

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

**APPEAL No. 50/2021**

**Date of Registration : 01.06.2021  
Date of Hearing : 16.06.2021  
Date of Order : 22.06.2021**

**Before:**

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

**In the Matter of:**

Narinder Paul Kaur,  
1<sup>st</sup> Floor, 45, Indra Park,  
Jalandhar-144003.

**Contract Account Number:3001517043**

...Appellant

Versus

Senior Executive Engineer,  
DS Model Town Division,  
PSPCL, Jalandhar.

...Respondent

**Present For:**

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

Respondent : Er. Baljeet Singh,  
Assistant Executive Engineer,  
DS Model Town Division, PSPCL,  
Jalandhar.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 22.01.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-338 of 2020, deciding that:

*“The bill dated 28.07.2017 for 4750 units of 139 days on ‘O’ Code amounting Rs. 29460/- is quashed. The said bill, be revised with the consumption of corresponding period of the previous year as per Regulation 21.5.2(a) of Supply Code-2014.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court through e-mail on 20.03.2021 i.e. within the stipulated period of thirty days of receipt of the decision dated 22.01.2021 of the CGRF, Ludhiana in Case No. CGL-338 of 2020 by the Appellant on 22.02.2021. The Appeal was not accompanied with the receipt regarding deposit of requisite 40% of the disputed amount and letter of authorisation from the consumer. As such, letter no. 356/OEP/A-2021/Paramjit Singh dated 22.03.2021 was issued to the Respondent requesting it to confirm the deposit of requisite 40% of the dispute amount for filing the Appeal in this

Court by the Appellant as required under Regulation 3.18 (iii) of PSERC (Forum and Ombudsman) Regulations, 2016. A copy of the said letter was also endorsed to Sh. Paramjit Singh, Appellant's Representative with the direction to deposit the requisite 40% of the disputed amount, if not already deposited and he was also informed that as per the records of the Respondent, Smt. Narinder Paul Kaur was the consumer who could prefer the Appeal in this Court. This was followed by reminder vide letter no. 477/OEP/Paramjit Singh/2021 dated 01.04.2021. In response, the Appellant's Representative sent a Vakalatnama (received in this Court on 21.05.2021) signed by Smt. Narinder Paul Kaur (Appellant/Consumer) authorizing Sh. Paramjit Singh to present/plead the present case. Again, Sh. Paramjit Singh was requested to deposit the requisite 40% of the disputed amount vide letter no. 815/OEP/Paramjit Singh/2021 dated 21.05.2021. After the decision of the Forum, the Respondent had overhauled the account of the Appellant and raised a demand of ₹ 40,330/- after making adjustment of the amount already deposited by the Appellant. As a result thereof, a sum of ₹ 17,900/- was deposited vide Receipt No. 160034745 dated 01.06.2021 being 40% of the disputed amount as intimated by the Appellant's Representative vide e-mail

dated 01.06.2021. After ensuring the fulfillment of statutory requirements, the Appeal was registered by this Court on 01.06.2021 and copy of the same was sent to the Senior Executive Engineer/ DS Model Town Divn., Jalandhar for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 877-879/OEP/A-50/2021 dated 01.06.2021.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 16.06.2021 at 11.30 AM and an intimation to this effect was sent to both the parties vide letter nos. 901-902/OEP/A-50/2021 dated 09.06.2021. 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 proceedings dated 16.06.2021 were sent to the Appellant and the Respondent vide letter nos. 918-19/OEP/A-50/2021 dated 16.06.2021.

### **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's Representative 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. 3001517043, with sanctioned load of 6.000 kW.
- (ii) The Appellant's Representative, Sh. Paramjit Singh had been residing as a tenant in the upper portion of Appellant's kothi No. 45 situated at Indra Park, Jalandhar since July, 2016. The payments of the bills of electricity consumption were made in routine.
- (iii) Surprisingly, a bill for electricity consumption excessively charged on the average basis i.e. 1715 units was received. The office of the Respondent was contacted to get the bill verified and corrected.
- (iv) Subsequently, a new revised bill was issued for energy consumption of 4750 units which was also on excessive side instead of decreasing the billed amount. Later on, two bills for

the period of July to September, 2017 and September to November, 2017 were also issued on very high side on average basis.

- (v) The bills as well as the meter were challenged by depositing the requisite fee for the same.
- (vi) The meter was replaced beyond the prescribed period after a long span of period. To get the meter challenged report, numbers of requests were made to the Respondent but all in vain.
- (vii) A case was filed in the Forum at Ludhiana alongwith all the relevant documents and evidence.
- (viii) The said case was decided vide order dated 22.01.2021 and copy of the same was supplied on 22.02.2021 to the Appellant's Representative. The Forum, while deciding the case, partly allowed to revise the bill pertaining to only 4750 units under the provisions of Regulation 21.5.2 (a) of Supply Code-2014 which was totally wrong. The said provision was not applicable to the Appellant's case as the Appellant was not residing there and rest of the petition was left undecided i.e. bills of September, November, 2017 and till the replacement of meter which was based on D Code. The Forum mentioned the

provisions of Regulation 21.5.2 (a) instead of 21.5.2 (d) of Supply Code-2014 as the Appellant was not residing there.

- (ix) The Forum failed to do justice by passing an appropriate order.
- (x) The order was passed with the application of prejudicial mind, which was bad in the eyes of law.
- (xi) No proper justice was given by the Forum who only tried to wash the eyes of the Appellant.
- (xii) The Forum failed to take into consideration the evidence which was tendered by the Appellant with regard to the period of energy consumption. The Appellant produced the evidence i.e. rent agreement which clearly showed that the rent agreement was executed in July and the said bill could not be issued on the basis of previous period of 2016.
- (xiii) The Forum had not mentioned in the order with regard to the rest of two bills, which were also issued on the said pattern, hence, illegal.
- (xiv) It was nowhere mentioned in order even a single letter about the unnecessary harassment faced by the Appellant, caused due to omissions on the part of the officials of the Respondent.
- (xv) The Appellant had faced a lot of mental, physical and financial loss due to the officials of the Respondent. The Appellant

reserved the right to add, argue, amend and alter any other ground relevant to the facts of the case at the time of hearing.

- (xvi) It was prayed that the order of the Forum be set aside & directions be issued to revise the two bills of September, 2017 and November, 2017 which were issued on 'D' code basis as per provisions applicable i.e. Regulation 21.5.2 (d) of Supply Code-2014.

**(b) Submission during hearing**

During hearing on 16.06.2021, the Appellant's Representative reiterated the submissions made in the Appeal and prayed to allow the relief claimed therein.

**(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 6.000 kW.
- (ii) The Forum had given its decision dated 22.01.2021 as per Rules and Regulation as well as provisions of law. Further, the



Appellant had been given refund of ₹ 45,039/- on 12.02.2021 as per decision of the Forum.

- (iii) In the present Appeal, it was stated that the Appellant did not reside in the disputed premises but, the consumption recorded by the meter was 9070 units for the period (after change of MCO) from 15.12.2017 to 14.09.2020.
- (iv) The meter of the Appellant was shown defective by Meter Reader and also declared so by the ME Lab. Therefore, the provision of Regulation 21.5.2 (a) of Supply Code-2014 was applicable in this case.
- (v) The Appellant had not produced any evidence regarding renting out of the property in the office of the Respondent. The Appellant was charged by the Respondent as per provisions of Regulation 21.5.2 (a) of Supply Code-2014. The Appellant was issued the bills as per rules and regulations of the PSPCL.
- (vi) The Appellant had not suffered any mental, physical and financial loss as alleged. The Respondent had already granted the relief to the Appellant as per decision dated 22.01.2021 of the Forum and the said decision had already been implemented by the Respondent.

**(b) Submission during hearing**

During hearing on 16.06.2021, the Respondent reiterated the submissions made in the written reply and prayed to dismiss the same.

**5. Analysis and Findings**

The issue requiring adjudication is the legitimacy of the prayer for revision of electricity bills dated 28.07.2017 ('O' code), 18.09.2017 ('D' code) and 11.11.2017 ('D' code) as per applicable regulations.

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

- (i) The relevant facts of the case are that the Appellant was having a Domestic Category Connection with sanctioned load of 6.000 kW. The Appellant had rented out (on 05.07.2016) portion of its premises (where the disputed connection was installed) to Sh. Paramjit Singh who had preferred the present Appeal with authorization from the Appellant. The dispute arose when a bill dated 28.07.2017 (period from 11.03.2017 to 28.07.2017) was issued on 'O' code basis showing energy consumption of 4750 kWh for ₹ 29,460/-. The Appellant's Representative submitted

application dated 28.07.2017 to the SDO/Suvidha Centre, PSPCL, Jalandhar stating that the Meter installed at its premises was running fast and the same may be replaced after checking. The said application was marked to the JE concerned for required action. Thereafter, as part of its regular exercise, the Meter Reader took the readings of the Meter on 16.09.2017 and showed 'D' code of the same for billing. Subsequently, the working of the Meter was challenged by depositing Meter Challenge fee of ₹ 450/- on 27.09.2017. The disputed bills were also challenged by depositing ₹ 250/- on 24.10.2017. The site was checked by the Junior Engineer on 18.09.2017 and it was reported that Meter blinks on load and recorded the reading as 064614 kWh. Thereafter, the disputed Meter was replaced vide Device Replacement No. 100004697478 dated 27.09.2017 effected on 15.12.2017. The removed Meter was checked in M.E. Lab on 09.03.2018. It was reported that Meter No. 7133674 have DEAD PULSE, DEAD DISPLAY & the same was DEAD. Final reading of this meter was not available.

Aggrieved with the issuance of disputed bills, a case was filed in 10/2020 in the office of CGRF, Ludhiana. After hearing both the sides, the Forum passed order dated 22.01.2021

quashing the bill dated 28.07.2017 for ₹ 29,460/- and directed the Respondent to revise the said bill on the basis of consumption of corresponding period of previous year in terms of provisions of Regulation 21.5.2 (a) of Supply Code-2014. The Respondent complied with the said decision of the Forum by giving refund of ₹ 45,039/- on 12.02.2021. Not satisfied with the decision of the Forum, the present Appeal had been preferred with the request to revise the bills dated 28.07.2017, 18.09.2017 and 11.11.2017 as per applicable regulations.

- (ii) As per evidence on record, the bill dated 28.07.2017, ordered by the Forum to be quashed and revised as per regulation 21.5.2 (a) of Supply Code-2014, was issued on 'O' code for 4750 units for the period from 11.03.2017 to 28.07.2017 amounting to ₹ 29,460/-. There is no provision in Supply Code-2014 to overhaul the account of a consumer when the status of meter is Ok as per the meter reading record. The status of the meter on 11.03.2017 and 28.07.2017 was 'O' as per consumption data submitted by the Respondent. Therefore, the Forum erred in deciding to quash and revise the said bill dated 28.07.2017 (issued on 'O' code basis) without any valid/legal justification. The aforesaid order of the Forum is, thus, not

sustainable in the eyes of law. As such, this Court is inclined to set-aside the order dated 22.01.2021 of the Forum in this regard. The Respondent should charge the Appellant as per actual meter readings for the period 11.03.2017 to 28.07.2017.

- (iii) The details of the consumption pattern of the Appellant's connection for the years 2016 and 2017 are tabulated below:

2016				2017		
Month	Reading Date	Reading	Code	Reading Date	Reading	Code
January	15.01.2016	54010	O	12.01.2017	58596	O
March	19.03.2016	54234	O	11.03.2017	58928	O
May	13.05.2016	55034	O			
July	16.07.2016	56776	O	28.07.2017	63678	O
September	15.09.2016	57696	O	16.09.2017	64432	D
October						
November				11.11.2017	66346	D
December				14.12.2017	66596	D

- (iv) As per meter reading record, the meter showed Ok status upto the reading dated 28.07.2017 on the basis of which, the bill dated 28.07.2017 was issued. After challenge of the working of the meter by the Appellant vide application dated 28.07.2017, the meter showed 'D' code on 16.09.2017 and on 11.11.2017 as per meter reading record. In the meantime, the JE checked the site on 18.09.2017 and found the meter blinking on the load. Subsequently, the disputed meter was replaced by the

Respondent on 15.12.2017 and got checked on 09.03.2018 in ME Lab. which declared the meter dead.

- (v) For overhauling the accounts of the consumer whose meter is found dead/defective, the provisions contained in regulation 21.5.2 (a) of Supply Code-2014 are relevant and the same are reproduced below:

**“21.5.2 Defective (other than inaccurate)/Dead Stop /Burnt/ Stolen Meters**

*The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop subject to maximum period of six months. In case of burnt/stolen meter, where supply has been made direct, the account shall be overhauled for the period of direct supply subject to maximum period of six month. The procedure for overhauling the account of the consumer shall be as under:*

- a) On the basis of energy consumption of corresponding period of previous year.”*

This Court finds that the meter installed at the premises of the Appellant remained defective/dead stop during the period from 29.07.2017 to 14.12.2017 (prior to replacement on 15.12.2017).

Accordingly, the account of the Appellant is required to be overhauled for the period from 29.07.2017 to 14.12.2017 on the basis of consumption of the corresponding period of previous year i.e. from 29.07.2016 to 14.12.2016 when the status of the meter was Ok. Rent agreement submitted with the Appeal has no relevance in overhauling of accounts of the Appellant. This was not ever submitted in the office of the Respondent even otherwise, the Appellant's Representative (tenant of the Appellant) had taken the premises on rent as per agreement dated 05.07.2016 (mentioned in the Appeal) and the consumption for the subsequent period i.e. 29.07.2016 to 14.12.2016 is to be taken into consideration for overhauling the account of the Appellant from 29.07.2017 to 14.12.2017.

- (vi) The DRA issued on 27.09.2017 was effected on 15.12.2017 after more than two & half months. Further, the replaced/challenged meter was tested in ME lab at Jalandhar on 09.03.2018 after more than two & half months. The delay in this regard remained unexplained. The Respondent defaulted in not taking timely remedy to address the concern of the Appellant by not ensuring checking of the challenged meter at site and in ME Lab. within the stipulated time limit. The

Respondent also did not clear the challenge made by the Appellant as per applicable regulations.

The Respondent is directed to ensure that timely compliance of instructions of PSPCL on the subject is made invariably in future.

(vii) From the above analysis, it is concluded that:

(a) The bill dated 28.07.2017 (issued on 'O' code) was erroneously ordered by the Forum to be quashed and revised as the extant Supply Code Regulations do not provide for overhauling the account of a consumer whose meter was having Ok status as per meter reading record. As the order dated 22.01.2021 of the Forum in this regard is not legally sustainable, this Court is inclined to set-aside the same after due consideration. Further, the Court directs the Respondent to charge the Appellant as per actual meter reading record for the period involved (11.03.2017 to 28.07.2017).

(b) The account of the Appellant for the period, the meter remained dead/defective as per meter reading record/ME Lab. report i.e. for the period from 29.07.2017 to 14.12.2017 (prior to replacement of meter on 15.12.2017) is required to be overhauled on the basis of consumption of the corresponding



period of previous year i.e. from 29.07.2016 to 14.12.2016 (when the status of the meter remained Ok) in terms of provisions contained in Regulation 21.5.2 (a) of Supply Code-2014.

## **6. Decision**

As a sequel of above discussions, the order dated 22.01.2021 of the CGRF, Ludhiana in Case No. CGL-338 of 2020 is set-aside. It is held that:

- (i) The Appellant shall be charged for the period from 11.03.2017 to 28.07.2017 on the basis of energy consumption recorded at the time of taking meter readings (with meter showing 'O' code) as per instructions of PSPCL prevalent at that time.
- (ii) The account of the Appellant for the period, the meter remained dead/defective i.e. for the period from 29.07.2017 to 14.12.2017 (prior to replacement of meter on 15.12.2017) shall be overhauled on the basis of consumption of the corresponding period of previous year i.e. from 29.07.2016 to 14.12.2016 (when the status of the meter remained Ok) in terms of provisions contained in Regulation 21.5.2 (a) of Supply Code-2014.

(iii) The Respondent is directed to recalculate the demand and refund/recover the amount found excess/short after adjustment, if any, as per instructions of PSPCL.

(iv) No compensation is payable to the Appellant.

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 22, 2021  
S.A.S. Nagar (Mohali)

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