

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

**APPEAL No. 47/2021**

**Date of Registration : 04.05.2021**  
**Date of Hearing : 25.05.2021**  
**Date of Order : 01.06.2021**

**Before:**

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

**In the Matter of:**

Paramjit Kaur W/o Sh. Basant Singh,  
Flat No. C-18, Noor Villa-1,  
Kharar.

**Contract Account Number: 3004705239**

...Appellant

Versus

Additional Superintending Engineer,  
DS Division,  
PSPCL, Kharar.

...Respondent

**Present For:**

Appellant: Sh. Basant Singh,  
Appellant's Representative.

Respondent : Er. Sawarnjit Singh,  
Assistant Engineer,  
DS Sub Division, City-1, PSPCL,  
Kharar.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 16.04.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-113 of 2021, deciding that:

*“The consumption of 15855 units be distributed equally over the period 1.7.2017 to 11.3.2020 and the fixed charges be recovered as per rules and regulation of Corporation from 11.3.2020 to the date of disconnection without any surcharge/ interest. 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 04.05.2021 i.e. within the stipulated period of thirty days of receipt of the decision dated 16.04.2021 of the CGRF, Patiala in Case No. CGP-113 of 2021 by the Appellant. The Appellant submitted copy of receipt no. 158760421 dated 03.05.2021 for ₹ 29,500/- which was equivalent to 40% of the disputed amount of ₹ 73,140/-. Therefore, the Appeal was registered and copy of the same was sent to Addl. Superintending Engineer/ DS Division, Kharar for

sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 733-735/OEP/A-47/2021 dated 04.05.2021.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 25.05.2021 at 11.00 AM and an intimation to this effect was sent to both the parties vide letter nos. 776-77/OEP/A-47/2021 dated 12.05.2021. 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 proceedings dated 25.05.2021 were sent to the Appellant and the Respondent vide letter nos. 839-40/OEP/A-47/2021 dated 25.05.2021.

### **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 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. 3004705239 with sanctioned load of 3.0 kW under DS City S/D, Kharar.
- (ii) The Appellant had received inflated bill in the month of April, 2020. The connection of the Appellant was disconnected due to non-payment of the amount of the electricity bill.
- (iii) The meter of the Appellant was installed on 1<sup>st</sup> July, 2017 by the Respondent. The Appellant received correct bills for the initial period of 10 months. Thereafter, the Appellant used to receive bill either in minus or for less amount.
- (iv) The Appellant was billed for 15855 units on 1<sup>st</sup> March, 2020 which was on higher side. When the Appellant enquired about it from the Respondent, it was told that the Appellant had been billed on average basis, which was to the tune of ₹ 1,89,000/-.
- (v) The Appellant had requested for checking of its meter. The meter of the Appellant could not be found, even after tracing it for 5-6 months. The Appellant lodged a report with police on 10.11.2020 regarding theft of electricity meter and got installed a new meter on 13.11.2020 after payment of

₹ 40,000/- to the Respondent out of the alleged outstanding bill.

The connection of the Appellant was again disconnected in the month of January, 2021 and the Appellant was told to deposit the entire outstanding amount of the bill.

- (vi) The Appellant had filed a petition before the Forum at Patiala against the said demand of the Respondent and the Forum granted remission in payment of surcharge/interest only. After the decision of the Petition by the Forum, the Appellant had enquired from the Respondent about the payable amount and a sum of ₹ 73,140/- was found payable by the Appellant to the Respondent. The recorded energy was not reduced by the Forum. It was exorbitant as per installed load of 3 kW only.
- (vii) The Appellant prayed for charging of reduced/ less units and for allowing it to make the payment of the balance amount in 3-4 instalments.

**(b) Submission during hearing**

During hearing on 25.05.2021, the Appellant's Representative 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, in its defence, made the following submissions for consideration of this Court:

- (i) The Appellant was having a Domestic Supply Category Connection with sanctioned load of 3 kW and it was found that the bill dated 13.02.2020 was on 'O' Code with reading of 2686 (kWh).
- (ii) Subsequent bill dated 11.03.2020 amounting to ₹ 1,21,760/- was for consumption of 13169 kWh.
- (iii) The Appellant's bill for ₹ 1,89,790/- was issued on 24.10.2020 with 'N' Code. After adjustment of 'N' Code bill on 02.12.2020, 'O' Code bill was prepared amounting to ₹ 1,05,848/-.
- (iv) The meter of the Appellant was stolen for which, DDR was got registered by the Appellant on 10.11.2020. Thereafter, the Appellant's meter was replaced on 04.12.2020 vide MCO No. 100011605324 dated 10.11.2020.
- (v) The Appellant filed a case in the Forum on 16.03.2021 for correction of the bill. The Forum, vide order dated 16.04.2021, decided that consumption of 15855 units be distributed equally over the period from 01.07.2017 to 11.03.2020 and bill be raised without surcharge/ interest.

- (vi) In compliance to the said order of the Forum, the account of the Appellant was overhauled and a demand for ₹ 73,140/- was raised to the Appellant vide Memo No. 697A dated 03.05.2021. This amount of ₹ 73,140/- had not been deposited by the Appellant.
- (vii) As per official record, revised bill for ₹ 73,140/- was correct and recoverable from the Appellant. This was also supported/ confirmed by the consumption data of the Appellant's connection.

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

The Respondent, vide Memo No. 1854 dated 24.05.2021, submitted the following for consideration:

- (i) The decision of the Forum had been implemented by the Respondent and after making requisite adjustments as per decision of the Forum, a sum of ₹ 73,140/- was found to be payable by Appellant to the Respondent.
- (ii) The meter of the Appellant was installed on the wall of the flat of the Appellant and the Appellant had registered a DDR with the Police for theft of electricity meter. There is no further proceeding by the Police on the said DDR lodged by the Appellant.

- (iii) The Appellant was not entitled to any relief and the Appeal of the Appellant deserved dismissal.

**(c) Submission during hearing**

During hearing on 25.05.2021, the Respondent reiterated the submissions made by it in the written reply and contested the submissions of the Appellant. He had 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 review of disputed amount of ₹ 73,140/- shown recoverable by AE/DS, City-1, Kharar vide Memo No. 697A dated 03.05.2021.

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

- (i) The Appellant stated that it was having a DS Category Connection with sanctioned load of 3 kW and Energy Meter was installed at its premises on 01.07.2017. The Appellant also stated that it received correct bills initially for 10 months whereafter, the bills received were of minus or less amount(s). A bill was issued for 15855 units, on average basis amounting



to ₹ 1,89,000/-. The Appellant had requested for checking of its meter. The meter of the Appellant could not be found, even after tracing it out for 5-6 months. The Appellant lodged a report with Police regarding theft of electricity meter in the month of November, 2020 and got installed a new meter after payment of ₹ 40,000/- out of the alleged outstanding bill. The connection of the Appellant was again disconnected in the month of January, 2021 and the Appellant was told to deposit the entire outstanding amount of the bill. The Appellant had filed a petition before the Forum at Patiala against the said demand of the Respondent and the Forum granted remission in payment of surcharge/interest only. After the decision of the Petition by the Forum, the Appellant had enquired from the Respondent about the amount payable and a sum of ₹ 73,140/- was found payable by the Appellant. The recorded energy charged to the Appellant was not reduced by the Forum. It was exorbitant as per installed load of 3 kW only. The Appellant prayed for charging of reduced/less units and for allowing it to make the payment of the bill in 3-4 instalments.

- (ii) The Respondent submitted that the Appellant was having a Domestic Supply Category Connection with sanctioned load of 3 kW and it was found that the bill dated 13.02.2020 was on

'O' Code with reading of 2686 (kWh). Subsequent bill dated 11.03.2020 was for consumption of 13169 kWh amounting to ₹ 1,21,760/-. The Appellant's bill for ₹ 1,89,790/- was issued on 24.10.2020 with 'N' Code. After adjustment of 'N' Code bill on 02.12.2020, 'O' Code bill was prepared amounting to ₹ 1,05,848/-. The meter of the Appellant was stolen for which, DDR was registered by the Police on 10.11.2020 on the request of the Appellant. Thereafter, the Appellant's meter was replaced on 04.12.2020. The Appellant filed a case in the Forum on 16.03.2021 for correction of the bill. The Forum, vide order dated 16.04.2021, decided that consumption of 15855 units be distributed equally over the period from 01.07.2017 to 11.03.2020 and bill be raised without surcharge/interest. In compliance to the said order of the Forum, the account of the Appellant was overhauled and revised demand of ₹ 73,140/- was intimated to the Appellant but the same has not been deposited by the Appellant. The meter of the Appellant was installed on the wall of the flat of the Appellant and the Appellant had lodged a DDR with the Police for theft of electricity meter. No further action had been taken by the Police on the said DDR lodged by the Appellant. The Appellant

was not entitled to any relief and the Appeal of the Appellant deserved dismissal.

- (iii) As per material on record, the disputed meter was installed at the premises of the Appellant on 01.07.2017. In this connection, it is worthwhile to peruse the following observations of the Forum in its decision:

*“Forum studied the consumption data of the petitioner and observed that following OK code readings have been shown in the consumption data:-*

<i>Date of meter reading</i>	<i>Meter reading in KWH</i>
<i>1.7.2017</i>	<i>000</i>
<i>20.8.2019</i>	<i>2464</i>
<i>11.12.2019 &amp; 13.2.2020</i>	<i>2686</i>
<i>11.3.2020</i>	<i>15855</i>
<i>2.12.2020</i>	<i>15855</i>
<i>3.12.2020</i>	<i>15855 (S code)</i>

*The above table reveals that the total consumption of the petitioner for the period 1.7.2017 to 11.3.2020 is 15855 units but the meter readings has not been recorded correctly as consumption of 120 units has been shown recorded during the period 24.6.2018 to 20.8.2019 which is not possible. Petitioner has stated that his billing was normal upto Feb. 2020 and*

*subsequently he received abnormal consumption bills and his meter was stolen afterwards. A FIR has also lodged regarding stolen meter. Respondent has stated that some students were staying in the premises of the petitioner as PGs and they might have destroyed or disposed off the meter after consumption of electricity to avoid the billing. In view of the ongoing, it can be observed that respondent has not taken correct readings and not done proper billing of the petitioner but from the available data, it seems that the consumption of 15855 units has taken place during the period 1.7.2017 to 11.3.2020. The only relief forum can provide to the petitioner is to distribute the total consumption equally over the total period.*

*After considering all written and verbal submissions by the petitioner and the respondent and scrutiny of record produced, Forum is of the opinion that the consumption of 15855 units needs to be distributed equally over the period 1.7.2017 to 11.3.2020 and the fixed charges need to be recovered from 11.3.2020 to the date of disconnection without any surcharge / interest.”*

- (iv) It is observed that the Appellant has, in the present Appeal, prayed for review of disputed amount of ₹ 73,140/- shown recoverable by AE/DS, City-1, Kharar vide Memo No. 697A

dated 03.05.2021. The said demand was raised in compliance to decision of the Forum. But the Appellant had not given any valid justification/evidence in support of its contention for relief. Though the Appellant received bills in minus or of smaller amounts, it did not inquire from the office of the Respondent about the reasons of minus/less billing during the period from 7/2017 to 2/2020. Mere submissions that the bills for the disputed period were inflated/excessive without any reasonable/convincing justification/evidence does not entitle the Appellant for further relief relating to the consumption for which revised demand of ₹ 73,140/- (without surcharge /interest) was raised against the Appellant by the Respondent vide Memo No. 697A dated 03.05.2021.

- (v) It is also observed that the requisite evidence (Energy meter) on the basis of which readings were recorded by the Respondent is now missing and the matter has not been followed up with the Police Authorities by the Respondent as well as the Appellant. It was the duty of the Respondent to register report with Police immediately when it came to the knowledge of the office that the disputed meter was missing from the site. Infact, the Meter was the property of PSPCL. Proper follow up action should be taken by the Respondent

with Police Authorities so as to ensure completion of investigation of the case at an early date.

- (vi) From the above analysis, it is very clear that the basic evidence (Energy Meter) required to determine genuineness of the demand raised vide Memo No. 697A dated 03.05.2021 is now missing because both parties had reported that it had been stolen. The case of theft of meter (PSPCL's Asset) from the site (consumer's premise) is pending with Police. Besides, the Appellant failed to provide any valid justification/evidence in support of its contention that energy consumption (on the basis of which, disputed demand was raised) was incorrect. As a result, this Court is inclined not to disagree with the order dated 16.04.2021 of the Forum as per present circumstances. The Appeal of the Appellant is thus devoid of merit and is rejected after due consideration of all the facts and evidence on record.

## **6. Decision**

As a sequel of above discussions, the present Appeal against the order dated 16.04.2021 of the CGRF, Patiala in Case No. CGP-113 of 2021 is hereby rejected.

- 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.

June 01, 2021  
S.A.S. Nagar (Mohali)

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