

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

**APPEAL No. 36/2021**

**Date of Registration : 01.04.2021**  
**Dates of Hearing : 22.04.2021 and 28.04.2021**  
**Date of Order : 28.04.2021**

**Before:**

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

**In the Matter of:**

Bhupinder Singh,  
# 49/1000-A, Block-A,  
Haibowal Dairy Complex,  
Opposite Chungi, Ludhiana.

**Contract Account Number: 3002512571**

...Appellant

Versus

Senior Executive Engineer,  
DS Aggar Nagar Division (Special),  
PSPCL, Ludhiana.

...Respondent

**Present For:**

Appellant: None

Respondent : Er. Parminder Singh,  
Senior Executive Engineer,  
DS Aggar Nagar Division (Special),  
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 07.01.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-322 of 2020, deciding that:

*“The bill dated 17.06.2020 for the consumption of 7100 units on ‘O’ code for the period 17.12.2019 to 17.06.2020 for 183 days amounting to Rs. 63800/- is correct and recoverable.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 01.04.2021 i.e. after stipulated period of thirty days of receipt of the decision dated 07.01.2021 of the CGRF, Ludhiana in Case No. CGL-322 of 2020 by the Appellant on 15.01.2021. In its Appeal, the Appellant prayed for condoning of delay in filing the Appeal in this Court. The Appellant Representative (Sh. Sucha Singh) submitted an authorization from Sh. Bhupinder Singh (a consumer of PSPCL) to defend the case. The Appellant had already paid the disputed amount of the bill dated 17.06.2020 and therefore he was not required to deposit any amount for filing the Appeal in this Court. Therefore, the Appeal was registered and copy of the same was sent to the Senior

Executive Engineer/DS Aggar Nagar Division (Special), PSPCL, Ludhiana for sending written reply/parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 485-487/OEP/A-36/2021 dated 01.04.2021.

### **3. Proceedings**

- (i) With a view to adjudicate the dispute, a hearing was fixed in this Court on 22.04.2021 at 11.00 AM and an intimation to this effect was sent to both the sides vide letter nos. 627-28/OEP/A-36/2021 dated 19.04.2021. On 22.04.2021 itself, an e-mail was received at 07.02 AM vide which the Appellant requested, inter-alia, that 'Due to Corona virus, cases are increasing every day and being a senior citizen, I am avoiding public meetings and getting out of house. So please exempt my physical hearing and consider my written statement to decide the case otherwise give me another date'. However, the Respondent attended the Court on the said date and time and reiterated the submissions made in the Appeal. With a view to give last opportunity to the Appellant to defend the case in the Court in person, another hearing was fixed on 28.04.2021 at 11.15 AM. Copies of the minutes of the proceedings were sent to the Appellant and the

Respondent vide letter nos. 663-64/OEP/A-36/2021 dated 22.04.2021.

- (ii) The Appellant did not attend the Court on 28.04.2021. The Appellant was reminded through whatsApp on 27.04.2021 at 11.41 AM about the hearing scheduled for 28.04.2021 at 11.15 AM. In response, he remarked 'Ok Sir'. When he did not turn up in this Court on the scheduled date and time, a phone call was made to him at 12.12 PM to intimate about his attending this Court for hearing. Thereafter, he sent a whatsApp message at 12.32 PM stating as under:

“Due to COVID and recent surge in cases of corona viruses. Please exempt me from physical hearing and decide the case on the merit.”

However, the Respondent attended the Court as per prescribed schedule.

#### **4. Condonation of Delay**

At the start of hearing on 22.04.2021, the issue of condoning of delay in filing the Appeal beyond the stipulated period of thirty days was taken up. The Court noted the submission of the Appellant in its grounds of Appeal that he was a simple man and had no knowledge about the procedure of filing the Appeal in this Court. He was suggested by someone to hire a Counsel

for filing the case but when he approached the Counsel, the fee so demanded was very high and it was not possible for him to pay the same. The Appellant was a daily bread earner and how he could pay the fees. He got knowledge from different people regarding the procedure for filing the Appeal in this Court. The Appellant had been using this connection single handedly for Dairy Farming. The Appellant had to do the milking job daily and to sell the same to his customers at their doors. It was not possible for the Appellant to get the knowledge for filing the Appeal in this Court. Therefore, the Appellant prayed for condoning of delay in filing the Appeal. The Respondent did not object to the condoning of the delay in filing the Appeal in this Court either in its written reply or during hearing in this Court.

In this connection, Regulation 3.18 of PSERC (Forum and Ombudsman) Regulations, 2016 reads as under:

*“No representation to the Ombudsman shall lie unless:*

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

*Provided that the Ombudsman may entertain a representation beyond 30 days on sufficient cause being shown by the complainant that he/she had reasons for*



*not filing the representation within the aforesaid period of 30 days.”*

It was observed that refusal to condone the delay in filing the Appeal would deprive the Appellant of the opportunity required to be afforded to defend the case on merits. Therefore, with a view to meet the ends of ultimate justice, the delay in filing the Appeal in this Court beyond the stipulated period was condoned and deliberations were held with the Respondent as the Appellant had informed about not attending the hearing on 22.04.2021.

#### **5. 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 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 Non Residential Power Supply Category Connection, bearing account No. 3002512571, with sanctioned load of 8.000 kW. The connection was in the name of Sh. Bhupinder Singh and the Appellant's Representative, Sh. Sucha Singh (present owner of the premises at which, connection was installed) had not so far got change of name done in the records of the PSPCL.
- (ii) The Appellant was issued bill dated 17.06.2020 for the consumption of 7100 units (kWh) on 'O' code for the period from 17.12.2019 to 17.06.2020 for 183 days amounting to ₹ 63,800/-. After that, when the Appellant approached the Respondent, he was compelled to deposit the bill instead of guiding him to challenge the meter. Someone told the Appellant about CGRF, Ludhiana and he filed his petition in the Forum. During the proceedings before the Forum, he was told to challenge the meter and he did the same without any hesitation. Even after filing of the case, abnormal bill was issued to the Appellant. The Appellant had got the authority letter from the original consumer, Sh. Bhupinder Singh in his favour for defending the case.
- (iii) When the meter was checked in ME Lab, the meter was declared as 'burnt' but the Forum had not paid any heed to it.

It seemed that when the meter was burnt, reading had jumped due to some internal defect in the meter. The Respondent can check the consumption of the Appellant for the previous years. The Appellant had been using this connection for Dairy Farming and the Appellant had been single handedly managing the connection and he, being a layman, was having little knowledge about these things. It was injustice to issue such a high bill to a lower middle class family. It was wrong that the Appellant had not challenged the bills issued after the disputed bill as mentioned in the decision of the Forum. These bills were issued to the Appellant after filing the case before the Forum so, these were already under watch of the Forum.

(iv) The Appellant prayed for acceptance of his Appeal and for justice to him, which was not given by the Forum.

**(b) Submission during hearing**

(i) The Appellant or its representative did not attend the hearing on 22.04.2021 and intimated vide e-mail received at 07.03 AM on the same date stating as under:

“Reply received at 8.00 pm on dated 21.04.2021. In reply office wrongly informed that meter is found in good condition. In ME Lab challan, it is clearly written that meter is "burnt". Moreover



meter was changed before 17.12.2020 but office written in reply that meter was changed in 31.12.2020. Consumption has increased/decreased as per my usage. Recently I am trying to expand my business of dairy and bought some new machines for my dairy that is why consumption has increased. But this does not mean my meter was working fine. I request you to please deliver the justice because a great injustice is done to me in CGRF. Due to Corona virus, cases are increasing every day and being a senior citizen, I am avoiding public meetings and getting out of house. So please exempt my physical hearing and consider my written statement to decide the case otherwise give me another date. Hopefully, justice will be given in your court.”

However, another opportunity was given by fixing 28.04.2021 as next date of hearing. Copies of the minutes of the proceedings were sent to the Appellant and the Respondent vide letter nos. 663-64/OEP/A-36/2021 dated 22.04.2021.

- (ii) The Appellant did not attend the Court on 28.04.2021. The Appellant was reminded through whatsapp on 27.04.2021 at 11.41 AM about the hearing scheduled for 28.04.2021 at 11.15 AM. In response, he remarked ‘Ok Sir’. When he did not turn up in this Court on the scheduled date and time, a phone call

was made to him at 12.12 PM to intimate about his attending this Court for hearing. Thereafter, he sent a whatsapp message at 12.32 PM stating as under:

“Due to COVID and recent surge in cases of corona viruses. Please exempt me from physical hearing and decide the case on the merit.”

**(B) Submissions of the Respondent**

**(a) Submissions in written reply**

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

- (i) NRS Category connection was running in the name of Sh. Bhupinder Singh bearing Account No. 3002512571 with sanctioned load of 8.0 kW.
- (ii) The Consumer was served with bill dated 17.06.2020 for 183 days for actual consumption of 7100 units for ₹ 63,630/-.
- (iii) The Meter was challenged by consumer and was replaced vide MCO No. 100011782823 dated 02.12.2020.
- (iv) The Meter was checked in ME Lab vide Challan No. 15 dated 17.12.2020 and the accuracy of meter was found to be within limits and the DDL was taken.
- (v) The billing data of the DDL (available for 08.09.2020 to 17.12.2020-100 days) did not show any abrupt jump in the

kWh reading. The cumulative reading recorded on 17.06.2020, 13997 kWh could be attributed to accumulation of reading by the Meter Reader.

- (vi) No internal defect had been declared in the report of ME Lab/DDL due to which, billed amount was correct and recoverable.

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

On being directed during hearing on 22.04.2021, the Senior Xen, DS Aggar Nagar Division (Special), PSPCL, Ludhiana sent, vide e-mail dated 22.04.2021, a copy of Memo No. 08 dated 22.04.2021 from AEE, ME Lab Ludhiana stating as under:

“ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਨੂੰ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਸ਼੍ਰੀ ਭੁਪਿੰਦਰ ਸਿੰਘ ਦਾ ਮੀਟਰ ਐੱਮ ਈ. ਲੈਬ ਵਿਖੇ ਚੈੱਕ ਹੋਣ ਲਈ ਆਇਆ ਸੀ ਜਿਸ ਸਬੰਧੀ ਆਪ ਜੀ ਨੂੰ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਦਾ Terminal Block burnt ਸੀ। ਇਸ ਲਈ ਇਸ ਦੇ ਚਲਾਨ ਉੱਤੇ Burnt ਦੇ Remarks ਦਿੱਤੇ ਗਏ ਹਨ। ਖਪਤਕਾਰ ਦੁਆਰਾ ਮੀਟਰ ਚੈਲੰਜ ਹੋਣ ਸਬੰਧੀ ਮੀਟਰ ਨੂੰ Test Bench ਤੇ ਲਗਾ ਕਿ ਚੈੱਕ ਕੀਤਾ ਗਿਆ ਜਿਸ ਦੇ Result ਸੀਮਾ ਵਿੱਚ ਪਾਏ ਗਏ। ਮੀਟਰ ਦਾ DDL ਲੈ ਲਿਆ ਗਿਆ ਜੋ ਕਿ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਨੂੰ ਭੇਜ ਦਿੱਤਾ ਗਿਆ ਹੈ। ਇਹ ਆਪ ਜੀ ਦੀ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਹੈ ਜੀ।”

**(c) Submission during hearing**

- (i) The Respondent reiterated the submissions made in the written reply to the Appeal. On being directed, he submitted a copy of memo no. 08 dated 22.04.2021 from AEE, ME Lab, Ludhiana regarding burning of terminal block of the meter of the consumer (Sh. Bhupinder Singh). The Respondent was also asked to send a copy of job order dated 02.12.2020 duly signed by the JE concerned. The Respondent was also informed that another hearing will be held on 28.04.2021 at 11.15 AM on which date, he should attend the Court for further deliberations.
- (ii) During hearing on 28.04.2021, the Respondent reiterated the submissions made by it in the written reply and contested the submissions of the Appellant in the Appeal. He had requested for dismissal of the Appeal of the Appellant.

**6. Analysis and Findings**

The issue requiring adjudication is the legitimacy of bill dated 17.06.2020 for 7100 units (kWh) on 'O' code for the period from 17.12.2019 to 17.06.2020 (183 days) amounting to ₹ 63,800/- as per applicable regulations.

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

- (i) As per material on record, the Appellant received energy bill dated 17.06.2020 for consumption of 7100 units (kWh) for the period from 17.12.2019 to 17.06.2020 (183 days) amounting to ₹ 63,800/-. Aggrieved, the Appellant approached the Forum where its case was registered on 13.10.2020. The Forum, in its proceedings dated 19.11.2020, asked the Appellant to challenge the working of the Disputed Energy Meter if he was not satisfied with the consumption recorded by the said meter. The Appellant, then, challenged the working of the said meter and also gave its consent for checking the meter in ME Lab in his absence. As a result, the Challenged Energy Meter was replaced vide Device Replacement No. 100011782823 dated 02.12.2020 effected on 17.12.2020. The removed Energy Meter was sent to ME Lab vide Challan No. 15 dated 17.12.2020 whereby, it was reported that:

“ਮੀਟਰ ਦੀ ਐਕੂਰੇਸੀ ਸੀਮਾ ਵਿਚ ਹੈ । MRI ਤੇ DDL ਲੈ ਲਿਆ ਹੈ । ਵਿਸ਼ੇਸ਼ ਕਥਨ  
Burnt”

- (ii) During the hearing of the case on 22.04.2021, the Respondent, on being directed, submitted a copy of memo no. 08 dated 22.04.2021 intimating that Terminal Block of the disputed



Meter was found burnt during checking in ME Lab vide Challan No. 15 dated 17.12.2020. That is why, special remarks 'Burnt' were given in the said Challan. He also stated that accuracy of the disputed meter was within limit and MRI & DDL were taken.

- (iii) In this connection, it is worthwhile to peruse the observations of CGRF, Ludhiana, in its order dated 07.01.2021, reproduced below:

“Forum observed from the consumption data of the Petitioner is as under:

Year	2018		2019		2020	
Month	Cons.	Code	Cons.	Code	Cons.	Code
Feb			318	0	255	P
April	269	0	397	0	200	N
June	72	P	457	0	7100	0
Aug	514	0	352	0	328	N
Oct	471	0	531	0	2444	0
Dec	309	0	553	0		

From the above consumption data, the annual consumption during 2018 & 2019 has been recorded as 1635 & 2608 units (i.e. 136 & 217 unit/month) respectively. Petitioner was issued bill for the month of 02/2020 on 'P' code which shows that something wrong happened at that time. The next bill was issued on 'N' code and then the disputed bill in 06/2020. It is observed that the exonerated consumption of 7100 units was never recorded in any billing cycle during the previous period for which data

was made available by the Respondent. On the direction of the Forum, site of the Petitioner was checked by Respondent vide LCR no. 46/2302 dated 13.11.2020 and found connected load as 3.119 KW against SL of 8.00 KW. There is only light load except one submersible motor of 1.5 BHP. Forum also observed the cumulative readings of last 100 days available from DDL report available from 08.09.2020 to 17.12.2020 and nothing abnormal was observed. Further, the readings were observed as under:

Reading on dated 17.12.2020: 17812 Kwh

Reading on dated 08.09.2020: 15367 Kwh

Consumption for 100 days: 02445 Kwh. i.e. about 733 units/month.

Further as per LDHF formula, the monthly consumption comes out as:

With connected load of 3.119 Kw : 384 units/month

With sanctioned load of 8.00 Kw : 960 units/month

From the above data, it is observed that the monthly consumption of 136 & 217 unit recorded during 2018 & 2019, does not match with the above monthly consumption hence does not seem to be justified. The accuracy of the meter was found within limits in ME Lab and moreover the Petitioner has challenged only the bill dated 17.06.2020 and the bills issued thereafter with the same meter and with monthly consumption of about 733 units per month has not been challenged.

Therefore, Forum is of the opinion that the bill dated

17.06.2020 for the consumption of 7100 units on 'O' code for the period 17.12.2019 to 17.06.2020 for 183 days amounting Rs. 63800/-, seems to be justified.”

- (iv) The Respondent did not comply with the 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 is directed to ensure that investigation as prescribed above is invariably carried out in future in the cases relating to burnt meters.

- (v) The Court noted that the disputed connection was running in the name of Sh. Bhupinder Singh at the premises which was statedly purchased by the Appellant representative, Sh. Sucha Singh who was given the authorization by Sh. Bhupinder Singh (Consumer) to file and defend this case. It was observed that the Forum had passed the following order in its decision dated 07.01.2021:

“As the property has been purchased by the Petitioner, therefore he is directed to get Change of Name effected immediately, otherwise Respondent is at liberty to take action as per Rules/Regulation of the Corporation.”

The Court also observed that necessary change in the name of the consumer has not been effected so far. During hearing on 28.04.2021, the Respondent submitted a copy of notice issued vide memo no. 16338 dated 22.04.2021 directing the Sh. Bhupinder Singh C/o Sh. Sucha Singh to submit A & A form and complete the requisite formalities for change of

name within 30 days failing which his connection will be disconnected in terms of Instruction No. 30 of ESIM-2018. The Respondent is directed to look into the matter and take follow up action as per instructions of the PSPCL.

- (vi) From the above analysis, it is concluded that the order dated 07.01.2021 of the Forum does not warrant interference by this Court. The Appellant failed to prove that the disputed bill dated 17.06.2020 for the period from 17.12.2019 to 17.06.2020 issued on 'O' code basis for consumption of 7100 units (kWh) was wrong or incorrect. The Appellant had given its consent for testing the disputed Energy Meter in ME Lab which reported that accuracy of the same was within limits and Terminal Block was Burnt. The account of the Appellant can not be overhauled because the accuracy of the meter is within limits as per report of ME lab. The submissions made by the Appellant in the present Appeal are not supported by any tangible evidence on record.

## **7. Decision**

As a sequel of above discussions, the order dated 07.01.2021 of the CGRF, Ludhiana in Case No. CGL-322 of 2020 is upheld.

- 8.** The Appeal is disposed of accordingly.



9. 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.
10. 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 28, 2021  
S.A.S. Nagar (Mohali)

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