

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

APPEAL No. 39/2021

Date of Registration : 12.04.2021
Date of Hearing : 28.04.2021 and 19.05.2021
Date of Order : 25.05.2021

Before:

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

In the Matter of:

Kuldeep Singh S/o Sh. Gurbachan Singh,
R/o Ward No. 12, Grain Market Road,
V & PO Banur, Tehsil & Distt. S.A.S Nagar.

Contract Account Number: Z71-BU45-2818W

...Appellant

Versus

Senior Executive Engineer,
DS Division, PSPCL,
Zirakpur.

...Respondent

Present For:

Appellant: Sh. Kuldeep Singh,
Appellant.

Respondent : 1. Er. Navjot Singh,
Assistant Engineer,
DS Sub Division, PSPCL,
Banur.

2. Mandeep Attri,
Assistant Engineer,
DS Sub Division, Tech-1,
PSPCL, Bhabat.

3. Ms. Madhurpreet Arora,
Revenue Accountant.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 24.02.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-251 of 2020, deciding that:

“The account of the petitioner be overhauled by spreading the meter reading from 17795 units (reading of Nov. 2014) to 31120 units (reading of Sep. 2018) equally from the period Nov. 2014 to Sep. 2018 without charging any Surcharge/ Interest and the outstanding amount so calculated be recovered from account no. Z71BU452818W pertaining to Sh. Kuldeep Singh son of Sh. Gurbachan Singh. However, if the petitioner defaults in making timely payment 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 01.04.2021 i.e. after stipulated period of thirty days of receipt of the decision dated 24.02.2021 of the CGRF, Patiala in Case No. CGP-251 of 2020. The Appellant also submitted an application requesting for condoning of delay in filing the Appeal in this Court. The

Appeal was not accompanied by the documents such as prescribed format for filing of Appeal in this Court and evidence of deposit of requisite 40% of the disputed amount of ₹ 1,45,960/- in the office of the Respondent after decision of the Forum. The Appellant had stated that he had visited the Respondent's office twice with the request to intimate the amount to be deposited by him for filing Appeal in this Court. As a result, a reference was made by this Court vide Memo no. 488/OEP/A-2021 dated 01.04.2021 to Senior Executive Engineer/ DS Division, PSPCL, Zirakpur to inform the Appellant about the amount to be deposited by him so that his Appeal can be considered for registration after verification of deposit of the said amount. In response, Senior Xen/ DS Division, Zirakpur, vide Memo No. 2100 dated 12.04.2021, sent the report submitted by AE/ DS S/D, Banur whereby, the Appellant was informed to deposit the balance amounting to ₹ 29,192/- on account of 20% of the disputed amount of ₹ 1,45,960/- considering that as the Appellant had already deposited 20% of the disputed amount for filing petition before the Forum. The Appellant deposited ₹ 29,192/- on 12.04.2021 and submitted copy of receipt as an evidence to this Court. Subsequently, the Respondent confirmed vide its e-mail dated

23.04.2021 that the Appellant had deposited the requisite 20% amounting to ₹ 29,192/- on 12.04.2021. Thus, the Appellant deposited the requisite 40% of the disputed amount i.e. ₹ 58,384/-. Accordingly, the Appeal was registered on 12.04.2021 and copy of the same was sent to the Senior Executive Engineer/ DS Division, PSPCL, Zirakpur for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 596-598/OEP/A-39/2021 dated 12.04.2021.

3. Proceedings

- (i) With a view to adjudicate the dispute, a hearing was fixed in this Court on 28.04.2021 at 12.15 PM and an intimation to this effect was sent to both the parties vide letter nos. 655-56/OEP/A-39/2021 dated 22.04.2021. As scheduled, the hearing was held in this Court on the said date and time. Deliberations were held whereafter, it was decided to fix another hearing on 05.05.2021 at 11.00 AM. Copies of the minutes of the proceedings were sent to the Appellant and the Respondent vide letter nos. 692-93/OEP/A-39/2021 dated 28.04.2021.
- (ii) The hearing scheduled for 05.05.2021 was adjourned to 19.05.2021 at 11.00 AM on the request of Senior Xen, DS

Division, PSPCL, Zirakpur vide e-mail dated 04.05.2021.

Both the parties were informed about the new date and time vide letter nos. 731-32/OEP/A-39/2021 dated 04.05.2021.

- (iii) As rescheduled, hearing was attended by representatives of both the parties on 19.05.2021. Arguments were closed and the order was reserved. Copies of minutes of proceedings were sent to both the parties vide letter nos. 804-805 dated 19.05.2021.

4. Condonation of Delay

At the start of hearing on 28.04.2021, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant stated that he visited this Court on 23.03.2021 for filing Appeal and was advised to deposit the balance 20% of the disputed amount. For this purpose, he visited PSPCL, Banur Sub Divisional Office twice. Thereafter, he got the Appeal related documents received in this Court on 01.04.2021. The Appellant requested that delay, if any, in filing the Appeal may be condoned. The Respondent did not object to the request of the Appellant for condoning of delay in filing the Appeal 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.”

The Court noted that the present Appeal was submitted to this Court on 01.04.2021 i.e. after about 5 days beyond the stipulated period of 30 days of receipt of order dated 24.02.2021 of the Forum. It was observed that refusal to condone the delay in filing the Appeal would deprive the Appellant of the opportunity required to be afforded to defend the case on merits. Therefore, with a view to meet the ends of ultimate justice, the delay in filing the Appeal in this Court beyond the stipulated period was condoned and the Appellant was allowed to present the case.

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 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 Domestic Supply Category Connection, bearing Account No. Z71-BU45-2818W, with sanctioned load of 0.93 kW.
- (ii) The outstanding amount in respect of Account No. Z71-BU45-1062P in the name of Sh. Gurbachan Singh was transferred to his (Appellant's) account bearing No. Z71-BU45-2818W. The said action of the Respondent was challenged by filing petition before the Forum on 13.07.2020 and the same was decided on 24.02.2021.
- (iii) The Appellant was not satisfied with the said decision of the Forum and did not get justice. As such, he had filed the present Appeal in this Court.
- (iv) The outstanding amount in respect of Account No. Z71-BU45-1062P in the name of Sh. Gurbachan Singh was debited to the

account of the Appellant and he had been served with a bill dated 19.03.2021 amounting to ₹ 1,89,740/-.

- (v) Litigation had been going on for the last many years between the Appellant and Sh. Gurbachan Singh. The Appellant and Sh. Gurbachan Singh had strained relations since 2007. The Appellant and Sh. Gurbachan Singh had been bearing their own expenses and having different kitchens. A copy of the decision in a suit No. 293 of 13.09.2008 decided on 03.02.2012 by the Civil Court, Rajpura had been attached. Other relations of Sh. Gurbachan Singh had been using the electricity.
- (vi) The disputed meter, at the time of checking in the ME Lab, Patiala, was found broken.
- (vii) The property of Sh. Gurbachan Singh, bearing Account No. Z71-BU45-1062P, was different from that of the Appellant and electricity supply through this account was being consumed in the said property by the relatives of Sh. Gurbachan Singh.
- (viii) The Appellant had visited this Court on 23.03.2021 and he was advised to enquire about the disputed amount from the Respondent and thereafter visit this Court for filing the Appeal. The Appellant had visited the office of the Respondent and asked for demand notice for payment of the amount but the Appellant was not informed about the same. The Appellant had

submitted this Appeal in this Court today i.e. 01.04.2021 so that the limitation for filing the Appeal might not expire. The disputed amount was to the tune of ₹ 1,45,960/- which, after adding surcharge, had gone upto ₹ 1,67,000/-.

- (ix) The Appellant had been making the payment regularly of his bills and the latest bill in respect of Account No. Z71-BU45-2818W dated 25.02.2021 was enclosed with the Appeal. The Appellant may be let off from making the payment in respect of Account No. Z71-BU45-1062P and justice be given to him.

(b) Submission during hearing

- (i) During hearing on 28.04.2021, the Appellant reiterated the submissions made in the Appeal. The Appellant submitted that the ownership of the portion of the premises on which, the disputed meter (bearing Account No. Z71BU451062P) was installed and for which, he was charged (against Account No. Z71-BU45-2818W in his own name) was not in his name. He was, then, directed to submit documentary evidence in support of the aforesaid contention and also about status of present ownership of that portion to the Asstt. Engineer, DS Sub Division, PSPCL, Banur by 29.04.2021. The Appellant was also directed to attend the Court for another hearing on 05.05.2021 at 11.00 AM.

But on the request of the Respondent vide e-mail dated 04.05.2021, hearing was deferred to 19.05.2021.

- (ii) As rescheduled, hearing was held on 19.05.2021 in this Court. The Appellant again submitted that ownership of the portion (on which the disputed meter was located) was not in his name and the amount charged was not recoverable from him.

(B) Submissions of the Respondent

(a) Submissions in written reply

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

- (i) A Domestic Supply category connection, having Account No. Z71-BU45-2818W was running in the name of the Appellant (Sh. Kuldeep Singh S/o Sh. Gurbachan Singh) since 21.05.2018 with sanctioned load of 0.93 kW.
- (ii) The Appellant, having Account No. Z71-BU45-2818W, was served a bill for ₹ 1,67,160/- and the Appellant did not agree with the said demand raised by the Respondent and filed petition before the Forum.
- (iii) Due to outstanding amount, in respect of Account No. Z71-BU45-1062P in the name of Sh. Gurbachan Singh S/o Sh. Kulwant Singh, the Respondent had issued PDCO in

respect of the said account and charged the said amount to the Appellant vide bill dated 11.07.2020. As per the checking report (LCR No. 50/167 dated 17.03.2020), the defaulting amount of ₹ 1,45,960/- was charged to the Account No. Z71-BU45-2818W in the name of the Appellant as per Regulation No. 30.15 of Supply Code-2014.

- (iv) The Appellant complained on 14.02.2019 that he had been receiving excessive bills due to jumping of the meter in respect of Account No. Z71-BU45-1062P and requested for replacement of meter. In his application, the Appellant had clearly written “my meter Account No. Z71-BU45-1062P” and had deposited a sum of ₹ 142/- vide BA 16 Receipt No. 123/51092 dated 15.02.2019 on account of challenge of the meter. The above facts clearly indicated that the Appellant was using electricity from the meter having Account No. Z71-BU45-1062P and had been misrepresenting this Court to avoid payment of the defaulting amount of Account No. Z71-BU45-1062P. The Appellant had also deposited 20% of disputed amount vide receipt no. 127650581 dated 15.02.2019 for ₹ 7,000/- and receipt no. 127650595 dated 15.02.2019 for ₹ 5,000/-. On the request of the Appellant, MCO No. 191/3527 dated 15.02.2019 was issued by the Respondent and Meter No.

2414804 with reading of 35393 units was removed on 30.11.2019 and a new Meter No. 910063 was installed. The said Meter No. 910063 was removed vide PDCO No. 4/57 with reading as 929 units on 27.02.2020 due to outstanding defaulting amount. As per Supply Code Regulation 30.15, outstanding amount in respect of Account No. Z71-BU45-1062P was charged to the Account No. Z71-BU45-2818W in the name of the Appellant on the basis of LCR No. 50/167 dated 17.03.2020 (being defaulting amount of the same premises). As per the report of the JE, the site of the removed meter was checked and the meter was not found there but supply was being consumed through another account no. Z71-BU45-2818W. As per the said report, the defaulting amount was to be charged to the account of the Appellant and account of defaulting consumer was to be closed.

- (v) The Appellant vide his letter dated 27.08.2018 had asked about a sum of ₹ 64,342/- in the bill dated 06.01.2018. The amount of ₹ 57,072/- was charged to the Appellant in the bill for 11/2017 through sundry because of difference of (30672-23399) 7273 units. The Meter Reader, in the month of 07/2018 and 09/2018, had put complete reading through the reading machine and thus double reading was charged to the Appellant. As such, through

Sundry No. 7/61/R107, the Appellant was given refund of ₹ 57,072/-. Therefore, refund was given to the Appellant in the month of 03/2019 as per his request.

- (vi) The dispute of the Appellant related to the defaulting amount pertaining to old Account No. Z71-BU45-1062P for the period from 01/2018 to 02/2019. The Appellant had not deposited any amount relating to the said period. The Appellant had challenged the accuracy of the meter by depositing a sum of ₹ 142/- vide BA 16 Receipt No. 123/51092 dated 15.02.2019. The meter of the Appellant bearing No. 2414804 was replaced on 30.11.2019 and the same was checked in ME Lab, Patiala on 03.02.2021 and the accuracy of the meter was found OK.
- (vii) The Appellant had tried to misrepresent the whole case in the Appeal by saying that he had never used the connection in the name of Sh. Gurbachan Singh S/o Sh. Kulwant Singh (Account No. Z71-BU45-1062P) and Court cases were going on between him and his father (Sh. Gurbachan Singh).
- (viii) In this case, the decision of the Forum had been implemented by the Respondent. As per the said decision, the Respondent had equally divided the units charged to the Appellant for the period from November, 2014 to September, 2018. The Respondent had allowed refund of ₹ 11,907/- vide SCA No.

14/40/R-114 to the Appellant. The Appellant had been asked to deposit the remaining amount vide Memo No. 572 dated 31.03.2021.

- (ix) The dispute of the Appellant was relating to defaulting amount charged to him pertaining to old Account No. Z71-BU45-1062P in the name of his father (Sh. Gurbachan Singh) for the period 01/2018 to 02/2019 which he had not deposited with the Respondent.

(b) Additional Submissions of the Respondent

The following additional submission made by the Respondent and sent vide Memo No. 2348 dated 03.05.2021 by e-mail are as under:-

- (i) With reference to the directions issued by the Hon'ble Court of Lokpal (Ombudsman) during the hearing held on 28.04.2021, AE-Banur vide his office letter no. 844 dated 03.05.2021 apprised the undersigned office that the Petitioner Sh. Kuldeep Singh submitted the copy of terms of settlement in Mediation case no. 722 of dated 2015 in CRM No. M- 33906 of 2014 at his office on 29.04.2021.
- (ii) Accordingly to which the land mentioned in point (e) at page 7 depicts the land in the share of the Appellant.

(iii) Furthermore, the Appellant had not submitted any registry or copy of sale deed which could prove the present ownership.

(c) Submission during hearing

(i) 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. The Respondent was directed to verify the evidence provided by the Appellant regarding the ownership of the portion of the premises on which the disputed Meter was installed and submit a report to this Court in this regard by e-mail by 03.05.2021. The Respondent was also directed to attend this Court on 05.05.2021 at 11 AM for deliberating the matter further. Subsequently, the Respondent requested vide e-mail dated 04.05.2021, to postpone the hearing on the plea that “he is having high temperature and is not in a state to attend the hearing on the said date, you are hereby requested to postpone the hearing for another 15 days.” The said request was accepted and hearing was deferred to 19.05.2021 under intimation to him.

(ii) During hearing on 19.05.2021, the Respondent reiterated that the amount charged to the Appellant was recoverable from the

Appellant in terms of provisions of Regulation 30.15 of Supply Code-2014.

6. Analysis and Findings

The issue requiring adjudication is the legitimacy of charging of the defaulting/outstanding amount of Account No. Z71BU451062P (in the name of Sh. Gurbachan Singh S/o Sh. Kulwant Singh) to the account of the Appellant (Sh. Kuldeep Singh S/o Sh. Gurbachan Singh) bearing No. Z71BU452818W.

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

- (i) The present Appeal poses a challenge to the decision dated 24.02.2021 of the Forum deciding to charge the defaulting/outstanding amount relating to Account No. Z71BU451062P (held by Sh. Gurbachan Singh S/o Sh. Kulwant Singh) to the account of the Appellant (Sh. Kuldeep Singh S/o Sh. Gurbachan Singh) bearing No. Z71BU452818W. Shri Gurbachan Singh S/o Shri Kulwant Singh (Father of Sh. Kuldeep Singh) had expired.
- (ii) The Appellant, vide its application dated 14.02.2019 addressed to SDO, PSPCL, Banur stated as under:

“ਮੇਰਾ ਮੀਟਰ ਖਾਤਾ ਨੰਬਰ Z71BU451062P ਦਾ ਬਿੱਲ ਜੋ ਕਿ ਮੈਂ ਹਰ ਮਹੀਨੇ ਨਿਯਮਤ ਤੌਰ ਤੇ ਭਰਦਾ ਆ ਰਿਹਾ ਸੀ ਅਚਾਨਕ ਮਿਤੀ 06-01-2018 ਦੇ ਬਿੱਲ ਵਿੱਚ ਮੇਰੇ ਖਾਤੇ ਵਿੱਚ 64342/- ਰੁਪਏ ਦੀ ਰਾਸ਼ੀ ਪਾ ਦਿਤੀ ਗਈ ਜੋ ਕਿ ਇੱਕ ਮੇਰੇ ਨਾਲ ਨਾ ਇਨਸਾਫੀ ਹੈ ਮੈਂ ਇਤਨੀ ਰਾਸ਼ੀ ਭਰਨ ਤੋਂ ਅਸਮਰਥ ਸੀ। ਇਸ ਮੀਟਰ ਦੀ ਜਾਂਚ ਕਰਨ ਅਤੇ ਨਵਾਂ ਮੀਟਰ ਲਉਣ ਲਈ ਮੈਂ ਪਹਿਲਾ ਵੀ ਮਿਤੀ 28-02-2018 ਨੂੰ ਇਸ ਸੰਬੰਧੀ ਬੇਨਤੀ ਕੀਤੀ ਸੀ ਅਰਜ਼ੀ ਦੀ ਕਾਪੀ ਨਾਲ ਨੱਥੀ ਹੈ ਜੀ (ਅਨੁਲੱਗ ‘ਏ’) ਪਰ ਆਪ ਜੀ ਵਲੋਂ ਅੱਜ ਤੱਕ ਕੋਈ ਵੀ ਐਕਸ਼ਨ ਅਮਲ ਵਿੱਚ ਨਹੀਂ ਲਿਆਂਦਾ ਗਿਆ।

ਮਾਨਯੋਗ ਐਸ ਡੀ ਓ ਸਹਿਬ ਮੈਂ ਇਸ ਸੰਬੰਧੀ ਮਾਨਯੋਗ ਉਪ ਮੁੱਖ ਇੰਜੀਨੀਅਰ ਸਹਿਬ ਵੰਡ ਹਲਕਾ ਐਸ ਏ ਐਸ ਨਗਰ ਮੋਹਾਲੀ ਕੋਲ ਵੀ ਦਰਖਾਸਤ ਦਿਤੀ ਸੀ ਮੁੜ ਰਿਮਾਇੰਡਰ ਵੀ ਦਿਤਾ ਸੀ।

ਹੁਣ ਤੱਕ ਜੋ ਰਕਮ ਮੀਟਰ ਮੁਤਾਬਿਕ ਦਰਸਾਈ ਗਈ ਵਧੇਰੇ ਰੀਡਿੰਗ ਦੀ ਪਾਈ ਗਈ ਹੈ ਇਹ ਵਾਧੂ ਰੀਡਿੰਗ ਮੇਰੇ ਮੀਟਰ ਤੇ ਦਫਤਰ ਵਲੋਂ ਗਲਤ ਪਾਈ ਗਈ ਹੈ ਇਸ ਲਈ ਮੇਰੇ ਮੀਟਰ ਨੂੰ ਮੁੜ ਤੋਂ ਚੈਕ ਕਰਵਾ ਕੇ ਸਹੀ ਰੀਡਿੰਗ ਦਾ ਬਿੱਲ ਬਣਾਇਆ ਜਾਵੇ ਅਤੇ ਮੇਰਾ ਮੀਟਰ ਤੁਰੰਤ ਬਤਲਿਆ ਜਾਵੇ।”

The Appellant challenged the working of the disputed energy meter of the connection in the name of his father (Sh. Gurbachan Singh) by depositing meter challenge fee of ₹ 142/- vide receipt dated 15.02.2019. As a result, the disputed Meter was replaced vide MCO No. 191/3527 dated 15.02.2019 effected on 12.09.2019 with reading of 35393 and a new Meter

bearing serial No. 910063 was installed. The Appellant did not deposit the amount of energy bills (against Account No. Z71BU451062P of Sh. Gurbachan Singh) after replacement of challenged energy meter except a sum of ₹ 12,000/- on 15.02.2019 at the time of challenge of the disputed Meter. Therefore, the connection in the name of Sh. Gurbachan Singh (father of the Appellant) was disconnected vide PDCO No. 04/057 dated 27.02.2020 (with reading of 929) due to defaulting dues and Meter No. 910063 was removed from site.

- (iii) The connection, bearing Account No. Z71BU451062P in the name of Sh. Gurbachan Singh (Appellant's father), was checked vide LCR No. 50/167 dated 17.03.2020 whereby, it was reported that:

“ਮੋਕਾ ਚੈਕ ਕੀਤਾ ਮੀਟਰ ਸਾਇਡ ਤੇ ਨਹੀਂ ਹੈ ਪਰੰਤੂ ਸਪਲਾਈ ਦੂਜੇ ਮੀਟਰ BU45/2818 ਤੇ ਚੱਲ ਰਹੀ ਹੈ। ਡਿਫਾਲਟਿੰਗ ਦੀ ਰਕਮ ਇਸ ਖਾਤੇ ਵਿਚ ਪਾ ਕੇ ਰਕਮ ਅਡਜਸਟ ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਖਾਤਾ ਬੰਦ ਕੀਤਾ ਜਾਵੇ।”

In compliance to the observations raised in the said report, the defaulting amount outstanding against the account of Sh. Gurbachan Singh (Account No. Z71BU451062P) was transferred to the account of the Appellant, Sh. Kuldeep Singh

(Account No. Z71BU452818W) and was charged in the bill dated 11.07.2020 of the Appellant under the head Sundries.

- (iv) Aggrieved, the Appellant filed a Petition in the office of CGRF, Patiala on 13.07.2020. The Respondent apprised the Forum during proceedings dated 06.11.2020 that the disputed meter (running against Account No. Z71BU451062P pertaining to Sh. Gurbachan Singh) removed from site on 27.02.2020 vide PDCO No. 04/57 dated 07.11.2019 was not traceable.

The Forum directed the Respondent to trace the aforesaid Meter, get its accuracy checked and DDL done in ME Lab, Patiala. Accordingly, the said Meter was traced out and got checked vide Store Challan No. 875 dated 03.02.2021 in the presence of the Appellant and it was reported that:

“Meter ਨੂੰ checking ਤੋਂ ਬਾਅਦ ਸਬੰਧਤ JE ਨੂੰ paper seal no. 0079758 ਮਿਤੀ 3/2/21 ਨਾਲ ਦੁਬਾਰਾ ਸੀਲ ਪੈਕ ਕਰਕੇ ਵਾਪਿਸ ਕੀਤਾ।”

- (v) During hearing in this Court on 28.04.2021, the Appellant submitted that ownership of the portion of the premises on which, the disputed meter (bearing Account No. Z71BU451062P in the name of his father, Sh. Gurbachan Singh) was installed and for which, he was charged (against Account No. Z71-BU45-2818W) the disputed amount was not in his name. He was, then, directed to submit documentary

evidence in support of the aforesaid contention and also about status of present ownership of that portion to the AE, DS Sub Division, PSPCL, Banur by 29.04.2021. The Asstt. Engineer/DS Sub Division, Banur was asked to verify the evidence provided by the Appellant and he was to inform this Court accordingly through Sr. Xen, DS Division, PSPCL, Zirakpur through e-mail by 03.05.2021 for discussion in the Court on 05.05.2021. However, the Respondent requested this Court, vide e-mail dated 04.05.2021, to adjourn the hearing. Accordingly, the hearing was deferred to 19.05.2021 under intimation to both the parties.

- (vi) During hearing on 19.05.2021, the Appellant reiterated that issue of the ownership of the whole premises in the name of his father Sh. Gurbachan Singh, wherethe disputed meter (in the name of Sh. Gurbachan Singh) and another meter (in the name of the Appellant, Sh. Kuldeep Singh) were installed, was actually settled by way of compromise signed by the parties concerned during the course of proceedings in CRM-M No. 33906 of 2014 in Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh. As per the said decision, the brother of the Appellant was to become the owner of the portion wherein the disputed meter was installed. On the other

hand, the Respondent submitted that the Appellant had been using electricity from the meter in the name of Sh. Gurbachan Singh for which, the Appellant had been made liable to pay the disputed amount. The Respondent also stated that the disputed amount was correctly charged to the Appellant's account, as per provisions of Regulation 30.15 of Supply Code-2014, by transfer through Sundries and was recoverable from him as also held by the Forum in its order dated 24.02.2021.

- (vii) In this connection, it is necessary to peruse the provisions contained in Regulation 30.15 of Supply Code-2014 which reads as under:-

“30.15 In case of transfer of property by sale/inheritance, the purchaser/ heir shall be liable to pay all charges due with respect to such property and found subsequently recoverable from the consumer.”

It is observed that the Respondent failed to prove that the Appellant was the real owner, by transfer by inheritance, of the portion of the premises of the property where meter having Account No. Z71BU451062P in the name of Sh. Gurbachan Singh was actually installed before permanent disconnection. Besides, the Appellant did not challenge the legitimacy of the disputed amount and had contested charging of the same to his

account. Therefore, the Appellant could not be made liable to pay the disputed/outstanding amount pertaining to meter/account in the name of his Late Father (Sh. Gurbachan Singh). Mere submissions by the Respondent that the Appellant had challenged the working of the disputed meter and also pursued the dispute case is not sufficient enough to make him liable to pay the disputed amount. The Respondent was required to interpret the Regulation 30.15 of Supply Code-2014 correctly and take appropriate action as per law/ regulations for recovery of the disputed amount of an electricity consumer who had expired. The observations recorded on LCR No. 50/167 dated 17.03.2020 do not indicate that the ownership of portion of premise where meter in the name of Sh. Gurbachan Singh was actually installed now belongs to the Appellant (Sh. Kuldeep Singh). However, the observations on LCR dated 17.03.2020 indicates unauthorized use of electricity for which action was required to be taken as per 'The Electricity Act -2003' and Supply Code-2014. This checking cannot be a basis for transferring of defaulting amount of the account held by late Shri Gurbachan Singh to the Appellant's account as the same is required to be recovered as per Regulation 30.15 of Supply Code-2014. It has been observed that the defaulting amount

kept on increasing due to the failure on the part of the Respondent to disconnect the connection immediately when the consumer stopped making payments of the monthly bills. PDCO No. 04/057 dated 07.11.2019 was effected on 27.02.2020 after a period of about four months.

The decision of the Forum regarding overhauling of the account of late Shri Gurbachan Singh was not challenged by the Appellant and the decision in this regard had been implemented by the Respondent by giving refund of ₹ 11907/- through SCA No. 14/40/114. As such, this aspect has not been adjudicated by this Court. The prayer of the Appellant was that the defaulting amount relating to Account No. Z71BU451062P should not be charged/transferred to his account. This Court is inclined to accept this prayer of the Appellant in view of above discussions after due consideration of all the facts of the case.

7. Decision

As a sequel of above discussions, the order dated 24.02.2021 of the CGRF, Patiala in Case No. CGP-251 of 2020 relating to recovery of outstanding amount in respect of Account No. Z71BU452818W from Shri Kuldeep Singh (Appellant) S/o Shri Gurbachan Singh is hereby set aside. Accordingly, the Respondent is directed to withdraw the disputed amount

charged to the Appellant in respect of Account No. Z71BU452818W. The Respondent shall take appropriate remedy for recovery of the disputed/ outstanding amount transferred to and now to be withdrawn from Account No. Z71BU452818W with surcharge/interest as per law/ instructions of PSPCL.

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.

May 25, 2021
S.A.S. Nagar (Mohali)

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