

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

APPEAL No. 44/2021

**Date of Registration : 29.04.2021
Date of Hearing : 19.05.2021
Date of Order : 25.05.2021**

Before:

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

In the Matter of:

Ravinder Pal Singh S/o Sh. Gurnam Singh,
Ward No. 12, Near FCI Godam, Sekhon Colony,
Ghaga Road, Samana, Distt. Patiala.

Contract Account Number:-3002154285

...Appellant

Versus

Additional Superintending Engineer,
DS Division,
PSPCL, Samana,

...Respondent

Present For:

Appellant: Sh. Ravinder Pal Singh,
Appellant.

Respondent : Er. Vipin Goel,
Additional Superintending Engineer,
DS Division, PSPCL, Samana,

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 31.03.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-96/2021, deciding that:

“The amount of Rs. 10,394/- charged to the petitioner in the bill for the month of 06/2020 is recoverable and the decision of the DLDSC Samana dated 30.12.2020 is upheld.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received initially in this Court on 19.04.2021 i.e. within the stipulated period of thirty days of the decision dated 31.03.2021 of the CGRF, Patiala in Case No. CGP-96 of 2021. As the Appeal was not submitted properly, a reference was made vide Memo No. 633/OEP/A-2021 dated 19.04.2021 to the Appellant, requesting him to submit the Appeal on the prescribed proforma and also to submit evidence of deposit of requisite 40% of the disputed amount. In response, the Appellant submitted the Appeal in the prescribed format on 29.04.2021 and submitted evidence on 29.04.2021 in support of deposit of requisite 40% amount of ₹ 4,440/- vide Receipt No. 4252 dated 27.04.2021. Therefore, the Appeal was registered and copy of the same was sent to the Additional Superintending

Engineer/ DS Division, Samana for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 712-714/OEP/A-44/2021 dated 29.04.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 19.05.2021 at 11.30 AM and an intimation to this effect was sent to both the parties vide letter nos. 736-37/OEP/A-44/2021 dated 05.05.2021. As scheduled, the hearing was held 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. 808-09/OEP/A-44/2021 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 and the Respondent alongwith material brought on record by both the parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

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

- (i) The Appellant was having a Non Residential Supply Category Connection, bearing Account No. 3002154285, with sanctioned load of 0.460 kW.
- (ii) The Appellant had filed Petition before the Forum against the decision dated 30.12.2020 of DLDSC, Samana who decided that amount of ₹ 10,394/- charged to the Appellant relating to the bill for the month of 06/2020 was correct and recoverable.
- (iii) The Authorities/Forum below had not considered the points raised by the Appellant properly. The Appellant had mentioned that his Shop No. 5, situated outside Bus Stand, Samana, had been lying closed since 01.01.2020. The meter of the shop of the Appellant had been installed outside his shop after leaving 5 shops adjoining to his shop and the cable from the meter to the shop of the appellant passed over the roof of the shops.
- (iv) The meters of two shops adjoining to the shop of the Appellant, had been disconnected and they were committing theft of electricity through kundi connection by cutting the incoming cable of the shop of the Appellant. When the Appellant

received an SMS on his mobile, then, he came to know, how the meter of his closed shop was recording the electricity consumed. When the Appellant enquired from the Respondent, then, he (Appellant) came to know that he had been billed for a sum of ₹ 10,414/-. The Appellant had already paid his bills upto March, 2020.

- (v) The Appellant had given an application in the office of the Respondent on 01.07.2020 in response to which a raid was conducted on the evening of 02.07.2020. But the Respondent failed to find the joints in the incoming cable of his shop because waste material (Kabar) was lying on the roof of the shops. The Respondent videographed the site position on the mobile. But when the Appellant was videographing the site on his mobile, then the SDO of the Respondent snatched his mobile and deleted the video. At that time, the occupants of Shop No. 1 and 2 were using direct kundi connection and shop No. 6 of Bhalwan Meat was lying closed on that day. Shop No. 6 also used to put kundi connection on the incoming cable to the shop of the Appellant.
- (vi) After a few days, the Appellant met the SDO to enquire about the action taken in respect of theft of electricity from his meter. SDO replied that the meter of the Appellant would be sent to

ME Lab. The Appellant told him that there were direct kundis from his meter and the action should be taken against the wrongdoers. The Appellant was not informed about any action taken on his complaint upto 17.07.2020.

- (vii) On 17.07.2020, the Appellant had again videographed the kundis put on the incoming cable of the Appellant by the occupiers of Shop No. 1 and Shop No. 2. The Appellant had also made the videography of the joints in his incoming cable.
- (viii) On 19.07.2020, the Appellant had lodged a Complaint bearing No. 21795656 on PSPCL's Complaint No. 1912. In response to that, the Appellant had received a call from Shri Harpreet Singh, Lineman (Mobile No. 94633-27364, 88474-95944) and he told the Appellant that they could set right the failure of power supply but cannot catch people indulging in theft of electricity.
- (ix) Thereafter, the Appellant lodged Complaints on 20, 21, 22.07.2020 bearing nos. 21835429, 21896620 and 21907322 respectively but no action was taken. The Appellant had received a missed call from Mobile No. 96461-10059 on 21.07.2020. When the Appellant made a return call, then, the caller did not pick up the phone. The Appellant had sent two SMSs on 22.07.2020 but no action was taken. On 23.07.2020,

the Appellant had told Shri Harpreet Singh, Lineman on phone that if no action was taken on his complaint, then, the Appellant would approach the higher authorities and would also move to the Court. Shri Harpreet Singh threatened the Appellant that he had recorded the phone call. The Appellant had produced all the proofs like videography and the pictures before the Concerned Authority. No notice of the proofs produced by the Appellant was taken by the Authorities concerned. The Appellant was ignored and the decision was taken in favour of the Respondent.

- (x) In the checking dated 08th of October, 2020, it was reported that the joints were duly taped whereas the truth was that the joints were naked from where the adjoining shopkeepers used to commit theft of electricity. This fact had been overlooked.
- (xi) There were numerous mistakes in the decisions of the lower offices and they deserve to be annulled.
- (xii) No action was taken inspite of the representations made by the Appellant and this was against the laws & rules.
- (xiii) Both the decisions of the Forum as well as DLDC were against the rules and deserve dismissal. These were taken in haste and no notice of the objections of the Appellant was taken by them.

(xiv) It was prayed that both the decisions dated 30.12.2020 and 31.03.2021 should be set aside and the amount charged to the Appellant should be adjusted in the future bills of the Appellant.

(b) Submission during hearing

During hearing on 19.05.2021, the Appellant reiterated the submissions made in the Appeal and prayed to allow the relief claimed in the Appeal.

(B) Submissions of the Respondent

(a) Submissions in written reply

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

- (i) The Appellant was having a Non Residential Supply Category Connection bearing Account No. 3002154285 with sanctioned load of 0.460 kW. The connected load as per LCR No. 65/401 dated 28.12.2020 was 0.380 kW.
- (ii) The Appellant had filed a petition before the DDSC and the Forum regarding June, 2020 bill which was amounting to ₹ 10,392/-. As per their decision, the amount charged to the Appellant through bill was recoverable.

- (iii) The premises of the Appellant was checked vide LCR No. 23/487 dated 08.10.2020 and no theft of electricity was detected. Meter was changed vide MCO No. 100007522864 dated 09.10.2020 and the same was sent to ME Lab, Patiala vide Challan No. 3/03/100 dated 13.10.2020. As per the report of ME lab, the final reading was found to be 1334 units and meter accuracy was found OK. DDL was done by ME Lab.
- (iv) As per DDL report, consumption of the Appellant was very normal in 2020 year. As such, there was no reason to doubt the working of the meter installed at the premises of the Appellant as the accuracy of meter was found to be within permissible limits in ME Lab.

(b) Submission during hearing

During hearing on 19.05.2021, the Respondent reiterated the submissions made by it in the written reply and contested the submissions of the Appellant. He requested for dismissal of the Appeal of the Appellant.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the prayer of the Appellant for setting aside the amount of ₹ 10,394/-

charged in the bill for 6/2020 and adjustment of the same in future bills.

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

- (i) The Appellant submitted in the Appeal and during hearing that the meter of two shops adjoining to the shop of the Appellant, had been disconnected and they had been committing theft via kundi connection by cutting the incoming cable feeding the load of the shop no. 5 of the Appellant situated opposite Bus Stand, Samana. When the Appellant received an SMS on his mobile, then, he came to know, how the meter of his shop was recording excess consumption. The Appellant enquired from the Respondent & came to know that he had been billed for a sum of ₹ 10,414/-. The Appellant had already paid his bills upto March, 2020. The Appellant had given an application in the office of the Respondent on 01.07.2020 in response to which a raid was conducted on 02.07.2020 in the evening. But the Respondent failed to find the joints covered under waste material (Kabar) lying on the roof of the shops. They video graphed the site on their mobile. But when the Appellant was video graphing the site conditions on his mobile, then the SDO of the Respondent snatched his mobile and deleted the video.

At that time, the occupants of Shop No. 1 & 2 had put direct kundi connection and Shop No. 6 of Bhalwan Meat was lying closed. However, owner of Shop No. 6 also used to put kundi connection on the cable leading to the shop of the Appellant. After a few days, the Appellant met the SDO and enquired about the action taken in respect of his complaint. SDO replied that the meter of the Appellant would be sent to ME Lab. The Appellant pleaded to him that there were direct kundis from his meter. As such, the action may be taken against the wrongdoers/culprits. The Appellant was not informed about any action taken on his application/complaint up to 17.07.2020. On 17.07.2020, the Appellant video graphed the kundi connections put on the joints of the cable feeding the loads of the Appellant by the occupiers of Shop No. 1 & 2. The Appellant had also made the videography of the joints of his cable. The Appellant had lodged a complaint bearing No. 21795656 on 19.07.2020 on PSPCL's Complaint Centre No. 1912. In response to that, the Appellant had received a call from Mr. Harpreet Singh, Lineman (Mobile No. 94633-27364, 88474-95944) and he explained to the Appellant that they could set the fault right in case of failure of supply but they could not catch the people stealing electricity. Thereafter, the Appellant

lodged complaints bearing nos. 21835429, 21896620 and 21907322 on 20.07.2020, 21.07.2020 and 22-07-2020 respectively but all in vain. The Appellant had received a missed call from Mobile No. 96461-10059 on 21.07.2020. When, the Appellant had made a call, then, the caller did not pick up the phone. The Appellant had sent two SMSs on 22.07.2020 but no action was taken. On 23.07.2020, the Appellant had asked Mr. Harpreet Singh, Lineman on phone that if no action was taken on his complaint, then, the Appellant would approach the higher authorities and also move to the Court. Mr. Harpreet Singh threatened the Appellant that he had recorded the phone call. The Appellant had produced the proofs like videography and the pictures before the Concerned Authority of PSPCL. No notice of the proofs produced by the Appellant was taken by the authorities concerned. The Appellant was completely ignored and the decision was taken in favour of the Respondent. In the checking dated 08th of October, 2020, it was reported that the joints were duly taped whereas the truth was that the joints were naked from where the adjoining shopkeepers used to commit theft of electricity. This fact had been overlooked by the Forum.

- (ii) The Respondent, in its defence submitted that the Appellant was having a Non Residential Supply Category Connection bearing Account No. 3002154285 with sanctioned load of 0.460 kW. The Appellant had filed a petition before the DDSC and the Forum regarding bill for June, 2020 amounting to ₹ 10,392/-. As per their decision, the amount charged to the Appellant through the said bill was correct & recoverable. The premises of the Appellant was checked vide LCR No. 23/487 dated 08.10.2020. No theft of electricity was detected. Meter was changed vide MCO No. 100007522864 dated 09.10.2020, which was sent to ME Lab, Patiala vide Challan No. 03/100 dated 13.10.2020. As per the ME report, the final reading found to be 1334 units and meter accuracy was found OK. DDL was done by ME Lab. As per DDL report, consumption of the Appellant was very normal in 2020 year. As such, there was no reason to doubt the working of the meter installed at the premises of the Appellant as the accuracy of meter was found to be within permissible limits in ME Lab. The connected load as per LCR No. 65/401 dated 28.12.2020 was 0.380 kW.
- (iii) It is observed that the Appellant had, in the present Appeal and also during hearing on 19.05.2021, concentrated on the issue of illegal drawal of electricity through kundi connections by the

adjoining shopkeepers from the cable feeding the load of shop no. 5 of the Appellant. The Appellant pleaded that the Respondent had not taken any action on the complaints submitted regarding theft of electricity by other shopkeepers from the cable feeding load of his shop. The Appellant did not challenge the disputed bill or the working of the meter installed at its premises or accuracy of the meter tested by ME Lab.

The Court noted that the Respondent did not offer any comments on the issue of theft of electricity or complaints of the Appellant in the written reply to the Appeal submitted in this Court. Silence on these issues means that the Respondent admits omissions on its part in addressing the concerns of the Appellant.

- (iv) The Court finds that the matters /disputes relating to Sections 126, 127 and 135 to 140 of 'The Electricity Act, 2003' do not form grievance under PSERC (Forum and Ombudsman) Regulations, 2016 and hence, cannot be adjudicated by this Court of Ombudsman. The cases relating to Unauthorized Use of Electricity (UUE) and Theft of Electricity do not fall in the jurisdiction of this Court. The procedure to deal such cases has been explained in "The Electricity Act, 2003" and Supply Code-2014.

- (v) The Respondent is required to examine the complaints relating to theft of electricity or UUE of the Appellant mentioned in this Appeal Case as the same are beyond the jurisdiction of this Court. Director/Distribution, PSPCL may look into these complaints of the Appellant and take appropriate action in this regard as per law.
- (vi) The Appellant had not pleaded against the findings of the Forum relating to upholding of the amount of ₹ 10,394/- charged to him in the bill for the month of 06/2020. This bill was for 122 days from 25.02.2020 to 26.06.2020 and electricity consumption during this period was 1164 kWh. The accuracy of the meter (which recorded the consumption of electricity on the basis of which bill for 06/2020 was issued) was found Ok in ME lab. The consumption of the Appellant during the year 2020 was normal. The account of the Appellant cannot be overhauled during the disputed period when the accuracy of the meter is within permissible limits.
- (vii) The laying of cable from the meter to Shop No. 5 (of the Appellant) over the roof of other shops as shown in the sketch drawn in the LCR No. 23/487 dated 08.10.2020 was not at all desirable/in order. This type of arrangement leads to temptation of stealing of electricity by other shopkeepers.

(viii) In view the above analysis, this court is inclined not to disagree with the decision of the Forum in this case. The prayer of the Appellant is hereby rejected after due consideration of all the relevant facts and material on record brought out by both parties.

6. Decision

As a sequel of above discussions, the order dated 31.03.2021 of the CGRF, Patiala in Case No. CGP-96 of 2021 is upheld. However, Director/Distribution, PSPCL shall look into the complaints of the Appellant mentioned in this Appeal case which are beyond the jurisdiction of this Court and take appropriate action as per law.

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

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

