mentioned under Clause 21.5.1 is reproduced here: -

"Where accuracy of meter is not involved and it is a case of application of wrong multiplication factor, the accounts shall be overhauled for the period this mistake continued."

The above clause should be interpreted in broader sense so the account has been overhauled for the period the mistake continued (which is date of installation of solar) up to the date of checking 05.01.2023."

Forum observed that the above contention of the Respondent does not apply here as this is not a case of wrong multiplication factor. In the present case readings got interchanged due to wrong (reverse) installation of the CTs. Petitioner during proceedings dated 20.06.2023 had contended that entire unit enclosed in the boxes and sealed by the Respondent is to be treated as meter and if any connections within these boxes were wrong then it should be treated as defective. Respondent was directed to submit comments on this contention of the petitioner but he failed to submit appropriate comments in this respect. Forum

observed that as per Supply Code-2014, definition of the meter is as under:

(zo) ¹¹["**Meter**" means a device suitable for measuring, indicating and recording the conveyance of electricity or any other quantity related with electrical system and shall include, wherever applicable, other equipment such as Instrument Transformer i.e., 'Current Transformer' (CT) or 'Current Transformer' (CT) and 'Capacitor Voltage Transformer' (CVT) or 'Current Transformer' (CT) and 'Inductive Voltage Transformer' (IVT), necessary for the purpose of measurement;"]

Petitioner relies upon the above clause as in this case, CTs have been installed by the Respondent in reverse direction and as a result of the same the meter was not recording energy in appropriate registers correctly, so the meter should be treated as defective.

Forum in its proceedings dated 27.06.2023 had directed the Respondent as under: -

"Forum observed that in ECR no. 002/278 dated 05.01.2023 of ASE/Enf. cum EA & MMTS, Mohali it is written that due to wrong connections import and export readings of bi-directional meter got interchanged and import readings were recorded as export and vice-versa. However, nothing has been mentioned about the connections and status of SPV and effect of its generation on the Import, Export and Net consumption of the petitioner. Respondent is directed take up the matter with the checking authority and get clarification regarding this aspect on next date of hearing."

Respondent submitted his reply vide Memo no. 5143/DB-86 dated 11.07.2023 vide which he submitted Memo no. 577 dated 10.07.2023 of ASE/Enf. cum EA & MMTS, Mohali clarifying the matter as under: -

"ਜਿਵੇਂ ਕਿ ਉਕਤ ਈ.ਸੀ.ਆਰ ਰਾਹੀਂ ਖਪਤਕਾਰ ਸ੍ਰੀ ਖੁਸ਼ਜੀਵ ਸਿੰਘ ਦਾ ਖਾਤਾ ਚੈਕ ਕੀਤਾ ਗਿਆ ਸੀ ਅਤੇ ਚੈਕਿੰਗ ਦੌਰਾਨ ਪਾਇਆ ਗਿਆ ਕਿ ਖਪਤਕਾਰ ਦੇ ਅਹਾਤੇ ਦੇ ਤਿੰਨੋਂ CTs ਉਲਟ direction ਵਿੱਚ ਸਥਾਪਿਤ ਸਨ ਭਾਵ ਮੇਨ ਕੇਬਲ I/C ਵੱਲ CTs ਦਾ P1 ਸਾਈਡ ਹੋਣ ਦੀ ਥਾਂ ਤੇ P2 ਸਾਈਡ ਪਾਈ ਗਈ। ਜਿਸ ਕਾਰਨ Import ਹੋਣ ਵਾਲੀ ਪਾਵਰ ਕਰੰਟ ਦੀ direction ਉਲਟੀ ਹੋਣ ਕਾਰਨ Export ਵਿੱਚ ਦਰਜ ਹੁੰਦੀ ਰਹੀ ਅਤੇ ਇਸੇ ਤਰ੍ਹਾਂ Export ਹੋਣ ਵਾਲੀ ਪਾਵਰ Import ਵਿੱਚ ਦਰਜ ਹੁੰਦੀ ਰਹੀ। ਇਸਦੀ ਪੁਸ਼ਟੀ ਖਪਤਕਾਰ ਦੇ Import/export data ਤੋਂ ਹੁੰਦੀ ਹੈ। ਖਪਤਕਾਰ ਦੀ ਚੈਕਿੰਗ ਦੀ ਮਿਤੀ ਦੌਰਾਨ ਕੀਤੇ ਡੀ.ਡੀ.ਐਲ ਦੀ ਰਿਪੋਰਟ (ਇਸ ਪੱਤਰ ਨਾਲ ਨੱਥੀ ਹੈ) ਘੋਖਣ ਤੇ ਇਹ ਸਪੱਸ਼ਟ

ਹੋ ਜਾਂਦਾ ਹੈ ਕਿ ਰਾਤ ਦੇ ਸਮੇਂ Solar Generation Zero ਹੋਣ ਦੇ ਬਾਵਜੂਦ Reverse Power (Power Export) ਮੀਟਰ ਵਿੱਚ ਰਿਕਾਰਡ ਹੁੰਦੀ ਰਹੀ ਜਿਸਦਾ ਕਾਰਣ ਉਲਟ ਦਿੱਸਾ ਵਿੱਚ ਸਥਾਪਿਤ CT's ਹੀ ਸਨ। ਕਿਉਂਕਿ ਰਾਤ ਦੇ ਸਮੇਂ Solar Generation ਨਾ ਹੋਣ ਕਾਰਣ Export ਸੰਭਵ ਹੀ ਨਹੀਂ ਹੈ। ਇਸੇ ਤਰ੍ਹਾਂ ਰਾਤ ਦੇ ਸਮੇਂ Power Import Zero ਰਿਕਾਰਡ ਹੋਣਾ ਵੀ ਸੰਭਵ ਨਹੀਂ।

ਮਿਤੀ 05.01.2023 ਨੂੰ ਚੈਕਿੰਗ ਉਪਰੰਤ ਮੀਟਰ ਦੇ CT's ਸਹੀ ਕਰਕੇ ਕੁਨੈਕਟ ਕਰਵਾ ਦਿੱਤੇ ਗਏ ਸਨ। ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਨੇ Import/ Export ਸਹੀ ਦਰਜ ਕਰਨੀ ਸ਼ੁਰੂ ਕਰ ਦਿੱਤੀ ਜਿਸਦੀ ਪੁਸ਼ਟੀ ਮਿਤੀ 11.05.2023 ਨੂੰ ਚੈਲੰਜ ਕੀਤੇ ਇਸ ਮੀਟਰ ਦੀ ਚੈਕਿੰਗ ਦੌਰਾਨ ਕੀਤੇ ਡੀ.ਡੀ.ਐਲ ਦੀ ਰਿਪੋਰਟ ਤੋਂ ਹੁੰਦੀ ਹੈ। ਇਸ ਵਾਰ CT's ਸਹੀ ਸਥਾਪਿਤ ਹੋਣ ਕਾਰਣ ਰਾਤ ਦੇ ਸਮੇਂ Power Export (Reverse Power) Zero ਦਰਜ ਹੋਣ ਲੱਗ ਪਈ (ਡੀ.ਡੀ.ਐਲ ਦੀ ਰਿਪੋਰਟ ਨੱਥੀ ਹੈ ਜੀ)। ਜਿਵੇਂ ਕਿ ਹੁਣ ਖਪਤਕਾਰ ਵਲੋਂ CGRF ਵਿੱਚ ਉਸਦੇ ਖਾਤੇ ਵਿਰੁੱਧ ਚਾਰਜ ਹੋਈ ਰਕਮ ਵਿਰੁੱਧ ਅਪੀਲ ਪਾਈ ਗਈ ਹੈ ਅਤੇ ਮਾਨਯੋਗ Forum ਵਲੋਂ SPV ਮੀਟਰ ਦੇ ਕੁਨੈਕਸ਼ਨ ਬਾਰੇ ਵੀ ਪੁਛਿਆ ਗਿਆ ਹੈ। ਉਪ ਮੰਡਲ ਅਫਸਰ ਕਮਰਸ਼ੀਅਲ-1 ਵਲੋਂ ਇਹ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਕਿ ਖੁਸ਼ਜੀਵ ਸਿੰਘ ਦਾ SL-29.22 KW ਹੈ ਜਦਕਿ ਉਸਦੇ ਅਹਾਤੇ ਵਿੱਚ ਸਥਾਪਿਤ SPV ਦਾ ਮੰਜੂਰਸ਼ੁਦਾ ਭਾਰ ਸਿਰਫ 10KWP ਹੈ।

ਜਿਵੇਂ ਕਿ ਖਪਤਕਾਰ ਦੇ SPV ਦਾ ਲੋਡ 10KWP ਹੈ। ਇਸ ਲਈ ਉਸਦੇ ਵਲੋਂ Solar Connection ਦੀ ਖਪਤ ਰਿਕਾਰਡ ਕਰਨ ਲਈ 3 ਫੇਸ Whole Current meter ਸਥਾਪਿਤ ਹੈ ਜੋ ਕਿ ਘਰ ਦੇ ਅੰਦਰ ਬਾਹਰ ਵਾਲੀ ਦਿਵਾਰ ਤੇ ਸਥਾਪਿਤ ਪਾਇਆ ਗਿਆ। ਈ.ਸੀ.ਆਰ ਵਿੱਚ Solar Meter ਦੀ Reading 27525 KWH/29277 KVAh ਦਰਜ ਹੈ। ਇਸ ਤਰ੍ਹਾਂ ਸੋਲਰ ਮੀਟਰ 3 ਫੇਸ Whole current ਹੋਣ ਅਤੇ ਘਰ ਦੇ ਅੰਦਰ ਹੋਣ ਕਾਰਣ ਕੁਨੈਕਸ਼ਨਾਂ ਵਿੱਚ ਕੋਈ ਖਾਮੀ/ਤਰੁੱਟੀ ਨਹੀਂ ਪਾਈ ਗਈ। ਜਿਥੋਂ ਤੱਕ ਮਾਨਯੋਗ ਫੋਰਮ ਵਲੋਂ ਸੋਲਰ ਜਨਰੇਸ਼ਨ ਦਾ Import, Export ਅਤੇ Net ਖਪਤ ਤੇ ਪ੍ਰਭਾਵ ਬਾਰੇ ਕਲੈਰੀਫਾਈ ਕਰਨ ਬਾਬਤ ਪੁਛਿਆ ਗਿਆ ਹੈ, ਦਾ ਸਬੰਧ ਹੈ, ਇਸ ਬਾਬਤ ਇਹ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਤਰ੍ਹਾਂ SPV ਦੀ ਜਨਰੇਸ਼ਨ ਪਹਿਲਾਂ ਸੋਲਰ ਜਨਰੇਸ਼ਨ ਮੀਟਰ ਵਿੱਚ ਆਉਣ ਅਤੇ ਇਸ ਤੋਂ ਬਾਅਦ ਖਪਤਕਾਰ ਦਾ ਲੋਡ ਕੁਨੈਕਟ ਹੋਣ ਕਾਰਣ ਇਸਦਾ Import-Export Power ਤੇ ਕੋਈ ਪ੍ਰਭਾਵ ਸਾਮ੍ਹਣੇ ਨਹੀਂ ਆਇਆ ਅਤੇ ਨਾ ਹੀ ਅਜਿਹਾ ਇਸ ਕੇਸ ਵਿੱਚ ਸੰਭਵ ਹੈ। ਕਿਉਂਕਿ Solar Energy Generation Meter, Converter ਤੋਂ ਬਾਅਦ ਅਤੇ ਖਪਤਕਾਰ ਦੇ ਲੋਡ ਤੋਂ ਪਹਿਲਾਂ ਸਥਾਪਿਤ ਹੈ। ਇਸ ਲਈ ਇਸ ਮੀਟਰ ਦੀ ਖਪਤ ਦਾ ਗਲਤ ਕੁਨੈਕਸ਼ਨ ਵਾਲੇ Metering Equipment ਤੇ ਕੋਈ ਪ੍ਰਭਾਵ ਨਹੀਂ ਹੈ। ਪ੍ਰੰਤੂ ਇਹ ਸਪਸ਼ਟ ਹੈ ਕਿ ਇਸ ਮੀਟਰ ਦੇ ਦਰਜ ਹੋਈ Solar Energy (Generated) ਵਿੱਚੋਂ ਖਪਤਕਾਰ ਵਲੋਂ ਵਰਤੀ ਗਈ Solar Energy ਘਟਾਉਣ ਉਪਰੰਤ ਜੋ ਵਾਧੂ Solar Generation ਹੋਵੇਗੀ, ਉਹ ਹੀ Export ਹੋ ਸਕਦੀ ਹੈ।

$$\text{Solar Power Export} = \text{Solar Power Generation} - \text{Solar Power consumption by consumer}$$

ਉਕਤ ਤੇ ਇਹ ਸਾਮਣੇ ਆਉਂਦਾ ਹੈ ਕਿ ਕਿਸੇ ਵੀ ਹਲਾਤ ਵਿੱਚ ਖਪਤਕਾਰ ਵਲੋਂ Export ਕੀਤੀ ਸੋਲਰ ਪਾਵਰ ਉਸ ਵਲੋਂ Generate ਕੀਤੀ ਸੋਲਰ ਪਾਵਰ ਤੋਂ ਵੱਧ ਨਹੀਂ ਹੋ ਸਕਦੀ।”

Forum considered the above clarification and found it convincing. Forum considered all these arguments and observed that although metering equipment is termed as defective by the petitioner but there is in fact no defect in the

meter. What actually happened in this case is that the energy which was to be recorded in Register-A was inadvertently recorded in Register-B and vice-versa and accordingly the calculations of the bills went wrong with effect from the date of the installation of the bi-directional meter i.e., 05.02.2019 upto the date of checking by ASE/Enf. cum EA & MMTS, Mohali on 05.01.2023 when this mistake in installation of CT's was detected that line CTs were installed in reverse direction and because of that current to the meter was supplied in reverse direction and direction of CTs was set right. Here it is pertinent to mention that the bi-directional meter is capable of recording true energy consumption in both forward and reverse directions. It records energy imported from system of PSPCL in its Import Register and the spare energy supplied by the SPV of the prosumer to the system of PSPCL in Export Register. In the present case, effect of the wrong installation of the CTs is limited to the extent that energy flow through the meter has taken place in reverse direction i.e., energy imported by the petitioner prosumer has been recorded in Export Register of the meter and energy exported by him has been registered in Import Register of the meter.

As per the readings recorded by the bi-directional meter, the petitioner prosumer has exported 88128 units to PSPCL system in a period of 1430 days from date of its installation i.e., 05.02.2019 upto the date of checking i.e., 05.01.2023. That means export of about 22500 units average per annum. As, it is generally known fact that an SPV of 10 KW capacity, generates about 12000-13000 KWH energy yearly and further this total generation is never exported to PSPCL entirely as part of it is always consumed directly by the load of the installation of the prosumer, hence, consumption recorded by the meter as export in this case does not reflect a true figure of export. At the same time 10999 units have been recorded in the Import Register of the meter that means only about 2680 KWH yearly which also cannot be correct figure

for a load of 29.220 KW. After setting right the direction of CT's as per ECR no. 002/278 dated 05.01.2023, further readings are available in ECR no. 39/3001 dated 11.05.2023. The pattern of Import and Export energy is as under in this period of 126 days: -

Date	Readings(KWH)	
	Export	Import
11.05.23	89135	21626
05.01.23	<u>88171</u>	<u>11092</u>
Difference	<u>964</u>	<u>10534</u>

Hence, in a period of 126 days his correct Import has been 10534 KWH and Export 964 units. Although figures of this duration of 126 days cannot be extrapolated to estimate yearly figures but these certainly give fair estimate of annual figures of Import/Export energy of the petitioner which come out to be 30515 KWH Import and 2793 KWH Export. These figures further support the contention of the Respondent aptly that 88513 KWH recorded by the meter in Export Register of the meter as in ECR no. 039/3001 dated 11.05.2023 is in fact import energy and 19704 recorded in Import Register is actually export energy of the petitioner. Therefore, the recording of energy was correct although same were being recorded in opposite Registers. Hence, Forum is of the opinion that the meter in this case cannot be treated as defective.

Forum further observed that the petitioner during the proceedings contended that no sum of amount can be recovered from the consumer after the period of two years. In this regard, Forum observed that Hon'ble Supreme Court decided a case M/S Prem Cottex versus Uttar Haryana Bijli Vitran Nigam Ltd. & Ors. filed against Civil Appeal no. 7235 of 2009. The same was circulated by O/O Legal Advisor, PSPCL, Patiala vide Memo no. 12/76/LB-3(1399)21 dated 24.01.2022. Relevant portion of the letter is reproduced below: -

In Civil Appeal No 7235/509 titled as M/S Prem Cottex v/s Uttar Haryana Bijli Vitran Nigam, relevant issues that came before Hon'ble Supreme Court are as follows: -

- 1. Whether the raising of an additional demand, by itself would amount to any deficiency in service?*
- 2. What is the impact of Sub-section (1) of Section 56 on Sub-section (2) of Electricity Act 2003?*

Regarding, issue no.1, Hon'ble Supreme Court in para 21 of this judgement observed as follows:

"The raising of an additional demand in the form of "short assessment", on the ground that in the bills raised during a particular period of time, the multiply factor was wrongly mentioned, cannot tantamount to deficiency in service. If a licensee discovers in the course of audit or otherwise that a consumer has been short billed, the license 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."

Regarding, issue no.2, Hon'ble Supreme Court in para 24 &25 of this judgement observed as follows:

"24. Subsection (2) uses the words "no sum due from any consumer under this Section". Therefore, the bar under Subsection (2) is relatable to the sum due under Section 56. This naturally takes us to Subsection (1) which deals specifically with the negligence on the part of a person to pay any charge for electricity or any sum other than a charge for electricity. What is covered by section 56, under subsection (1), is the negligence on the part of a person to pay for electricity and not anything else nor any negligence on the part of the licensee.

25. In other words, the negligence on the part of the licensee which led to short billing in the first instance and the rectification of the same after the mistake is detected is not covered by Subsection (1) of Section 56. Consequently, any claim so made by a licensee after the detection of their mistake, may not fall within the mischief, namely, "no sum due from any consumer under this Section", appearing in Subsection (2)"

Therefore, the contention of the petitioner is not maintainable that the amount of the period prior to two years is not recoverable under Limitation act.

Keeping in view the above facts and discussion, Forum is of the opinion that reading 88171 KWH recorded in Export Register of the meter as written in ECR no. 2/278 dated 05.01.2023 is actually the reading of Import and that of 11092 KWH recorded in Import Register is in fact the reading of Export. The petitioner has actually imported (or consumed) energy upto 88171 KWH reading and exported energy upto 11092 KWH reading to PSPCL during the period from 05.02.2019 (i.e., date of installation of SPV) to 05.01.2023 (i.e., date of checking/setting right direction of CTs). Hence, he is required to be billed accordingly under Net Metering arrangement as per Commercial Circular No. 22/2015.

However, overhauling of the account of the petitioner by the Respondent does not seem to be in order. As per statement of revision of bills submitted by the Respondent, Export in the entire settlement period of one year from 30.09.2019 to 30.09.2020 has been depicted as zero whereas the figure of export is 10945 KWH for a period of about 7 months from 05.05.2019 to 30.09.2019; these figures do not seem to be correct. Hence, the calculation of entire disputed period is required to be revised on the basis of actual readings in a fair manner.

Keeping in view the petition, written reply of the Respondent as well as rejoinder/oral arguments along with the relevant material brought on the record and other regulations, Forum is of the opinion that all the bills pertaining to the period from 05.02.2019 to 05.01.2023 issued to the petitioner are required to be quashed. Account of the petitioner is required to be overhauled under Net Metering arrangement as per Commercial Circular No. 22/2015 for the period from 05.02.2019 (date of installation of SPV) to 05.01.2023 (date of checking) on the basis of actual readings, considering

readings recorded in Export Register as Import readings and those recorded in Import Register as Export readings.”

(ii) I have gone through the written submissions made by the Appellant in the Appeal as well as in the Rejoinder and comments to the Reply to the Rejoinder, written reply of the Respondent, Reply to the Rejoinder & comments on comments of Appellant, as well as oral arguments of both the parties during the hearings on 03.11.2023 & 09.11.2023. My analysis on the issues raised by the Appellant in his Appeal is as under:-

(iii) **Violation of Regulation 21.5.2 of Supply Code, 2014 for overhauling of the accounts of a Defectively Recording Meter for maximum of six months:** It is observed that the connection of the Appellant was checked by ASE/Enforcement-cum-EA & MMTS, Mohali vide ECR No. 002/278 dated 05.01.2023 & the relevant part of the report is reproduced as under:

“ਰੈਕੌਰਡਿੰਗ ਦੌਰਾਨ ਮੌਕੇ ਤੇ ਮੀਟਰ ਦੀ ਪਲਸ ਬਲਿੰਕ ਕਰਦੀ ਪਾਈ ਗਈ ਅਤੇ ਪੈਰਾਮੀਟਰ ਨੋਟ ਕੀਤੇ ਗਏ। ਉਕਤ ਕੁਨੈਕਸ਼ਨ ਦਾ CT ਚੈਂਬਰ ਚੈਕ ਕਰਨ ਤੇ ਪਾਇਆ ਕਿ Line CTs ਉਲਟੀ (ਗਲਤ) ਡਾਇਰੈਕਸ਼ਨ ਵਿੱਚ ਪਾਏ ਗਏ ਸਨ ਕਿਉਂਕਿ MAIN POWER CABLE SIDE ਤੇ P₂ ਪੋਰਟ/Side ਅਤੇ OUT GOING SIDE ਤੇ P₁ side ਰੱਖੀ ਪਾਈ ਗਈ। CTs ਉਲਟੇ ਪਾਉਣ ਕਾਰਣ ਮੀਟਰ ਬਾਈਡਰੈਕਸ਼ਨਲ (Bidirectional) ਹੋਣ ਕਾਰਣ ਮੀਟਰ ਦੀ Import-Export interchange ਹੋ ਗਈ ਭਾਵ ਕਰੰਟ ਦੀ ਡਾਇਰੈਕਸ਼ਨ ਚੋਜ ਹੋਣ ਕਾਰਣ ਮੀਟਰ Import ਦੀ KWH/KVAH ਨੂੰ Export ਵਿੱਚ ਦਰਜ ਕਰਦਾ ਰਿਹਾ ਅਤੇ Export KWH/KVAH ਨੂੰ Import KWH/KVAH ਰਿਕਾਰਡ ਕਰਦਾ ਰਿਹਾ।”

On the basis of this checking, the account of the Appellant was overhauled since the time of installation of the net meter, i.e. 05.02.2019 till 05.01.2023 & revised bills were generated for

this period by interchanging the export & import units. The Appellant argued that since the wrong/defective connections of the CTs were made by the PSPCL at the time of installation of the solar meter, so the meter should be treated as defective & his account should be overhauled as per Regulation 21.5.2 of Supply Code, 2014 for the maximum period of six months only. The Respondent controverted these pleas of the Appellant & argued that the Meter itself was not defective. Only the connections of the meter were wrongly done while installing net bi-directional Meter at the time of installation of solar unit, the main cable was found connected with Port P2 side of CTs & outgoing side was connected with P1 side of CTs for all three Phases. Due to this, Import kWh/kVAh reading was recorded as Export kWh/kVAh reading and vice versa. Readings recorded by the meter were correct but only registers interchanged. It is seen from the arguments of the Respondent that the Import readings were recorded as Export readings & Export readings were recorded as Import readings as reported by the ASE/Enforcement-cum-EA & MMTS, Mohali in his checking report vide ECR No. 002/278 dated 05.01.2023. It has also observed by the Court that the working of the meter was challenged by the Appellant. The site of the Appellant was

again checked by the ASE/Enforcement-cum-EA & MMTS, Mohali vide ECR No. 039/3001 dated 11.05.2023 & the accuracy of the meter was found within the permissible limits.

As such, the meter cannot be considered as defective & the account of the Appellant should not be overhauled as per Regulation 21.5.2 of Supply Code, 2014 as contended by the Appellant. In fact, it is a case of wrong recording of import units in Export Register of the meter & export units in Import Register of the meter. So the contentions of the Appellant in this regard are rejected after due consideration.

- (iv) **Violation of Regulation 21.1 of Supply Code, 2014 and violation of Regulation 2 (ZO) of Supply Code, 2014 which includes wiring of CT/PT with Meter as inherent part of Meter:** The Appellant contended that the wiring of CT/ PT was an integral part of the Meter. The Appellant had contended that the meter includes all the equipment i.e CT/ PT & connected wiring. He further contended that the Respondent changed the wiring after checking of Enforcement to set right the defect of the meter so that it should record correct readings. In this context, it is agreed with the Appellant to the extent that the meter includes all the equipment i.e CT's/ PT's and connected wiring. In this case a bi-directional meter has been installed at

the consumer's/ Appellant's premises i.e to record import energy and export energy. In the present case, as per checking report of ASE/ Enf. cum MMTS the incoming cable was connected to the P2 side of CT's and P1 was kept on out-going side. When the energy current flows from P1 to P2 in CT's, the energy is stored in Import register. When the current flows from P2 to P1 side of CT's the energy is stored in Export register. Since the incoming cable was found connected to P2 side of CT's so the current was flowing from P2 to P1 and hence import energy was recorded in Export register of the meter and the Export energy was recorded in Import register of the meter. There was no defect found in the working of the meter while checking the connection of the Appellant vide checking report ECR No. 002/278 dated 05.01.2023. Even afterwards the connection was checked vide ECR No. 03/3001 dated 11.05.2023 by ASE/ Enf. cum MMTS, Mohali, the working of the meter was correct. So there was only interchange of import units and export units.

The interchanging of connections did not affect the basic working and accuracy of the meter and only the readings were interchanged, which affected the billing of the Appellant. So the contention of the Appellant that the metering equipment

was defective is not sustainable. Therefore, the contentions of the Appellant in this regard are rejected after due consideration.

- (v) **Violation of Regulation 21.3.5 of Supply Code, 2014 which specifies Testing of L.T. 3-Phase meters at least once in three years:** In this regard, the Appellant is free to approach PSERC under Section 142 of the Electricity Act, 2003 for any violation of the Rules and Regulations framed by the PSERC.
- (vi) **The wrong and hypothetically broader extension of Note on Multiplying Factor under Regulation 21.5.1 to consider the Defective Recording of Meter as similar to Mathematical Error of applying Wrong Multiplying Factor:** I agree with the Appellant that the Note below Regulation 21.5.1 of Supply Code, 2014 does not apply in this case as this is not a case of application of wrong multiplication factor. However, since the bi-directional meter of the Appellant was not found to be defective, therefore, the account of the Appellant has been rightly overhauled by the Respondent.
- (vii) **Violation in Interpreting Note of Regulation 21.5.1 without due clarification of the competent Authority to interpret i.e. the Hon'ble PSERC i.e. violation of Regulation 44.3 of Supply Code, 2014:** Since the Regulation 21.5.1 of Supply

Code, 2014 is not applicable in the present case, so its wrong interpretation is also not relevant to the case.

- (viii) **Violation of Regulation 30.1.2 by the Respondent in raising the impugned Demand of ₹ 7,76,270/- in the Bills without serving a prior Notice of the Arrear Bills and then further amending to ₹ 6,76,430/- with Revised Bills after adjusting 20% of the amount deposited to file Petition before the Corporate Forum:** The Respondent in his Reply to comments of Appellant vide Memo No. 9642/DB-86 dated 09.11.2023 has informed this Court that Notice No. 1173 dated 09.03.2023 & Notice No. 1995 dated 16.05.2023 were issued to the Appellant, which were supplied to the Appellant also. Therefore, this contention of the Appellant does not hold good.
- (ix) Another contention of the Appellant was that the judgment of Hon'ble Supreme Court of India, referred in the Order of the Corporate Forum, in Civil Appeal No. 7235/509 titled Prem Cottex V/s UHBVNL was regarding application of Multiplying Factor (i.e. Mathematical Error) and not for Defective or Inaccurate recording of Meter which fell under Regulation 21.5.1 and Regulation 21.5.2 of Supply Code, 2014. Both these Regulations don't permit overhauling beyond six months. The Appellant contended that the order of the Hon'ble Supreme

Court of India in Civil Appeal No. 7235/509 titled Prem Cottex V/s UHBVNL needed to be read in totality to apply the same in other orders to define Escaped Liability and Deficiency in Services. The Defective Connection of the Meter cannot be termed as Escaped Liability.

- (x) In this regard, it is felt that this contention of the Appellant is not valid as the meter installed was not defective and in this case only the import energy was being recorded in Export Register and export of energy was being recorded in Import Register. This is a case of Escaped Assessment as the Appellant had not been billed for the actual consumption of electricity consumed by him due to interchange of import and export readings. The Appellant further quoted Regulation 32.2 of Supply Code, 2014 & contended that the amount due beyond the period of two years was not recoverable from him. This Court observed that the mistake of interchanged connections of CT was first detected by the Respondent when the connection of the Appellant was checked by the ASE/ Enf.-cum-EA & MMTS, Mohali on 05.01.2023 & the revised bills were issued to the Appellant within the period of two years from the date of checking when the mistake was first detected by the Respondent. Moreover, the judgment of the Hon'ble Supreme

Court of India in Civil Appeal No. 7235/2009 titled as M/s Prem Cottex v/s Uttar Haryana Bijli Vitran Nigam Ltd. & Ors. is very clear in this regard that the Escaped Assessment due to the negligence of the official/officer of the Respondent can be recovered even beyond the period of two years. Therefore, these contentions of the Appellant are rejected after due consideration.

- (xi) The Appellant also pleaded that the calculations of revised bills had not been done as per the Regulations of PSERC notified in this regard. The Respondent is directed to check the calculations in the revised bills again & ensure that these should be made strictly as per the Regulations of PSERC notified in this regard. Difference, if any, should be rectified.
- (xii) Standards of Performance were not maintained by the Respondent/ PSPCL in this case. The connections were wrongly done at the time of installation of Solar meter due to which import energy was stored in Export Register and export energy was stored in Import Register & this connection was never checked in four years. The Meter Reader did not report that Nil/ negligible import consumption was being recorded for nearly 4 years. Also the officials issuing the bills did not notice that Nil/ negligible import units are being billed to the

Appellant. The Respondent is directed to take necessary action against the delinquent officials/ officers of the Respondent for causing undue harassment to the Appellant as well as for revenue loss to the PSPCL.

6. Decision

As a sequel of above discussions, the order dated 02.08.2023 of the CCGRF, Ludhiana in Case No. CF-070/2023 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.

November 20, 2023
S.A.S. Nagar (Mohali).

(ANJULI CHANDRA),
Lokpal (Ombudsman)
Electricity, Punjab.