

**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. 78/2021

Date of Registration : 01.10.2021

Date of Hearing : 18.10.2021

Date of Order : 18.10.2021

Before:

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

In the Matter of:

Harpreet Singh,
29-A, Raghunath Enclave,
Ludhiana.

Contract Account Number: 3002868230 (DS)

...Appellant

Versus

Senior Executive Engineer,
DS Aggar Nagar (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Sh.Harpreet Singh,
Appellant.

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

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 23.08.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-180 of 2021, deciding that:

“Bills issued during 11.03.2020 to 08.04.2021 is quashed. Account be overhauled for the period 11.03.2020 to date of replacement of meter 08.03.2021 by treating/ assuming the reading on 11.03.2020 as 197213 (being 6-digit figure meter at site & reading already running in 6 digit) instead of 97213 and bills issued from 11.03.2020 to the date of replacement of meters be revised accordingly as per final reading of 212805 kWh found in ME lab by dividing the difference of reading on equal monthly basis. LPS/LPI be revised accordingly”.

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 01.10.2021 i.e. beyond the stipulated period of thirty days of receipt of the decision dated 23.08.2021 of the CGRF, Ludhiana in Case No. CGL-180 of 2021 (received by the Appellant on 30.08.2021). The Appellant had deposited the requisite 40% of the disputed amount vide Receipt No. 166290803 dated 01.10.2021 for ₹ 55,000/- and thus the Appellant had deposited 40% of the disputed amount of ₹ 1,35,154/-. Therefore, the Appeal was

registered and copy of the same was sent to the Sr. Xen/ 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. 1406-08/OEP/A-78/2021 dated 01.10.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 18.10.2021 at 12.00 Noon and an intimation to this effect was sent to both the parties vide letter nos.1480-81/OEP/A-78/2021 dated 13.10.2021. As scheduled, the hearing was held in this Court. Arguments were heard of both parties.

4. Condonation of Delay

At the start of hearing on 18.10.2021, 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 had stated that order dated 23.08.2021 sent to the Appellant by the Forum was received by him on 30.08.2021. The Appellant had understood from the judgment that total relief was granted to him. But to the shock of Appellant, he was issued a demand notice by the Respondent on 09.09.2021 and he decided to file the Appeal. The Appellant had prayed for condoning the delay

in filing the Appeal and for acceptance of his Appeal. 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 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. 3002868230 with sanctioned load of 19.00 kW under DS Aggar Nagar (Spl.) Divn., Ludhiana.
- (ii) The Appellant was getting regular bills for its consumption, which he was paying regularly. But in September, 2020; the Appellant had received inflated bill for ₹ 43,500/ for which he complained to the concerned office of the Respondent and the Respondent rectified the said bill to ₹ 19,600/-, which was paid by the Appellant.

- (iii) In November, 2020; the Appellant had received a bill for ₹ 15,690 which was also paid by the Appellant. Suddenly in December, 2020; the Appellant received a bill shot upto ₹ 1,05,000/- for which the Appellant again complained to the Respondent and the Respondent had deputed its concerned staff to inspect the meter which according to them was faulty. The Appellant had requested the Respondent for change the meter.
- (iv) In January, 2021; the Appellant received a bill for ₹ 18,73,140/- and in February, it went upto ₹ 18,91,760/-. In March, it was for ₹ 9,66,450/- and in April for ₹ 9,82,300/-.
- (v) After various visits to the Respondent, the meter was replaced on 08.03.2021 and the reading recorded by the staff at the time of changing the old Meter was 12805. A case was filed by the Appellant in the Forum on 20.04.2021.
- (vi) The Forum in its decision had given a relief of ₹ 8,47,146/- out of the total outstanding of ₹ 9,82,300/-.
- (vii) According to the Appellant in the year 2019, he had paid electricity charges amounting to ₹ 1,39,570/- and in the following year 2020, he had paid electricity charges amounting to ₹ 1,55,830/-. Despite the fact that the meter was faulty, the Appellant kept on paying the electricity bill more than his

consumption on average basis. The Forum was kind enough to give some relief to the Appellant but not all.

(viii) The Respondent had still raised a demand of ₹ 1,35,154/- to be paid over and above of the amount paid in 2020. The demand had no basis and no calculation of the consumption versus the payment made had been supplied. Ever since the new Meter had been installed, the total consumption starting from 08.03.2021 to 27.09.2021 was 8918. This figure explained consumption pattern of the Appellant keeping in view that the entire summer period was included in this period when Maximum Load of air-conditioning was on.

(ix) The Appellant prayed that he had already paid full amount of his consumption of electricity of the year 2020. The Appellant stated that he had a small family and in winter season, they used Solar Water Heater to save electricity consumption. There was fault in the meter, for which the Respondent and the Forum gave him refund of ₹ 17,72,455/-. The Respondent had ignored the final reading recorded at the time of meter removal. The decision of the Forum was arbitrary and facts were ignored. The Appellant requested for justice by waiving the pending charges as levied by the Respondent and save him from further harassment. The Appellant is a senior citizen and the only

earning member in the family. Therefore, he can't afford to take so much time and effort to sort out this matter which had already taken so much of his time and energy.

(b) Submission in the rejoinder

The Appellant submitted rejoinder on 12.10.2021 to the written reply of the Respondent. He reiterated the points already raised in the Appeal and requested for withdrawal of demand raised vide Memo No. 19926 dated 09.09.2021.

(c) Submission during hearing

During hearing on 18.10.2021, the Appellant 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. 3002868230 with sanctioned load of 19.00 kW. The connection was in the name of Sh. Harpreet Singh. The Appellant was billed upto 97213 kWh on 11.03.2020 with 'O' code. Thereafter, 3 No. 'N' code bills were

generated and in the 'N' code bill dated 12.06.2020, the system adopted kWh reading as 1104. The subsequent bills were generated on 4 figure readings upto 14.09.2020. However, 'P' code bill (due to entering of abnormal reading) reading was generated on 05.10.2020 due to which the reading was verified vide LCR no. 50/2298 dated 22.10.2020 which was found out to be 208863 kWh.

- (ii) The Appellant was given the admissible relief for change of meter digits from 5 to 6 figures for ₹ 9,65,589/- by the Respondent. Due to abnormal jump in reading, the meter was replaced vide MCO 100012045520 dated 28.12.2020. The Meter was sent to ME Lab vide Challan No. 1736 dated 26.03.2021, where final reading found was 212805kWh/ 238253 kVAh, accuracy of the meter was found within limit but DDL of the meter was not coming. The Appellant didn't agree with the bills issued from 09/2020 onwards to bill dated 08.04.2021 for ₹ 9,82,300/- and filed its Case in the Forum.
- (iii) The Forum observed that the billing of the Appellant was migrated in SAP on 18.05.2015 at reading 1322 on 'X' code. The Appellant's reading was taken continuously on monthly basis and accordingly bills were generated. From the SAP reading record, it was observed that the meter having serial No.

774994 was entered in SAP as meter of 5-digit figure. Whenever, the reading was more than 5 digit, 'X' Code was entered by Meter Reader interpreting round complete due to wrong no. of digits entered in SAP as in actual, meter installed at site was of 6 digits, as verified vide LCR nos. 50/2292 dated 22.10.2020 & 37/2325 dated 17.02.2021. During the year 2020, reading on 11.03.2020 was entered as 97213 kWh and then on 26.06.2020 reading entered was 1851 kWh. On 14.11.2020, specification of the meter was changed to 6 digits figure meter and then on 27.11.2020, reading was entered in 6 digits as 208863 and bill was generated on 27.11.2020 of consumption of 202328 kWh. The readings from 2015 to 2020 were entered in 5 digits instead of 6 digits meter readings as on site and verified vide LCR(s) quoted above and ME Lab report.

- (iv) From the above, the Forum was of the opinion that already 'X' code was entered in 05/2015 by the Meter Reader which showed that the reading at site changed from 5 to 6 digits and therefore, the reading on 11.03.2020 of 97213 on 'O' code, be treated as 197213 (being 6 digit figure meter at site & reading already running in 6 digit) and bills issued from 11.03.2020 to the date of replacement of meters be revised accordingly as per final reading of 212805 kWh found in ME Lab by dividing the

differences of readings on equal monthly basis being unreliable readings of P/N/F code entered in this period and wrong digit problem.

- (v) The decision of the Forum was implemented vide Memo No. 19926 dated 09.09.2021 as per which ₹ 1,05,154/- was recoverable from the Appellant. It was submitted that the Forum had already provided the admissible relief to the Appellant and requires no further revision.

(b) Submission during hearing

During hearing on 18.10.2021, the Respondent reiterated the submissions made in the Appeal and prayed for dismissal of the Appeal.

6. Analysis and Findings

The issue requiring adjudication is the legitimacy of amount of ₹ 1,05,154/- charged to the Appellant by the Respondent vide its Memo No. 19926 dated 09.09.2021 by implementing the decision dated 23.08.2021 of the Forum.

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

- (i) The Appellant had argued that the Appellant was having Domestic Supply Category connection bearing Account No.

3002868230 with sanctioned load of 19.00 kW and the Appellant was getting regular bills for his consumption, which he was paying regularly. But in September, 2020; the Appellant had received inflated bill for ₹ 43,500/ for which he complained to the Respondent and the Respondent rectified the said bill to ₹ 19,600/-, which was paid by the Appellant. In November, 2020; the Appellant had received a bill for ₹ 15,690 which was also paid by the Appellant. Suddenly, in December, 2020; the Appellant received a bill shot upto ₹ 1,05,000/- for which the Appellant again complained to the Respondent and the Respondent had deputed its concerned staff to inspect the meter which according to them was faulty. The Appellant had requested the Respondent for change of the meter.

- (ii) In January, 2021; the Appellant received a bill for ₹ 18,73,140/- and in February; it went upto ₹ 18,91,760/-. In March, it was for ₹ 9,66,450/- and in April for ₹ 9,82,300/-.
- (iii) After various visits to the Respondent, the meter was replaced on 08.03.2021 and the reading recorded by the staff at the time of changing the old Meter was 12805. A case was filed by the Appellant in the Forum on 20.04.2021. The Forum in its decision had given a relief of ₹ 8,47,146/- out of the total outstanding of ₹ 9,82,300/-.

- (iv) According to the Appellant in the year 2019, he had paid electricity charges amounting to ₹ 1,39,570/- and in the following year 2020, he had again paid electricity charges amounting to ₹ 1,55,830/-. Despite the fact that the meter was faulty, the Appellant kept on paying the electricity bills more than his consumption on average basis. The Forum was kind enough to give some relief to the Appellant but not all.
- (v) The Respondent had still raised a demand of ₹ 1,35,154/- to be paid over and above of the amount paid in 2020. The demand had no basis and no calculation of the consumption versus the payment made had been furnished. Ever since the new Meter had been installed, the total consumption starting from 08.03.2021 to 27.09.2021 was 8918. This figure explained consumption pattern of the Appellant keeping in view that the entire summer period was included in this period when Maximum Load of air-conditioning was on.
- (vi) The Appellant prayed that he had already paid full amount of his consumption of electricity of the year 2020. The Appellant stated that he had a small family and in winter season, they used Solar Water Heater to save electricity consumption. There was fault in the meter, for which the Respondent and the Forum gave him refund of ₹ 17,72,455/-. The Respondent had ignored

the final reading recorded at the time of meter removal. The decision of the Forum was arbitrary and facts were ignored. The Appellant requested for justice by waiving the pending charges as levied by the Respondent and to save him from further harassment. The Appellant is a senior citizen and the only earning member in the family. Therefore, he can't afford to take so much time and effort to sort out this matter which had already taken so much of his time and energy.

(vii) The Respondent argued that the decision of the Forum had been implemented and accordingly, a sum of ₹ 1,05,154/- was raised to the Appellant vide its Memo No. 19926 dated 09.09.2021. Since the decision of the Forum had already been implemented, so the present Appeal was liable to be dismissed.

(viii) The Respondent further controverted the stand of the Appellant and pleaded that the Appellant was having Domestic Supply Category connection bearing Account No. 3002868230 with sanctioned load of 19.00 kW. The Appellant was billed upto 97213 kWh on 11.03.2020 with 'O' code. Thereafter, 3 No. 'N' code bills were generated and in the 'N' code bill dated 12.06.2020, the system adopted kWh reading as 1104. The subsequent bills were generated on 4 figure readings upto 14.09.2020. However, 'P' code bill (due to entering of

abnormal readings) reading was generated on 05.10.2020 due to which the reading was got verified vide LCR no. 50/2298 dated 22.10.2020 which was found out to be 208863 kWh.

- (vi) The Appellant was given the admissible relief for change of meter digits from 5 to 6 figures for ₹ 9,65,589/- by the Respondent. Due to abnormal jump in readings, the meter was replaced vide MCO 100012045520 dated 28.12.2020. The Meter was sent to ME Lab vide Challan No. 1736 dated 26.03.2021, where final reading was found as 212805 kWh/ 238253 kVAh, accuracy of the meter was found within limit but DDL of the meter was not coming. The Appellant didn't agree with the bills issued from 09/2020 onwards to bill dated 08.04.2021 for ₹ 9,82,300/- and filed its Case in the Forum.
- (vii) The Forum observed that the billing of the Appellant was migrated in SAP on 18.05.2015 at reading 1322 on 'X' code. The Appellant's readings were taken continuously on monthly basis and accordingly bills were generated. From the SAP reading record, it was observed that the meter having Serial No. 774994 was entered in SAP as meter of 5-digit figure. Whenever, the reading was more than 5 digit, 'X' Code was entered by the Meter Reader interpreting round complete due to wrong no. of digits entered in SAP as in actual, meter

installed at site was of 6 digits, as verified vide LCR nos. 50/2292 dated 22.10.2020 & 37/2325 dated 17.02.2021. During the year 2020, reading on 11.03.2020 was entered as 97213 kWh and then on 26.06.2020, reading entered was 1851 kWh. On 14.11.2020, specification of the meter was changed to 6 digit figure meter and then on 27.11.2020, reading was entered in 6 digits as 208863 kWh and bill was generated on 27.11.2020 of consumption of 202328 kWh. The readings from 2015 to 2020 were entered in 5 digits instead of 6 digits meter reading as on site and verified vide LCR(s) quoted above and ME Lab report.

- (viii) The Forum was of the opinion that already 'X' code was entered in 05/2015 by the Meter Reader which showed that the reading at site changed from 5 to 6 digits and therefore, the reading on 11.03.2020 of 97213 on 'O' code, be treated as 197213 (being 6 digit figure meter at site & reading already running in 6 digit) and bills issued from 11.03.2020 to the date of replacement of meters be revised accordingly as per final reading of 212805 kWh found in ME Lab by dividing the difference of reading on equal monthly basis being unreliable readings of P/N/F code entered in this period and wrong digit problem. The decision of the Forum was implemented and a

sum of ₹ 1,05,154/- was charged to the Appellant. The Appellant was not entitled to any more relief than that already granted by the Forum.

(ix) The Forum while deciding this case had observed as below:-

“From the above, Forum is of the opinion that already ‘X’ code was entered in 05/2015 by meter reader which shows that the reading at site changed from 5 to 6 digits and therefore, the reading on 11.03.2020 of 97213 on ‘O’ code, be treated as 197213 (being 6 digit figure meter at site & reading already running in 6 digit) and bills issued from 11.03.2020 to the date of replacement of meters be revised accordingly as per final reading of 212805 KWH found in ME lab by dividing the difference of reading on equal monthly basis being unreliable readings of P/N/F code entered in this period and wrong digit problem. Keeping in view the above, Forum came to unanimous conclusion that, account be overhauled for the period 11.03.2020 to date of replacement of meter 08.03.2021 by treating/assuming the reading on 11.03.2020 as 197213 (being 6 digit figure meter at site & reading already running in 6 digit) instead of 97213 and bills issued from 11.03.2020 to the date of replacement of meters be revised accordingly as per final reading of 212805 KWH found in ME lab by dividing the difference of reading on equal monthly basis. Bills issued during 11.03.2020 to 08.04.2021 is quashed”.

(x) From the above, it is concluded that by assuming/ treating the reading on 11.03.2020 as 197213 (being 6 digit figure meter at

site & reading already running in 6 digit) instead of 97213 and as per final reading of 212805 kWh found in ME Lab; the Appellant had already been granted the due relief by the Forum. Further, the Appellant had not brought out any new points which were not considered by the Forum while passing the final order. The issues raised by the Appellant in its Appeal had already been minutely considered and decided by the Forum while disposing of the Petition of the Appellant.

- (xi) It is worthwhile to mention that the decision of the Forum had already been implemented by the Respondent vide its Memo No. 19926 dated 09.09.2021. The Appellant had disputed the amount of ₹ 9,82,300/- in its Petition and after implementation of the decision of the Forum, the Appellant was given refund of ₹ 8,47,146/- as per the decision of the Forum. A sum of ₹ 1,35,154/- was recoverable from the Appellant and after adjustment of the already deposited amount of ₹ 30,000/-, an amount of ₹ 1,05,154/- was found payable by the Appellant to the Respondent, for which the Appellant had filed the present Appeal. There is no provision in the regulations of Supply Code, 2014 to overhaul the Account of the Appellant relating to the disputed period on the basis of past/ future consumption when the meter accuracy was found to be within limits as per

ME Lab report. The errors in recording of readings had been rectified by the Forum in its decision. The responsible officials for this lapse should be identified and suitably punished. The admissible relief had already been granted by the Forum to the Appellant. Therefore, this Court is inclined to agree with the decision of the Forum, which is just and fair.

7. Decision

As a sequel of above discussions, the order dated 23.08.2021 of the CGRF, Ludhiana in Case No. CGL-180 of 2021 is upheld.

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 18, 2021
S.A.S. Nagar (Mohali)

(GURINDER JIT SINGH)
Lokpal (Ombudsman)
Electricity, Punjab.
A-78 of 2021