

**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. 72/2021**

**Date of Registration : 20.09.2021**

**Date of Hearing : 06.10.2021**

**Date of Order : 11.10.2021**

**Before:**

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

**In the Matter of:**

M/s. Bhanvi Agro Food,  
Village Noorpur Bet, Ludhiana.

**Contract Account Number: U12HB0100086 (LS)**  
...Appellant

Versus

Additional Superintending Engineer,  
DS Adda Dakha Division,  
PSPCL, Ludhiana.

...Respondent

**Present For:**

Appellant: Sh. Parvesh Chadha,  
Appellant's Representative.

Respondent : Er. Dharam Pal,  
Addl. Superintending Engineer,  
DS Adda Dakha Division,  
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 12.07.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-031 of 2021, deciding that:

*“i. The Consumption recorded by the meter installed at the time of release of connection to date of MCO (24.12.2019) is correct. So, this period needs no overhauling.*

*ii. The disputed bill period from 21.08.2020 to the date of replacement of meter (08.12.2020) may be overhauled with future consumption recorded immediately after replacement of meter upto 17.04.2021 (being rice sheller, seasonal industry).”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 20.09.2021 i.e. beyond the period of thirty days of receipt of copy of the decision dated 12.07.2021 of the CGRF, Ludhiana in Case No. CGL-031 of 2021 by the Appellant. The Appellant had deposited the requisite 40% of the disputed amount vide Receipt No.153869455 of ₹ 99,000/- dated 14.01.2021, Receipt No.153869553 of ₹ 99,000/- dated 14.01.2021, Receipt No.153869639 of ₹ 52,000/- dated 14.01.2021 and Receipt No.165232173 of ₹ 2,84,660/- dated 13.09.2021 and thus the

Appellant had deposited ₹ 5,34,660/- being 40% of the disputed amount of ₹ 13,37,900/-. Therefore, the Appeal was registered on 20.09.2021 and copy of the same was sent to the Addl. SE/ DS Adda Dakha 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. 1313-15/OEP/A-72/2021 dated 20.09.2021.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 06.10.2021 at 01.30 PM and an intimation to this effect was sent to both the parties vide letter nos.1390-91/OEP/A-72/2021 dated 30.09.2021. As scheduled, the hearing was held in this Court. Arguments were heard of both parties and order was reserved. Copies of the proceedings were sent to the Appellant and the Respondent vide letter nos. 1425-26/OEP/A-72/2021 dated 06.10.2021.

### **4. Condonation of Delay**

At the start of hearing on 06.10.2021, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant in its application for condoning of delay, filed alongwith the Appeal, had stated that order dated 12.07.2021 sent to the Appellant by the Forum was received on 27.07.2021.

The Appeal was filed in this Court on 20.09.2021 i.e. after more than 30 days of receipt of the said order. Further, the Appellant had suffered financial losses and had been making arrangement to deposit the requisite amount to complete 40% of the disputed amount to fulfill the condition for filing of Appeal. Therefore, the delay in filing the Appeal may be condoned. I find that the Respondent did not object to the condoning of the delay in filing the 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.”*

This Court observes that non condonation of 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 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 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 Large Supply Category Connection, bearing Account No. U12HB0100086 with sanctioned load of 150 kW and CD as 150 kVA under DS Adda Dakha Division, PSPCL, Ludhiana in the name of M/s. Bhanvi Agro Foods with supply as HT.
- (ii) The Appellant got this Rice Mill connection on 19.10.2019, vide SCO No. 11/1046 dated 19.10.2019. The first bill was issued on 21.11.2019 for ₹ 2,18,930/- against the consumption

of 3007 kWh, 29380 kVAh, MDI as 91.2 kVA. The billing period was 19.10.2019 to 19.11.2019 and Power Factor was 0.11.

(iii) The next month bill was issued on 24.12.2019 for ₹ 2,16,914/- for the period 19.11.2019 to 18.12.2019 for consumption of 3950 kWh, 31480 kVAh, MDI 94.3 kVA and Power Factor as 0.11.

(iv) Due to both abnormal bills as compared to milling, the meter was challenged by depositing fee ₹ 2,400/- vide receipt no. 156/51973 dated 24.12.2019, which was checked by Enforcement, Ludhiana vide ECR No. 27/3388 dated 24.12.2019 and meter was removed against Job Order No. 27/46925 dated 24.12.2019 effected on 24.12.2019. The same was sent to ME Lab vide Challan No. 39 dated 25.02.2021 where it was tested and declared Okay. Accuracy of the meter was found within limit, DDL was taken on MRI, the FR (Final reading) was 3849 kWh, 34049 kVAh.

(v) That the new meter was recording correct consumption till 21.08.2020 but bill issued on 24.09.2020 was again on higher side for the consumption of 45492 kVAh, 45414 kWh against MDI 2.256 kVA which was not correct and on 23.10.2020 bill was also of higher consumption of 88574 kVAh, 88432 kWh

with MDI 71.27 kVA. The meter was again challenged by depositing fee and changed vide MCO No.195/2019 dated 23.11.2020 effected on 08.12.2020 before this site was checked vide ECR No. 8/3267 dated 23.10.2020. The meter was checked in ME Lab vide Challan No. 44 dated 14.12.2020. The FR was recorded as 155635 kWh, 157527 kVAh.

- (vi) The Appellant filed the case before CGRF by depositing ₹ 2,50,000/- of these two meters as under:-
- a) Bill dated 21.11.2019 for ₹ 218390/-.
  - b) Bill dated 24.12.2019 for ₹ 216914/-.
  - c) Bill dated 24.09.2020 for ₹ 301140/-.
  - d) Bill dated 23.11.2020 for ₹ 600910/-.
  - e) Total disputed amount = ₹ 1337900/-.
- (vii) That the Forum had decided to recover the bills mentioned at (a) & (b) and given relief in respect of bills (c) & (d). The Appellant had accepted partly the decision of bills (c) & (d) received vide memo no. 932 dated 25.08.2021 but not of bills at (a) & (b).
- (viii) The decision of the Forum regarding consumption recorded by the meter installed at the time of release of connection to date of MCO (24.12.2019) was not correct and not admitted because

the meter was not recording proper readings and work of Shelling was just started.

- (ix) At the start of shelling, it was not on full swing of paddy shelling which was evident from the record of PUNGRAIN. The detail of PUNGRAIN was submitted during proceeding in the Forum but was ignored. The detail supplied was on the Govt. Record and available on the Website of PUNGRAIN. A reference was quoted in the discussion dated 26.04.2021 in Appeal No. 23 of 2019 which was decided on 09.07.2019 by the Hon'ble Court by verifying the fact of PUNGRAIN of custom milling but the Forum had ignored. The observation of the Respondent was that Appellant had not provided documents as mentioned in the decision dated 12.07.2021 at page 11 Para (A) & (B) as under:-

“(A) The petitioner has stated that the work of the consumer at the start level was low but the same had not been supported by documentary proof.

(B) The period mentioned from 23.10.2019 belongs to seasonal period of Rice Sheller Industry so the plea of the consumer for shortage of raw material was not correct as the consumer has failed to provide documentary proof of the same and consumer



has also never provided any application for the same that his Sheller is not running smoothly.”

- (x) The Forum had not considered the documents provided by Govt. Agency PUNGRAIN. The Appellant started the new work of rice shelling and was not aware about to inform the PSPCL about not smooth running of Sheller. The plea taken for decision was not correct and not admitted.
- (xi) The consumption of meter on kWh side was actual use of electricity and PSPCL was claiming that the consumption of the kVAh side was correct whereas it was on higher side due to internal defect/ fault in meter. The PF as worked out 0.11 was much less than 0.90 as per checking by Enforcement (on challenging the meter) in ECR No.27/3388 dated 24.12.2019, working of the meter not mentioned and parameters recorded in which PF 0.058 was shown. It meant that on that day PF was 0.058 but reason of Low PF was not investigated. It was their duty to check each and every fact but it failed to detect the fault.
- (xii) The meter was defective and there might be some internal fault which was not noticed by Enforcement as well as by ME Lab. The Meter be got retested from the Manufacturer. The Appellant was ready to bear the expenses for this purpose.

(xiii) It was further added that the second meter, which was also challenged by the Appellant, was also declared in ME Lab as Accuracy of the meter was within limit and declared as Okay. But there was Magnetic temper as per temper report. As per Para 5 sub Para 2 of page 20, that the Manufacturer declared that the meter had misbehaved due to component failure in magnetic sensor, this showed the meter was defective. So, this challenged meter (24.10.2019) might be faulty and recorded PF=0.58 which was not possible as the shunt capacitors were fully healthy? But nobody had checked. The fact was very much clear when the new meter was installed and the PF was correct as under:-

CT RAITO	10.00/05	METER RAITO	5.00/05	MF	2
MCO/READING DT.	kWh		kVAh		PF
	IR	Consumption	IR	Consumption	
24-12-2019	163		214		0.762
18-01-2020	8168	16010	9321	18214	0.879
17-02-2020	28605	40874	29855	41068	1.00
16-03-2020	42306	27402	43625	27540	0.99

So the plea of the Forum was wrong that the consumption of kVAh meter was high due to very low PF (as per page 20 in first Para) and not admitted. Actually, the high consumption was due to meter's internal fault, which was not investigated by ME Lab, ASE/ Enf. cum MMTS and ASE/ DS before deciding the matter.

(xiv) The Respondent had not complied with their own instructions of ESIM No. 104.7.2 for non checking/ locate the reason of difference of high consumption kVAh as compared to kWh from the very first bill. Hon'ble Court had made it mandatory vide order dated 15.03.2018 both are as under: -

(a) The reason of high consumption of kVAh meter as compared to kWh consumption was to be checked/ investigated as per ESIM No. 104.7.2 and had it was done before debiting the amount, the copy of that variation register or any SJO be provided.

(b) **Electricity, Punjab, has in its Order dated 15.03.2018 issued the following directions: -**

*"All the ASEs/ Sr. XENs to keep a vigil on the variations in the energy consumption recorded and available in SAP in respect of all categories of consumers within their respective jurisdiction, analyze the cases of abnormal decrease in consumption of current vis-a-vis previous month(s) and take immediate corrective action, wherever required, with a view to protect the interests of both the Utility and the Consumers."*

(xv) The decision on second issue was admitted as adjustment had been made of ₹ 2,57,729/- and notice to this effect was received vide memo no. 932 dated 25.08.2021 on 28.08.2021.

- (xvi) The deficiency was on the part of the Respondent and the Appellant was suffering as per the decision of the Forum. The meter be got tested/data from manufacturer.
- (xvii) It was prayed that the period of challenge of meter from 19.10.2019 to 24.12.2019 be charged on the basis of milling done/ recorded in PUNGRAIN record. There was no consumption of last year or by taking the consumption of kWh meter by applying factor of 0.90 to work out kVAh consumption for billing for the period 19.10.2019 to 24.12.2019.
- (xviii) The interest & surcharge levied as ₹ 2,28,860/- in the notice no. 932 dated 25.08.2021 was not correct and needs to be reviewed. No detailed calculation was provided even on demand. The notice was received on 28.08.2021 and as per notice 15 days were given to file the Appeal whereas it should have been 30 days.

**(b) Additional Submission of the Appellant**

The Appellant had made the following additional submissions vide application dated 29.09.2021:

- (i) It was seasonal period when the Sheller started. From 19.10.2019 to 24.12.2019, the shelling was not on full swing and meter recorded MDI as 91.2 kVA to 94.3 kVA with



consumption of kWh 3002, 3580 & kVAh 29380, 31480 respectively (meter defective). The challenged meter was tested and accuracy was found within limit. But it was not correct and the meter was defective due to internal mechanism and recorded high consumption of kVAh side against kWh consumption and PF was low. The ME Lab could not detect the fault. The consumption of kWh was correct as per low billing. The meter be got retested from Manufacturer.

- (ii) The Forum had decided the 2<sup>nd</sup> issue that non seasonal period in 08/2020 to 09/2020 was wrong. The Forum had decided this period be overhauled on the base of future consumption recorded immediately after replacement of meter upto 17.04.2021. It was submitted that the base taken was relating to Seasonal Period and the average chargeable period was of Non Seasonal Period. There was no relevancy because there was small consumption during the Non Seasonal Period. The decision was not correct and needs to be amended.

**(c) Submission of the Appellant made in the Rejoinder**

The Appellant had made the following submissions in the rejoinder and rejoinder to written reply to Supplementary Appeal on 04.10.2021:

- (i) The Appellant in its rejoinder had denied the contents of the written reply except admissions made by the Respondent and reiterated the contents made by it in the Appeal.
- (ii) The Appellant alleged that the meter was not recording proper reading and reason of difference between kWh and kVAh consumption was not investigated and the Forum decided the case on the basis of checking and ME Lab report. The detail of PUNGRAIN record was also submitted by the Appellant but the Forum ignored the same.
- (iii) The challenged meter recorded consumption on kWh side was actual use of electricity. The Respondent was claiming that consumption of kVAh side was correct whereas it was on higher side due to defect in meter internal fault. The PF as worked out 0.11 was much less than 0.90.
- (iv) The Challenged meter might be faulty and recorded PF 0.058 which was not possible as the shunt capacitors were fully healthy. The fact was very much clear when the new meter was installed and the PF was correct as per data submitted and as such, the Forum was wrong that the consumption of kVAh meter was high due to very low PF. Actually, the high consumption was due to meter's internal fault and Respondent had not replied to this effect.

- (v) The Forum decided the Petition of the Appellant on the basis of report of ME Lab as the accuracy of the meter was within prescribed limit but it was wrong as the meter was defective. There might be chance of some internal fault which was not noticed in Enforcement checking and ME Lab.
- (vi) The Respondent had failed to investigate the reason behind the abnormal consumption between kWh and kVAh. The respondent had not investigated the reasons as per ESIM-2018 instruction 104.7 (Variation in Consumption) even on challenged meter. The meter was defective due to internal mechanism and recorded high consumption of kVAh side against kWh consumption, which caused low PF. The consumption of kWh was correct as per low milling. There is need to get the Meter retested from Manufacturer in the interest of justice.

**(d) Submission during hearing**

During hearing on 06.10.2021, the Appellant reiterated the submissions already made in the Appeal, Supplementary ground of Appeal as well as in the rejoinder.

**(B) Submissions of the Respondent****(a) Submissions in written reply**

The Respondent submitted the following written reply to the Appeal for consideration of this Court:

- (i) The Appellant was having a Large Supply Category Connection, bearing Account No. U12HB0100086 with sanctioned load of 150 kW and CD as 150 kVA under DS Adda Dakha Division, PSPCL, Ludhiana. The Appellant had challenged its meter by depositing challenge fee of ₹ 2,400/- vide BA-16 receipt no. 156/51973 dated 24.12.2019. The connection of the Appellant was checked by Addl. SE/ Enforcement-3 for DDL purpose vide ECR No. 27/3388 dated 24.12.2019. As per checking Report, it was reported that the PF on the meter was very low so the meter was packed, sealed & sent to ME Lab. for checking of accuracy. The Meter was replaced vide MCO No. 27/46295 dated 24.12.2019. The Meter was got checked at ME Lab, Ludhiana vide Challan No. 39 dated 25.02.2020 where the accuracy of the meter was found within limits.
- (ii) The Appellant had again challenged its meter by depositing challenge fee of ₹ 2,950/- vide BA-16 receipt no. 312/52569 dated 20.10.2020. The connection of the Appellant was



checked by Addl. SE/ Enforcement-4 vide ECR No. 8/3267 dated 23.10.2020. As per checking report, it was reported to replace the meter & got it checked from ME Lab., Ludhiana. The Meter was replaced vide MCO No. 195/2019 on 08.12.2020. The Meter was got checked at ME Lab., Ludhiana vide Challan No. 44 dated 14.12.2020 where the accuracy of the meter was found within limits on Dial Test on kVAh Mode. The DDLs were taken during both checkings. During the proceedings, the Forum observed Magnetic tamper in the meter from period 29.08.2020 to 20.10.2020 & as such ordered the meter & DDL be sent to Manufacturer to get proper analysis of tampering data done. The Meter was sent to Manufacturer M/s. L&T Electrical, Mysore on 15.03.2021 to check the accuracy of meter & they have replied by email stating "Analysis has been done on the meter having serial no. 19364032 and found component failure in Magnetic Sensor, due to this meter misbehaved." The Forum after careful consideration of facts of the case decided that the consumption recoded by the first meter was correct. Secondly, the disputed bill period from 21.08.2020 to the date of replacement of meter (08.12.2020) may be overhauled with future consumption recorded immediately after replacement of meter upto 17.04.2021.

Notice No. 932 dated 25.08.2021 was issued to the Appellant as per decision of CGRF, Ludhiana giving partial relief of ₹ 2,94,685/- to the Appellant & directing him to deposit the balance amount of ₹ 9,15,575/- corrected to 10,15,575/-. The Appellant was not satisfied with the decision of Forum and approached this Court for disposal of its case. The Appellant had deposited 40% of the disputed amount in parts.

- (iii) It was clearly stated in the decision of the Forum that the consumption recorded by the meter at the time of release of connection was correct. The decision was based on the facts presented by both Appellant and Respondent. The meter was got checked from ME Lab., Ludhiana vide Challan No. 39 dated 25.02.2020 where the accuracy of the meter was found within limits. The speaking order passed by ASE/ Enforcement cum MMTS-3 was attached which clearly stated that the working of the meter was correct & within limits.
- (iv) The period from 23.10.2019 belonged to seasonal period for Rice Sheller Industry. The normal seasonal period ranges from October to May of every year as also approved by Regulatory Commission in Tariff Orders approved by it. Moreover, the consumption recorded in 2019 was similar to the tune of consumption recorded in 2020. The Appellant had not provided

enough proof to the Forum from which it can be evident that the proper work of shelling didn't commence until January, 2020.

- (v) Although, the Appellant had started a new connection of rice shelling, yet the Appellant failed to take any action when the first bill was issued to it in the month of November or inform the Respondent regarding discrepancies in the bill or consumption recorded by the meter. It was only when the connection was about to be disconnected due to non deposit of the bill, the Appellant decided to challenge the meter so as to avoid disconnection of meter.
- (vi) The documentary proofs and DDL were already provided in the Forum which clearly showed that accuracy of the meter was within the limits. It was also admitted that the Power Factor of the meter installed on 19.10.2019 was very low as compared to the Power Factor recorded by subsequent meter installed after the said meter. So, it could be possible that there were chances of some internal fault in the working of meter. But as per decision of the Forum, the accuracy of meter was within limits and needed no overhauling.
- (vii) There was no discrepancy observed in the accuracy of meter as was clear from the ME Lab Challan no. 39 dated 25.02.2020.

- (viii) It was a new connection of the Appellant. It was not possible for Respondent to analyze any energy variation for the first billing of the Appellant. Moreover, the consumption recorded in the meter was same in consonance with the consumption of other Rice Sheller running in the area and also was same recorded in 2020 also. So, there was no deficiency in the service provided by Respondent.
- (ix) There was no deficiency on the part of the Respondent as the Respondent had already got the second meter tested from the Manufacturer and the result was already provided before the Forum.
- (x) The Appellant had never demanded the calculation and was only taking plea to just diverge from the fact that the Appellant had not provided any solid fact to support his case.

**(b) Additional submissions made by the Respondent:**

In addition to the written reply to the Appeal, the Respondent submitted following reply to supplementary submissions of the Appellant as under:

- (i) The meter installed at the time of release of connection was replaced vide MCO No. 27/46295 dated 24.12.2019. The meter of the Appellant was got checked at ME Lab., Ludhiana vide



Challan No. 39 dated 25.02.2020 where the accuracy of the meter was found within limits. Although the period pertains to seasonal period for rice Sheller Industry, it was also admitted that the Power Factor of the meter installed on 19.10.2019 was very low as compared to the Power Factor recorded by subsequent meter installed after the said meter. So, it could be possible that there are chances of some internal fault in the working of meter.

- (ii) The base taken by the Forum for overhauling of account of the Appellant belonged to seasonal period whereas the disputed period from 21.08.2020 to 30.09.2020 belonged to off season period so overhauling of this off season period with the consumption of seasonal period was not correct & needed to be rectified.
- (c) **Submission during hearing**

During hearing on 06.10.2021, the Respondent reiterated the submissions made in its written reply as well as reply to additional submissions made by the Appellant and requested to dismiss the Appeal.

## 6. Analysis and Findings

The issue requiring adjudication is the legitimacy of bills for the period from 19.10.2019 to 24.12.2019 and 21.08.2020 to 08.12.220 (till the replacement of meter)

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

- (i) The Appellant's Representative argued that it was having a Large Supply Category Connection, bearing Account No. U12HB0100086 with sanctioned load of 150 kW and CD as 150 kVA. The Appellant had got this connection on 19.10.2019, vide SCO No. 11/1046 dated 19.10.2019. The first bill was issued on 21.11.2019 for ₹ 2,18,930/- against the consumption of 3007 kWh, 29380 kVAh, MDI as 91.2 kVA. The billing period was 19.10.2019 to 19.11.2019 and Power Factor was 0.11. The next month bill was issued on 24.12.2019 for ₹ 2,16,914/- for the period 19.11.2019 to 18.12.2019 for consumption of 3950 kWh, 31480 kVAh, MDI 94.3kVA and Power Factor as 0.11.
- (ii) That due to both abnormal bills as compared to milling, the meter was challenged by depositing fee ₹ 2,400/- vide receipt no. 156/51973 dated 24.12.2019, which was checked by

Enforcement, Ludhiana vide ECR No. 27/3388 dated 24.12.2019 and meter was removed against Job Order No. 27/46925 dated 24.12.2019 effected on 24.12.2019. The same was sent to ME Lab vide Challan No. 39 dated 25.02.2021 where it was tested and declared Okay. Accuracy of the meter was found within limit, DDL was taken on MRI, the FR (Final reading) was 3849 kWh, 34049 kVAh.

(iii) That the new meter was recording correct consumption till 21.08.2020 but bill issued on 24.09.2020 was again on higher side for the consumption of 45492 kVAh, 45414 kWh against MDI-2.256 kVA which was not correct and on 23.10.2020 bill was also of higher consumption of 88574 kVAh, 88432 kWh with MDI 71.27 kVA. The meter was again challenged by depositing fee and changed vide MCO No.195/2019 dated 23.11.2020 effected on 08.12.2020 before this site was checked vide ECR No. 8/3267 dated 23.10.2020. The meter was checked in ME Lab vide Challan No.44 dated 14.12.2020. The FR was recorded as 155635 kWh, 157527 kVAh.

(iv) The decision of the Forum regarding consumption recorded by the meter installed at the time of release of connection to date of MCO (24.12.2019) was not correct and not admitted because

the meter was not recording proper readings and work of Shelling was just started.

- (v) At the start of shelling, the milling was not in full swing, which was evident from the record of PUNGRAIN. The detail of record of PUNGRAIN was submitted during proceedings in the Forum but was ignored.
- (vi) The Forum had not considered the documents provided by Govt. Agency PUNGRAIN. The Appellant started the new work of rice shelling and was not aware to inform PSPCL about not smooth running of Sheller. The plea taken for decision was not correct and not admitted.
- (vii) The consumption of meter on kWh side was actual use of electricity and PSPCL was claiming that the consumption of the kVAh side was correct whereas it was on higher side due to defect in meter's internal fault. The PF as worked out 0.11 was much less than 0.90 as per checking by Enforcement (on challenging the meter) in ECR No.27/3388 dated 24.12.2019, working of the meter was not mentioned and parameters were recorded in which PF 0.058 was shown. It meant that on that day PF was 0.058 but reason of Low PF was not investigated. It was their duty to check each and every fact but it failed to detect the fault.



- (viii) The meter was defective and there might be some internal fault which was not noticed by Enforcement as well as by ME Lab. The Meter be got retested from the Manufacturer. The Appellant was ready to bear the expenses for this purpose.
- (ix) It was further argued that the second meter, which was also challenged by the Appellant, was also declared in ME Lab as Accuracy of the meter was within limit and declared as Okay. But there was Magnetic temper as per temper report. The Manufacturer declared that the meter had misbehaved due to component failure in magnetic sensor, this showed the meter was defective. So, this challenged meter (24.10.2019) might be faulty and recorded PF=0.58 which was not possible as the shunt capacitors were fully healthy. But nobody had checked.
- (x) So, the plea of the Forum was wrong that the consumption of kVAh meter was high due to very low PF and not admitted. Actually, the high consumption was due to meter's internal fault, which was not investigated by ME Lab, ASE/ Enf. Cum MMTS and ASE/ DS before deciding the matter.
- (xi) The Respondents had not complied with their own instructions of ESIM No.104.7.2 for non checking/ to locate the reason of difference of high consumption kVAh as compared to kWh from the very first bill.

- (xii) The decision on second issue was admitted as adjustment had been made of ₹ 2,57,729/- and notice to this effect was received vide memo no. 932 dated 25.08.2021 on 28.08.2021.
- (xiii) The deficiency was on the part of the Respondent and the Appellant was suffering as per the decision of the Forum. The meter be got tested from manufacturer.
- (xiv) The interest & surcharge levied as ₹ 2,28,860/- in the notice no.932 dated 25.08.2021 was not correct and needed to be reviewed. No detailed calculation was provided even on demand.
- (xv) The period of challenge of meter from 19.10.2019 to 24.12.2019 be charged on the basis of milling done as per record of PUNGRAIN or by taking the consumption of kWh meter by applying factor of 0.90 to work out kVAh consumption for billing for the period 19.10.2019 to 24.12.2019.
- (xvi) It was seasonal period when the Sheller started. From 19.10.2019 to 24.12.2019, the shelling was not on full swing and meter recorded MDI as 91.2 kVA to 94.3 kVA with consumption of kWh 3002, 3580 & kVAh 29380, 31480 respectively (meter defective). The challenged meter was tested and accuracy was found within limit. But it was not correct and

the meter was defective due to internal mechanism and recorded high consumption of kVAh side against kWh consumption and PF was low. The ME Lab could not detect the fault. The consumption of kWh was correct as per low milling. The meter be got retested from Manufacturer.

(xvii) The Forum had decided the 2<sup>nd</sup> issue that non seasonal period in 8/2020 to 9/2020 was wrong. The Forum had decided this period be overhauled on the basis of future consumption recorded immediately after replacement of meter upto 17.04.2021. It was submitted that the base taken was relating to Seasonal Period and the average chargeable period was of Non-Seasonal Period. There was no relevancy because there was small consumption during the Non-Seasonal Period. The decision was not correct and needs to be amended.

(xviii) The Respondent vehemently denied the pleas raised by the Appellant in its Appeal and argued that the Appellant was having a Large Supply Category Connection with sanctioned load of 150 kW and CD as 150 kVA. The Appellant had challenged its meter by depositing challenge fee of ₹ 2,400/- vide BA-16 receipt no. 156/51973 dated 24.12.2019. The connection of the Appellant was checked by Addl. SE/ Enforcement-3 for DDL purpose vide ECR No. 27/3388 dated

24.12.2019. As per checking Report, it was reported that the PF on the meter was very low so the meter was packed, sealed & sent to ME Lab. for checking of accuracy. The Meter was replaced vide MCO No. 27/46295 dated 24.12.2019. The Meter was got checked at ME Lab, Ludhiana vide Challan No. 39 dated 25.02.2020 where the accuracy of the meter was found within limits.

- (xix) The Appellant had again challenged its meter by depositing challenge fee of ₹ 2,950/- vide BA-16 receipt no. 312/52569 dated 20.10.2020. The connection of the Appellant was checked by Addl. SE/ Enforcement-4 vide ECR No. 8/3267 dated 23.10.2020. As per checking report, it was reported to replace the meter & got it checked from ME Lab., Ludhiana. The Meter was replaced vide MCO No. 195/2019 on 08.12.2020. The Meter was got checked in ME Lab., Ludhiana vide Challan No. 44 dated 14.12.2020 where the accuracy of the meter was found within limits on Dial Test on kVAh Mode. The DDLs were taken at both checkings. During the proceedings, the Forum observed Magnetic tamper in the meter from period 29.08.2020 to 20.10.2020 & as such, ordered the meter & DDL to be sent to Manufacturer to get proper analysis of tampering data done. The Meter was sent to Manufacturer



M/s. L&T Electrical, Mysore on 15.03.2021 to check the accuracy of meter & they have replied by email stating “Analysis has been done on the meter having serial no. 19364032 and found component failure in Magnetic Sensor, due to this meter misbehaved.” The Forum after careful consideration of facts of the case decided that the consumption recorded by the first meter was correct. Secondly, the disputed bill period from 21.08.2020 to the date of replacement of meter (08.12.2020) may be overhauled with future consumption recorded immediately after replacement of meter upto 17.04.2021. Notice no. 932 dated 25.08.2021 was issued to the Appellant as per decision of CGRF, Ludhiana giving partial relief of ₹ 2,94,685/- to the Appellant & directing him to deposit the balance amount of ₹ 9,15,575/- corrected to 10,15,575/-. The Appellant was not satisfied with the decision of the Forum and approached to this Court for disposal of its case.

- (xx) It was clearly stated in the decision of the Forum that the consumption recorded by meter at the time of release of connection was correct. The decision was based on the facts presented by both Appellant and Respondent.

- (xxi) The period from 23.10.2019 belonged to seasonal period for Rice Sheller Industry. The normal seasonal period ranges from October to May of every year as also approved by Regulatory Commission in Tariff Orders approved by it. Moreover, the consumption recorded in 2019 was similar to the tune of consumption recorded in 2020. The Appellant had not provided enough proof to the Forum from which it can be evident that the proper work of shelling didn't commence until January, 2020.
- (xxii) Although, the Appellant had started a new connection of rice shelling, yet the Appellant failed to take any action when the first bill was issued to it in the month of November or inform the Respondent regarding discrepancies in the bill or consumption recorded by the meter. It was only when the connection was about to be disconnected due to non deposit of the bill, the Appellant decided to challenge the meter so as to avoid disconnection of meter.
- (xxiii) The documentary proofs and DDL had already been provided in the Forum which clearly showed that accuracy of the meter was within the limits. It was also admitted that the Power Factor of the meter installed on 19.10.2019 was very low as compared to the Power Factor recorded by subsequent meter

installed after the said meter. So, it could be possible that there were chances of some internal fault in the working of meter. But as per decision of the Forum, the accuracy of meter was within limits and needed no overhauling.

(xxiv) No discrepancy was observed in the accuracy of meter as was clear from the ME Lab Challan No. 39 dated 25.02.2020.

(xxv) It was a new connection of the Appellant and therefore, it was not possible for Respondent to analyze any energy variation for the first billing of the Appellant. Moreover, the consumption recorded in the meter was same in consonance with the consumption of other Rice Sheller running in the area and also was same recorded in 2020 also. So, there was no deficiency in the service provided by Respondent.

(xxvi) The Respondent argued about the additional submissions made by the Appellant and stated that the meter installed at the time of release of connection was replaced vide MCO No. 27/46295 dated 24.12.2019. The meter of the Appellant was got checked at ME Lab., Ludhiana vide Challan No. 39 dated 25.02.2020 where the accuracy of the meter was found within limits. Although the period pertains to seasonal period for rice Sheller Industry, it was also admitted that the Power Factor of the meter installed on 19.10.2019 was very low as compared to the

Power Factor recorded by subsequent meter installed after the said meter. So, it could be possible that there are chances of some internal fault in the working of meter.

(xxvii) The base taken by the Forum for overhauling of account of the Appellant belonged to seasonal period whereas the disputed period from 21.08.2020 to 30.09.2020 belonged to off season period so overhauling of this off season period with the consumption of seasonal period was not correct & needed to be rectified.

(xxviii) The Forum while deciding the Petition filed by the Appellant, had held as under: -

*“Forum observed that the connection was released vide SCO no. 11/1046 on dated 19/10/2019 and monthly bills on the basis of readings recorded on 19/11/2019 & 18/12/2019 where in both cases the Power Factor of the meter was quite low. The meter was challenged by depositing challenge fee of Rs. 2400 vide BA-16 No. 156/51973 dated 24/12/2019 & the connection of the consumer was checked by Addl. S.E., Enforcement-3 for DDL purpose vide ECR No. 27/3388 on 24/12/2019. The meter was replaced vide MCO No. 27/46295 on dated 24/12/2019 effected on 24.12.2019. The meter of the consumer was got checked at ME Lab Ludhiana vide Challan No. 39 dated 25/2/2020 where the accuracy of the meter was found within limits and DDL taken on MRI with final reading 3849KWH / 34049 KVAH.*



*New Meter was installed on 24.12.2019 and its Power Factor was near to unity. In 09/2020 another bill dated 24.09.2020 for consumption 45492 KVAH of Rs.313900/- was generated, bill dated 23.10.2020 for consumption 88574 KVAH of Rs. 959010/- was generated, being unsatisfied petitioner challenged the Meter&the connection was checked by Addl. S.E., Enforcement-4 vide ECR No. 8/3267 on dated 23/10/2020. The meter was replaced vide MCO No. 195/2019 dated 23/10/2020 effected on 08.12.2020. The Meter was got checked at ME Lab; Ludhiana vide Challan No. 44 on dated 14/12/2020 where the accuracy of the meter was found within limits on Dial Test on KVAH Mode. While going through the DDL report Forum observed that as per temper report there is magnetic temper from 12.10.2020 to 20.10.2020 and respondent was directed to get the comments on it from ME Lab/ Enforcement. Respondent intimated that the meter was couriered to M/s. L & T Electrical, Mysore for getting comments on Magnetic Temper vide memo no. 279 dated 15.03.2021. Respondent submitted the comments of the manufacturer firm that "Analysis has been done on the meter having serial no. 19364032 and found component failure in Magnetic sensor, due to this meter misbehaved.*

*Consumption data is as follows*

CONSUMPTION DATA											
NAME OF DIVISION: - ADDA DAKHA						UNIT: - HAMBRAN SUBDIVISION					
2019				2020				2021			
Month	kWh	kVAh	PF	Month	kWh	kVAh	PF.	Month	kWh	kVAh	PF
				JAN	16884	25112	0.67	JAN	42274	42526	0.99
				FEB	40874	41068	1.00				
				MAR	27402	27540	0.99				
				APR	18238	18520	0.98				
				MAY	19872	19950	1.00				
				JUNE	19850	20024	0.99				
				JULY	4524	4616	0.98				
				AUG	2100	2200	0.95				
				SEPT	45414	45492	1.00				
				OCT	88432	88574	1.00				
NOV	3002	29380	0.10	NOV	13834	13932	0.99				
DEC	3590	31480	0.11	DEC	22760	22904	0.99				

*It is observed that the nature of Industry is of seasonal nature (rice sheller) with seasonal period of 01-Oct to 30-June as per general Condition of tariff approved by Hon'ble PSERC vide Tariff Order for FY 2019-20.*

*On going through the petition, reply to the petition, rejoinder, oral discussions, consumption data, as per Sr. XEN Enforcement cum EA and MMTS-3 Ludhiana ECR 27/3388 dated 24.12.2019, ME Challan No. 39 dated 25.02.2020, it is observed that P.F. at consumer meter was very low. Meter accuracy was found within limit. From the DDL, the final reading on MCO and DDL are comparable.*

*As per MCO no. 27/46295 dated 24.12.2019, E.O. 24.12.2019: -*

*KWH=3849*

*KVAH=34049*

*As per DDL on 25.12.2019*

*KWH=3849*

*KVAH=34052*

*So, consumption recorded by the meter installed at the time of release of connection to date of MCO (24.12.2019) are correct. So, this period needs no overhauling.*

*Further regarding disputed bills of 09/2020 and 10/2020, it is observed that as declared by the manufacturer that meter has misbehaved due to component failure in magnetic sensor and it shows that the meter was defective. So, the consumption recorded cannot be relied upon. Therefore, the disputed bill period from 21.08.2020 to till the date of replacement of meter (08.12.2020) may be overhauled with consumption recorded immediately after replacement of meter upto 17.04.2021 (being rice sheller, seasonal industry).*

*Keeping in view the above, Forum came to unanimous conclusion that*

- i) Consumption recorded by the meter installed at the time of release of connection to date of MCO (24.12.2019) is correct. So, this period needs no overhauling.*
- ii) The disputed bill period from 21.08.2020 to the date of replacement of meter (08.12.2020) may be overhauled with future consumption recorded immediately after replacement of meter upto 17.04.2021 (being rice sheller, seasonal industry)".*

(xxiv) From the above, it is concluded that the meter of the Appellant was earlier checked on 25.02.2020 and the accuracy of the meter was found within limits and DDL was taken on MRI with

final reading 3849 kWh/ 34049 KVAh. The consumption recorded by the meter installed at the time of release of connection was correct so this period needs no overhauling.

This Court agrees with the decision of the Forum as per Sr. No.

(i). The Appellant had not raised any new issue which was not considered by the Forum at the time of recording the decision dated 12.07.2021.

(xxv) The new meter was installed on 24.12.2019 vide MCO No. 27/46295 dated 24.12.2019. When the bill dated 23.10.2020 for consumption of 88574 kVAh for ₹ 9,59,010/- was generated, the Appellant being unsatisfied with the demand had challenged the said meter. The said meter was checked in ME Lab, Ludhiana vide Challan No. 44 dated 14.12.2020 where the accuracy of the Meter was found within limits on Dial Test on kVAh mode. While going through the DDL report, the Forum observed that as per temper report there was magnetic tamper from 12.10.2020 to 20.10.2020 and the Respondent was directed to get the comments on it from ME Lab/ Enforcement. The said meter was sent to the Manufacturer i.e M/s. L&T Electrical, Mysore for getting comments on Magnetic Temper and the Manufacturer reported that it found component failure in Magnetic sensor of the meter, due to which meter



misbehaved. The meter was declared defective by the Forum. Therefore, it was held by the Forum that the bills for the period from 21.08.2020 to the date of replacement of meter (08.12.2020) may be overhauled with future consumption recorded immediately after replacement of meter upto 17.04.2021 (being rice sheller seasonal industry). The seasonal period of this connection is from 1<sup>st</sup> October to 30<sup>th</sup> June (next year). Both parties had pleaded that the period of dispute from 21.08.2020 to 30.09.2020 belongs to off season period so overhauling of this off season period with the consumption of seasonal period was not correct and needed rectification of error in the decision of the Forum. This Court agrees with the pleadings of both parties in this regard. It is decided that the period from 21.08.2020 to 30.09.2020 (Off season period) shall be overhauled with the average consumption recorded during the period 01.07.2021 to 30.09.2021 (Off season period). The remaining disputed period from 01.10.2020 to 08.12.2020 (Date of replacement of meter) shall be overhauled with future consumption recorded immediately after replacement of meter upto 17.04.2021. The period from 01.10.2020 to 08.12.2020 was a seasonal period of this connection.

## 7. Decision

As a sequel of above discussions, the order dated 12.07.2021 of the CGRF, Ludhiana in Case No. CGL-031 of 2021 is hereby modified as below:-

- i) The consumption recorded by the meter installed at the time of release of connection on 19.10.2019 to date of MCO (24.12.2019) is correct. So, this period needs no overhauling.
- ii) The disputed period from 21.08.2020 to 30.09.2020 (Off season period) shall be overhauled on the basis of average consumption recorded during the period 01.07.2021 to 30.09.2021 (Off season period)
- iii) The disputed period from 01.10.2020 to 08.12.2020 (Date of replacement of meter) shall be overhauled with future consumption recorded immediately after replacement of meter up to 17.04.2021.

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.

October 11, 2021  
S.A.S. Nagar (Mohali)

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

