

**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. 29/2023

Date of Registration : 30.11.2023
Date of Hearing : 07.12.2023, 14.12.2023
Date of Order : 21.12.2023

Before:

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

In the Matter of:

Sh. Sukhmeet Singh,
SCO 2, Sector-32A,
Chandigarh Road, Ludhiana.

Contract Account Number: 3002860294 (NRS)

...Appellant

Versus

Addl. Superintending Engineer,
DS Focal Point (Spl.) Division, PSPCL,
Ludhiana.

...Respondent

Present For:

Appellant: 1. Sh. Abhimanyu Kalsy,
Appellant's Counsel.
2. Sh. Manish,
Appellant's Representative.

Respondent : Er. Amrinder Singh, Sr. Xen
DS Focal Point Divn. (Spl.),
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 28.03.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-027/2023, deciding that:

“Decision dated 25.11.2022 of Centre Zonal CGRF, Ludhiana is not justified and hence set-aside. Notice issued vide Memo no. 281/DSC dated 03.02.2023 by O/O AEE/ Focal point, Ludhiana is quashed. The account of the petitioner be set-right as under: -

- a) From the period from 09.03.2018 to 23.04.2018, being meter remained burnt, account be overhauled on the basis of consumption recorded in corresponding period of succeeding year as per Reg. 21.5.2(d) of Supply Code-2014, as the previous period consumption does not seem to be genuine.*
- b) From 24.04.2018 to 12.09.2018, billing is required to be done on the basis of actual readings i.e., from 0 KWH to 26381 KWH/24463 KVAH.*
- c) The billing from 13.09.2018 to 12.01.2021 has already been done on the basis of actual readings and the same is required to be treated as correct.*
- d) From 13.01.2021 to 06.08.2021 again being meter remained burnt, the account be overhauled on basis of the consumption recorded in corresponding period of succeeding year. The bills issued during this period be revised accordingly. However, while overhauling the account, tariff order for FY 2018-19 be kept in view, as per which KVAH based tariff is applicable w.e.f 01.08.2018.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 28.11.2023 i.e. beyond the period of thirty days of receipt of the decision dated 28.03.2023 in Case No. CF-027/2023 of the CCGRF, Ludhiana. The Appellant had submitted copies of seven receipts of

different amounts & different dates with the Appeal, which were not matching with the amount of requisite 40% of the disputed amount. So the Appellant was told vide Memo No. 833/OEP/ Sukhmeet Singh dated 29.11.2023 to deposit the requisite 40% of the disputed amount for the registration of his Appeal. The Respondent was also asked vide Memo No. 833/OEP/ Sukhmeet Singh dated 29.11.2023 to confirm whether the Appellant had deposited the requisite 40% of the disputed amount. The Respondent confirmed vide Memo No. 4869 dated 30.11.2023 that the Appellant had already deposited the requisite 40% of the disputed amount vide Receipt No. 253680302300 dated 20.06.2023. Further, the Appellant submitted in his Appeal that the order dated 28.03.2023 of the Corporate Forum was received by the Appellant on 20.04.2023 and the Appellant filed the Appeal before the Ombudsman, Electricity, Punjab. However, the same was disposed of on 14.06.2023 since the requisite 40% of the disputed amount as per Regulation 3.18 (iii) of PSERC (Forum and Ombudsman) Regulations, 2016 was not deposited by the Appellant. The Appellant then approached the Hon'ble Punjab and Haryana High Court, Chandigarh by way of filing Civil Writ Petition titled as Sukhmeet Singh Versus PSPCL & Ors bearing CWP

No. 25214 of 2023 which was disposed of by the Hon'ble Punjab and Haryana High Court vide its order dated 08.11.2023 by giving an opportunity to Appellant to deposit the requisite 40% of the disputed amount and then the Appeal shall be heard on merits. The Court has studied the order dated 08.11.2023 of the Hon'ble Punjab and Haryana High Court, the relevant part is reproduced as under:-

“Accordingly, the present writ petition is disposed of with the consent of the parties and without commenting on the merits thereof with liberty to the petitioner to deposit the 40% amount as mandated under Regulation 3.18(iii) of the PSERC(Forum and Ombudsman), Regulations, 2016. In the event of the above said deposit, the Electricity Ombudsman shall hear and decide the appeal afresh granting an opportunity of hearing to the respective parties.”

In view of above order of the Hon'ble Punjab and Haryana High Court and confirmation from the Respondent that the requisite 40% of the disputed amount had been deposited by the Appellant, the Appeal was registered on 30.11.2023 and copy of the same was sent to the Addl. Superintending Engineer/ DS Focal Point (Spl.) Divn., PSPCL, Ludhiana for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 838-40/OEP/A-29/2023 dated 30.11.2023.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 07.12.2023 and intimation to this effect was sent to both the parties vide letter nos. 847-48/OEP/A-29/2023 dated 01.12.2023. As scheduled, the hearing was held in this Court on 07.12.2023 and arguments of both the parties were heard. The Appellant pleaded that the meter readings for the disputed period were erroneous and the meter was not working properly. The Court also observed that, for the disputed period, the kWh readings vis-à-vis kVAh readings of the meter were inconsistent. The Court, therefore, directed the Respondent to file his comments on the inconsistent meter readings before the next date of hearing. The next date of hearing in this case was fixed for 14.12.2023 and intimation to this effect was sent to both the parties alongwith the copy of proceedings dated 07.12.2023 vide letter nos. 862-63/OEP/A-29/2023 dated 07.12.2023. As scheduled, the hearing was held in this Court on 14.12.2023 and arguments of both the parties were heard.

4. Submissions made by the Appellant and the Respondent

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral deliberations made by the

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

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

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

- (i) The Appellant was having a NRS Category Connection, bearing Account No. 3002860294 in the name of Sh. Sukhmeet Singh with Sanctioned Load/ CD of 30.000 kW/33.333 kVA under DS Focal Point (Spl.) Divn., PSPCL, Ludhiana.
- (ii) The Appellant was aggrieved by the bills from the period from 09.03.2018 to 06.08.2021, order passed by the DS Central Zonal Forum, Memo No. 281/DSC dated 03.02.2023, order dated 28.03.2023 passed by the Corporate Forum, Ludhiana as well as Memo No. 992 dated 20.04.2023 vide which order dated 28.03.2023 had been complied with being illegal, non-est, void ab-initio therefore, the present Appeal had been filed before this Court.
- (iii) The meter of the Appellant was found burnt in 03/2018 and the same was changed vide MCO No. 100005559611 dated 12.03.2018 effected on 24.04.2018. Final reading on MCO was recorded as 15554 kWh/16152 kVAh. The new meter bearing

Serial No. 138256 was installed at the premises of the Appellant. It was pertinent to mention here that although the new meter was changed physically at the site but the MCO was not closed in SAP System due to which billing in the SAP System continued against the old meter, as a result of which bill dated 21.06.2018 for the period 08.03.2018 to 14.06.2018 was issued on 'I' code basis which means 'new reading was less than old reading', hence bill of 735 kWh was issued on average basis. The bill dated 24.09.2018 which was supposed to be of the next cycle was issued for the period of 08.03.2018 to 12.09.2018 with initial reading of 15198 kWh units, no cognizance of the MCO effected on 24.04.2018 had been taken in the bill. It was pertinent to mention here that the bill dated 21.06.2018 was for a period from 08.03.2018 to 14.06.2018, however vide bill dated 24.09.2018 again the period from 08.03.2018 to 14.06.2018 was included which amounted to billing twice for the period of 08.03.2018 to 14.06.2018. The reason for billing twice for the said period was best known to the PSPCL. It was admitted stand of the PSPCL that Serial number of the meter was corrected in SAP System on 14.01.2021 through dummy MCO. As to what took PSPCL to

wake up from the slumber was best known to the negligent employees of the PSPCL.

- (iv) The meter bearing Serial No. 138256 got defective and the same was changed vide MCO No. 1000013395895 dated 10.05.2021 effected on 06.08.2021. Although the request for changing the meter was made to the PSPCL for changing the defective meter vide application which had been received in the office of the PSPCL on 21.01.2021. The officials of the PSPCL seemed to be performing their duties in a lackadaisical manner causing grave prejudice and irreparable loss and harm to its consumers. At this juncture, it was also relevant to point out that electricity constitutes the fundamental rights especially the right to Life as enshrined under the Constitution of India. The officials of the PSPCL it seems had no regard for the fundamental rights of the law abiding consumers.
- (v) The removed meter was checked in the ME Lab vide Challan No. 2140 dated 28.09.2021 wherein accuracy was reported to be within limits, meter was found to be burnt with its body cracked. The DDL of the meter was also taken. During the period of 03/2021 to 08/2021 bills were issued on 'D' code meaning 'meter was defective whereas the meter was correct'.

(vi) Consequently thereto since the Appellant did not agree with the bills issued to him for the period of 24.04.2018 to 10.05.2021, petition was filed before the DS Central Zone Forum, Ludhiana and the case was decided by the authority vide its order dated 25.11.2022. The relevant operative part of the order dated 25.11.2022 passed by the DS Central Zone Forum, Ludhiana was reproduced hereunder for ready reference:-

“The consumer needs to be charged for 6727 units. The forum further finds that as per consumption data average for period meter remained defective also needs to be charged. The forum directed the PO to overhaul the account of consumer as per instructions of PSPCL.”

It was worthwhile to point out here that as to how the concerned authority reached the above conclusion was incomprehensible and was not based on any evidence whatsoever, meaning thereby that the said decision/ order dated 25.11.2022 was perverse to say the least.

It was worthwhile to mention herein that the DS Zonal Level Forum admitted that it was a refund case but the DS Zonal Level Forum instead of giving a refund of 19132 units ordered that the Appellant be charged for 6727 units.

(vii) To perpetuate the illegality in accordance with the order dated 25.11.2022 the AEE/ Focal Point, Ludhiana issued notice vide

Memo No. 281/DSC dated 03.02.2023 charging the Appellant for the 6727 units to the tune of ₹ 58,848/-.

- (viii) Consequently thereto the Appellant had filed the Appeal before the Corporate Forum, Ludhiana impugning the order dated 25.11.2022 passed by the DS Central Zonal Forum, Ludhiana and Memo No. 281/DSC dated 03.02.2023. The Corporate Forum, Ludhiana had passed an absolutely illegal order dated 28.03.2023 in contravention with the provision of the PSERC Regulations. The Corporate Forum in its order noted down the contention of the PSPCL wherein the PSPCL stated that 19132 kWh units were refundable to the Appellant as per DDL, however the Corporate Forum had given the finding on an entirely different aspect.
- (ix) The AEE, PSPCL had issued the notice vide Memo No. 992 dated 20.04.2023 in compliance of order dated 28.03.2023 wherein to the dismay of the Appellant a demand to the tune of ₹ 4,15,932/- had been raised. The said memo was bereft of any details of how such a huge amount had been raised especially when the case was a refund case.
- (x) Thereafter the Appellant has filed an Appeal before this Court, however, the same had been disposed of vide order dated

14.06.2023 since the Appellant had failed to deposit the pre-requisite amount of 40% of the disputed amount.

- (xi) Thereafter the Appellant approached the Hon'ble Punjab and Haryana High Court, Chandigarh by way of filing Civil Writ Petition bearing CWP No. 25214 of 2023 titled as Sukhmeet Singh Versus PSPCL & Ors. and the Hon'ble Punjab and Haryana High Court, Chandigarh vide its order dated 08.11.2023 and the operative part of the order dated 08.11.2023 was reproduced hereunder for ready reference:-

“Accordingly, the present writ petition is disposed of with the consent of the parties and without commenting on the merits thereof with liberty to the petitioner to deposit the 40% amount as mandated under Regulation 3.18(iii) of the PSERC(Forum and Ombudsman), Regulations, 2016. In the event of the above said deposit, the Electricity Ombudsman shall hear and decide the appeal afresh granting an opportunity of hearing to the respective parties.”

- (xii) The Appellant had already deposited the requisite 40% of the disputed amount vide transactions dated 20.06.2023, 20.06.2023, 21.06.2023, 18.08.2023, 17.10.2023 and 19.10.2023.
- (xiii) The bills from the period from 09.03.2018 to 06.08.2021, order dated 25.11.2022 passed by the DS Central Zonal Forum, Memo No. 281/DSC dated 03.02.2023, order dated 28.03.2023

passed by the Corporate Forum, Ludhiana as well as Memo No. 992 dated 20.04.2023 vide which order dated 28.03.2023 had been complied with being illegal, non-est, void ab-initio on the following grounds inter-alia amongst others:-

- i) The time period mentioned in the impugned order dated 28.03.2023 was contrary to the provision of the PSERC Regulations, 2016 and the applicable provision had been mentioned in the order itself but still the finding had been given contrary to the same in utter defiance of the interpretation of the same.
- ii) The penalties and charges levied illegally by the PSPCL ought to have been removed/ struck off.
- iii) The provisions of the PSERC Regulations, 2016 had not been complied with.
- iv) The meter was never defective for the period from 03/2021 to 08/2021.
- v) The DS Central Zonal Forum in its order dated 25.11.2022 had come on record that the case of the Appellant was a refundable case.
- vi) Moreover, the PSPCL in its reply had also admitted that as per the DDL the bills need to be corrected and the units were refundable to the extent of 19,132 kVAh.

- vii) As to how the Corporate Forum, Ludhiana vide its order dated 28.03.2023 had come to conclusion that the consumption recorded of the previous consumption did not seem to be genuine was a big question mark.
- viii) The Corporate Forum, Ludhiana had not applied its mind while giving the judgment dated 28.03.2023.
- ix) The DS Central Zonal Forum had not mentioned in its order dated 25.11.2022 as to how 6727 units had been arrived at.
- x) The impugned orders as well as the impugned notices issued by the PSPCL were based on no evidence and thus perverse to say the least.
- xi) The PSPCL had not shown till date as to how the amount had been worked out.
- xii) The PSPCL officials were itself negligent in performing their duties as the meter was changed but it was not recorded in the SAP system. Moreover, the request for the change of meter was received in the office on 21.01.2021. However, till 10.05.2021 meter was not changed thus raising a big question mark as to what is the fault of the Appellant but none of the Forums had gone into this aspect at all.

- xiii) That viewed from any angle, the impugned orders as well as notices suffer from serious infirmities and not sustainable in the eyes of law.
- xiv) There were other grounds which shall be addressed during the course of arguments.
- (xiv) No such or similar Petition had been filed by the Appellant before this Hon'ble Court or any other Forum/ Court in India. However, the Appellant had filed an Appeal which had been disposed of by the Court of Ombudsman, Electricity, Punjab on the ground that 40% of the disputed amount as mandated under Regulation 3.18 (iii) of the PSERC(Forum and Ombudsman) Regulations, 2016 had not been deposited.
- (xv) The Appellant, therefore, respectfully prayed that the instant appeal may kindly be allowed throughout with costs and the bills from the period of 09.03.2018 to 06.08.2021, order dated 25.11.2022 passed by the DS Central Zone Forum, Memo No. 281/DSC dated 03.02.2023, order dated 28.03.2023 passed by the Corporate Forum, Ludhiana as well as Memo No. 992 dated 20.04.2023 vide which order dated 28.03.2023 had been complied with may kindly be set aside/ quashed.
- (xvi) The Appellant further prayed that during the pendency of the present Appeal, the PSPCL may kindly be restrained from

disconnecting the electricity connection of the Appellant. Any other order as this Hon'ble Court may deem fit in the facts and circumstances of the case.

(b) Submission during hearing

During hearings on 07.12.2023 & 14.12.2023, 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 Appellant was having NRS Category Connection bearing Account No. 3002860294 in the name of M/s. Sukhmeet Singh with sanctioned load of 30 kW. The Appellant had extended its load from 10 kW to 30 kW on 09.08.2017. The meter of the Appellant was found burnt in 03/2018 and was changed vide MCO No. 100005559611 (Sr. No. 127970) dated 12.03.2018. The MCO was not closed in SAP. As per MCO, the final readings recorded were 15554 kWh and 16152 kVAh. At the same time a new meter bearing Sr. No. 138256 was installed on 24.04.2018. Due to non compliance (closure) of MCO in SAP,

the meter with the old serial no. kept running in the SAP which was corrected on 14.01.2021 and 15198 units were not billed to the Appellant. The meter with Serial No. 138256 got defective in the month of 04/2021 and was replaced vide MCO No. 100013395895 dated 10.05.2021. The meter was got checked from ME Lab, Ludhiana vide Challan No. 2140 dated 28.09.2021. As per ME Lab challan, the accuracy of the meter was found within limits and DDL was taken. As per ME Challan, the readings were recorded as 81212 kWh and 87060 kVAh whereas as per the DDL the readings recorded were 59544 kWh and 63915 kVAh.

- (ii) The Zonal Forum in its decision dated 25.11.2022 stated that the reading 63915 kVAh did not match with ME Lab Challan No. 2140 dated 28.09.2021. Also, as per the LCR No. 24/1308 dated 16.09.2022 of AEE/ Tech-3, the meter Serial No. 299595 was installed at the site, which did not match because in SAP the meter Serial No. was 286324, make-FLASH. The Zonal Forum had considered the final reading as 87060 kVAh which was as per the ME Challan, and thereby decided that the Appellant should be charged for the balance 6727 kVAh units. Therefore, as per the Zonal Forum decision, the Appellant was sent a notice vide Memo No. 281 dated 03.02.2023 to deposit

₹ 58,848/-. The Appellant then, approached the Corporate Forum, Ludhiana against the decision of the Zonal Forum. The Appellant was sent a notice vide Memo No. 992 dated 20.04.2023 for the amount of ₹ 4,15,932/- as per the decision of the Corporate Forum, Ludhiana.

- (iii) It was submitted that the Appellant had deposited the requisite 40% amount of ₹ 4,15,932/- i.e. ₹ 1,66,000/- (₹ 1,22,000/- on 20.06.223, ₹ 24,000/- on 21.06.223, ₹ 20,000/- on 18.08.223).
- (iv) It was stated that in the decision of the Corporate Forum itself that the corresponding previous year consumption w.r.t. duration from 09.03.2018 to 23.04.2018 did not seem to be genuine. Therefore, account was overhauled as per the consumption of the corresponding succeeding year. It was submitted that for the previous year period to the above duration, the consumption was very less i.e. 133 units from 08.03.2017 to 09.05.2017. Therefore, the amount charged by taking base as corresponding succeeding year was correct.
- (v) It was submitted that as per the decision of Corporate Forum, Ludhiana, the meter remained burnt from 13.01.2021 to 06.08.2021, and the a/c was overhauled on the basis of consumption in the corresponding period of succeeding year. Here, the overhauling on the basis of previous year did not

seem genuine due to Covid Lockdown in the year 2020, when most of the commercial shops had remained closed. However, there was no such strict lockdown in the year 2021 and the Appellant must have done consumption in the year 2021, therefore, to charge the Appellant on realistic basis the consumption in the corresponding period of succeeding year was taken as base for overhauling the account.

(b) Additional Submissions

The Respondent submitted the following additional submissions vide Memo No. 4126 dated 14.12.2023 for consideration of this Court:-

- (i) It is admitted that the readings of the disputed meter were taken wrongly in the year 2019, 2020 and 2021. Official proceedings have been initiated against the concerned employees for taking wrong readings. It is also submitted that the meter was checked in ME Lab vide ME Challan No. 2140 dated 28.09.2021 and as per the ME Lab observations, the accuracy of the meter no. 138256 was found to be within limits with readings as 81212 kWh and 87060 kVAh. Since, these were the final readings recorded by the meter, so if the net power factor was calculated i.e. $81212 \text{ kWh} / 87060 \text{ kVAh}$, it was equivalent to 0.93.

- (ii) It was submitted that although the employee responsible had not taken actual meter readings as per the site, but while considering the final readings recorded in ME Lab & DDL and the net power factor of the said meter, they were consistent.
- (c) **Submission during hearing**

During hearings on 07.12.2023 & 14.12.2023, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal.

5. **Analysis and Findings**

The issue requiring adjudication is the legitimacy of ₹ 4,15,932/- charged to the Appellant vide Notice No. 992 dated 20.04.2023, on account of overhauling of his account for the period from 09.03.2018 to 06.08.2021, issued in compliance of order dated 28.03.2023 of the Corporate Forum, Ludhiana in Case No. CF-027/2023.

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

- (i) The Corporate Forum in its order dated 28.03.2023 observed as under:-

“Forum observed that meter of the petitioner, bearing serial no. 127970, was found burnt in 03/2018 and the same was

changed vide MCO no. 100005559611 dated 12.03.2018 effected on 24.04.2018 and final reading on MCO was recorded as 15554 KWH/16152 KVAH. New meter bearing serial no. 138256 was installed in place of removed meter. Although meter was changed physically at site, but MCO was not closed in SAP system due to which billing in the SAP system continued against the old meter, as a result bill dated 21.06.2018, for the period 08.03.2018 to 14.06.2018, was issued on I-code which means 'new reading is less than the old reading', hence, bill of 735 KWH was issued on average basis. Next bill dated 24.09.2018 was issued for the period 08.03.2018 to 12.09.2018 with initial reading 15198 KWH instead of zero and hence 15198 KWH units, remained unbilled to the petitioner, although some adjustment was given in the bill but no cognizance of MCO effected on 24.04.2018 was taken. As per respondent, meter serial number was corrected in SAP system on 14.01.2021 through dummy MCO. Meter bearing serial no. 138256 got defective and the same was also changed vide MCO no. 100013395895 dated 10.05.2021 effected on 06.08.2021. Removed meter was checked in ME Lab vide challan no. 2140 dated 28.09.2021, wherein, although accuracy was reported to be within limits, however the meter was found burnt with its body cracked. DDL of the meter was taken. Petitioner, for the period from 03/2021 to 08/2021, was issued bills on D-code. Petitioner did not agree to the bills issued to him from 24.04.2018 to 10.05.2021 and filed his case in Centre Zonal CGRF, Ludhiana. Centre Zonal CGRF, Ludhiana in its hearing dated 25.11.2022 decided the case as under: -

"The consumer needs to be charged for 6727 units. The forum further finds that as per consumption data average for period meter remained defective also needs to be charged. The forum directed the PO to overhaul the account of consumer as per instruction of PSPCL."

As per decision of Centre Zonal CGRF, Ludhiana, petitioner was issued notice vide Memo no. 281/DSC dated 03.02.2023 in which he was charged 6727 units amounting Rs. 58848/-.

Petitioner did not agree to amount charged to him as per the decision of Centre Zonal CGRF, Ludhiana. Not satisfied with the bills issued to him for the period from 24.04.2018 to 06.08.2021, decision of Centre Zonal CGRF, Ludhiana and notice Memo no. 281/DSC dated 03.02.2023 issued to him by AEE/ Focal Point, Ludhiana, petitioner filed his appeal in Corporate CGRF, Ludhiana.

Forum observed the KVAH consumption pattern of the petitioner submitted by the Respondent, reproduced below: -

	2018		2019		2020		2021		2022		2023	
	Cons	Code	Cons	Code	Cons	Code	Cons	Code	Cons	Code	Cons	Code
Jan			1247	O	4641	O	120	O	1424	O	1673	N
Feb			1118	O	1375	O	1508	I	1051	O	2839	O
Mar			4374	O	2845	O	2943	N	1380	O		
Apr			3290	O	1108	O	974	D	2944	O		
May			4593	O	390	O	498	D	3876	O		
June			2883	O	40	O	2523	D	4811	O		
July			14220	O	500	O	17930	D	2854	O		
Aug			5500	O	1800	O	4871	D	4491	N		
							37	D	4179	O		
Sept	10123	O			1360	O						
Oct	3832	O	1072	O	489	O	1334	N	6573	N		
Nov	2807	O	234	O	215	O	246	N	10775	O		
Dec	2943	O	2000	O	76	O	11485	O	1800	O		
Total	19705		40531		14839		39946		35094		2839	

Forum observed that meter of the petitioner was changed on 24.04.2018 having been burnt vide Device Replacement Job Order No. 100005559611 dated 12.03.2018. This meter had been recording readings correctly upto 08.03.2018 and accordingly bill upto actual reading 15198 KWH was issued to the petitioner. So, meter of the petitioner is to be treated as burnt from 08.03.2018 upto 24.04.2018. Further the meter installed on 24.04.2018 recorded readings correctly upto 12.01.2021 as bills of O-code upto reading 91060 KVAH/82621 KWH have been issued as per data available in SAP system, however due to non-updation of MCO/new serial number of the meter in SAP system, billing for the period from 08.03.2018 to 12.09.2018 has not been done correctly. In this duration bill dated 21.06.2018 was issued for the period of 98 days (from 08.03.2018 to 14.06.2018) for 735 units on average basis on I-code. Later another bill was

issued on 24.09.2018 for a period of 188 days (from 08.03.2018 to 12.09.2018) on O-code basis for 9265 KWH/10123 KVAH. Although some adjustment has been given in this bill but details of MCO effected on 24.04.2018 are not depicted on this bill and old readings have been taken as 15198 KWH/16258 KVAH. Further, it is also not clear whether cognizance of change of base of tariff from 01.08.2018 from KWH to KVAH with effect from 01.08.2018 has been taken or not. Hence, both these bills, one dated 21.06.2018 and the other dated 24.09.2018 are liable to be quashed. From 12.01.2021 till date of replacement of meter i.e., 06.08.2021, all bills were issued to petitioner on either I or D-code and meter was found burnt when checked in ME Lab. Although final readings of Meter bearing serial no. 138256 were found as 81212 KWH/87060 KVAH in ME Lab and also as per DDL, but these cannot be relied upon, the meter having been found burnt with its body cracked in ME Lab. Hence, account of the petitioner is required to be overhauled for the periods from 08.03.2018 to 23.04.2018 and 13.01.2021 to 06.08.2021 treating the meter burnt. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters is as under:

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

"The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop and in case of burnt/stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:

- a) On the basis of energy consumption of corresponding period of previous year.*
- b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.*

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

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. Keeping in view the above discussion, Forum is of the opinion that decision dated 25.11.2022 of Centre Zonal CGRF, Ludhiana is not justified because they have ignored the fact that billing on KVAH was introduced w.e.f 01.08.2018 and further they have considered readings of meter bearing serial no. 138256 upto 98091 KWH/122344 KVAH on the basis of SAP reading record which is not in order because there readings are not actual. Hence this decision is liable to be set-aside. Notice issued vide Memo no. 281/DSC dated 03.02.2023 by O/O AEE/Focal point, Ludhiana is liable to be quashed. Account of the petitioner is required to be set-right as under: -

- a) From the period from 09.03.2018 to 23.04.2018, being meter remained burnt, account is required to be overhauled on the basis of consumption recorded in corresponding period of succeeding year, as the previous period consumption does not seem to be genuine.

- b) From 24.04.2018 to 12.09.2018, billing is required to be done on the basis of actual readings i.e., from 0 KWH to 26381 KWH/24463 KVAH.
- c) The billing from 13.09.2018 to 12.01.2021 has already been done on the basis of actual readings and the same is required to be treated as correct.
- d) From 13.01.2021 to 06.08.2021 again being meter remained burnt, the account is required to be overhauled on basis of the consumption recorded in corresponding period of succeeding year.

Further, while overhauling the account, tariff order for FY 2018-19 is to be kept in view, as per which KVAH based tariff is applicable w.e.f. 01.08.2018.”

- (ii) I have gone through the written submissions made by the Appellant in the Appeal, written reply of the Respondent as well as oral arguments of both the parties during the hearings on 07.12.2023 & 14.12.2023. It is observed that the Corporate Forum, Ludhiana gave the decision to overhaul the account of the Appellant for the period from 09.03.2018 to 23.04.2018 on the basis of consumption recorded in corresponding period of succeeding year as per Regulation 21.5.2 (d) of Supply Code, 2014 as the previous period consumption did not seem to be genuine. The Court has gone through the readings of the meter of the Appellant & found that bills were issued to the Appellant in the corresponding period of previous year on ‘O’ code i.e meter was OK. The account of the Appellant for the period from 09.03.2018 to 23.04.2018 is required to be overhauled as

per Regulation 21.5.2 (a) & 21.5.2 (e) of Supply Code, 2014 keeping in view that the load of the Appellant was extended from 10 kW to 30 kW on 09.08.2017.

(iii) For the period from 24.04.2018 to 12.09.2018, the Corporate Forum decided that the billing be done on basis of actual readings, i.e from 0 kWh to 26381 kVAh/ 24463 kWh. It has been observed that the new meter was installed in the premises of the Appellant on 24.04.2018, but due to non-closure of the concerned MCO in SAP billing system of the Respondent, proper billing was not done during this period. However, the meter was actually installed on 24.04.2018 with initial reading as 0 & the reading recorded on 12.09.2018 was 26381 kVAh/ 24463 kWh. Both the Appellant as well as Respondent agreed to this. There is no dispute regarding this. Therefore, this Court also agrees with this part of the order of the Corporate Forum. As such, the bills issued for the billing period from 24.04.2018 to 12.09.2018 be quashed & fresh billing should be done on the basis of actual readings, i.e from 0 kWh to 26381 kVAh/ 24463 kWh as per the Tariff approved by the PSERC from time to time.

(iv) For the period from 13.09.2018 to 12.01.2021, the Corporate Forum decided that the billing had already been done on the

basis of actual readings and the same is required to be treated as correct. The Appellant's Counsel (AC) pleaded that the meter readings for this disputed period were erroneous & the meter was not working properly. This Court on perusal of the readings observed that the meter readings in respect of kWh/ kVAh were inconsistent. During hearing on 07.12.2023, this Court directed the Respondent to file his comments on the inconsistent meter readings for this period before the next date of hearing. In reply to this, the Respondent admitted vide its Memo no. 4126 dated 14.12.2023 that the readings of the disputed meter were taken wrongly in the year 2019, 2020 and 2021. He further submitted that the meter was checked in ME Lab vide ME challan no. 2140 dated 28.09.2021 and the accuracy of this meter was within limits with final readings as 81212 kWh and 87060 kVAh. He contended that these final readings of the disputed meter should be considered for the billing of the Appellant for the disputed period as the net power factor was 0.93.

- (v) The consumption data of the Appellant provided by the Respondent for the period from 2017 to date is as under: -

Year 2017			
MR Date	Meter Reading (kWh)	Consumption	Note
08.01.17	320	123	0

05.02.17	356	36	O
06.03.17	407	51	O
07.03.17	407	0	O
08.03.17	407	0	O
07.04.17	473	66	O
09.05.17	540	67	O
08.06.17	615	75	O
06.07.17	703	88	O
05.08.17	764	61	O
06.08.17	764	0	O
26.09.17	1108	344	N
29.09.17	1105	341	O

Year 2018							Year 2019						
MR Date	kWh	kVAh	kWh Consumption	kVAh Consumption	MDI	Note	MR Date	kWh	kVAh	kWh Consumption	kVAh Consumption	MDI	Note
08.03.18	15198		14093			O	17.01.19	35630	37210	2148	1247	14.00	O
14.06.18	15933		735			I	22.02.19	36718	38328	1088	1118	13.00	O
10.07.18	15198		0			O	20.03.19	40118	42702	3400	4374	10.00	O
11.07.18	15198		0			O	18.04.19	43210	45992	3092	3290	16.00	O
12.07.18	15198	16258	0		0.00	O	18.05.19	47474	50585	4264	4593	18.00	O
12.09.18	24463	26381	9265	10123	13.00	O	19.06.19	50142	53468	2668	2883	25.00	O
15.10.18	28002	30213	3539	3832	17.00	O	12.07.19	57581	67688	7439	14220	21.00	O
17.11.18	30509	33020	2507	2807	15.00	O	16.08.19	61783	73188	4202	5500	25.00	O
20.12.18	33482	35963	2973	2943	15.00	O	10.10.19	68766	74260	6983	1072	0.00	O
							11.11.19	69000	75545	234	1285	21.00	O
							13.12.19	71000	76101	2000	556	11.00	O

Year 2020							Year 2021						
MR Date	kWh	kVAh	kWh Consumption	kVAh Consumption	MDI	Note	MR Date	kWh	kVAh	kWh Consumption	kVAh Consumption	MDI	Note
10.01.20	75016	80742	4016	4641	23.00	O	12.01.21	82621	91060	1	120	10.00	O
10.02.20	77177	82117	2161	1375	25.00	O	13.01.21	82621	91060	0	0	10.00	O

10.03.20	79213	84962	2036	2845	25.00	O	14.01.21	82621	91060	0	0	10.00	O
12.04.20	80319	86070	1106	1108	22.00	O	17.02.21	82621	92568	0	1508	25.00	I
11.05.20	80445	86460	126	390	0.00	O	19.03.21	82621	95511	0	2943	25.00	N
06.06.20	80500	86500	55	40	9.00	O	17.04.21	82621	96485	0	974	25.00	D
11.07.20	80600	87000	100	500	5.00	O	24.05.21	82621	96983	0	498	25.00	D
16.08.20	81000	88800	400	1800	22.00	O	21.06.21	84956	99506	2335	2523	25.00	D
22.09.20	82207	90160	1207	1360	13.00	O	20.07.21	94336	117436	9380	17930	25.00	D
14.10.20	82460	90649	253	489	12.00	O	20.08.21	98058	122307	3722	4871	25.00	D
11.11.20	82545	90864	85	215	6.00	O	21.08.21	98091	122344	33	37	22.00	D
08.12.20	82620	90940	75	76	0.00	O	21.08.21	98091	122344	0	0	0.00	D
							22.08.21	0	0	0	0	0.00	O
							21.10.21	690	1334	690	1334	22.00	N
							22.11.21	787	1580	97	246	12.00	N
							08.12.21	11729	13065	10942	11485	11.00	O

Year 2022							Year 2023						
MR Date	kWh	kVAh	kWh Consumption	kVAh Consumption	MDI	Note	MR Date	kWh	kVAh	kWh Consumption	kVAh Consumption	MDI	Note
17.01.22	13148	14489	1419	1424	9.00	O	25.01.23	46506	51324	1667	1673	19.00	N
12.02.22	14195	15540	1047	1051	10.00	O	16.02.23	47626	52490	2787	2839	13.00	O
16.03.22	15536	16920	1341	1380	10.00	O	20.03.23	48865	53749	1239	1259	14.00	O
15.04.22	18344	19864	2808	2944	14.00	O	16.04.23	49974	54865	1109	1116	13.00	O
15.05.22	21191	23740	2847	3876	18.00	O	15.05.23	51638	56537	1664	1672	13.00	O
11.06.22	26002	28551	4811	4811	22.00	O	12.06.23	54948	60166	3310	3629	25.00	O
08.07.22	28760	31405	2758	2854	19.76	O	20.07.23	59435	65049	4487	4883	21.00	O
24.08.22	32911	35896	4151	4491	22.00	N	17.08.23	61800	67523	2365	2474	14.00	O
26.08.22	32426	35584	3666	4179	19.14	O	16.09.23	64334	70186	2534	2663	15.00	O
26.10.22	38391	42157	5965	6573	22.00	N	18.10.23	66690	72701	2356	2515	13.00	O
10.11.22	43201	47851	10775	10775	14.00	O	15.11.23	68272	74388	1582	1687	10.00	O
09.12.22	44839	49651	1638	1800	12.00	O							

On the perusal of the consumption data, it is observed by the Court that for the period from 13.09.2018 to 12.01.2021, readings of kWh and kVAh for two months from 13.09.2018 to 17.11.2018 are consistent. But for the balance period from 18.11.2018 to 12.01.2021, the kWh readings vis-à-vis kVAh readings of the meter were inconsistent. There were six instances where the kVAh consumption was less than the kWh consumption on 20.12.2018, 17.01.2019, 10.10.2019, 13.12.2019, 10.02.2020, 06.06.2020 indicating a power factor of more than unity. Power factor was also not consistent even in case of other reading dates and was very low e.g the power factor was 0.18 for the reading taken on 11.11.2019, 0.32 for 11.05.2020, 0.20 for 11.07.2020 and 0.22 for 16.08.2020. This does not appear to be possible as the Appellant is a NRS category consumer, whose load mainly consists of Air Conditioners & Lighting load. Therefore, it appears that the readings were wrongly recorded in the disputed period for more than two years, which implied that either the meter was defective or the readings were not taken properly by the Meter Reader of PSPCL during this period. The Respondent had also admitted that the readings of the disputed meter were taken wrongly in the year 2019, 2020 and 2021. Therefore, since the

monthly meter readings were incorrect, so the bills issued for the billing period from 18.11.2018 to 12.01.2021 were also incorrect. The plea of the Respondent that the accuracy of the meter was found within the limits and the final reading so derived was OK as the power factor was 0.93, cannot be acceded to as the meter was established to have been found burnt in the ME Lab vide Challan No. 2140 dated 28.09.2021 and the final readings as retrieved from the burnt meter cannot be considered as reliable. Therefore, this Court differs with this part of the decision of the Corporate Forum and it is decided that the bills issued for the billing period from 18.11.2018 to 12.01.2021 are quashed.

- (vi) Further, for the period from 13.01.2021 to 06.08.2021, the Corporate Forum decided that since the meter remained burnt, so the account be overhauled on the basis of consumption recorded in corresponding period of succeeding year. This Court agrees with this part of the decision of the Corporate Forum to the extent that since the reading record of the corresponding previous year was not reliable, so the account of the Appellant should be overhauled on the basis of consumption recorded in corresponding period of succeeding year.

- (vii) This Court observes that in case of defective meter, the maximum period for which the account of the Appellant can be overhauled is for six months only as per Regulation 21.5.2 of Supply Code, 2014. Therefore, this Court differs with this part of the decision of the Corporate Forum to the extent that the account of the Appellant for the disputed period from 18.11.2018 to 06.08.2021 be overhauled for a maximum period of six months immediately preceding the date of replacement of the disputed meter, i.e. 06.08.2021.
- (viii) The Appellant's Counsel also raised the issue that huge amounts of Late Payment Surcharge (LPS) & Late Payment Interest (LPI) had been wrongly charged to the Appellant. In this regard, the Respondent is directed to revise the LPS & LPI on the fresh billing of the disputed period done as per the provisions of the relevant Tariff Orders approved & issued by the PSERC from time to time.
- (ix) This Court also observes that the Standards of Performance were not maintained by the Respondent/ PSPCL in this case. The Meter Reader neither took the readings properly nor he reported timely that the meter was defective.
- (x) The meter was not changed within the time specified in this regard. Also the officials/ officers issuing the bills did not

notice that the kWh readings vis-à-vis kVAh readings of the meter were inconsistent and continued to issue the bills on 'O' Code. The Respondent is directed to take necessary action against the delinquent meter reader & 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 28.03.2023 of the CCGRF, Ludhiana in Case No. CF-027/2023 is hereby quashed. The account of the Appellant be overhauled as under:

- (a) For the period from 09.03.2018 to 23.04.2018: The account of the Appellant be overhauled as per Regulation 21.5.2 (a) & 21.5.2 (e) of Supply Code, 2014.
- (b) For the period from 24.04.2018 to 12.09.2018: The bills already issued for the billing period from 24.04.2018 to 12.09.2018 are quashed. Fresh billing be done on the basis of actual readings, i.e from 0 kWh to 26381 KVAH/ 24463 kWh as per the Tariff approved by the PSERC from time to time.
- (c) For the period from 13.09.2018 to 06.08.2021: The bills issued for the billing period from 13.09.2018 to 17.11.2018

are correct. Rest of the bills, already issued for the billing period from 18.11.2018 to 06.08.2021, are quashed. The account of the Appellant be overhauled for the maximum period of six months immediately preceding the date of replacement of the disputed meter, i.e. 06.08.2021 on the basis of consumption recorded in corresponding period of succeeding year as per Regulation 21.5.2 (d) of Supply Code, 2014.

(d) LPS & LPI for the disputed period be revised according to the fresh billing of the disputed period of the Appellant done as per the above order in accordance with the provisions of the relevant Tariff Orders approved & issued by the PSERC from time to time.

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.

December 21, 2023
S.A.S. Nagar (Mohali).

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

