

**COURT OF THE LOK PAL (OMBUDSMAN),  
ELECTRICITY, PUNJAB,  
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,  
S.A.S. NAGAR (MOHALI).  
(Established under Sub Section 6 of Section 42  
of the Electricity Act, 2003)**

**APPEAL No. 59/2021**

**Date of Registration : 16.08.2021**

**Date of Hearing : 27.08.2021**

**Date of Order : 03.09.2021**

**Before:**

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

**In the Matter of:**

Radhey Soni,  
S.C.F. 7-8, Maa Shimla Homes,  
Part-1, Desumajra, Kharar.  
**Contract Account Number: 3000508421**

...Appellant

Versus

Addl. Superintending Engineer,  
DS Division, PSPCL,  
Kharar.

...Respondent

**Present For:**

Appellant: Er. Daljeet Singh Nagi,  
Appellant's Representative.

Respondent : 1. Er. Amandeep Singh,  
Addl. Superintending Engineer,  
DS Division, PSPCL,  
Kharar.

2. Er. Sawarnjit Singh,  
AE/ DS City S/D No. 1, Kharar.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 27.07.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-155 of 2021, deciding that:

*“The bill of Rs. 3,26,920/- issued in the month of 02/2021 including arrear amount of Rs. 2,83,701/- is recoverable from the petitioner.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 16.08.2021 i.e. within stipulated period of thirty days of receipt of the decision dated 27.07.2021 of the CGRF, Patiala in Case No. CGP-155 of 2021. The Appellant had deposited requisite 40% of the disputed amount. This was confirmed by the Respondent during hearing on 27.08.2021. The Appeal was registered and copy of the same was sent to the Addl. S.E./ DS Division, PSPCL, 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. 1129-31/OEP/A-59/2021 dated 16.08.2021.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 27.08.2021 at 12.30 PM and an intimation to this effect was sent to both the parties vide letter nos.1147-48/OEP/A-59/2021 dated 18.08.2021. As scheduled, the hearing was held and arguments were heard of both parties and order was reserved. Copies of the proceedings were sent to the Appellant as well as the Respondent vide letter nos.1193-94/OEP/A-59/2021 dated 27.08.2021.

### **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's Representative and the Respondent along with material brought on record by both the parties.

#### **(A) Submissions of the Appellant**

##### **(a) Submissions made in the Appeal**

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

- (i) The Appellant was having a Non Residential Supply Category Connection, bearing Account No. 3000508421 with sanctioned

load of 14.92 kW within the jurisdiction of ASE/DS Division, PSPCL, Kharar.

- (ii) The Appellant continued to pay the electricity bills which were being issued to the Appellant by the PSPCL since release of connection without any default at any occasion.
- (iii) The meter of the Appellant was replaced on 14.08.2020 by the Respondent vide RCO No. 100010677155 dated 13.08.2020.
- (iv) The Appellant had requested for rectification of the bill dated 12.12.2020 with the snap photo taken by the Appellant after the installation of the energy meter on 14.08.2020 but no action regarding DDL of the meter was taken by the Respondent. Accordingly, the Appellant had filed a Petition before the Forum at Patiala.
- (v) The Respondent was in the habit of recording exaggerated readings as was evident from the bills raised by it as per detail given below:

Bill Issue Date	Old Reading Date	New Reading Date	Old Reading	New Reading	Consumption
06.09.2020	12.08.2020	06.09.2020	0	19320	1761
18.09.2020	16.01.2020	18.09.2020	0	19320	19320
16.03.2021	15.03.2021	16.03.2021	4710	16388	11678
10.07.2021	12.06.2021	10.07.2021	9081	17492	8411
13.07.2021	28.04.2021	13.07.2021	0	33051	33051

It was evident from the above bills that the readings were not being recorded in a transparent manner in both bills for the month of September as the readings were same.

- (vi) In the bill for the month March, consumption of 11678 units was recorded in just one day which was not possible for the connection of the Appellant . In the bill for the month of July, consumption of 15559 units was indicated for just 3 days, which was again not possible for the connection of the Appellant. But the Forum in its order relied upon only on the consumption pattern recorded.
- (vii) The Respondents should have installed the Energy Meter in the first instance in the presence of the Appellant and acted accordingly.
- (viii) The decision of the Forum was against the natural justice and a swear injustice had been meted out to the Appellant by upholding the bill issued by the Respondent for recovery of the unjustified amount charged for 10185 kWh as correct.
- (ix) The Appellant prayed that his case may be investigated in the interest of justice and decided on its merits by allowing the consumption recorded with initial meter reading as 10185 instead of 000 recorded for billing as per clause 21.5.3 of Electricity Supply Code, 2014 which states that 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 shall however be taken into consideration by the Distribution Licensee.

**(b) Submission during hearing**

During hearing on 27.08.2021, the Appellant's Representative 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 Non- Residential Supply Category connection with sanctioned load of 14.920 kW.
- (ii) The bill of ₹ 3,26,920/- issued in the month of 02/2021 including arrear amount of ₹ 2,83,701/- was recoverable from the Appellant.
- (iii) The Appellant was not making regular payment against the bills issued to him by the Respondent. The amount of ₹ 8,17,173/- was pending against the Appellant on 25.08.2021

and the Appellant had made payment of ₹ 70,000/- on 26.08.2021 as part payment of 20% of ₹ 3,26,920/-. The current outstanding balance was ₹ 7,47,173/- on 26.08.2021.

- (iv) Meter No. 227208 was installed in Appellant's premises in the month of 08/2020 against RCO No. 100010677155. This meter was drawn from ME sub-division on 04.11.2019 and was issued vide ME Register Sr. no. 1033 with initial reading as Zero. The said meter damaged in 01/2021 and new Meter No. 228318 was installed against MCO No. 100012199503 in 01/21. This meter was removed against PDCO and was returned to ME vide Challan No. 210 dated 28.05.2021 with final reading as 29999. Thereafter, Meter No. 5995736 (present one) was got installed at Appellant's premises vide RCO No. 100013357922 in the month of 05/2021.
- (v) The bill issued on 14.12.2020 was with 'N' code. The meter was finally replaced on 'R' code on 19.01.2021 vide MCO No. 1000121985505 dated 12.01.2021 at SAP reading of 49578 units on 'R' code.
- (vi) The bill generated on 18.09.2020 for consumption of 19320 units amounting to ₹ 1,83,862/- was not paid. Similarly, bill generated on 08.10.2020 for consumption of 10960 units amounting to ₹ 2,87,980/- (including arrear of previous bill

generated in the month of 09/2020), was also not paid by the Appellant. Thereafter, bill generated on 03.11.2020 for consumption of 4699 units amounting to ₹ 3,36,370/- which included arrears of previous two bills i.e. ₹ 2,92,293/- was not fully paid and the Appellant had made part payment of ₹ 55,000/- on 12.12.2020.

(vii) The Bill generated on 14.12.2020 for consumption of 3191 units amounting to ₹ 3,19,190/- included arrears of previous bills amounting to ₹ 2,88,863/- and the Appellant had made part payment of ₹ 50,000/- on 30.12.2020. Thereafter bill was generated on 08.01.2021 for consumption of 11091 units amounting to ₹ 3,76,080/- which included arrears of ₹ 2,74,050/-.

(viii) The Appellant was found running excess load than his sanctioned load as per checking reports. Firstly vide LCR No. 43/135 dated 06.04.2021, load was found as 19.460 kW which was a case of UUE . Again vide LCR No. 27/140 dated 14.07.2021, load was found as 60.19 kW which was a case of UUE.

(ix) It was pertinent to mention that use of excess load was contributing to high consumption at the premises of the Appellant.



**(b) Submission during hearing**

During hearing on 27.08.2021, the Respondent reiterated the submissions made in the written reply and prayed for dismissal of the Appeal of the Appellant. The Respondent confirmed that 40% of disputed amount stands deposited by the Appellant in this case.

**5. Analysis and Findings**

The issue requiring adjudication is the legitimacy of electricity bill of ₹ 3,26,920/- ( issued in month of 02/2021) for the period from 07.01.2021 to 08.02.2021 (32 days) for 4817 units including arrear amount of ₹ 2,83,701/- .

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

- (i) The Appellant's Representative (AR) argued that the Appellant was issued inflated bill of ₹ 3,26,920/- for the period from 07.01.2021 to 08.02.2021 for 4817 units for the period of 32 days for 'O' Code and an arrear amount of ₹ 2,83,701/- was also charged in this bill. AR stated that exaggerated readings were being recorded by the Respondent as per detail given in the Appeal. He pleaded that initial reading of the meter installed on 14.08.2020 was 010185 which was shown as zero

in the bills and snap photo of the energy meter taken on 14.08.2020 should be considered while overhauling the account as per Regulation No. 21.5.3 of Supply Code, 2014. The Appellant's Representative had requested for issuance of correct bills by reiterating the submissions made by him in the Appeal.

- (ii) The Respondent stressed that the allegations of the Appellant relating to recording of incorrect readings were baseless. The Appellant had never challenged the working of meter and the bills issued by the Respondent. Two/ Three bills issued to the Appellant with '0' code after replacement of meter on 14.08.2020 were never challenged and snap photo now produced in the Court was not authenticated & is an afterthought. The Respondent argued that Meter No. 227208 was installed in the premises of the Appellant in the month of 08/2020 against RCO No. 100010677155. The said meter was got drawn from ME S/Divn on 04.11.2019 and was issued vide ME Register Sr. No. 1033 with initial reading as Zero. The said meter was declared as damaged in 01/2021 and new Meter No. 228318 was installed against MCO No. 100012199503 in 01/21. This meter was removed against PDCO and was returned to ME vide Challan No. 210 dated 28.05.2021 with final reading as 29999.

Thereafter, Meter No. 5995736 (present one) was got installed at Appellant's premises vide RCO No. 100013357922 in the month of 05/2021.

- (iii) The Appellant had argued that the meter was not installed at initial reading of 000 but was installed at initial reading of 10185 and also stated that he was having photograph of meter showing this reading but it was refuted by the Respondent on the ground that the said photograph was not authenticated & he had never submitted the same to the Respondent at the time when first bill was served to him after replacement of meter on 14.08.2020. The Respondent proved that the meter which was installed at the premises of the Appellant was having initial reading of 000 units on the basis of record. The meter was replaced on 'R' code on 19.01.2021 vide MCO No. 100012195505 dated 12.01.2021 at SAP reading of 49578 units on 'R' Code. The next meter with Sr. No. 228318 was installed on 19.01.2021 and the reading of this meter on 06.04.2021 was 23044 units as per LCR No. 043/135 dated 06.04.2021. Further, meter no. 5995736 was installed on 12.05.2021 against RCO No. 100013357922 dated 07.05.2021 and consumption reported by this meter for the period from 12.05.2021 to 14.07.2021 was 35416 units as per LCR No. 140/027 dated 14.07.2021. As per

the said LCR, the connected load of the Appellant was reported as 60.190 kW and MDI was recorded as 58.274 kVA. The Respondent had also argued that this connection was being used for giving supply to various flats and common facilities like water motor, street lighting etc. of the Society.

- (iv) The Forum in last para of page No. 5 of its order dated 27.07.2021 had observed as under: -

*“Forum observed that the consumption of the petitioner during the various periods as mentioned above is very high and the connection is being used for running huge loads of the order of 60 kW against sanctioned of 14.92 kW. Further, the Petitioner has not challenged the working of various meters installed at his premises and the meters are being replaced on “R” code or against disconnection orders. The consumption recorded by the disputed meter cannot be doubted keeping in view the higher consumption pattern and higher loads being run by the petitioner. The respondent is also required to keep proper check on the unauthorized load of the petitioner and take corrective actions as per Rules and Regulations”.*

- (v) The connection of the Appellant was checked by the Respondent

vide LCR No. 135/043 dated 06.04.2021 and it was reported as under: -

“T[go'es e[B?e;aB u?Ze ehsk, whNo dh LED b'v s/ pfbze eodh gkJh rJh, ygseko tZb'A T[go'es whNo okjHA output s/ sko brk e/ 4 Bzpo cb?NK B{z fpibh fdZsh ik ojh j?. ygseko d/ whNo dh 1 Bzpo cb?N dk b'v u?e ehsk frnk i' 1H740 kW gkfJnk frnk fjU UE dk e/; j?. wfjew/ dhnK jdkfJsK nB[;ko pDdh ekotkjh ehsh ikt/, 5 Bzpo AC ubd/ gkJ/ rJ/.”

- (vi) The Appellant was found indulged in supplying electricity unauthorizedly to the occupiers of other flats and thereby he was using excess load than its sanctioned load. It was also argued by the Respondent that the Appellant had not disclosed the true facts of the case before this Court and as such he was guilty of not disclosing the true facts in this Court.
- (vii) The Appellant had never challenged the meters installed at his premises. In the absence of challenge of the meter, the Appellant cannot dispute the consumption of electricity prior to the period 07.01.2021 to 08.02.2021 (Disputed period). The dispute which was not a part of original petition filed before the Forum cannot be raised in the Appeal before this Court. As such, the bills prior to the period of dispute are not being considered for revision/ modification.

- (viii) From the above analysis, it is concluded that there is no truth in the averments of the Appellant. The disputed bill of ₹ 3,26,920/- issued to the Appellant in the month of 02/2021 for 4817 units which included arrear amount of ₹ 2,83,701/- is fully recoverable from the Appellant. It is observed that the Appellant is in the habit of not making the regular payments of the bills raised by the Respondent. The Appellant was issued bills in the months of 09/2020, 10/2020 and 11/2020 with 'O' Code on the basis of the readings of the meter and the said bills were neither challenged nor the payment of the said bills were made by the Appellant. In this way, the amount of the bills kept on accumulating from time to time and the said amount was being shown in the energy bills issued to the Appellant. The Respondent had failed to take timely action regarding disconnection of supply due to non-payment of electricity dues. This has resulted in huge defaulting amount.
- (ix) Action regarding Unauthorised Use of Electricity (UUE) by the Appellant as reported in Checking Reports dated 06.04.2021 and 14.07.2021 may be taken as per law by the Respondent.
- (x) The Appeal is hereby rejected after due consideration of all the facts of the case and pleadings of both parties.

**6. Decision**

As a sequel of above discussions, the order dated 27.07.2021 of the CGRF, Patiala in Case No. CGP-155 of 2021 is upheld.

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.

September 03, 2021  
S.A.S. Nagar (Mohali)

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