

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

APPEAL No. 32/2021

Date of Registration : 22.03.2021
Date of Hearing : 16.04.2021 and 19.05.2021
Date of Order : 21.05.2021

Before:

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

In the Matter of:

**Kamaljit Goyal,
C/o Hotel Dolphin,
Santpura Road, Bathinda-151001
Contract Account Number: 3002948839 (NRS)**

...Appellant

Versus

**Additional Superintending Engineer,
DS Division,
PSPCL, Bathinda.**

...Respondent

Present For:

**Appellant: 1. Sh. S. R. Jindal,
Appellant's Representative.**

**2. Sh. Mukesh Goyal,
Appellant's Representative.**

**Respondent : 1. Er. Hardeep Singh,
Additional Superintending Engineer,
DS Division, PSPCL,
Bathinda.**

**2. Sh. Varinder Singla,
Upper Division Clerk (A/c).**

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 22.02.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-374 of 2020, deciding that:

“The decision dated 27.11.20 of CLDSC, Bathinda is in order and is upheld. The present Petition is disposed off accordingly.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 22.03.2021 i.e. within stipulated period of thirty days of receipt of the decision dated 22.02.2021 of the CGRF, Patiala in Case No. CGP-374 of 2020. The Appellant had also submitted copies of receipt nos. 149282042 dated 06.10.2020 for ₹ 12,864/- and 155872969 dated 26.02.2021 for ₹ 12,864/- on account of requisite 40% of the disputed amount of ₹ 64,320/-. Therefore, the Appeal was registered and copy of the same was sent to the Additional Superintending Engineer/ DS Division, PSPCL, Bathinda for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 386-388/OEP/A-32/2021 dated 22.03.2021.

3. Proceedings

- (i) With a view to adjudicate the dispute, a hearing was fixed in this Court on 16.04.2021 at 12.15 PM and an intimation to this effect was sent to both the parties vide letter nos. 528-529/OEP/A-32/2021 dated 07.04.2021. On 12.04.2021, an e-mail was received from the Appellant's Representative intimating that he had been vaccinated and was advised rest. He requested for adjournment of hearing by 10-15 days. However, the hearing was held as scheduled on 16.04.2021 and was attended by the Respondent. The request of the Appellant's Representative was allowed and he was given another opportunity to defend this case on 28.04.2021. Copies of proceedings were sent to both the sides vide letter nos. 619-620/OEP/A-32 dated 16.04.2021.
- (ii) The Appellant's Representative sent another e-mail on 26.04.2021 that his wife and daughter-in-law were reported Covid positive and requested for adjournment of the hearing due to his inability to attend the same. The said request was accepted and hearing was adjourned to 12.05.2021 under intimation to both the parties vide letter nos. 710-11/OEP/A-32/2021 dated 29.04.2021.

- (iii) The Appellant's Representative sent another e-mail dated 07.05.2021 intimating that his wife had expired on 01.05.2021 and Bhog ceremony was fixed for 12.05.2021. Accordingly, the hearing might be adjourned till his position improved. Therefore, the hearing was rescheduled for 19.05.2021 and intimation to this effect was sent to both the parties vide letter nos. 774-75/OEP/A-32/2021 dated 12.05.2021.
- (iv) As rescheduled, next hearing was held on 19.05.2021 and was attended by Representatives of both parties. Arguments were heard and the order was reserved. Copies of minutes of the proceedings were sent to both the parties vide letter nos. 802-803/OEP/A-32/2021 dated 19.05.2021.

4. Submissions made by the Appellant and the Respondent

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral submissions made by the Appellant's Representative and the Respondent alongwith material brought on record by both parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

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

- (i) The Appellant was having a Non Residential Supply Category Connection, bearing Account No. 3002948839, with sanctioned load of 15.900 kW since 08.07.2014.
- (ii) The Appellant had filed a Petition against the decision dated 27.11.20 of CLDSC, Bathinda as per which, it was ordered that the bill issued in the month of 05/2020 to 07/2020 for the period from 11.04.2020 to 08.08.2020 charging him on the basis of consumption of corresponding period as per Regulation 21.5.2 (a) of Supply Code-2014 was correct and recoverable.
- (iii) The Respondent, vide CC No. 47/2020 dated 28.12.2020, had issued directions that in case, the meter was declared defective/ burnt during the Corona Virus Pandemic and Curfew period from 23.03.2020 to 30.09.2020 under Regulation 21.5.3 of Supply Code-2014 and set formula for charging such consumers. The meter of the Appellant had remained defective/ burnt during the period from 11.04.2020 to 08.08.2020. The case of the Appellant falls under CC No. 47/2020 dated 28.12.2020 and the Appellant was liable to be charged according to this circular.
- (iv) The working of the meter of the Appellant upto 11.04.2020 was within limit. From 22.03.2020, lockdown/ curfew was imposed by the Government due to COVID-19 Pandemic disease spread

in the Country. The bill for 4207 units for the period from 11.04.2020 to 29.05.2020 was served by the Respondent without taking proper reading beyond limit as there was no work during this period. The meter got burnt/ disfigured during the COVID-19 Pandemic period.

- (v) Similarly, bills for the period from 29.05.2020 to 04.07.2020 for 6926 units (R-Code) and for the period from 04.07.2020 to 11.08.2020 for 6924 units (R-Code) was served on the basis of consumption of corresponding period basis in view of Regulation 21.5.2 (a) of Supply Code-2014, which was beyond limit. The meter of the Appellant was replaced on 08.08.2020 as per order No. 100010387896 dated 06.07.2020 at reading as 70855 kWh /71808 kVAh.
- (vi) The data supplied by the Respondent before the Forum showed the following readings of the meter of the Appellant: -

Date	kWh reading
29.05.2020	66783
04.07.2020	73709
08.08.2020	80633/ 80831

These readings did not match with the readings recorded on the MCO/ Monthly readings of new meter was recorded as reading- 2 whereas average for three days had been assessed as 198 units in the bill which was also incorrect because the meter was

actually disfigured as was evident from the data supplied by the Respondent but no report existed.

- (vii) The previous period average from 02.10.2019 to 11.04.2020 (for 192 days) had been recorded as 2280 units monthly average (14598/192x30) and in view of Regulation 21.5.2 (b) of Supply Code-2014 average should have been made for the period from 11.04.2020 to 08.08.2020 on the basis of average of previous period from 02.10.2019 to 11.04.2020 as assigned above.
- (viii) The working of the Appellant's Unit had badly affected due to spread of COVID-19 Pandemic disease and imposition of lockdown/ curfew by the Govt. The business work was allowed to be opened for restricted hours during the period from 23.03.2020 to 30.09.2020, as such, the Respondent had issued instructions vide CC No. 47/20 to overhaul the account of the consumers for the disputed period in view of Regulation 21.5.3 of Supply Code-2014.
- (ix) The working of the business and utilization of the load can only be properly assessed by taking DDL of the meter removed on 08.08.2020 which was evidence of the same. Moreover, no authentic proof of the defectiveness of the meter, because it was burnt and disfigured, hence, the revision of the disputed period

can only be ascertained on the basis of the directions issued by Chief Engineer/ Commercial, Patiala vide CC No. 47/2020 dated 28.12.2020.

- (x) The energy consumption of the business of the Appellant varies from time to time depending upon the booking, demand, environment and restrictions imposed by the Govt. The Appellant had collected energy consumption data of following connections similar to his connection for necessary action in the matter:

Sr. No.	Account No.	Consumer Name	S. Load (kW)
1.	3002948839	Kamaljeet Goyal	15.900
2.	3002944243	Pawan Kumar	30.980
3.	3002943900	Hotel Celebration	65.400
4.	3005240985	Sandeep Kumar	39.813

- (xi) The Forum at Patiala had erred and was biased in deciding the Appeal of the Appellant without implementation of the instructions issued vide CC No. 47/2020 dated 28.12.2020 whereas, the Forum at Ludhiana had decided Appeal No. CGL-378/2020 dated 29.01.2021 of Sh. Pardeep Kumar, Amritsar as per directions issued vide CC No. 47/2020.

- (xii) The decision of the Forum upholding the decision of the CLDSC, Bathinda was wrong and illegal in the eyes of law and natural justice especially when necessary instructions to deal with such cases for the Pandemic disease period from

23.03.2020 to 30.09.2020 circulated vide CC No. 47/2020 by the Respondent were there.

- (xiii) Accordingly, it was prayed to overhaul his bill for the disputed period. It was also prayed to pay interest & compensation.

(b) Submissions in the Rejoinder

The Appellant's Representative, vide e-mail dated 16.05.2021, sent a rejoinder to written reply of the Respondent and stated as under:

- (i) The dispute pertains to period 11.04.2020 to 08.08.2020 (MCO) during which the readings/code etc. were not recorded accurately due to impact of Covid-19 pandemic. Most of commercial/industrial establishments were effected. The readings of the Meter were recorded imaginary or bogus clearly even in our case. The Meter was removed at reading kWh-70855 on 08.08.2020 but from where, Meter reader filled readings on 04.07.2020 as 73709 and 80633 on 08.08.2020 as per reading record.
- (ii) No DDL/ME Lab report was available for evidence, whereas Appellant had been overbilled/wrongly billed during the period consumption (actual) was less due to lockdown/curfew. Further, demand was on lower side as compared to last year

when everything was normal. PSPCL in Petition No. 17/2021 filed before PSERC calculated consumption of NRS Energy billed during the period April-Sept 2020-21 as compared to previous year(-) 28 % whereas normally it rises every year. PSPCL issued CC No 47/2020 dated 28.12.2020 to give relief to the consumers, whose meter remained defective during 23.03.2020 to 30.09.2020 and billed under Regulation 21.5.2 (a) of Supply Code-2014.

- (iii) It was not fair to bill the consumer on corresponding period basis when the business was normal and during the disputed period from 11.04.2020 to 08.08.2020, everything was disturbed as evident from the consumption pattern of other consumers attached with the Appeal (ch 17 to 19). During the disputed period, the consumer had been overbilled whereas no proper readings were recorded on report of Meter defective available such as ME Lab report/DDL.
- (iv) It is not justified to charge beyond LDHF Formula (Theft case) $15.9 \times 30 \times 20 \times 40\% = 3816$ units calculated. PSPCL charged maximum in Theft case. In some cases, consumption was very small during 3/2020 to 09/2020 due to lockdown/curfew. Consumption on the basis of average LYSM as per PSPCL Norms/Regulation 21.5.2 (a) was not justified and genuine

when PSPCL directed to review disputed cases under CC No. 47/2020 dated 28.12.2020. Government of Punjab in News Papers/vide circulars directed the PSPCL to give suitable relief to the electricity consumers in the state of Punjab for mitigating the impact of Covid-19 (letter dated 07.04.2020).

- (v) SDO/comm.-2, Bhatinda requested ME Lab, Bhatinda for DDL of above account immediately to produce before Forum/CGRF/Patiala as demanded but in vain. The previous period average from 02.10.2019 to 11.04.2020 (192 days) comes to 2280 units per month (14598/192x30). Regulation 21.5.2 (b) of Supply Code-2014 may be applied.
- (vi) It was prayed that consumption of previous period /year 2017-18 may also be kept in view (ch-21) which was of same corresponding period.
- (vii) Keeping in view the facts of impact of Covid-19 on business, average billing might be reviewed and justice done to the Appellant.
- (c) **Submission during hearing**

The Appellant's Representative did not attend the hearing on 16.04.2021 and informed the Court, vide e-mail dated 15.04.2021 stating that:

“I and my wife had Covid-19 vaccination (1st dose) at Max Hospital patporganj East Delhi on 10-4-2021 (Batch No. 41212037) and Doctor has advised for 15-20 days rest to avoid any complication side effect of Medicine.

Kindly adjourn the above cases for atleast 15 days (1st week of May any date) as in the meantime, we will be back to Punjab completing the checkup of my wife knees problem.”

However, the Respondent attended the Court on that day and participated in the proceedings. With a view to give an opportunity to the Appellant to participate in the proceedings, another hearing was fixed for 28.04.2021. Copy of proceedings dated 16.04.2021 was sent to the Appellant as well as the Respondent vide letter nos. 619-20/OEP/A-32/2021 dated 16.04.2021.

- (ii) Another e-mail was received from the Appellant's Representative on 26.04.2021 stating that:

“That my wife and daughter-in-law has been declared Corona +ve, hence we rushed from Delhi to Punjab as there no proper Hospital/rooms etc. were available.

Now both are admitted in Delhi Heart and Research Institute in Bhatinda for medical treatment on 23-4-2021 (FRI) and other

member of family has been quarantined at home as precaution measure, hence the case be adjourned as I am unable to attend the same.”

The said request was accepted and hearing was adjourned to 12.05.2021 under intimation to both the parties vide letter nos. 710-11/OEP/A-32/2021 dated 29.04.2021.

- (iii) The Appellant’s Representative sent another e-mail dated 07.05.2021 intimating that his wife had expired on 01.05.2021 and Bhog ceremony was fixed for 12.05.2021. Accordingly, the hearing may be adjourned till his position improved. Therefore, the hearing was rescheduled for 19.05.2021 and intimation to this effect was sent to both the parties vide letter nos. 774-75/OEP/A-32/2021 dated 12.05.2021.
- (iv) As rescheduled, next hearing was held on 19.05.2021 and was attended by Representatives of the both parties. The Appellant’s Representative 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, vide memo No. 4894 dated 09.04.2021, for consideration of this Court:-

- (i) The consumption for the period from 02.03.2020 to 29.05.2020 was 4207 units recorded as per actual working of meter of the Appellant. So, this point may be noted for proceeding further because during lockdown period, meter consumed 4207 units. Then it had to be presumed that premises of the Appellant remained working during the lock down period. Therefore, it can be said that after lockdown period, consumer also consumed more units than the lock down period. On this presumption, average charged by system on LYSM was correct.
- (ii) The Appellant had filed its case before the CLDSC and the same was decided by the CLDSC on 27.11.2020 in favour of the Respondent. As per the said decision, the amount was recoverable from the Appellant. CC No. 47/2020 was issued on 28.12.2020. So, the case of the Appellant could not be considered in the light of the said commercial circular.
- (iii) On the basis of consumption recorded during lockdown period and average taken by LYSM as per PSPCL norms, the amount charged was recoverable from the Appellant.
- (iv) The meter of the Appellant was changed on 08.08.2020 and the Appellant had consumed 4072 units in between 29.05.2020 to 08.08.2020. As such, it can be said that work at the premises of the Appellant had remained operative during lockdown period.

- (v) The Appellant had filed a case against the said decision of the CLDSC before the Forum who, after hearing, had also upheld the decision of CLDSC. As such, the said amount was recoverable from the Appellant.
- (vi) It was prayed that the Appeal of the Appellant may be dismissed.

(b) Submissions to Rejoinder of the Appellant

The Respondent, vide Memo No. 6644/Kamaljit Goyal-A-32 of 2021 dated 18.05.2021, reiterated broadly the submissions already made in its written reply in response to rejoinder of the Appellant's Representative dated 16.05.2021.

(c) Submission during hearing

During hearing on 19.05.2021, the Respondent contested the submissions made by the Appellant in the Appeal/rejoinder to written reply and prayed to dismiss the Appeal.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the prayer of the Appellant for overhauling its account for the period from 11.04.2020 to 08.08.2020 by reviewing the billing done on LYSM basis.

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

- (i) The Appellant's Representative, in its rejoinder dated 16.05.2021 (sent vide e-mail) and also during hearing on 19.05.2021, stated that the Appellant was having NRS Category Connection with sanctioned load of 15.9 kW. The dispute pertained to period 11.04.2020 to 08.08.2020 (date of replacement of burnt Energy Meter) during which, the readings/code etc. were not recorded accurately due to impact of Covid-19 pandemic when most of commercial/industrial establishments were effected. The readings of the Meter were recorded imaginary or bogus clearly in the present case. The disputed Meter was removed on 08.08.2020 at reading 70855 (kWh). But, it is not understood from where, Meter reader took readings on 04.07.2020 as 73709 and on 08.08.2020 as 80633 as per reading record. No DDL/ME Lab report was available for evidence, whereas Appellant had been overbilled/wrongly billed during the period. Consumption (actual) was less due to lockdown/curfew. Further, demand was on lower side as compared to last year when everything was normal. PSPCL, in Petition No. 17/2021 filed before PSERC, calculated consumption of NRS Energy billed during the period April-

September 2020 as compared to previous year as (-) 28 %. This was despite the fact that normally, it rises every year. PSPCL issued CC No. 47/2020 dated 28.12.2020 to give relief to the consumers, whose meter remained defective during 23.03.2020 to 30.09.2020 and billed under Regulation 21.5.2 (a) of Supply Code-2014. It was not fair to bill the consumer on corresponding period basis when the business was normal and during disputed period from 11.04.2020 to 08.08.2020, everything was disturbed as was evident from the consumption pattern of other consumers. It was not justified to charge beyond LDHF Formula (Theft case) i.e. $15.9 \times 30 \times 20 \times 40\% = 3816$ units. PSPCL charged Maximum in theft case. In some cases, consumption was very small during 3/2020 to 09/2020 due to lockdown/curfew. Charging on the basis of average LYSM as per PSPCL Norms/Regulation 21.5.2 (a) of Supply Code-2014 was not justified and genuine when PSPCL directed to review disputed cases under CC No. 47/2020 dated 28.12.2020. Government of Punjab in News Papers/ vide Circular dated 07.04.2020 directed the PSPCL to give suitable relief to the electricity consumers in the State of Punjab for mitigating the impact of Covid-19 pandemic. SDO/Comm.-2, Bhatinda requested ME Lab, Bhatinda for

DDL of the Appellant's account immediately to produce the same before Forum as demanded (by the Appellant) but in vain. The Appellant prayed that consumption of previous period/year 2017-18 may also be kept in view which was of same corresponding period. Keeping in view the facts of impact of Covid-19 on business, average billing should be reviewed and justice be done to the Appellant.

- (ii) The Respondent, vide Memo No. 6644/Kamaljit Goyal-A-32-2021 dated 18.05.2021 and during hearing on 19.05.2021, contested the submissions of the Appellant's Representative. The Respondent stated that the meter was changed on 08.08.2020 due to 'R' Code and the consumption was charged to the consumer as per LYSM formula of PSPCL. The Consumer's consumption was 4072 units as per ME Lab. Challan in between 29.05.2020 to 08.08.2020. Consumer's consumption was 5988 units w.e.f. 08.08.2020 to 05.09.2020 and 5526 units w.e.f. 05.09.2020 to 28.09.2020. So, it can be said that consumer's premises was working in lock down period whereas curfew was imposed in the city of Bathinda. Therefore, it was incorrect to say that bogus/imaginary readings were taken by PSPCL. It was added that DDL of the meter could not be fetched from ME Lab., Bathinda, so, account cannot be overhauled as requested by the

Appellant. The decision of CDSC dated 27.11.2020 was in favour of PSPCL and the decision of CGRF, Patiala was also in favour of PSPCL. So, the amount was recoverable from the consumer. It was mentioned that the meter was changed due to its burning and the consumption was charged to the consumer as per LYSM which was as per PSPCL norms. It was also pointed out that as per-checking no. 35/58 dated 16.04.2021, load found connected at consumer's premises was 28.794 kW. On 19.04.2021, consumer applied for load extension from 15.900 kW to 39.900 kW/40 kVA. The Respondent prayed to dismiss the Appeal.

- (iii) Details of energy consumption of the Appellant's connection for the period from 03/2017 to 04/2021, as supplied by the Respondent are as under:

READING DATE	NEW READING	OLD READING	CONSUMPTION	CODE
08.04.2021	26259	22959	3300	R
04.03.2021	22959	20909	2050	O
27.01.2021	20909	19656	1253	O
03.01.2021	19656	17640	2016	O
29.11.2020	17640	16290	1350	O
06.11.2020	16290	11516	4774	O
28.09.2020	11516	5990	5526	O
05.09.2020	5990	2	5988	O
11.08.2020	2	80831	198	C
08.08.2020	80633	73709	6924	R
04.07.2020	73,709.00	66,783.00	6,926.00	R
29.05.2020	66,783.00	62,576.00	4,207.00	O
02.03.2020	62,576.00	60,822.00	1,754.00	O
31.01.2020	60,822.00	58,900.00	1,922.00	O
01.01.2020	58,900.00	56,745.00	2,155.00	O
30.11.2019	56,745.00	54,939.00	1,806.00	O
30.10.2019	54,939.00	51,481.00	3,458.00	O

02.10.2019	51,481.00	46,214.00	5,267.00	O
01.09.2019	46,214.00	40,032.00	6,182.00	O
04.08.2019	40,032.00	33,108.00	6,924.00	O
30.06.2019	33,108.00	27,144.00	5,964.00	O
30.05.2019	27,144.00	23,720.00	3,424.00	O
29.04.2019	23,720.00	21,453.00	2,267.00	O
31.03.2019	21,453.00	20,646.00	807.00	O
01.03.2019	20,646.00	19,695.00	951.00	O
02.02.2019	19,695.00	18,898.00	797.00	O
30.12.2018	18,898.00	17,322.00	1,576.00	O
04.12.2018	17,322.00	15,855.00	1,467.00	O
30.10.2018	15,855.00	14,359.00	1,496.00	O
28.09.2018	14,359.00	11,713.00	2,646.00	O
30.08.2018	11,713.00	9,712.00	2,001.00	O
06.08.2018	9,712.00	6,570.00	3,142.00	O
04.07.2018	6,570.00	3,915.00	2,655.00	O
02.06.2018	3,915.00	1,537.00	2,378.00	O
01.05.2018	1,537.00	209	1,328.00	O
28.03.2018	209	9	351.00	O
15.03.2018	9	21,972		
14.03.2018	21,972	21,821		
01.03.2018	21,821	21,520	301.00	D
03.02.2018	21,520	21,210	310.00	D
02.01.2018	21,210	20,985	225.00	O
02.12.2017	20,985	20,371	614.00	O
29.10.2017	20,371	19,544	827.00	O
03.10.2017	19,544	18,288	1,256.00	O
03.09.2017	18,288	16,518	1,770.00	O
03.08.2017	16,518	14,642	1,876.00	O
30.06.2017	14,642	13,657	985.00	O
29.05.2017	13,657	12,705	952.00	O
29.04.2017	12,705	12,263	442.00	O
30.03.2017	12,263	11,973	290.00	O
01.03.2017	11,973	11,718	255.00	O

From the perusal of the above table, it is observed that consumption of the Appellant's connection from 11.08.2020 (after replacement of disputed /burnt meter on 08.08.2020) to 04.03.2021 (the date of reading with status of meter as OK) was 22957 in about seven months. Thereafter, status of meter on the next date of reading on 08.04.2021 was shown as 'R' Code.

- (iv) On the other hand, the Appellant's Representative had supplied the following details of consumption for the disputed period:

Period	Consumption	Number of Days
03.03.2020 to 29.05.2020	4207(66783-62576)	68
29.05.2020 to 04.07.2020	6926 (73709-66783)	36
04.07.2020 to 08.08.2020	6924 (80633-73709)	35

- (v) In this connection, it is worthwhile to peruse the observations of the Forum in its decision which read as under:

“The Petitioner could not produce any evidence regarding closure of their hotel business during the restrictions period.

However the consumption of the petitioner recorded for the periods 02.03.2020 to 29.05.2020 (4207 units), 08.08.20 to 05.09.20 (5990 units) and 05.09.20 to 28.09.20 (5526 units) is sufficient to prove that the business of the petitioner is not affected due to Covid 19 Restrictions. As such the provisions contained in circular no. 47/2020 dated 28.12.20 issued by PSPCL to overhaul the accounts of consumers where defective meter remained installed during Lockdown period cannot be made applicable in the instant case.”

- (vi) The Respondent defaulted in not conducting investigation in terms of provisions contained in Regulation 21.4 of Supply Code-2014 which reads as under:

“21.4 Defective/ Dead Stop/Burnt/Stolen Meters

21.4.1 In case a consumer’s meter becomes defective/dead stop or gets burnt, a new tested meter shall be installed within the time period prescribed in Standards of Performance on receipt of complaint [or detection by the distribution licensee]. If the meter is burnt due to reasons attributable to the consumer, the distribution licensee shall debit the cost of the meter to the consumer who shall also be informed about his liability to bear the cost. In such cases the investigation report regarding reasons for damage to the meter must be supplied to the consumer within 30 days. However, supply of electricity to the premises shall be immediately restored even if direct supply is to be resorted to, till such time another tested meter is installed.”

The Respondent should ensure in future that compliance of the provisions referred to above is invariably made in the case of meters of the consumers getting burnt.

- (vii) From the above analysis, it is observed that the DDL of the disputed meter could not be obtained by the Respondent from ME Lab as the same had got burnt. The Respondent charged the Appellant for the period 30.05.2020 to 08.08.2020 on LYSM basis as per Regulation 21.5.2 (a) of Supply Code-2014.

The status of the disputed meter was 'O' on 29.05.2020. The Appellant, on being afforded sufficient opportunity could not disprove the legitimacy of the amounts charged to it. There is merit in the submissions of the Respondent that analysis of the consumption pattern of the Appellant showed that the work at its premises was just like normal during the disputed period (30.05.2020 to 08.08.2020). The Appellant failed to submit any documentary evidence regarding partial working and/or occupancy/non occupancy or complete closure of the hotel due to curfew/lockdown during the period of dispute. As such, provisions of Commercial Circular No. 47/2020 dated 28.12.2020 cannot be applied in this case for overhauling the account of the Appellant during the disputed period as pleaded by the Appellant. The request of the Appellant to overhaul the account relating to disputed period by LDHF formula (Annexue-8 of Supply Code-2014) or Regulation 21.5.2 (b) of Supply Code-2014 has no justification and hence cannot be acceded to. Further, the Appellant failed to establish/prove that the recorded readings of the disputed meter were bogus or imaginary. The amount charged to the Appellant by the Respondent is fully justified and recoverable. Therefore, this Court is not inclined to modify/alter the decision dated

22.02.2021 of the Forum in Case No. CGP-374/2020.

6. Decision

As a sequel of above discussions, the order dated 22.02.2021 of the CGRF, Patiala in Case No. CGP-374 of 2020 is 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.

May 21, 2021
S.A.S. Nagar (Mohali)

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