

**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. 76/2021

Date of Registration : 28.09.2021

Date of Hearing : 11.10.2021

Date of Order : 11.10.2021

Before:

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

In the Matter of:

Sh. Mandeep Sodhi,
3100, Sector-69, Mohali.

Contract Account Number: 3000182106(DS)

...Appellant

Versus

Addl. Superintending Engineer,
DS Division (Spl.), PSPCL,
Mohali.

...Respondent

Present For:

Appellant: Sh. G.S. Sodhi,
Appellant's Representative.

Respondent : 1. Er. G.S.Sandhu,
Addl. Superintending Engineer,
DS Division (Spl.), PSPCL,
Mohali.

2. Er. Taranjeet Singh,
AEE/ DS Divn. (Spl.), PSPCL,
Mohali.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 20.08.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-90 of 2021, deciding that:-

“The bill of Rs. 57220/- issued for period 30.9.2019 to 05.11.2019 including an arrear amount of Rs. 55012/- is recoverable from petitioner. CLDSC decision is upheld.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 28.09.2021 i.e. beyond the period of thirty days of receipt of copy of the decision dated 20.08.2021 of the CGRF, Patiala in Case No. CGP-90 of 2021. The Appellant had deposited full amount of ₹ 57,257/- of the disputed bill on 27.11.2019. Therefore, the Appeal was registered and copy of the same was sent to the Addl. S.E./DS Division (Spl.), PSPCL, Mohali for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 1356-58/OEP/A-76/2021 dated 28.09.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 11.10.2021 at 11.30 AM and an intimation to this effect was sent to both the parties vide letter nos.1427-28/OEP/A-76/2021 dated 06.10.2021. As scheduled, the hearing was held in this Court. Arguments of both the parties were heard.

4. Condonation of Delay

At the start of hearing on 11.10.2021, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant's representative pleaded that the decision of the Forum was received on 27.08.2021 which was sent by the Forum vide Memo No. 2027 dated 20.08.2021. The minor delay in submitting 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.”

It was observed that order dated 20.08.2021 was sent to the Appellant by the office of CGRF, Patiala on 20.08.2021. The Appellant received the copy of the order of the CGRF on 27.08.2021. The Appellant submitted the appeal in this Court on 28.09.2021 i.e. after more than 30 days of receipt of the said order. It was also observed that non-condoning 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.

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 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. 3000182106 with sanctioned load of 11.840 kW.
- (ii) On 07.10.2019, the Appellant received an Electricity Bill for the period from 01.07.2019 to 30.09.2019 (91 days) amounting to ₹53,190/- which was inflated relating to its earlier bill consumptions for the last few months and after the period of this bill. The average payment of bills was being received on an average basis as ₹ 2,000/- per month (approximately).
- (iii) During that period, the Appellant's representative was away to Australia to see his son and could not manage to pay this bill.

His care taker could not manage this amount. So, Electricity Connection of the house was disconnected. After receiving this news, he immediately made the payment of the bill on 27.11.2019 through his friend and electricity was restored.

- (iv) The Appellant made a representation to the Executive Engineer, PSPCL, Mohali on 27.02.2020. In this representation, he prayed that he had not received such a high amount bill which the department did not care to reply. Then, he was forced to write to the Secretary, PSEB, Head Office, the Mall, Patiala with CC to the concerned SDO / Sr. Xen and S.E. by hand. Still, he had not received any reply from the above officers which forced him to ask the information through RTI.
- (v) Even then the concerned office did not reply and he had to collect the information by hand. Whereas, he found that his solar system meter was producing approx. 452-500 units per month. Accordingly, he had to get the credit of @ $450 \times 3 = 1350$ units in the concerned bill but the office had only given the credit of 190 units against 1350 units.
- (vi) Now, the Appellant had approached this Court against the decision of the CGRF, Patiala. The decision of the Forum was not on the basis of his average consumption before and after the

consumption of the period of the bill in question. Month wise consumption of the bill was as under:

Month	Mar, 2019	May, 2019	Jul, 2019	Sep, 2019	Nov, 2019	Dec, 2019	Jan, 2020	Feb, 2020
Unit	620	-	2320	7776	582	345	354	494
Month	Dec, 2020	Jan, 2021	Feb, 2021	Mar, 2021	Apr, 2021	May, 2021	Jun, 2021	
Bill Amount	1350	1900	1520	1480	900	3000	5260	

The above data shows that the Appellant had never received such a high consumption bill before and after the period of the disputed bill. This fact had not been taken care by the Forum. The Appellant had prayed to consider its genuine grievances sympathetically.

(b) Submission during hearing

During hearing on 11.10.2021, 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 Domestic Supply Category connection bearing Account No. 3000182106 with sanctioned

load of 11.840 kW. The connection is in the name of Sh. Mandeep Sodhi.

- (ii) The Appellant applied for Solar Meter on 22.03.2019. As per SAP system, Solar Meter was installed on 03.07.2019 and last reading recorded on replaced meter was 48970 units.
- (iii) The replaced meter was sent to M.E. Lab., Ropar for checking vide Store Challan No. 1108 dated 26.07.2019 and Final reading was reported as 48971 units.
- (iv) After installing Solar Meter, 1st bill issued to the Appellant was for 'N' code on 25.09.2019. 1st 'O' Code bill, after installation of Solar Meter, was issued on 07.10.2019 for the period 01.07.2019 to 30.09.2019 (91 days) for 6703 units & for ₹ 53,190/-. However, the Appellant did not agree with this bill and placed his Case before CLDSC, Mohali.
- (v) The CLDSC, Mohali considered the case and found that import consumption of the Appellant was 6900 units and export consumption was 197 units thus making net consumption of 6703 units, which was found correct.
- (vi) On 18.11.2020, CLDSC, Mohali decided that as future consumption of the Appellant was also same, so the bill of 6703 units was correct and recoverable from the Appellant.

(vii) The Appellant did not agree with the decision dated 18.11.2020 of the Circle Level Dispute Settlement Committee and filed an Appeal against this decision in the Consumer Grievances Redressal Forum (CGRF). The CGRF, Patiala considered the case and on 20.08.2021, the Forum gave its decision as under:

“The bill of ₹ 57,220/- issued for period 30.09.2019 to 05.11.2019 including an arrear amount of ₹ 55,012/- is recoverable from petitioner. CLDSC decision is upheld.”

(viii) The Respondent also confirmed in its reply that the Appellant had deposited the full disputed amount.

(ix) The Appellant was not satisfied with the decision of the Forum and had filed this Appeal Case for justice.

(b) Submission during hearing

During hearing on 11.10.2021, 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 the bill for Rs. 57,257/- issued for the period from 30.09.2019 to 05.11.2019 including an arrear amount of Rs. 55,012/-.

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

- (i) The Appellant was having Domestic Supply Category connection bearing Account No. 3000182106 with sanctioned load of 11.840 kW. The Appellant Representative (AR) pleaded that on 07.10.2019, he had received an inflated Electricity Bill for the period from 01.07.2019 to 30.09.2019 (91 days) amounting to ₹ 53,190/- while earlier he was receiving bills on average basis as ₹ 2,000/- per month (approximately). The Appellant did not agree with this bill and placed its Case before CLDSC, Mohali. The CLDSC, Mohali considered the case and on 18.11.2020, CLDSC, Mohali decided that as future consumption of the Appellant was also same, so the bill of 6703 units was correct and recoverable from the Appellant.
- (ii) The Appellant did not agree with the decision dated 18.11.2020 of the Circle Level Dispute Settlement Committee and he filed an Appeal against this decision in the Consumer Grievances Redressal Forum (CGRF). The CGRF, Patiala considered the case and on 20.08.2021, the Forum gave its decision as under:

“The bill of ₹ 57,220/- issued for period 30.09.2019 to 05.11.2019 including an arrear amount of ₹ 55,012/- is recoverable from petitioner. CLDSC decision is upheld.”

The Appellant did not agree with the decision of the CGRF, Patiala. Thus, the Appellant had filed the present Appeal in this Court. The Appellant had prayed to review the matter.

- (iii) The Respondent pleaded that the Appellant applied for Solar Meter on 22.03.2019. As per SAP system, Solar Meter was installed on 03.07.2019 and last reading recorded on replaced meter was 48970 units. The replaced meter was sent to M.E. Lab., Ropar for checking vide Store Challan No. 1108 dated 26.07.2019 and Final reading was reported as 48971 units. After installing Solar Meter, 1st bill issued to the Appellant was for ‘N’ code on 25.09.2019. 1st ‘O’ Code bill, after installation of Solar Meter, was issued on 07.10.2019 for the period 01.07.2019 to 30.09.2019 (91 days) for 6703 units & for ₹ 53,190/-. The import consumption was 6900 kWh and the export consumption was 197 kWh and hence the net consumption was 6703 kWh which was correct and this was recoverable.
- (iv) Forum observed in its order dated 20.08.2021 that the petitioner applied for solar system on 22.03.2019. As per SAP system,

solar meter was installed on 03.07.2019 and the last reading recorded was 48970 units. The replaced meter was sent to the ME Lab, Ropar for checking vide Store challan number 1108 dated 26.07.2019 and final reading was reported as 48971 units. After installing solar meter, first bill to the petitioner was issued of 'N' code on 25.09.2019. First okay Bill after installing solar meter was issued on 07.10.2019 for the period 01.7.2019 to 30.09.2019 for 91 days for ₹ 53,190/- for 6703 units. However, petitioner did not agree with this bill and placed his case before CLDSC Mohali for relief.

- (v) CLDSC considered the case and found that during 01.07.2019 to 30.09.2019, import consumption of the petitioner was 6900 units and export consumption was 197 units thus making consumption of 6703 units, which is correct. CLDSC while deciding the case also relied on this data and decided bill for period 01.07.2019 to 30.09.2019, for 6703 units as correct and recoverable.
- (vi) The Forum studied the consumption data of petitioner as supplied by the respondent. New meter number 19233200 for solar plant was installed on 03.07.2019. Net consumption for import and export of energy recorded for period 01.07.2019 to 30.09.2019 for 91 days was 6703 units.

- (vii) The Forum observed that petitioner had not challenged the working of meter and the consumption recorded by the meter during 2020 and 2021. The consumption of the petitioner during period 01.07.2018 to 29.09.2018 (i.e. similar period of previous year) is also 3773 units meaning thereby that high consumption is taking place at petitioner's premises. Forum has no grounds to doubt the working of meter during the disputed period which is otherwise running fine from October 2019 onwards till date. Forum is of the opinion that as per consumption data as supplied by the respondent, the consumption recorded for the period 01.07. 2019 to 30.09.2019 for 91 days was 6703 units and Forum found bill prepared for this net consumption as correct and recoverable.
- (viii) After analyzing the submissions made by both the parties and deliberations during the hearing on 11.10.2021, I agree with the decision of the Forum. The Appellant had never challenged the working of the meter and the bill issued to him relating to the period in dispute by depositing the prescribed fee with the Respondent. The same meter is working now since 03.07.2019. The Appellant had never challenged the working of the meter during the years 2020 & 2021. The bill issued to the Appellant

relating to the disputed period, is correct and thus fully recoverable.

- (ix) In view of the above, this Court is inclined to agree with the decision dated 20.08.2021 of the Forum in Case No. CGP-90 of 2021.

6. Decision

As a sequel of above discussions, the order dated 20.08.2021 of the CGRF, Patiala in Case No. CGP-90 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.

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

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