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

(Constituted under Sub Section (6) of Section 42 of Electricity Act, 2003)

APPEAL No. 48/2022

Date of Registration : 19.09.2022
Date of Hearing : 29.09.2022/ 06.10.2022
11.10.2022
Date of Order : 11.10.2022

Before:

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

In the Matter of:

M/s. Shiva Electronics,
E-15, Phase-7, Industrial Area,
Mohali.
Contract Account Number: 3000159842 (MS)
...Appellant

Versus

Senior Executive Engineer,
DS (Spl.) Divn., PSPCL,
Mohali.
...Respondent

Present For:

Appellant: Sh. Pushpinder Kaushal,
Appellant's Counsel.

Respondent : (1) Er. Ashwani Kumar,
SE/ DS Circle, PSPCL, Mohali.
(2) Er. Ranjit Yadav,
Asstt. Engineer/ Commercial,
O/o DS (Spl.) Divn., PSPCL,
Mohali.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 31.01.2017 of the Consumer Grievances Redressal Forum, Patiala (Forum) in Case No. CG-158 of 2016, deciding that:

- *"The amount charged to the petitioner due to billing with wrong MF, for the period 29.03.2008 to 10.09.2016 is in order and recoverable.*
- *SE/Op. Circle, Mohali is directed to initiate disciplinary action against the delinquent official/officer for not checking the connection of the petitioner as prescribed in Clause 104.1 of ESIM.*
- *Forum further decides that the balance amount recoverable/refundable, if any, be recovered/refunded from/to the consumer along-with interest/surcharge as per instructions of PSPCL."*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appellant had filed an Appeal in this Court on 16.02.2017 without depositing the requisite 40% of the disputed amount. The Appellant had deposited only 15% of the disputed amount while filing the case before the Forum. The Appellant prayed for the exemption to deposit the balance amount. This Court decided on 20.02.2017 that this prayer of the Appellant was not maintainable in view of Regulation 3.18 (iii) of PSERC (Forum

& Ombudsman) Regulations, 2016, so the Appellant was given another opportunity to file the fresh Appeal, after depositing the requisite amount, within a period of 30 days from the date of receipt of the order. But the Appellant approached the Hon'ble Punjab & Haryana High Court against the order dated 20.02.2017 of this Court vide CWP No. 4937 of 2017. The Hon'ble Punjab & Haryana High Court, after hearing, passed order dated 12.07.2022 as under:-

> *"Learned senior counsel appearing for the petitioner fairly submits that the issue raised by the petitioner regarding the validity of the provisions of Regulation 3.18(iii) of Punjab State Electricity Regulatory Commission (PSERC) (Forum and Ombudsman) Regulation, 2016, requiring pre-deposit before filing an appeal is squarely covered by the decisions of the Supreme Court in* ***M/s Tecnimont Pvt. Ltd (Formerly known as Tecnimont ICB Private Limited) v. State of Punjab and others, 2019 SCC Online SC 1228*** *and* ***The Director, Employees State Insurance Health Care & Ors. v. Maruti Suzuki India Limited &Ors.*** *(Civil Appeal No. 3464 of 2022), as well as the Division Bench's decision of this Court rendered in* ***M/s Lotus Realtech Pvt. Ltd. v. State of Haryana and others, 2021 AIR (P&H)25****. He prays for permission to withdraw the petition with liberty to make the necessary pre-*

deposit before the Regulatory Commission within a period of two months.

Prayer is allowed.

The petition is dismissed as withdrawn with the aforesaid liberty."

After this, fresh Appeal was received in this Court on 19.09.2022 i.e. after period of two months of the decision dated 12.07.2022 of the Hon'ble Punjab & Haryana High Court in CWP No. 4937 of 2017. The Appellant deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 19.09.2022 and copy of the same was sent to the Sr. XEN/DS Division (Spl.), PSPCL, Mohali for submitting written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 1013-1015/OEP/A-48/2022 dated 19.09.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 29.09.2022 at 11.30 AM and intimation to this effect was sent to both the parties vide letter nos. 1020-21/OEP/ A-48/2022 dated 21.09.2022. As scheduled, the hearing was held in this Court on 29.09.2022 and both the parties were heard. Copies of the Proceedings were sent to both the parties

vide Memo No. 1042-43/OEP/A-48/2022 dated 29.09.2022 which is as under: -

> "At the start of the hearing, the Appellant's Representative (AR) produced authority letter from the Appellant's Counsel (AC) in which the AC requested this Court that as he was unable to attend this Court due to listing of some urgent case before the Hon'ble High Court, he authorised his clerk to attend this Court. The AR requested for another date for filing the Rejoinder to the reply of the Respondent. The Court allowed the same and directed him to file the Rejoinder with a copy to the Respondent well before 04.10.2022.
>
> AEE/ Commercial-2, DS Division (Special), PSPCL, Mohali appeared on the behalf of the Respondent. He was directed to submit, all the checking reports of checkings done by the different agencies of the Appellant's premises during the disputed period from 29.03.2008 to 27.09.2016, with this Court with a copy to the Appellant well before 04.10.2022.
>
> Further, it was observed by this Court that the Consumer Grievances Redressal Forum, Patiala, in its decision dated 31.01.2017 in Case No. CG-158 of 2016 had passed the following orders:-
>
> *"SE/Op. Circle, Mohali is directed to initiate disciplinary action against the delinquent official/officer for not checking the connection of the petitioner as prescribed in Clause 104.1 of ESIM."*
>
> SE/DS Circle, Mohali is directed to submit the Action Taken Report, as per the above decision of the Forum, with this Court by 04.10.2022.
>
> The next date of hearing in this case is fixed for 06.10.2022 at 11.30 AM. Both the parties are directed to attend the Court on said date and time. SE/DS Circle, Mohali or his authorized representative should also attend this Court on 06.10.2022 at 11.30 AM."

Copy of the Proceedings was also sent to SE/DS Circle, Mohali vide Memo No. 1044/OEP/A-48/2022 dated 29.09.2022.

As scheduled, the hearing was held in this Court on 06.10.2022 and both the parties were heard. At the start of the hearing, the Appellant's Counsel (AC) stated that he was not prepared to present his case and requested for another date for hearing. The Court allowed the same. But considering the fact that the AC did not attend the earlier hearing on 29.09.2022 and; on 06.10.2022 also demanded another date for preparation of the case, this Court directed him to consider it the final opportunity to be heard. SE/DS Circle, Mohali did not submit the Action Taken Report, as asked from him by this Court in previous hearing on 29.09.2022. Addl. SE/ Tech, DS Circle, PSPCL, Mohali appeared on his behalf. He was directed to submit the Action Taken Report with this Court with a copy to the Appellant before next date of hearing. The next date of hearing in this case was fixed for 11.10.2022 at 02.30 PM. Both the parties were directed to attend the Court on said date and time. SE/DS Circle, Mohali or his authorized representative should also attend this Court on 11.10.2022 at 02.30 PM. Copies of the Proceedings were sent to both the parties vide Memo No. 1080-81/OEP/A-48/2022 dated 06.10.2022 and to SE/DS Circle,

Mohali vide Memo No. 1082/OEP/A-48/2022 dated 06.10.2022.

As scheduled, the hearing was held in this Court on 11.10.2022 and both the parties were heard. The report of SE/DS Circle, Mohali submitted vide Memo No. 8574/CC2 dated 10.10.2022 was taken on record.

4. Condoning of Delay

At the start of hearing on 29.09.2022, the issue of condoning of delay in filing the Appeal beyond the stipulated period was taken up. The Appellant's Counsel submitted that the Hon'ble Punjab & Haryana High Court vide order dated 12.07.2022 in Case No. CWP No. 4937 of 2017 had given the liberty to the Appellant to deposit the requisite 40% of the disputed amount before filing the Appeal in this Court within a period of two months. In compliance of this order, the Appellant had already deposited the balance amount of the requisite 40% well within two months from the date of passing of the order. After this, the Appellant provided the necessary receipts to the authorized representative and the authorized representative after completion of the documents and formalities had filed the present Appeal before this Court of Ombudsman. The delay was neither intentional nor willful. He prayed that the

application may kindly be allowed and the delay in filing the present Appeal be condoned in the interest of justice.

I find that the Respondent did not object to the condoning of the delay in filing the present Appeal in this Court either in its written reply or during hearing in this Court.

In this connection, I have gone through Regulation 3.18 of PSERC (Forum and Ombudsman) Regulations, 2016 which 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 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's Counsel 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 deliberations made by the Appellant's Representative 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 Appeal was filed within period of limitation as prescribed & as per the opportunity afforded by this Hon'ble Court of Ombudsman vide order dated 20.02.2017 as well as by the Hon'ble Punjab & Haryana High Court, Chandigarh in CWP No. 4937 of 2017.

(ii) The decision given by the Forum was against the law and facts and was liable to be set aside and the said decision was against the material produced on record by the respective parties.

(iii) The Forum erred in deciding that the amount charged to the Appellant due to billing with wrong MF for the period 29.03.2008 to 10.09.2016 was in order & recoverable and the said decision was totally arbitrary, unfair, unjust, unreasonable and perverse and against the material on record as well as the various decisions of the Hon'ble High Court as well as the various rules, regulations and the provisions of the Electricity Department issued from time to time.

(iv) The brief facts of the case were that the Appellant was having MS Category connection with sanctioned load of 97.330 kW/ CD 100 kVA operating under AEE/Commercial Sub Division, Mohali under DS Division (Spl.), Mohali. The connection was checked by ASE/ DS Division (Spl.), Mohali vide Checking Register No. 042/867 dated 26.09.2016 and reported that the capacity of the meter was 100/5 Amp. and CT ratio as 200/5 Amp. The MF (Multiplying Factor) was worked out as 2. However, on the bills, capacity of the meter was 200/5 Amp. and CT ratio was 200/5 Amp. The MF was being levied as 1 in the bills. However, Serial No. of the meter was not readable. On the basis of this report, the account of the Appellant was overhauled for the period from 29.03.2008 to 10.09.2016 and an amount of ₹ 65,07,094/- was charged as difference of MF

and the same was served to the Appellant by AEE/Commercial, Sub Division, Mohali vide Memo No. 2099 dated 29.09.2016 with the direction to deposit the same within a period of 15 days.

(v) The Appellant, being burdened with this huge amount, challenged the Notice before the Forum. But the Forum decided that the charges were based on actual consumption of the Appellant and hence recoverable. As such, the Appellant was constrained to file the present Appeal against the decision of the Forum. The said decision was liable to be set aside inter alia on the following grounds:-

(a) The Forum had failed to take into consideration the reply filed by the Respondent, in which it had been categorically stated by the Respondent that initially the Appellant had been given electricity connection on 23.09.2005 with Meter Ratio 100/5 Amp and CT Ratio 100/5 Amp. Afterwards, the Appellant had applied for extension of load on 13.03.2008 and as per checking report of Addl. S.E. /Enforcement, ECR No. 49/80 dated 27.09.2016, the Meter Ratio of the meter installed was 200/5 Amp. and CT Ratio was 100/5 Amp., thus MF-2 was applicable. It was further stated by the Respondent in Para No. 4 of the reply before the Forum that

the meter at the premises of the Appellant was changed at the time when consumer had applied for extension of load on 13.03.2008. Further, it was stated in Para 5 of the reply that the periodic checking was done at the premises of the Consumer by respective officers/officials. However, while passing the impugned order under challenge, the learned Forum had failed to take into consideration the own admissions of the Respondent, wherein it had been specifically mentioned that the meter was changed when the Appellant applied for extension of load on 13.03.2008 and the CT Ratio was 100/5 Amp. However, from the perusal of the record, it was revealed that on 23.01.2017, the stand taken by the Respondent was changed and they submitted that the Meter Ratio be read as 100/5 Amp and CT Ratio as 200/5 Amp, as they had earlier stated in reply dated 21.12.2016. Secondly, the Respondent again changed its stand on 23.01.2017, when the Respondent brought on record SJO No. 194/446 dated 13.03.2008, executed on 29.03.2008. The Respondent submitted that the meter of the Appellant was not changed and only the CTs of the meter were changed on 29.03.2008. Thirdly, in the reply submitted on 21.12.2016, it was specifically stated that the periodic

checkings were being done at the premises of the Appellant by the respective officers/officials of the PSPCL. However, no such record was ever brought on record by the Respondent, meaning thereby that the Respondent had submitted the wrong reply which was not in consonance of the record of the Department. Even the Forum, in its decision, directed the SE/ DS Circle, Mohali to initiate disciplinary action against the delinquent official/officer for not checking the connection of the Appellant as prescribed in Instruction 104.1 of ESIM.

(b) The Forum had failed to take into consideration that though the request was made by the Appellant for extension of load, but no request was made for the change of meter and the meter was changed without the knowledge of the Appellant. However, afterwards, this stand was changed and the Respondent had stated that the meter was not changed and only CTs were replaced. No request was made by the Appellant for change of CTs and the said CTs were changed without the knowledge of the Appellant as there was not any signature of the Appellant upon the SJO as produced on record by the Respondent. Moreover, in the alleged Demand Notice, there was no reference of any Supply Code.

Afterwards, in reply the Respondent had stated that in fact, the amount was chargeable as per this Supply Code and this Supply Code was not applicable to the case of the Appellant. Moreover, even the fact of sending legal notice was not disputed in the reply, but again no reply was given, meaning thereby that the Respondent had not disputed the various facts mentioned in the Legal Notice as well as complaint filed by the Appellant, but the Forum had given the findings at their own without considering the pleadings of the case. The learned Forum had failed to take into consideration that when the meter had not been tested, so without testifying the said meter and without ascertaining the accuracy of the said meter, the alleged Multiplying Factor cannot be determined in an arbitrary manner. When the application of the judgments of the Hon'ble High Court as stated in the complaint as well as Legal Notice was not disputed by the Respondent, so the findings of the learned Forum was erroneous that these judgments were not applicable to the case of the Appellant and these facts were duly brought on record by filing rejoinder/replication in the proceedings dated 09.01.2017 by the Appellant.

(c) Further, the learned Forum had failed to take into consideration the various bills produced on record by the Appellant in proceedings dated 23.01.2017, in order to prove that there was no difference of bills amount even after MF = 2 was applied and bill amount was continuously same as earlier when MF=1 was applied.

(d) The Forum had failed to take into consideration that as per the following provisions of the PSPCL vide which it was cleared that since the meter was checked on 29.09.2016, whereupon the defect of Multiplying Factor came to light for the first time, the Respondent could not have computed and demanded electricity charges for a period exceeding six months from the date of such checking i.e. 29.09.2016. However, the Respondent had imposed electricity charges for the period of $8^{1/2}$ years from 13.03.2008 to 27.09.2016, which was totally illegal and unsustainable. Regulation 21.4 (g) of Supply Code-2007, being vital for the determination of the present controversy is reproduced below to facilitate ready reference of this Hon'ble Court:-

"21. Use, etc. of Meters
21.4 Defective Meters
(g) Overhauling of consumer accounts

(i) If a meter on testing is found to be beyond the limits of accuracy as prescribed in the Regulations notified by the

Central Electricity Authority under Section 55 of the Act, the electricity charges for all categories of consumers will be computed in accordance with the said test results for a period of six months immediately preceding, the :

(a) date of test in case the meter has been tested at site to the satisfaction of the consumer ; or

(b) date the defective meter is removed for testing in the laboratory of the Licensee where such testing is undertaken at the instance of the Licensee ; or

(c) date of receipt of request from the consumer for testing a meter in the laboratory of the Licensee.

Any evidence provided by the consumer about conditions of working and/or occupancy of the concerned premises during the said period(s) which might have a bearing on computation of electricity consumption will, however, be taken into consideration by the Licensee."

(e) It was brought before the Forum that in view of instructions No. 102.10 and 102.11 of ESIM , a Multiplying Factor in the metering equipment had to be an exceptional measure and in case there exists a Multiplying Factor, such Multiplying Factor had to be indicated not only in indelible ink on the meter, but also prominently displayed in the meter reading book and ledger, the relevant instructions are reproduced below:-

"**102.10 Meters and CTs of Matching Ratio:** All out efforts may be made to install the meters and CTs of the same current ratio so as to eliminate the Multiplying Factor.

102.11 Multiplying Factor to be indicated in red ink:

Where meters and CTs of different current ratio were

installed due to reasons of non-availability of matching CTs, the Multiplying Factor must be indicated in red ink on the Consumer Case, meter reading book (kalamju) and ledger so that it could be applied correctly. It shall also be written in indelible ink on the meter. AE/AEE/Xen shall have a consolidated record for all industrial and Three Phase connections in a bound register for all such connections which have multiplying factors. Such register shall be updated whenever there is any change in the meter or CTs." Admittedly, the Licensee/Respondent failed to adhere to any of these safeguards, as a consequence of which the Appellant was now being fastened with a demand for a period of 8½ years, which was totally unjust and arbitrary. However, no findings were given in the said decision regarding these provisions, though it was brought on record in the proceedings dated 23.01.2017.

(f) The findings of the Forum to the effect that the CTs were changed from 100/5A to 200/5A and the meter was not replaced was against the reply submitted by the Respondent wherein it had been categorically stated that the meter was changed and this finding was also erroneous to the effect that the said CTs were not changed in the presence of the

Appellant and without the request of the Appellant and even upon the SJO , MF was clearly mentioned as 1, so the findings were liable to be set aside and there was no fault of the Appellant and he cannot be burdened with such huge amount, when the Appellant had been regularly paying the bills, without any default.

(g) The Forum had failed to take into consideration that in checking register dated 26.09.2016 produced on record, it had been clearly mentioned that "Accuracy of the meter was not done". This document produced by the Respondent showed that the accuracy of the meter was not done, then the findings of the Forum was erroneous to the effect that the meter installed vide SJO No. 194/36446 dated 13.03.2008 was working at the time of checking on 26.09.2016 and 27.09.2016.

(h) The Forum had failed to take into consideration that in the proceedings dated 06.01.2017, the Respondent had brought on record that the meter of the Appellant was changed on 27.09.2016 as alleged, as per order dated 29.08.2016, meaning thereby that again the meter was changed without any request as per order dated 29.08.2016 & even from the perusal of the Job Order for Device Replacement, it was

revealed that the said meter was changed on 23.09.2016 wherein CT/PT of the Old Meter was mentioned as 100/5, so the checking was done on 26.09.2016 after the change of earlier meter, which meant that when the meter was changed three days before the checking, so question of applying wrong MF did not arise at all when the CT/PT ratio was mentioned as 100/5 in the old replaced meter & further the ME Lab Report as allegedly produced on record, did not bear the signatures of the Appellant, so it could not be considered or relied upon and was against the rules, regulations of the Corporation.

(i) Further, the Respondent erred in holding that due to wrongly mention of capacity of meter as 200/5 Amp. instead of 100/5 Amp. (as existing meter was not replaced), the MF =1 was being levied to the Appellant after the replacement of CT's on 29.03.2008 was erroneous and unsustainable, when as per the own document of the Respondent, the said capacity was mentioned as 200/5 and the said document pertained to the Respondent and was prepared without the knowledge of the Appellant.

(j) The findings recorded by the Forum were erroneous to the effect that the average monthly consumption of the

Appellant, after the replacement of CTs during 03/2008 was almost half with increased load due to application of wrong MF, this finding was erroneous when the Appellant had produced on record, which was never been discussed nor considered, so the decision was liable to be set aside.

(k) The findings of the Forum was erroneous while holding that though the Instruction No. 104.1 of ESIM was not admittedly followed by the Respondent, but again the Appellant was not made liable.

(l) The other points and issues raised by the Appellant were neither dealt with, nor discussed while passing the impugned decision.

(m) The Forum had wrongly applied the provisions of Supply Code Regulation 21.5.1 to the case of the Appellant.

(n) It was worth mentioning here that even the case of the Appellant was squarely covered by the decision of the Hon'ble Punjab & Haryana High Court, Chandigarh in CWP No. 2539-2017 dated 20.09.2018. So, taking into consideration this decision also, the amount deposited by the Appellant be adjusted and also not to charge the interest during the period the matter remained pending before the Hon'ble High Court as well before the other authorities.

(vi) The Appellant had not filed such or similar Appeal before any other authority against the order dated 25.01.2017 passed by the Forum except Appeal No. 06/2017 before this Court which was not entertained on account of non-deposit of the requisite 40% of the disputed amount.

(vii) The Appellant had already deposited an amount of ₹ 26,26,064/- which was more than 40% of the disputed amount of ₹ 65,07,094/- as per the order dated 12.07.2022 passed by the Hon'ble High Court in CWP No. 4937-2017.

(viii) The Appellant respectfully prayed that keeping into consideration the above said facts & circumstances, the Appeal of the Appellant may kindly be accepted and decision dated 25.01.2017 passed by the Forum be set-aside. The demand raised by the Respondent vide Memo No. 2099 dated 29.09.2016 on account of alleged Multiplying Factor of ₹ 65,07,094/- be set aside. Further, if this Hon'ble Court of Ombudsman did not set aside the alleged decision and demand, then the said demand be restricted only to for a period of six months preceding the date of checking i.e. 27.09.2016, as per the law laid down by the Hon'ble High Court as detailed above & the amount deposited by the Appellant was liable to be refunded to him alongwith interest

@ 12% per annum from the date of payment till realization in the interest of justice.

(ix) The Appellant submitted that taking into consideration the decision passed by the Hon'ble High Court in CWP No. 2539 of 2017 dated 20.09.2018, the amount deposited by the Appellant be adjusted and also not to charge the interest during the period the matter remained pending before the Hon'ble High Court as well before the other authorities.

(x) Any other order or relief which this Hon'ble Court of Ombudsman may deemed fit to the facts & circumstances of the case, may also be passed in favor of the Appellant and against the Respondent, in the interest of justice.

(b) Submission during hearing

During hearing on 11.10.2022, the Appellant's Counsel (AC) reiterated the submissions made in the Appeal and prayed to allow the same.

(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 MS Category Connection, bearing Account No. 3000159842 with sanctioned load of 97.33 kW/

100 kVA in the name of M/s Shiva Electronics, running under DS (Special) Division, PSPCL, Mohali.

(ii) The sanctioned load of the Appellant was increased from 29.750 kW to 97.33 kW on 13.03.2008. The Appellant's premises was checked by the Addl. S.E./ DS (Special) Division, PSPCL, Mohali vide Checking No. 42/867 dated 26.09.2016 and it was found that the meter ratio was 100/5 A, CT ratio was 200/5 A and MF was 2. The Appellant's premises was again checked by Addl. SE/ Sr. Xen/ Enforcement, PSPCL, Mohali vide Checking No. 49/80 dated 27.09.2016 and it was confirmed that the meter ratio was 100/5 A, CT ratio was 200/5A and MF was 2.

(iii) But the billing of the Appellant was being done with MF as 1 from 29.03.2008. So due to application of wrong MF, the account of the Appellant was overhauled from 29.03.2008 to 10.09.2016 and the Appellant was charged ₹ 65,07,094/- vide Sundry No. 8000944949 on 27.10.2016. The same was intimated to the Appellant vide Notice No. 2099 dated 29.10.2016.

(iv) The Appellant did not agree with the charged amount, so he filed the petition in the Forum for the redressal of his grievance. The Appellant deposited the 15% of the disputed amount i.e.

₹ 9,76,064/- (₹ 4,00,000/- on 25.10.2016, ₹ 2,50,000/- on 04.11.2016 and ₹ 3,26,064/- on 15.11.2016).

(v) The Forum passed the order dated 31.01.2017 as under:-

"The amount charged to the petitioner due to billing with wrong MF for the period 29.03.2008 to 10.09.2016 is in order and recoverable."

(vi) The Appellant did not agree with the decision of the Forum and filed the Appeal bearing Appeal No.06/2017 dated 20.02.2017 in the Hon'ble Court of Ombudsman, Electricity, Punjab and prayed for the relaxation to deposit the balance 25% of the disputed amount but the same was refused by the Court of Ombudsman.

(vii) After this, the Appellant filed its case in the Hon'ble Punjab and Haryana High Court but the same was withdrawn by the Appellant on 12.07.2022.

(viii) The Appellant deposited the balance 25% of the disputed amount i.e. ₹ 16,50,000/- (₹ 6,00,000/- on 05.08.2022, ₹ 4,50,000/- on 11.08.2022, ₹ 2,00,000/- on 24.08.2022, ₹ 2,00,000/- on 30.08.2022, ₹ 1,00,000/- on 05.09.2022 and ₹ 1,00,000/- on 06.09.2022). The Appellant had deposited the requisite 40% of the disputed amount i.e. ₹ 26,26,064/-.

(ix) The Respondent submitted that the contention of the Appellant that the accuracy of the meter was not done, was not correct.

The meter of the Appellant was replaced vide Job Order No. 100002466408 dated 29.08.2016 and the same was checked in ME Lab, Ropar.

(x) On the basis of checkings by DS Staff and Enforcement, Mohali, the Appellant was charged for the application of wrong MF = 1 instead of MF = 2 on the basis of actual consumption of the Appellant.

(xi) The Respondent submitted that the contention of the Appellant that the current case was covered by the decision dated 20.09.2018 of the Hon'ble Punjab and Haryana High Court in CWP No. 2539/2017, was not correct. The Legal Advisor, PSPCL, Patiala vide Memo No. 12/76/LB-3(1399)21 dated 24.01.2022 had attached a copy of decision of Hon'ble Supreme Court in Civil Appeal No. 7235/2009 titled as M/s Prem Cottex Vs Uttar Haryana Bijli Vitran Nigam Ltd. & Ors., in which it was decided by the Hon'ble Supreme Court that the "Escaped Assessment" can be recovered anytime from the Consumer. The relevant part of the decision is reproduced below:

> *"The raising of an additional demand in the form of "short assessment", on the ground that in the bills raised during a particular period of time, the multiply factor was wrongly mentioned, cannot tantamount to deficiency*

in service. If a licensee discovers in the course of audit or otherwise that a consumer has been short billed, the licensee is certainly entitled to raise a demand. So long as the consumer does not dispute the correctness of the claim made by the licensee that there was short assessment, it is not open to the consumer to claim that there was any deficiency. This is why, the National Commission, in the impugned order correctly points out that it is a case of "escaped assessment" and not "deficiency in service"."

(xii) The Hon'ble Punjab and Haryana High Court had not issued any instructions regarding waiver of interest in the present case, so the Appellant was liable to pay the interest from the year 2016 onwards as per the instructions of the PSPCL.

(b) Submission during hearing

During hearing on 11.10.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal. SE/ Ds Circle, Mohali submitted the report in respect of action taken against delinquent officials/ officers vide Memo No. 8574 dated 10.10.2022.

6. Analysis and Findings

The issue requiring adjudication is the legitimacy of the amount of ₹ 65,07,094/- charged vide Notice No. 2099 dated

29.09.2016 on account of overhauling of the account of the Appellant from 29.03.2008 to 10.09.02016 by applying correct Multiplying Factor (MF) of 2 instead of 1.

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

(i) The Appellant's Counsel (AC) reiterated the submissions made in the Appeal. He pleaded that the decision given by the Forum was against the law and facts and was liable to be set aside and the said decision was against the material produced on record by the respective parties. The Forum erred in deciding that the amount charged to the Appellant due to billing with wrong MF for the period 29.03.2008 to 10.09.2016 was in order and recoverable and the said decision was totally arbitrary, unfair, unjust, unreasonable and perverse and against the material on record as well as the various decisions of the Hon'ble High Court as well as the various rules, regulations and the provisions of the Electricity Department issued from time to time. He pleaded that the present case of the Appellant was squarely covered by the decision of the Hon'ble Punjab & Haryana High Court, Chandigarh in CWP No. 2539-2017 dated 20.09.2018. So taking into consideration this decision also, the amount deposited by the Appellant be adjusted and also not to

charge the interest during the period the matter remained pending before the Hon'ble High Court as well before the other authorities. He prayed that keeping into consideration the above said facts & circumstances, the Appeal of the Appellant may kindly be accepted and decision dated 25.01.2017 passed by the Forum be set-aside. The demand raised by the Respondent vide Memo No. 2099 dated 29.09.2016 on account of alleged Multiplying Factor of ₹ 65,07,094/- be set aside. Further, if this Hon'ble Court of Ombudsman did not set aside the alleged decision and demand, then the said demand be restricted only to for a period of six months preceding the date of checking i.e. 27.09.2016, as per the law laid down by the Hon'ble High Court as detailed above. The amount deposited by the Appellant was liable to be refunded to him alongwith interest @ 12% per annum from the date of payment till realization in the interest of justice.

(ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and reiterated the submissions made by the Respondent in the written reply. The Respondent argued that the amount of ₹ 65,07,094/- charged to the Appellant was recoverable as per Regulations of PSERC because amount charged was related to electricity actually

consumed by the Appellant. The account of the Appellant was overhauled from the date of implication of wrong multiplication factor on the basis of checking reports vide LCR No. 042/867 dated 26.09.2016 of Addl. SE, DS (Spl.) Division, Mohali and vide ECR No. 49/80 dated 27.09.2016 of Addl. SE/ Enforcement, PSPCL, Mohali. The Forum had rightly upheld the demand raised to the Appellant. He argued that the Hon'ble Supreme Court in Civil Appeal No. 7235/2009 titled as M/s Prem Cottex Vs Uttar Haryana Bijli Vitran Nigam Ltd. & Ors., had decided that the "Escaped Assessment" can be recovered anytime from the Consumer. So the disputed amount was recoverable as it was for the actual electricity consumed by the Appellant. He prayed for the dismissal of the Appeal.

(iii) The Forum in its order dated 31.01.2017 observed as under:

> "Forum noted that at the time of enhancing the load of the petitioner from 29.750KW to 97.933 KW in 03/2008, Sundry Job Order (SJO) No. 194/36446 dated 13.03.2008 was issued. As per this SJO (effected on 29.03.2008), the CT's of the petitioner was changed and capacity of removed CT's recorded on the SJO was 100/5A and capacity of installed CT's was 200/5 Amp. and capacity of old meter already installed at the premises of the petitioner was mentioned as 200/5 A. As such MF 1 was derived on the SJO and the petitioner was billed with MF as 1 after the replacement of CT's.
>
> Forum also noted the contention of the petitioner in the petition that the complainants meter of CT ratio 100/5A with meter ratio 100/5A was installed from the very beginning from the date of connection 23.09.2005 and the meter was replaced by the respondent at their own without any request to change the meter by the complainant and without his knowledge. Forum observed that the only CT's of the petitioner was changed at the time of enhancing the load of the petitioner at petitioner's request from 29.750KW to 97.933 KW in

03/2008 vide SJO No. 194/36446 dated 13.03.2008 effected on 29.03.2008. As per this SJO, the removed CT's was of the capacity of 100/5A and capacity of installed CT's was 200/5 Amp. However, meter of the petitioner was not changed. So Forum finds no merits in the contention of the petitioner in the petition that the complainants meter of CT ratio 100/5A with meter ratio 100/5A was installed from the very beginning from the date of connection 23.09.2005 and the meter was replaced by the respondent at their own (as meter was not replaced) without any request to change the meter by the complainant (as the petitioner had requested for increase in load in 03/2008) and without his knowledge.

Forum noted from the SJO No. 194/36446 dated 13.03.2008 that meter serial no. of the existing meter was mentioned as 232581 and installed CT's were having Numbers 3823, 3824 and 3825. In the checking of ASE/Op. Division, Mohali vide checking register No. 042/867 dated 26.09.2016, Sr. No. of meter was mentioned as not visible, however Sr. No as per bill is 232581 and CT's Numbers as 3823, 3824 and 3825. In the checking of ASE/Enf., Mohali vide ECR No. 49/80 dated 27.09.2016, Sr. No. of meter was mentioned as not visible, however Sr. No as per bill is 232581 and CT's Numbers as 3823, 3824 and 3825. Further Sr. No. of meter mentioned on the Job Order for replacement of device dated 29.08.2016 is mentioned as 232581 and Sr. No. of meter on ME Lab report is 232581. As the serial No. 232581 of the meter is same as per ME lab report which was installed in the premises of the petitioner vide SJO No. 194/36446 dated 13.03.2008 so it can be concluded that the meter installed vide SJO No. 194/36446 dated 13.03.2008 was working at the time of checking on 26.09.2016 and 27.09.2016.

The submissions made by petitioner in the petition is that in the case of Tagore Public School (NRS category connection under Aggar Nagar Division), the consumer was charged difference of billing for more than 5 years due to billing with application of wrong MF. The case was decided by the Hon'ble Punjab & Haryana High Court (single bench) in favour of the consumer by ordering the overhauling of account only for a period of six months. The LPA filed by the PSPCL before the double bench of Hon'ble Punjab & Haryana High Court was dismissed. Further, the appeal filed by PSPCL in the Hon'ble Supreme Court against the decision of Hon'ble Punjab & Haryana High Court, was not admitted at all.

The arguments of the Petitioner for overhauling the account of the petitioner for maximum period of six months are based on the decision of Hon'ble Punjab and Haryana High Court in CWP No. 17699 of 2014 of M/s Park Hyundai, Sangrur. In this case, the Hon'ble High Court in its order dated 19.12.2015 has held that " the present case (M/s Park Hyundai V/s PSPCL) is squarely covered by the ratio laid down by Division Bench of this Court in Tagore Public School (supra) which stands affirmed by the Hon'ble Supreme Court"

In the case of Tagore Public School Ludhiana V/s PSEB (now PSPCL), the Hon'ble Punjab & Haryana High Court in CWP No. 14559 of 2007 decided for overhauling of account for a period of six months. The Hon'ble court observed that the meter was not giving correct reading, therefore, the petitioner cannot be held liable for a period of five years. Section 26(6) of the Act (Electricity Act 1910) specifically states that in such a situation, electrical quantity supplied cannot be quantified for a period exceeding six months. Therefore, there is no doubt that section 26(6) of the Act limits the liability of the consumer, only for a period of six months. The appeal filed by the PSEB vide LPA No. 734 of 2010 before the Hon'ble Punjab & Haryana High Court was dismissed by the court vide decision dated June, 29 of 2010 and the Hon'ble Court (double bench) held that we are satisfied that the judgement rendered by the learned Single Judge does not call for any interference as it has correctly applied S. 26(6) of the Act. Further, SLP No. 29678/2010 filed before Hon'ble Supreme Court of India was also dismissed vide order dated 22.9.2014.

Forum noted that in the case of Park Hyundai, Sangrur, at the time of release of connection, KWH meter with ratio of 100/5 Amp. and CT capacity of 200/5 Amp was installed at petitioner's premises. However, inadvertently and erroneously CT was mentioned as 100/5 Amp., therefore, the billing of the petitioner's consumption was done treating the multiplying factor of 1 instead of 2. However, in the present case ratio of CT/PT unit was correctly mentioned on the SJO dated 13.03.2008 as 200/5A but the capacity of already existing meter (having capacity of 100/5 Amp.) was wrongly mentioned as 200/5 Amp. and as such MF 1 has wrongly been derived on the SJO instead of correct MF as 2. So multiplying factor 2 was required to be levied instead of 1. However due to wrongly mention of capacity of meter as 200/5 Amp. instead of 100/5 Amp. (as existing meter was not replaced) the MF 1 was being levied to the petitioner even after the replacement of CT's on 29.03.2008.

The Forum observed that the judgments of Hon'ble High Court and Supreme Court were w.r.t. Sec. 26(6) of Electricity Act-1910 and relief to the consumer was allowed as per implication of this section. However, after the coming into force of Electricity Act, 2003 and Regulations made there under in Electricity Supply Code and Related Matter Regulations, 2007 (applicable from 1.1.2008) and amended Supply Code, 2014 (applicable from 01.01.2015), any demand of the consumer due to wrong billing can be raised by referring to provisions of EA-2003 or Supply Code. The demand on the petitioner relates to the period 29.03.2008 to 10.09.2016 and first notice for recovery of charges due to wrong application of MF was issued vide Memo no 2099 dated 29.09.2016. As such in the present case the Sec. 26(6) of Electricity Act-1910 is not applicable and petitioner cannot be given any relief on the

basis of judgement given in the case of M/s Park Hyundai, Sangrur by interpreting Sec.26(6) of Electricity Act 1910.

In the case of Gurudwara Sri Darbar Sahib V/s PSPCL, the Hon'ble Punjab & Haryana High Court in CWP No. 16518 of 2013 vide order dated 24.02.2016 has decided as under:-

'Thus, in view of the admitted fact(s) on the part of the respondents that the petitioner never applied for replacement of the CTs/meter capacity, no notice was given to the petitioner by the respondents for change of CTs and even that the CTs/meter capacity was changed in the absence of the petitioner, the respondents are not entitled to revise/raise the impugned bill in the absence of a contract between the parties of replacement of CTs/meter capacity.'

Forum noted that in the present case, only CT's of the petitioner was changed at the time of enhancing the load of the petitioner from 29.750KW to 97.933 KW in 03/2008 vide SJO No. 194/36446 dated 13.03.2008 effected on 29.03.2008. The petitioner has requested for enhancement of load from 29.750KW to 97.933 KW. As per this SJO, the removed CT's was of the capacity of 100/5A and capacity of installed CT's was 200/5 Amp. However, meter of the petitioner was not changed. As such, the change is CT's of the petitioner was made at the time of enhancing the load of the petitioner from 29.750 KW to 97.933 KW, which was done on the specific request of the petitioner regarding enhancement of load. As such, the judgement dated 24.02.2016 in the case of Gurudwara Sri Darbar Sahib V/s PSPCL of Hon'ble Punjab & Haryana High Court in CWP No. 16518 of 2013 is not applicable in the present case.

However, as per consumption data supplied by the respondent, it is observed that the MF-1 was levied on the petitioner (even after the replacement of CT's on 29.03.2008) from the period 29.03.2008 to 10.09.2016 which clearly shows that after the replacement of CT's during 03/2008, MF-1 was wrongly levied instead of correct MF as 2.

Forum further noted the consumption of the petitioner, which is as under: -

Period	Consumption in kWh	Average Monthly consumption in kWh
30.01.2007 to 31.03.2008 (When SL was 29.750 kW)	118394	5926
31.03.2008 to 10.09.2016 (When SL was 97.933 kW)	1012003	9857

From the above table, it is clear that the average monthly consumption of the petitioner was 5926 KWh units during the period 30.1.2007 to 31.3.2008 when the sanctioned load (SL) of the petitioner was 29.750 KW. If we multiply this average monthly consumption with the enhanced load of the petitioner, the average monthly consumption works out as 19508 (5926x97.933/29.750) KWh units. After the

replacement of CT's during 03/2008, the average monthly consumption of the petitioner was 9857 KW units during the period 31.3.2008 to 10.09.2016 when the SL of the petitioner was 97.933 KW. This clearly shows that the average monthly consumption of the petitioner after the replacement of CT's during 03/2008 was almost half with increased load due to application of wrong MF as 1 instead of MF as 2.recorded less due to application of wrong MF.

Forum noted the contention of the petitioner in the petition that as per instruction No. 104.1 (ii) the AE/AEE/Xen (DS) shall check all the connections except LS/BS/RT (HT/EHT) having connected load more than 50 KW, at least once in every six months & in the case in hand also admittedly no checking was done at all by the respondents before noticing the alleged MF. Disciplinary action against the delinquent official/officer for not checking the connection of the petitioner as prescribed in Clause 104.1 of ESIM needs to be initiated.

Further, Forum cannot ignore the fact that due to less billing by applying wrong MF for the period from 09/2013 to 08/2016, PSPCL suffered financial loss due to delay in recovery of legitimate dues against actual energy consumed by the petitioner.

Further, Forum also took note of the fact that a note below Regulation 21.5.1 of Electricity Supply Code & Related Matters Regulations -2014 (applicable from 01.01.2015) has been added as under:-

"Where accuracy of meter is not involved and it is a case of application of wrong multiplying factor, the accounts shall be overhauled for the period this mistake continued".

Keeping in view the above Regulations, Forum is of the opinion that demand raised on the petitioner due to application of wrong MF for the period 29.03.2008 to 10.09.2016 amounting to Rs.65,07,094/- is covered under the above note given under Regulation 21.5.1 of the Electricity Supply Code & Related Matters Regulations -2014 and the same is justified.

In view of the above discussions, the Forum came to the unanimous conclusion that the amount charged to the petitioner due to billing with wrong MF, for the period 29.03.2008 to 10.09.2016 is in order and there is no scope for any relief in this case."

(iv) I have gone through the written submissions made by the Appellant in the Appeal, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 11.10.2022. It is observed by this Court that the connection was released to the Appellant on 23.09.2005 vide SCO No. 80/8301

dated 16.09.2005. As per the SCO, CT's of 100/5 Amp. capacity were installed and the Meter No. 232581 of capacity 100/5 Amp. was installed. The connection of the Appellant was checked on 07.02.2008 by Addl. SE/Sr. XEN Enforcement, PSEB (now PSPCL), Mohali vide ECR No. 34/306 where the meter of DUKE make whose Serial No. was 'Not Legible' but of capacity 100/5 Amp. was found installed. After that, the load of the Appellant was extended from 29.75 kW to 97.33 kW vide SJO No. 194/36446 dated 13.03.2008, effected on 29.03.2008. In this SJO No. 194/36446 also, it was mentioned that the existing Meter with Serial No. 232581 of DUKE make was not changed and only CT's of capacity 100/5 Amp. were replaced with the CT's of capacity 200/5 Amp. But, the Respondent made a mistake in this SJO mentioning the capacity of existing meter as 200/5 Amp. instead of 100/5 Amp. and MF as 1 instead of 2, due to which the billing of the Appellant continued on MF= 1. This mistake was carried on till the connection of the Appellant was again checked on 26.09.2016 by Addl. SE, DS Division (Spl.), Mohali vide LCR No. 042/867 dated 26.09.2016 and by Addl. SE/ Enforcement, PSPCL, Mohali vide ECR No. 49/80 dated 27.09.2016. On the basis of these checking reports, the Appellant's MF was

corrected to 2 in the billing software w.e.f. 11.09.2016. The Appellant's account was overhauled and an amount of ₹ 65,07,094/- was charged to the Appellant due to overhauling of the account of the Appellant from 29.03.2008 to 10.09.2016 by applying correct Multiplying Factor of 2 instead of 1 vide Notice No. 2099 dated 29.09.2016. The Appellant had contended in his Appeal that the accuracy of the meter was not checked by the Respondent. But I have observed that Addl. SE/ Enforcement, PSPCL, Mohali had checked the accuracy of the meter at site on 27.09.2016 and gave the following remarks in his checking report vide ECR No. 49/80 dated 27.09.2016:-

> *"3. Accuracy of the meter checked with LTERS meter at voltage 246 volt, Power factor 0.84 and load 29.14 kW with MF=1 and found consumer meter not contributing the consumption (-50%). When MF=2 applied in LTERS meter accuracy found within the permissible limit. Hence MF (overall) should be 2."*

The accuracy of the meter was found within permissible limit on applying MF = 2. This checking was done in the presence of the Appellant who had signed on the checking report.

In view of above, it is proved beyond doubt that the MF was actually 2, but due to the mistake of the officials/ officers of the Respondent, the capacity of the meter and MF was mentioned wrongly on the SJO No. 194/36446 dated 13.03.2008. Thus, the

Appellant was wrongly billed on MF 1 instead of MF 2 from 29.03.2008 (date of effecting SJO No. 194/36446) to 10.09.2016, when the correction was done in billing software on the basis of checkings dated 26.09.2016 and 27.09.2016. So the amount of ₹ 65,07,094/- charged to the Appellant due to overhauling of the account of the Appellant from 29.03.2008 to 10.09.2016 by applying correct Multiplying Factor of 2 instead of 1 vide Notice No. 2099 dated 29.09.2016 is correct and recoverable.

(v) The Appellant had contended that the present case of the Appellant was squarely covered by the decision of the Hon'ble Punjab & Haryana High Court, Chandigarh in CWP No. 2539-2017 dated 20.09.2018. So the Appellant be charged from 01.01.2015 as per the decision of this case and not from 29.03.2008. He also prayed that the demand be restricted only to maximum of six months preceding the date of checking, as per the law laid down by the Hon'ble High Court. On the other hand, the Respondent argued that this Appeal be decided in view of judgment dated 05.10.2021 of the Hon'ble Supreme Court of India in Civil Appeal No. 7235/2009 titled as M/s Prem Cottex V/s Uttar Haryana Bijli Vitran Nigam Ltd. & Ors.

(vi) I had gone through above mentioned judgment of the Hon'ble Supreme Court of India. The Hon'ble Supreme Court had observed in its judgment dated 05.10.2021 as under: -

> *"The raising of an additional demand in the form of "short assessment notice", on the ground that in the bills raised during a particular period of time, the multiply factor was wrongly mentioned, cannot tantamount to deficiency in service. If a licensee discovers in the course of audit or otherwise that a consumer has been short billed, the licensee is certainly entitled to raise a demand. So long as the consumer does not dispute the correctness of the claim made by the licensee that there was short assessment, it was not open to the consumer to claim that there was any deficiency. This is why, the National Commission, in the impugned order correctly points out that it is a case of "escaped assessment" and not "deficiency in service"."*

(vii) I am of the opinion that the above judgment of the Hon'ble Supreme Court of India is applicable to the facts of the present case. The amount of ₹ 65,07,094/- charged to the Appellant due to overhauling of the account from 29.03.2018 to 10.09.2016 by applying correct Multiplying Factor of 2 instead of 1 is an "escaped assessment" which was detected by the Respondent after the checking of the Appellant's premises vide LCR No. 042/867 dated 26.09.2016 of Addl. SE, DS Division, Mohali (Spl.) and vide ECR No. 49/80 dated 27.09.2016 of Addl. SE/ Enforcement, PSPCL, Mohali in which it was found that the meter capacity was 100/5A and CT capacity was 200/5A, so

the MF was 2, but the Appellant was being billed at MF = 1. The Appellant was charged for the electricity actually consumed by it which could not be charged earlier due to the mistake of the officials/officers of the Respondent. Hence, the amount of ₹ 65,07,094/- charged to the Appellant is fully recoverable from the Appellant being escaped assessment. The demand cannot be restricted to six months as prayed by the Appellant,

(viii) It is also observed by this Court that the Licensee has challenged the decision of the Hon'ble Punjab and Haryana High Court in CWP No. 2539 of 2017, as pleaded by the Appellant, vide LPA No. 7732 of 2018, which is still pending.

(ix) The prayer of the Appellant for not charging the interest for the period the matter remained pending before the Hon'ble High Court as well before other authorities is not tenable as the Appellant itself withdrew its application before the Hon'ble High Court and no relief in this regard was provided to him by the Hon'ble High Court.

(x) The prayer of the Appellant regarding refund of amount already deposited alongwith interest @ 12% per annum is also rejected as no refund is due to him.

(xi) In view of the above and in the light of judgment dated 05.10.2021 of the Hon'ble Supreme Court in Civil Appeal No. 7235/2009 titled as M/s Prem Cottex V/s Uttar Haryana Bijli Vitran Nigam Ltd. & Ors., this Court is not inclined to interfere with the decision dated 31.01.2017 of the Forum in Case No. CG-158 of 2016. The amount of ₹ 65,07,094/- charged vide Notice No. 2099 dated 29.09.2016 on account of overhauling of the account of the Appellant from 29.03.2008 to 10.09.2016 by applying correct Multiplying Factor of 2 instead of 1 is fully justified and hence recoverable from the Appellant. The balance amount recoverable, if any, be recovered alongwith interest as per instructions of PSPCL.

(xii) The officials/ officers responsible for various lapses in this case have already been punished by the Competent Authority as per report of SE/ DS Circle, PSPCL, Mohali.

7. Decision

As a sequel of above discussions, the order dated 31.01.2017 of the Forum in Case No. CG-158 of 2016 is hereby 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.

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

October 11, 2022
S.A.S. Nagar (Mohali)