

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

**APPEAL No. 35/2021**

**Date of Registration : 31.03.2021**

**Date of Hearing : 16.04.2021**

**Date of Order : 22.04.2021**

**Before:**

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

**In the Matter of:**

Parminder Singh S/o Sh. Gurmeet Singh,  
# 6330, Purana Thana Road,  
Bathinda-151001

**Contract Account Number 3002940573 (Old)  
3006442241 (New)**

...Appellant

Versus

Additional Superintending Engineer,  
DS Division,  
PSPCL, Bathinda.

...Respondent

**Present For:**

Appellant: Sh. Parminder Singh,  
Appellant.

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 16.09.2020 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-79 of 2020, deciding that:

*“The amount is recoverable. If the petitioner agrees with the decision of the Forum, the amount be recovered in 4 equal monthly installments by taking an undertaking from the petitioner.*

*If the petitioner defaults in making timely payments of the installments then the amount shall be recovered alongwith interest/ surcharge as per the General Conditions of Tariff.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 19.10.2020 i.e. within the stipulated period of one month of receipt of the decision dated 16.09.2020 of the CGRF, Patiala in Case No. CGP-79 of 2020 by the Appellant on 21.09.2020. The Appeal was not accompanied by the documents such as prescribed format, grounds for preferring the Appeal, relief sought etc. The Appellant was advised vide letter no. 991/OEP/Appeal/2020 dated 19.10.2020 to file the Appeal in the format prescribed

under 'Ombudsman' on the website of PSERC. The Appellant was subsequently advised on phone to submit evidence in support of change of name of the connection (existing in the name of M/s. Mohan Singh) and deposit of requisite 40% of the disputed amount with the Respondent. In response, the Appellant informed this Court on 04.11.2020 that the matter regarding change of name of the connection was under process and he would inform this Court as and when the change was affected by the Respondent. He also supplied copies of receipts dated 29.10.2019 and 28.10.2020 for ₹ 8,632/- and ₹ 8,632/- respectively as evidence of deposit of requisite amount. Thereafter, Addl. SE/DS Division, Bathinda was requested, vide letter no. 109/OEP/A-2021 dated 02.02.2021, to intimate the details of the amounts deposited by the Appellant against the disputed amount as per decision of the Forum and confirm the fact of deposit of the whole requisite amount for filing the Appeal in this Court. Addl. SE/ DS Divn. Bathinda was also requested to intimate the status of change of name of the consumer by e-mail. Subsequently, the Respondent intimated, vide memo no. 2804 dated 22.02.2021, that the Appellant had already deposited 40% of the disputed amount i.e. ₹ 17,264/- (₹ 8,632/- on 29.10.2019 and ₹ 8,632/- on 28.10.2020). He also

stated that the Appellant had not applied for change of name. With a view to consider the registration of the Appeal preferred by the Appellant, a pre-hearing was fixed in this Court for 12.03.2021 at 01.15 PM and both the sides were directed to attend the hearing on the said date and time vide letter nos. 259-60/OEP/A-2021 dated 03.03.2021. The pre-hearing was held as scheduled on 12.03.2021 in this Court and was attended by the representatives of both the sides. The Appellant, who was apprised of the legal position about the maintainability of the Appeal in this Court, requested for giving him about 15 days time to deposit the disputed amount and for submission of the relevant documents for getting the change in the name of the consumer in the record of the PSPCL. The Respondent, on being asked, did not object to the request of the Appellant and as such, the case was adjourned to 31.03.2021 at 12.00 Noon. The Appellant did not attend this Court on 31.03.2021 and informed on phone that he had complied with the directions given in the pre-hearing on 12.03.2021. However, Er. Rohit Bansal, AEE/ Comm.-2, Bathinda had submitted letter no. 4512 dated 30.03.2021 signed by ASE/ DS Division, Bathinda stating that the Appellant had deposited the dues of electricity bill under protest amounting to ₹ 36,840/- on 24.03.2021.

Thereafter, the Appellant had applied for the change of name in Customer Relationship Centre (CRC), Bathinda on 25.03.2021 and after verification of the documents from the office, the change of name on consumer's request was completed in SAP on 30.03.2021. In view of the above, it was decided to register the Appeal. Accordingly, copy of the same was sent to the Addl. 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. 455-457/OEP/A-35/2021 dated 31.03.2021.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 16.04.2021 at 12.45 PM and an intimation to this effect was sent to both the sides vide letter nos. 530-31/OEP/A-35/2021 dated 07.04.2021. As scheduled, the hearing was held on 16.04.2021 in this Court on the said date and time. Arguments of both parties were heard and order was reserved. Copies of the minutes of the proceedings were sent to the Appellant and the Respondent vide letter nos. 623-24/OEP/A-35/2021 dated 16.04.2021.

#### **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 and the Respondent alongwith material brought on record by both the sides.

##### **(A) Submissions of the Appellant**

##### **(a) Submissions made in the Appeal**

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

- (i) The Appellant was having a Small Power Supply Category Connection bearing account No. 3002940573, with sanctioned load of 7.860 kW. The connection was earlier in the name of M/s. Mohan Singh but was changed in the name of the Appellant after filing of Appeal by him in this Court. New Account No. of this connection was now 3006442241.
- (ii) The Appellant was not satisfied with the decision of the Forum and as such had filed an Appeal against the order dated 16.09.2020 of the Forum in this Court.
- (iii) The Appellant was having a small business. The Appellant as per instructions of the Respondent, had got installed Shunt

Capacitor. After the installation of the Shunt Capacitor, the Appellant had received the bill for 6509 units amounting to ₹ 43,160/-. The Appellant had received the exorbitant bill due to the installation of the Capacitor. After removal of the Capacitor, the consumption of the Appellant was normal as per his earlier record.

- (iv) The Appellant had challenged the functioning of its meter on 08.07.2019 and the meter of the Appellant was changed on 08.08.2019. The meter of the Appellant was sent to ME Lab, Bathinda vide Challan No. 492 dated 20.08.2019 by the Respondent. According to the report of the ME Lab, the working of the meter of the Appellant was found OK.
- (v) All this had happened due to installation of Capacitors. The Appellant, being a poor labourer, was unable to pay this amount of the bill. The Appellant had requested for consideration of his case in reality as the excess bill was due to the said fact of installation of Capacitor.

**(b) Submission during hearing**

During hearing on 16.04.2021, the Appellant reiterated the submissions made in the Appeal and prayed to allow the relief claimed.

**(B) Submissions of the Respondent****(a) Submissions in written reply**

The Respondent submitted the following written reply for consideration of this Court:

- (i) An electric connection was running in the name of M/s. Mohan Singh, Bathinda under SP category. The Appellant had received a bill of ₹ 43,160/- for consumption of 6509 units for the period 05.07.2019 to 09.08.2019.
- (ii) The Consumer had challenged his meter on 08.07.2019 and the meter was changed by the Respondent. The meter of the Appellant, was sent to ME Lab, Bathinda vide Challan no. 492 dated 20.08.2019 for testing. According to the report of ME Lab, received vide memo no. 1426 dated 02.09.2019, the working of the meter of the consumer was found OK. Hence, the amount charged to the consumer was recoverable as per regulations of the PSPCL. The consumer had challenged the demand before the Divisional Level Dispute Settlement Committee, Bathinda & in the Forum and both the Committee & the Forum had found that the amount of the bill was recoverable.
- (iii) As the functioning of the challenged meter was found OK so the amount charged to the consumer/Appellant was recoverable



from the consumer as per Regulation 21.5.2 of Supply Code. Thus, the request of the consumer for the relief claimed in the Appeal could not be entertained.

- (iv) Further, the change of name as per request of the Appellant had already been effected and updated in SAP system having new Account No. 3006442241. The Appellant made payment of ₹ 36,840/- on 24.03.2021 under protest.

**(b) Additional Submissions of the Respondent**

The Respondent submitted the following, vide memo no. 5100 dated 15.04.2021, in response to memo no. 579/OEP/A-35/2021 dated 12.04.2021:-

- i) The Appellant had paid meter challenge fee of ₹ 120/- vide document no. 9013879238 on 08.07.2019. The Meter of the Appellant was tested in the presence of the Appellant and as such, the consent of the Appellant was not required to test the meter.
- ii) The accuracy of the meter was tested at kWh reading basis. Results of DDL in kVAh reading were also given in the record. The meter of the Appellant was sealed in his presence when it was removed from the site of the Appellant.

iii) The meter of the Appellant was in the custody of the ME Lab, Bathinda after its testing and as per the rules, meter was overhauled.

**(c) Submission during hearing**

During hearing on 16.04.2021, the Respondent reiterated the submissions made by it in the written reply and contested the submissions of the Appellant. The Respondent, on being asked intimated that request dated 08.07.2019 of the Appellant challenging the working of the meter was not available in its office though the Appellant had deposited the meter challenge fee. The meter was not tested in ME Lab in the presence of the Appellant or his Representative as stated by the Appellant during hearing on 16.04.2021. The accuracy of the disputed/ challenged meter was checked in ME Lab in terms of kWh consumption only while accuracy of kVAh consumption was not checked/ determined in ME Lab although the billing of this consumer was being done on kVAh consumption. The challenged meter was removed from the site and was seal packed. The Respondent stated that the challenged meter is not available now in sealed box and was overhauled in ME Lab as per rules. As such, the evidence is not available at this moment and testing of kVAh consumption is now impossible in respect

of disputed/challenged meter. He had requested for dismissal of the Appeal of the Appellant.

## 5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the energy bill dated 16.08.2019 for the period from 05.07.2019 to 09.08.2019 for 6509 units (kVAh) amounting to ₹ 43,160/-.

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

- (i) The dispute relates to the issuance of energy bill dated 16.08.2019 amounting to ₹ 43,160/- for the period from 05.07.2019 to 09.08.2019 (35 days) for energy consumption of 6509 kVAh. The aforesaid bill was issued in the name of M/s Mohan Singh (previous owner since expired) bearing Account No. 3002940573. After receipt of the present Appeal, the Appellant was asked to get the change of name effected in his favour so that the Appeal could be registered. As a result, change in the name of connection in favour of Sh. Parminder Singh (Appellant) was effected in SAP system on 30.03.2021 and new Account No. 3006442241 was allotted to the Appellant by the Respondent. Thereafter, the Appeal was registered by this Court on 31.03.2021.

- (ii) As per material on record, the Appellant had challenged the working of the disputed Energy Meter by depositing Meter Challenge Fee of ₹ 120/- on 08.07.2019. It is observed that the application challenging the working of the Energy Meter was not available in the records of the Respondent as intimated by him (Respondent) during hearing on 16.04.2021.
- (iii) The disputed/challenged Energy Meter was replaced vide Device Replacement No. 100008564019 dated 08.07.2019 effected on 14.08.2019.

The Court observed that the Respondent defaulted in testing of the Energy Meter within stipulated time limit after challenge by the Appellant.

- (iv) The removed Energy Meter was sent to ME Lab, Bhatinda for checking vide Challan No. 492 dated 20.08.2019. ME Lab, vide letter no. 1426 dated 02.09.2019, intimated that accuracy of the meter was OK.
- (v) The Court noted the submissions of the Respondent, vide Memo No. 5100 dated 15.04.2021 and also during hearing on 16.04.2021 that the accuracy of disputed/challenged Energy Meter was checked for kWh consumption only and not for kVAh consumption in ME Lab. He also stated that consent of the Appellant for checking the Meter in ME Lab was not taken

as he was present at the time of checking in ME Lab. The Respondent added that disputed Meter was kept in the box duly sealed after removal from the site due to installation of new Meter. The meter was tested in ME lab and report was found correct. Thereafter, the meter was in the custody of ME Lab, Bathinda and as per rules, meter was overhauled.

(vi) Written and oral submissions as well as material/evidence brought on record of this Court by the Appellant and the Respondent have been gone through. It is observed that:

a. The Appellant was charged for a sum of ₹ 43,160/- vide bill dated 16.08.2019 for energy consumption of 6509 kVAh for the period from 05.07.2019 to 09.08.2019. The Appellant challenged the working of the Meter by depositing Meter Challenge Fee of ₹ 120/- on 08.07.2019.

b. The challenged Energy Meter, after removal from site on 14.08.2019, was sent to ME Lab vide Store Challan dated 20.08.2019 but the accuracy of the said Energy Meter was not checked as required vide Commercial Circular No.07/2019 dated 13.02.2019 which is reproduced below:

*“The ESIM instruction no. 59.1 provides steps to be taken for routine testing/ checking of energy meters. However, Ombudsman, Electricity, Punjab, in his Orders against*

*Petition No. 36, 37 and 38 of 2018 has directed to issue instructions that the accuracy of the Energy Meters be checked/ tested at site and /or in ME Laboratory in both Active (kWh) and Reactive Mode (kVARh) to determine the correctness of the Energy Meters.*

*Accordingly, ESIM instruction no. 59.1 is hereby amended to include the new sub-instruction 59.1.3 as under:-*

**59 TESTING/CHECKING THE ACCURACY OF METERS-  
ADJUSTMENT OF ACCOUNTS:**

*59.1 Steps to be taken for routine testing/checking of the energy meters:*

*59.1.1 In order to ascertain whether the meter is working or not, Meter Readers should switch on one or two lights for a few seconds before taking monthly meter reading and watch that the meter reading advances in the correct direction.*

*59.1.2 Meter Inspectors, JEs, AE/AEE/XEN (DS) and AEE/ XEN/ Sr.XEN (Enforcement) shall conduct the accuracy test at site with the help of meter testing instrument.*

*59.1.3 The accuracy of the three phase LT CT meters and HT meters shall be checked/tested at site and/or in ME Laboratory in both*

*Active (kWh) and Reactive Mode (kVARh) to determine the correctness of the Energy Meters.*

*Meticulous compliance of the above instructions may please be ensured.”*

- (vii) During hearing on 16.04.2021, the Respondent, on being asked, confirmed that accuracy of the disputed Energy Meter for kVAh consumption (for which the billing for the disputed period was done) was not checked in ME Lab. Accuracy test for kWh consumption only was done as reported by ME Lab. These test results of kWh consumption could not be applied for recorded kVAh consumption of the Challenged Meter for which billing was being done. The main evidence in this case is Challenged Meter and the same has not been preserved after testing in ME lab by keeping it in sealed box till the challenge is finally cleared. The meter has been overhauled and evidence (Challenged Energy Meter) to be relied upon is not available now.
- (viii) The Court observed that the Forum erred in deciding to uphold the disputed amount of ₹ 43,160/- charged to the Appellant without taking into consideration that accuracy of kVAh consumption of Challenged Meter was not determined in ME Lab although the bill raised for the disputed period (05.07.2019

to 09.08.2019) was for kVAh consumption. Results of testing of kWh consumption of the Challenged Meter can not be made applicable to the recorded kVAh consumption of the same meter. Accordingly, the decision of the Forum is not correct and sustainable in the eyes of law.

- (ix) From the above analysis, it is evident that accuracy of the challenged Energy Meter was not tested in ME Lab as per instructions of the PSPCL. Results of testing of kWh consumption of the Challenged Meter in ME lab can not be made applicable to kVAh consumption of the same meter. The evidence in the form of Challenged Meter was required to be kept in a box duly sealed till the disposal of disputed case. But, the meter has been overhauled as reported by the Respondent and as such, it is not possible to direct PSPCL to test it for kVAh consumption recorded and billed. Thus, in the absence of testing results of kVAh consumption of Challenged Meter, the option left is to consider the disputed Energy Meter as defective in view of incomplete testing by ME Lab, Bathinda. With this in view, provisions contained in Regulation 21.5.2 of Supply Code-2014 are relevant and the same are reproduced below:

*“The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop subject to maximum*



*period of six months. In case of burnt/stolen meter, where supply has been made direct, the account shall be overhauled for the period of direct supply subject to maximum period of six months. The procedure for overhauling the account of the consumer shall be as under:*

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

*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.”*

I am of the view that Regulation 21.5.2 (a) of Supply Code-2014 can be applied in this case because kVAh consumption for the corresponding period of previous year (when status of disputed Meter showed ‘O’ code) is available. Accordingly, the account of the Appellant for disputed period (05.07.2019 to 09.08.2019) is required to be overhauled on the basis of consumption in kVAh of the corresponding period of previous year i.e. 05.07.2018 to 09.08.2018 during which, the meter was functional. The Appellant was satisfied with the energy bills issued prior to and after the disputed period as stated by him during hearing on 16.04.2021.

## **6. Decision**

As a sequel of above discussions, the order dated 16.09.2020 of CGRF, Patiala in Case No. CGP-79 of 2020 is set aside. It is held that the account of the Appellant for the disputed billed period 05.07.2019 to 09.08.2019 (35 days) shall be overhauled in terms of provisions contained in Regulation 21.5.2 (a) of

Supply Code-2014 on the basis of consumption in kVAh of the corresponding period of the previous year i.e. 05.07.2018 to 09.08.2018 during which, the Meter was functional and showed OK status. Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short after adjustment, if any, with surcharge/interest as per instructions of PSPCL.

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.

April 22, 2021  
S.A.S. Nagar (Mohali)

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