

**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. 70/2021

Date of Registration : 16.09.2021
Date of Hearing : 29.09.2021, 06.10.2021
Date of Order : 06.10.2021

Before:

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

In the Matter of:

Narjeet Kaur,
Professor, Deptt. of Anesthesia,
Christian Medical College & Hospital, Ludhiana.
Contract Account Number: 3002325915 (DS)

...Appellant

Versus

Addl. Superintending Engineer,
DS Aggar Nagar (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Dr. Narjeet Kaur,
Appellant.

Respondent : Er. Rajinder Singh,
Sr. Executive Engineer,
DS Aggar Nagar (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 17.08.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-171 of 2021, deciding that:

“The reading recorded in ME Lab as 4780 KWH is correct .The amount charged added in bill issued on 23.03.2021 as sundry charges is quashed. Total consumption of 4780 KWH from the date of installation of disputed Meter to replacement of Meter i.e., 07.12.2020 be equally divided and account be overhauled as per applicable tariff from time to time”.

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 16.09.2021 i.e. within stipulated period of thirty days of receipt of the decision dated 17.08.2021 of the CGRF, Ludhiana in Case No. CGL-171 of 2021. The Appellant had deposited requisite 40% of the disputed amount (₹ 17,576/-) vide receipt no. 1208820804. Therefore, the Appeal was registered and a copy of the same was sent to the ASE/ DS Aggar Nagar (Spl.) Division, PSPCL, Ludhiana for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 1291-93/OEP/A-70/2021 dated 16.09.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 29.09.2021 at 01.00 PM and an intimation to this effect was sent to both the parties vide letter nos. 1332-33/OEP/A-70/2021 dated 22.09.2021. As scheduled, the hearing was held in this Court. The Appellant was present but none appeared from the Respondent side. The next date of hearing was fixed as 06.10.2021 at 12.30 PM and intimation to both parties was sent vide letter nos. 1392-93/OEP/A-70/2021 dated 30.09.2021. Arguments of both parties were heard on 06.10.2021.

4. Submissions made by the Appellant and the Respondent

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral submissions made by the Appellant and the Respondent alongwith material brought on record by both the parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

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

- (i) The Appellant was having Domestic Supply Category connection bearing Account No. 3002325915 with sanctioned load of 7.94 kW. The connection was in the name of the Appellant-Dr. Narjeet Kaur, who owned flat No. 37AFF located in Sukhdev Avenue in new Raj Guru Nagar, Ludhiana. The Appellant resides in the Hospital Campus and as such, her flat was vacant.
- (ii) The Appellant had received a bill of ₹ 85,000/- in September, 2019. The Appellant had made complaint for the same and the Meter of the Appellant was found faulty & was changed. The charges after that also were little high but she ignored it. Again in September, 2020, the Appellant received a bill of ₹ 9674.32 and the Appellant had lodged a complaint and the bill was corrected but they changed the Meter again.
- (iii) The reason given for changing the meter again, was that the meter which was allotted for consumer's flat was lying with the PSPCL and instead some other meter which was not meant for the flat of the Appellant had been installed. When the removed meter was checked, the Appellant was given a bill of ₹ 44,758/- out of which ₹ 44,575/- was under sundry column. The Appellant failed to understand how these charges were levied when her flat was vacant.

- (iv) The Appellant had filed Petition in the Forum on 31st March, 2021 and a hearing was fixed by the Forum for 12th of August, 2021. After the proceedings, from the conversations of the Chairperson with its staff to make changes in the charges, the decision was in my favour. However, it was quite shocking when the Appellant received the written verdict of the hearing on 07.09.2021, which was against the Appellant. Therefore, the present Appeal had been filed in this Court.
- (v) The Appellant had prayed to review the matter and the Appellant had stated that she being from an essential services Department would not be able to appear in person for submission of the case and requested to allow her to collect the documents submitted in response to her Appeal from the local office of the Respondent. The Appellant would be highly obliged if this Court can inform her by e-mail when the documents were sent.

(b) Submission during hearing

During hearing on 29.09.2021 and 06.10.2021, the Appellant reiterated the submissions made in the Appeal and prayed to allow the same.

(A) 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 Domestic Supply Category connection bearing Account No. 3002325915 with sanctioned load of 7.94 kW.
- (ii) The meter of the Appellant was changed vide MCO No. 100011718569 dated 27.11.2020 effected on 07.12.2020 due to meter being defective. The meter of the Appellant was checked in the ME Lab vide Challan no. 1118 dated 16.12.2020. As per ME Lab report, the final reading of the meter was recorded to be 4780 kWh whereas billing was done upto 9 kWh and difference of reading of 4771 kWh units was ascertained from the ME Challan. The Appellant was charged amount of ₹ 42,575/- vide Notice No. 11881 dated 01.01.2021.
- (iii) The Appellant had not agreed with this amount and she had filed a case in the Forum. The Forum observed that the billed consumption of 9 kWh in 12 months was not feasible with a sanctioned load of 7.94 kW and the reading reported in ME Lab was correct. The case was decided as under:

“The reading recorded in ME Lab as 4780 kWh is correct. The amount charged added in bill issued on 23.03.2021 as sundry charges is quashed. Total consumption of 4780 kWh from the date of installation of disputed Meter to replacement of Meter i.e., 07.12.2020 be equally divided and account be overhauled as per applicable tariff from time to time.”

- (iv) The decision of the Forum was implemented vide Memo No. 19892 dated 04.09.2021 and the admissible relief of ₹ 6,474/- was given to consumer. The Forum had rightly upheld the reading reported in ME Lab as the consumption of 9 kWh in 12 months was not justified. The amount charged was recoverable.
- (v) The Appellant had deposited 40% of disputed amount i.e. ₹ 17,576/- vide receipt no. 1208820804 dated 19.09.2021.
- (vi) The Respondent in response to query raised by this Court vide Memo No. 1350/OEP/A-70/2021 dated 24.09.2021 to the effect whether the meter was packed, sealed and signed as per the Regulations at the time of affecting of MCO No. 100011718569 dated 27.11.2020, had informed vide Memo No. 6364 dated 27.09.2021 that the meter of the Appellant was not packed, sealed and signed at the time of affecting the MCO dated 27.11.2020 as only those meters are packed and sealed where theft of energy was suspected (Instruction No. 54.6.2 of ESIM) which was not the case of this meter. The checked meter

was in possession of the Respondent and was not packed/sealed.

(b) Submission during hearing

During hearing on 29.09.2021, the Respondent was not present.

During hearing on 06.10.2021, the Respondent reiterated the submissions made in the written reply and prayed to dismiss the Appeal.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of amount charged to the Appellant as per decision dated 17.08.2021 of the Forum in Case No. CGL 171 of 2021.

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

- (i) The Appellant argued that the connection was in the name of Dr. Narjeet Kaur (Appellant), who owned the flat but she resides in the Hospital Campus and as such, her flat was lying vacant since a long time. She had received a bill of ₹ 85,000/- in September, 2019. The Appellant had complained in respect of the same and the Meter of the Appellant was found faulty and thus was changed. The charges after that also were little high but she ignored it. Again in September, 2020; the

Appellant received a bill of ₹ 9674.32 and the Appellant had lodged a complaint and the bill was corrected, but the Respondent changed the Meter again.

- (ii) The reason given for changing the meter again, was that the meter which was allotted to Appellant's flat was lying with the PSPCL and instead some other meter which was not meant for the flat of the Appellant had been installed. When the removed meter was checked, the Appellant was given a bill of ₹ 44,758/- out of which ₹ 44,575/- was under sundry column. The Appellant failed to understand how these charges were levied, when her flat was vacant.
- (iii) The Appellant had filed a Petition in the Forum but the decision of the Forum dated 17.08.2021 was quite shocking. Thus, the Appellant had filed the present Appeal in this Court. The Appellant had prayed to review the matter.
- (iv) The Respondent pleaded that the meter of the Appellant was changed vide MCO No. 100011718569 dated 27.11.2020 effected on 07.12.2020 due to it being defective and it was checked in the ME Lab vide Challan No. 1118 dated 16.12.2020. As per ME Lab report, the final reading of the meter was recorded to be 4780 kWh whereas billing was done upto 9 kWh and difference of reading of 4771 kWh units was

ascertained from the ME Challan. Accordingly, the Appellant was charged amount of ₹ 42,575/- vide Notice No. 11881 dated 01.01.2021.

- (v) The Forum had also observed that the billed consumption of 9 kWh in 12 months was not feasible with a sanctioned load of 7.94 kW and the reading reported in ME Lab was correct. The decision of the Forum was implemented by the Respondent vide Memo No. 19892 dated 04.09.2021 and the admissible relief of ₹ 6,474/- was given to consumer. The Forum had rightly upheld the reading reported in ME Lab as the consumption of 9 kWh in 12 months was not justified. The amount charged was recoverable.
- (vi) The Respondent argued that the meter of the Appellant was not packed, sealed and signed at the time of affecting the MCO dated 27.11.2020 as only those meters were packed and sealed where theft of energy was suspected as per Instruction No. 54.6.2 of ESIM and it was not a case of disputed meter. The relevant instruction is reproduced below: -

“All the meters removed against MCO shall be first checked by concerned JE/AAE and only such meters shall be packed in cardboard box where theft of energy is suspected. Cardboard boxes shall be sealed and duly signed by concerned JE/AAE and the consumer / representative of the

consumer. Testing of such meters shall be done in the presence of the consumer or his representative. In case the consumer refuses to sign the meter test results / report, such meter shall be kept sealed in the DS Sub-Division till final disposal of the case. In case of meters where theft of energy is not suspected by JE and the meter is sent to ME Lab without packing and theft of energy is detected later on pertaining to such meter then, concerned JE shall be held responsible for the lapse in detecting the theft”.

- (vii) The Respondent agreed that this was not a case of accumulation of readings by the Meter Readers.
- (viii) MCO No. 100011718569 dated 27.11.2020 effected on 07.12.2020 have signatures of the Consumer's representative. The final reading recorded on the MCO is 2 kWh. Meter was not kept in the box duly sealed at the time of its removal from the site. The Respondent failed to explain how the final reading of 4780 kWh was recorded on the Challan No. 1118 dated 16.12.2020 whereas final reading of 2 kWh was written on MCO dated 27.11.2020. The meter in dispute is still lying in open condition although it should have been kept in a box duly sealed so as to preserve the main evidence in this case.
- (ix) The decision of the Forum is not based on any regulations/ instructions of the Distribution Licensee. The Respondent

agreed during hearing on 06.10.2021 that the case should be decided strictly as per regulations by treating the meter as defective. It would be just and fair to overhaul the account of the Appellant for a period of six months prior to replacement of the disputed meter on 07.12.2020 as per Regulation 21.5.2 (d) & (e) of Supply Code, 2014.

- (x) There is no weightage in the arguments of the Respondent for charging the Appellant for 4780 kWh as per report of ME lab. The Respondent had failed to explain how the reading of 4780 kWh was entered in Challan No. 1118 dated 16.12.2020 whereas final reading recorded on MCO was 2 kWh. This Court is of the view that it is a case of overhauling of the accounts after change of the defective meter instead of charging the Appellant for 4780 kWh units as per report of the ME Lab. Therefore, such type of case is required to be dealt under Regulation No. 21.5.2 of Supply Code-2014, which is reproduced hereunder:

“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.

b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.

c) If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.

d) Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para -4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.

e) The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts.”

- (xi) In view of the above, this court is not inclined to agree with the decision dated 17.08.2021 of the Forum in case no. CGL-171 of 2021. The account of the Appellant should be overhauled for six months prior to replacement of the disputed meter on 07.12.2020 as per Regulation No. 21.5.2 (d) & (e) of Supply Code, 2014. The meter was defective as mentioned on Challan No. 1118 dated 16.12.2020. Both parties agreed to this decision.

6. Decision

As a sequel of above discussions, it is decided as under: -

- a) The order dated 17.08.2021 of the Forum in Case No. CGP-171 of 2021 is set aside.
 - b) The account of the Appellant shall be overhauled for six months prior to replacement of disputed meter on 07.12.2020 as per Regulation 21.5.2 (d) & (e) of Supply Code, 2014.
 - c) Accordingly, the Respondent is directed to refund/ recover the amount found excess/ short after adjustment, if any, with surcharge/ interest as per instructions of PSPCL.
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.

October 06, 2021
S.A.S. Nagar (Mohali)

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

