

**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. 83/2021

Date of Registration : 11.10.2021

Date of Hearing : 25.10.2021

Date of Order : 25.10.2021

Before:

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

In the Matter of:

M/s. Sacred Souls School,
Village Gharuan, Distt. Mohali (SAS Nagar).

Contract Account Number: R66GC6600004 (NRS)

...Appellant

Versus

Additional Superintending Engineer,
DS Division,
PSPCL, Kharar.

...Respondent

Present For:

Appellant: Sh. Mayank Malhotra,
Appellant's Counsel.

Respondent : Er. Navjot Singh,
AE/ DS Suburban Sub Divn.,
PSPCL, Kharar.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 10.09.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-141 of 2021, deciding that:

- *“The account of the petitioner be overhauled for a period of 6 months immediately preceding the date of replacement of defect metering equipment i.e. 09.6.2021 on account of meter found running slow by 21.53% during checking by Enforcement Cum MMTS Wing, Mohali vide ECR no. 20/93 dtd 25.02.21 as per the provisions of Supply Code 2014 Regulation Clause no. 21.5.1. The cost of damaged CT/PT is recoverable from the petitioner.*
- *Respondent is directed to refer the matter to the appropriate authority of PSPCL for imparting requisite instructions regarding monitoring of all the Phase Voltages and Currents (available on meter display itself) during regular recording of meter readings so as to address the issues of inaccurate metering at the very initial stage to avoid harassment to consumers due to overhauling of their accounts at a belated stage and to avoid revenue loss to PSPCL due to provisions of overhauling of consumer's account for 6 months period even if the metering system has been detected to have remained slow for a longer periods of time.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 11.10.2021. Due to the fact that 09.10.2021 and 10.10.2021 fell on non-working days, i.e., Saturday and Sunday, so the Appeal filed on next working day, i.e., 11.10.2021 was considered as Appeal filed within the limitation period of thirty days. The Appellant deposited the 20% of the disputed amount, i.e., ₹ 41,603/- vide receipt no. 84/51946 dated 25.03.2021 and rest 20%, i.e., ₹ 41,603/- vide receipt no. 320/51946 dated 08.10.2021. Therefore, the Appeal was registered on 11.10.2021 and copy of the same was sent to the Addl. S.E./ DS Division, PSPCL, Kharar for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 1461-63/OEP/A-83/2021 dated 11.10.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 25.10.2021 at 11.30AM and an intimation to this effect was sent to both the parties vide letter nos. 1532-33/OEP/A-83/2021 dated 21.10.2021. As scheduled, the hearing was held in this Court. Arguments were heard of both parties.

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 Counsel 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 a Non Residential Supply Category Connection, bearing Account No. R66GC6600004 with sanctioned load of 350.370 kW and CD as 390 kVA running under DS Division, PSPCL, Kharar in the name of M/s. Sacred Souls School, Village Gharuan, Distt. Mohali.
- (ii) The Appellant was regularly paying the electricity bills issued by the Respondent from time to time and nothing was due against the Appellant except ibid disputed illegal amount raised by the Respondent.
- (iii) ASE/ Enforcement-cum-EA & MMTS, PSPCL, Mohali checked the meter installed in the premises of Appellant vide Report No.

20/093 dated 25.02.2021. The checking officer alleged that due to less availability of voltage to B-phase, the meter was running slow by (-) 21.53%. But this checking was inconclusive since the Enforcement officer did not mention the part, i.e., kWh or kVAh of the meter, on which it is slow by 21.53%. The checking officer had admitted regarding correctness of seals affixed at metering equipment vide its checking report dated 25.02.2021.

- (iv) The Respondent issued demand notice No. 94 dated 01.03.2021, vide which the Respondent had directed the Appellant to deposit an amount of ₹ 2,08,013/- (₹ 1,67,799/- as difference due to slowness + ₹ 40,214/- as cost of HT CT/PT) due to alleged slowness of the meter, i.e., (-) 21.53% on the basis of alleged checking by ASE/Enforcement-cum-EA & MMTS, PSPCL, Mohali vide ECR No. 20/093 dated 25.02.2021. To the utter surprise of the Appellant, the Respondent had included ₹ 40,214/- as cost of HT CT/PT against the instructions of the Respondent according to which, the cost of HT/CT/PT unit was not recoverable from the Appellant when consumer was not responsible for burning of CT/PT Unit. The Respondent did not supply the copies of instructions according to which amount mentioned in the notice(s) had been calculated. The issuance of these demand notices was in violation of instructions of the

Respondent. The calculation of amount in the notices also appeared to be incorrect.

- (v) The checking officer had mentioned in the checking report that the meter of the Appellant had been checked with LT ERS set on running load of 37.51 kW only. The checking officer had not mentioned date of calibration of ERS set vide which the accuracy of the meter of the Appellant was checked. According to ESIM No. 59.5, meters need to be got calibrated/tested from NPL Delhi or ERTL New Delhi or any other laboratory recognized by Central Govt./NABL once in two years. It was further submitted that there was every possibility of malfunctioning of LT/ERS from last calibration of meter and due to malfunctioning of ERS meter it may have recorded wrong power factor and wrong results of slowness in respect of meter installed in the premises of the Appellant.
- (vi) The Respondent may be directed to place all the record relating to procurement of meter bearing Sr. No. X0826546 PSEB and its calibration from recognized laboratory. The checking report of the meter carried in ME lab in the presence of the Appellant had not been supplied by the Respondent. The Respondent may be directed to place the copy of same on the record. Copy of DDL of the meter, if any, taken by Respondent may also be placed on

the record. The Appellant reserves its right to amend the Appeal, if felt necessary.

- (vii) The issuances of demand notice vide Memo No. 94 dated 01.03.2021 was in violation of instructions of Respondent issued vide CC No. 64/05, which provides that the meter with status code OK (O) in the last cycle of billing should be treated as undisputed case. It was pertinent to mention that the bill issued by the Respondent immediately before date of checking, i.e., 25.02.2021, was of reading up to 64535 kWh/ 56118 kVAh as on 21.02.2021 as per 'O' code and the presumption was there that the meter was OK up to that period and accounts of the appellant cannot be overhauled for the period the status of meter is shown as 'O'. The recorded consumption of the meter of the Appellant remained constant for the previous period.
- (viii) The Respondent changed the metering equipment on 09.06.2021 in spite of checking dated 25.02.2021. The Appellant had been burdened due to inefficiency of the Respondent. The CGRF did not take any cognizance of the facts that there was fault on the part of the PSPCL, which did not change the metering equipment in stipulated time period and had illegally burdened the Appellant for the period the metering equipment was not changed.

- (ix) The checking was not conclusive. The CGRF had itself observed (top para on page-4 of decision) that as per DDL report already submitted the current of B phase was less/missing w.e.f. 18.12.2020 and not the B-phase voltage. The checking report dated 25.02.2021 could not be relied upon and demand raised could not be recovered from the Appellant. When CGRF came to know that no DDL data was available beyond 18.12.2020 and realized mistake of Respondent regarding overhauling accounts of the Appellant 6 months prior to 25.02.2021 (which includes period when there was no DDL data), decided to overhaul accounts for period of 6 months from 09.06.2021. This action of CGRF was a favor to the Respondent.
- (x) The CGRF had observed (Para-3 on page No. 6 of the decision) that Respondent was directed to submit final DDL of the disputed meter after its replacement on 09.06.2021. It was admitted fact that the revised DDL showed data from 03.04.2021 to 09.06.2021 only. But the CGRF failed to note the % age of slowness as per final/ revised DDL in its decision. The CGRF erred to decide the issue by taking slowness as per checking report dated 25.02.2021 and relied upon revised/final DDL regarding less/ missing voltage/ current. The CGRF failed to decide that which were true facts, i.e., either current or voltage of

B-phase was missing. The CGRF had intentionally written both words, i.e., voltage and current in its decision and had not specifically pointed out which of these was missing/slow.

- (xi) The Respondent had not supplied copies of job order vide which meter & metering equipment in dispute was/were installed, checking report of replaced meters carried out in ME Lab/other agency regarding accuracy of the meter before installation at the premises of the Appellant, PO containing specifications of meter and CT/PTs in the premises of the Appellant.
- (xii) The Respondent neither replaced the disputed meter within stipulated time nor got it checked from ME lab within stipulated time.
- (xiii) According to ESIM No. 51.1, it was the responsibility of the Corporation to install a correct meter of suitable capacity. The Appellant never interfered with the meter or its connection and there was no allegation as such against the Appellant.
- (xiv) According to Regulation 53 of ESIM, competent authority had to affix seals on the meter. Further according to Regulation 54, the officer who had affixed the seals was responsible for wrong connection, if any. These seals were affixed after checking correctness of connections of the meter/ CT and consumer cannot be held responsible for wrong connection, if any, found at later

stage. The Appellant should not be penalized for wrong doings, if any, of the officer(s) of the Respondent.

- (xv) The Respondent had not supplied the copies of rules and regulations according to which the accounts had been overhauled, which was necessary as per CC No. 04/2008.
- (xvi) Instruction No. 106 of ESIM provides checking schedule for checking of connections. There was no allegation of any type of slowness etc. with regard to working of the metering equipment.
- (xvii) According to ESIM Instruction No. 104.7, an energy variation register was to be maintained in the office to watch variance in monthly consumption of consumers. There was no adverse allegation against the Appellant.
- (xviii) According to Regulation No. 21.3 of "PSEB Electricity Supply Code and Related Matters Regulations-2017", the licensee has to conduct periodical inspection/ testing of meters installed at the consumer's premises. There was no allegation of slowness of KWH or KVAH in any previous checking reports.
- (xix) The Respondent failed to place the calibration report (as required under instructions) of the equipment with which accuracy of the disputed meter had been checked in ME lab Patiala.
- (xx) The Appeal was filed against order dated 10.09.2021 passed by the Forum and conveyed vide Memo No. 2181 dated 10.09.2021

by Secretary/ Forum, vide which Petition of the Appellant against the demand of ₹ 2,08,013/- (₹ 1,67,799/- as difference due to slowness + ₹ 40,214/- as cost of HT CT/PT) raised vide Memo No. 94 dated 01.03.2021 of Respondent had been denied and illogically decided to overhaul the accounts of the Appellant from period of 6 months prior to 09.06.2021 which were earlier overhauled for period of 6 months prior to 25.02.2021 i.e. date of checking by Enforcement-cum-MMTS, Mohali and a fresh notice no. 503 dated 16.09.2021 had been issued.

(xxi) The present appeal had been filed within limitation period. The Appellant, not being satisfied with the decision dated 10.09.2021 of the Forum, had submitted an application dated 22.09.2021 alongwith DD No. 765751 dated 20.09.2021 amounting to ₹ 41,603/- to the Respondent to deposit balance amount of ₹ 41,603/- ($₹ 2,08,013 \times 40\% = ₹ 83,206/-$ minus ₹ 41,603/- already deposited on 24.03.2021) to make total deposited amount equal to 40% of disputed amount, which was mandatory for filing appeal in this Court. But the Respondent refused to accept application and DD No. 765751 dated 20.09.2021.

(xxii) The order of CGRF was non-speaking, arbitrary, illegal and was not sustainable in the eyes of law and was against the instructions of the Corporation, which provides that the decision should be

speaking decision by not ignoring genuine submissions of the appellant. The decision of the CGRF was wrong, illegal, arbitrary and against the law due to following reasons:-

- a) The CGRF failed to decide that whether current of B phase was less/missing w.e.f. 18.12.2020 or the B-phase voltage. The checking report dated 25.02.2021 could not be relied upon and demand raised should not be recovered from the Appellant. The CGRF failed to decide that which were true facts, i.e., either current or voltage of B-phase was missing.
- b) The CGRF failed to appreciate the fact that the Respondent had not issued notice in compliance of ESIM No. 57.5, which provides that recovery of charges can be done only after serving show cause notice to the consumer.
- c) The CGRF failed to appreciate the fact that the Respondent-Corporation failed to place the calibration report (as required under instructions) of the equipment with which accuracy of the disputed meter had been checked in ME lab Patiala.
- d) The CGRF failed to appreciate the fact that the Respondent neither replaced the disputed meter within stipulated time nor got it checked from ME lab within stipulated time.
- e) The CGRF failed to appreciate the fact that copies of job order vide which meter & metering equipment in dispute was/were

installed, checking report of replaced meters carried out in ME Lab/other agency regarding accuracy of the meter before installation at the premises of the Appellant, PO containing specifications of meter and CT/PTs in the premises of the Appellant had not been supplied.

- f) The CGRF failed to appreciate the fact that according to Regulation No. 21.3 of Punjab State Electricity Regulatory Commission (Electricity Supply Code and Related Matters) Regulations-2018, the licensee had to conduct periodical inspection/testing of meters installed at the consumer's premises. The Respondent had not placed any record regarding compliance of these instructions.
- g) The CGRF failed to appreciate the fact that according to Instruction No. 102.2 of ESIM, it is the responsibility of the engineering officer to ensure correctness of connections and correct working of the meter. The meter may also be checked by meter testing equipment and meter shall thereafter be sealed properly by the concerned officer. It is pertinent to mention here there was no allegation of any seal tempering etc. against the Appellant.
- h) The CGRF failed to appreciate the fact that the Respondent failed to supply copies of documents demanded by the Appellant

before CGRF relating to meter and CTs installed at Appellant's premises.

(xxxiii) It was most humbly requested that the decision dated 10.09.2021 of CGRF may kindly be quashed in the interest of justice. The Respondent may be directed to rectify the accounts of the Appellant on the basis of realistic consumption, so that the Appellant may be able to deposit legitimate dues of corporation in installments. The Respondent may be directed to refund the excess amount deposited along with interest.

(b) Submission during hearing

During hearing on 25.10.2021, the Appellant reiterated the submissions made in the Appeal.

(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 a Non Residential Supply Category Connection, bearing Account No. R66GC6600004 with sanctioned load of 350.370 kW and CD as 390 kVA running under DS Division, PSPCL, Kharar in the name of M/s Sacred Souls School, Village Gharuan, Distt. Mohali.

- (ii) The meter of the Appellant was checked due to defective Scroll Switch. The checking was done by ASE/Enforcement-cum-EA & MMTS, Mohali vide ECR no. 93/20 dated 25.02.2021 according to which voltage on B-phase was found low. So, accuracy of meter was checked by LT ERS set in which meter was found running slow by 21.53%.
- (iii) The Appellant was charged ₹ 1,67,799/-for difference in units due to slowness of meter and ₹ 40,214/- for cost of damaged HT/CTPT unit totaling to ₹ 2,08,013/- vide notice no. 94 dated 01.03.2021. The Appellant filed an appeal with CGRF, Patiala against this notice. CGRF vide its decision dated 10.09.2021 decided that the account of the Appellant be overhauled for a period of 6 months immediately preceding the date of replacement of defective metering equipment, i.e., 09.06.2021 along with cost of damaged CT/PT. In compliance of decision of CGRF, the Appellant was given revised notice no. 503 dated 16.09.2021 for ₹ 1,35,607/- (₹ 1,36,996/-for difference in units due to slowness of meter and ₹ 40,214/- for cost of damaged HT/CTPT unit totaling to ₹ 1,77,210/- less ₹ 41,603/- deposited by the Appellant vide BA 16 no. 84/51946 dated 25.03.2021). This amount was recoverable from the Appellant.

- (iv) ASE/Enforcement-cum-EA & MMTS, Mohali had not mentioned that whether the slowness of the meter of the Appellant had been checked on kWh or kVAh reading. It was submitted that due to less consumption of B Phase Voltage, both the kWh & kVAh parameters would be recorded less by the Energy Meter.
- (v) The amount of ₹ 40,214/- (cost of HT CT/PT) had been got deposited as per Clause No. 56.2 of ESIM.
- (vi) The meter had been checked on load of 37.51 kW by ASE/Enforcement-cum-EA & MMTS, Mohali. All the ERS set of PSPCL were got calibrated as per the instructions of the corporation from time to time.
- (vii) The copy of the DDL and relevant checking report of meter (bearing account no. X0826548) had been already provided to the Appellant during hearing of the case in CGRF, Patiala.
- (viii) The account of the Appellant had been overhauled for preceding to six months from the date of replacement of meter i.e. on 09.06.2021 as per the Clause No.-57 of ESIM on account of slowness of meter found during checking held on 25.02.2021. It was correct that prior to checking, the Appellant was issued 'O' code status bills, as slowness of meter cannot be found during recording of monthly readings. The overhauling of account upon

the checking/observation of slowness resulting in less reading of consumption was as per rules of corporation.

- (ix) The Appellant had not deposited the required fee for replacement of the defective CT/PT unit. So, the meter was not replaced by the Respondent.
- (x) The Forum, in its decision (page-6) had observed that the DDL had data available from 18.12.2020 to 09.06.2021 and less voltage of B Phase was the evident from the DDL and account of the Appellant was correctly overhauled for a period of 6 months immediately preceding the date of replacement of defective metering equipment, i.e., 09.06.2021. Moreover, the Voltage & Current were interlinked parameters and recording of less for any of these impacts metering of the Appellant.
- (xi) The metering equipment of the Appellant was checked in the presence of the Appellant and the signature of the Appellant/ Representative was taken on the Job Order. All the required documents asked by the Forum were supplied by the Respondent with a copy to the Appellant. Other documents mentioned by the Appellant were also supplied as per rules of the PSPCL.
- (xii) As the Appellant had not deposited the required fee of the defective meter and CT/PT unit up to 09.06.2021, the

Respondent replaced metering unit of Appellant at their own on 09.06.2021.

- (xiii) There may be possibility of wrong connection of meter, but it doesn't mean that any consumer was not liable to pay the amount of short assessment. Moreover in this case, slowness was observed due to faulty CT/PT unit, and further action was taken as per provisions of Supply Code.
- (xiv) The CGRF had given just and fair decision after carefully examining the facts of the case and material put on record by the Respondent.
- (xv) From the above it was evident that the Appellant was putting forward wrong and non-relevant facts in his Appeal as he had been charged on account of slowness of metering equipment detected during checking dated 25.02.2021 and his account was overhauled for six months period as per Supply Code/ESIM. Therefore, the Respondent prayed to dismiss the Appeal.

(b) Submission during hearing

During hearing on 25.10.2021, the Respondent reiterated the submissions made in the Appeal and prayed to dismiss the Appeal. The Respondent admitted that billing of this connection was being done on kVAh basis but accuracy of meter on kVAh basis was not calculated by Enforcement on 25.02.2021. The

accuracy was determined on kWh basis by Enforcement and it was found 21.53% slow. It was also admitted that investigation report of damaged CT/ PT units & meter was not prepared and not sent to the Appellant as required under Supply Code regulations.

6. Analysis and Findings

The issue requiring adjudication is the legitimacy of notice no. 94 dated 01.03.2021 for ₹ 2,08,013/- issued to the Appellant on account of checking by ASE/ Enforcement-cum-EA & MMTS, Mohali vide ECR no. 93/20 dated 25.02.2021 which was later on revised as ₹ 1,77,290/- vide Memo No. 503 dated 16.09.2021 on the basis of the decision of the Forum.

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

- (i) The Appellant's Counsel (AC) argued that the Appellant was having a Non Residential Supply Category Connection, bearing Account No. R66GC6600004 with sanctioned load of 350.370 kW and CD as 390 kVA running under DS Division, PSPCL, Kharar in the name of M/s Sacred Souls School, Village Gharuan, Distt. Mohali. ASE/Enforcement-cum-EA & MMTS, PSPCL, Mohali checked the meter installed in the premises of Appellant vide Report No. 20/093 dated 25.02.2021. The

checking officer alleged that due to less availability of voltage to B-phase, the meter was running slow by (-) 21.53%. But this checking was inconclusive since the Enforcement officer did not mention the part, i.e., kWh or kVAh of the meter, on which it is slow by 21.53%. The checking officer had admitted regarding correctness of seals affixed at metering equipment vide its checking report dated 25.02.2021. The Respondent issued demand notice No. 94 dated 01.03.2021, vide which Respondent had directed the Appellant to deposit an amount of ₹ 2,08,013/- (₹ 1,67,799/- as difference due to slowness + ₹ 40,214/- as cost of HT CT/PT) due to alleged slowness of the meter, i.e., (-) 21.53% on the basis of alleged checking by ASE/Enforcement-cum-EA & MMTS, PSPCL, Mohali vide ECR No. 20/093 dated 25.02.2021.

- (ii) The Respondent pleaded that the Appellant was having a Non Residential Supply Category Connection, bearing Account No. R66GC6600004 with sanctioned load of 350.370 kW and CD as 390 kVA running under DS Division, PSPCL, Kharar in the name of M/s Sacred Souls School, Village Gharuan, Distt. Mohali. The meter of the Appellant was checked due to defective Scroll Switch. The checking was done by ASE/Enforcement-cum-EA & MMTS, Mohali vide ECR no. 93/20 dated

25.02.2021 according to which voltage on B-phase was found low. So, accuracy of meter was checked by LT ERS set in which meter was found running slow by 21.53%. The Appellant was charged ₹ 1,67,799/- for difference in units due to slowness of meter and ₹ 40,214/- for cost of damaged HT/CTPT unit totaling to ₹ 2,08,013/- vide notice no. 94 dated 01.03.2021. The Appellant filed an appeal with CGRF, Patiala against this notice. CGRF vide its decision dated 10.09.2021 decided that the account of the Appellant be overhauled for a period of 6 months immediately preceding the date of replacement of defective metering equipment, i.e., 09.06.2021 along with cost of damaged CT/PT. In compliance of decision of CGRF, the Appellant was given revised notice no. 503 dated 16.09.2021 for ₹ 1,35,607/- (₹ 1,36,996/- for difference in units due to slowness of meter and ₹ 40,214/- for cost of damaged HT/CTPT unit totaling to ₹ 1,77,210/- less ₹ 41,603/- deposited by the Appellant vide BA 16 no. 84/51946 dated 25.03.2021). This amount was recoverable from the Appellant.

- (iii) The Forum after going through submissions of the Appellant and the Respondent along with the material brought on record, observed that DDL data is available from 18.12.2020 onwards which showed less voltage and less current on B phase. The

revised DDL shows the data from 03.04.2021 to 09.06.2021 and it had been observed that the voltage/current on B phase remained slow up to 09.06.2021. The CGRF further observed that inspite of the fact that DDL report did not had any data before 18.12.2020 (as also confirmed by Enforcement Wing), but the Respondent overhauled the account of the petitioner for a period of 6 months prior to the date of checking, i.e., 25.02.2021. So the CGRF decided that the account of the petitioner be overhauled for a period of 6 months immediately preceding the date of replacement of defective metering equipment i.e. 09.6.2021 on account of meter found running slow by 21.53% during checking by Enforcement-Cum-MMTS Wing, Mohali vide ECR no. 20/93 dated 25.02.21 as per the provisions of Supply Code 2014 Regulation Clause no. 21.5.1. The cost of damaged CT/PT is recoverable from the petitioner.

- (iv) The Respondent was asked whether the accuracy of kVAh was checked while calculating the slowness of the meter and whether the Respondent investigated the reasons for the damage to the CT/PT unit and such report was forwarded to the consumer within 30 days as per Regulation 21.4.1 of Supply Code-2014. The Respondent could not reply satisfactorily on these issues. The Respondent confirmed on date of hearing that no such report

as per Regulation 21.4.1 of Supply Code-2014 is in the record. He confirmed during hearing that accuracy of kVAh was not determined by Enforcement during checking on 25.02.2021.

- (v) So considering the facts of the case, this Court is of the opinion that since accuracy of kVAh reading was not checked and considering the fact that billing is done on kVAh, the account of the Appellant cannot be overhauled on the basis of incomplete checking report. So the notice no. 94 dated 01.03.2021 and further revised notice no. 503 dated 16.09.2021 based on the said incomplete report vide ECR no. 20/93 dated 25.02.2021 are hereby quashed. Overhauling of account by treating the meter as inaccurate is wrong. The overhauling is required to be done by treating the meter as defective because accuracy of kVAh consumption was not checked by Enforcement on 25.02.2021. As per the ME Lab report on Store Challan Nos. 44/45 dated 23.06.2021, the disputed meter as well as CT/PT unit are defective, so the account of the Appellant should be overhauled for six months prior to replacement of the disputed meter/ CTPT unit on 09.06.2021 as per Regulation No. 21.5.2 (a) of Supply Code, 2014. Since investigation report relating to the damage of the CT/PT unit was not prepared as per Regulation 21.4.1 of Supply Code-2014, the cost of CT/PT unit is not recoverable

from the Appellant. The responsibility of the Appellant regarding damage of CT/PT Units was never fixed by the Respondent.

- (vi) The Respondent failed to replace the meter/ CTPT unit as per checking report of Enforcement dated 25.02.2021 within the stipulated period of 10 working days as per Standards of Performance. The meter/ CTPT unit was replaced on 09.06.2021.
- (vii) Regulation No. 21.4.1 of Supply Code, 2014 was violated in this case because the Respondent had failed to prepare the investigation report relating to defective/ damaged CT/PT Units which is a part of the Meter.

7. Decision

As a sequel of above discussions, it is decided that:

- a) the order dated 10.09.2021 of the CGRF, Patiala in Case No. CGP-141 of 2021 is hereby quashed;
 - b) the account of the Appellant shall be overhauled for six months prior to replacement of the disputed meter on 09.06.2021 as per Regulation No. 21.5.2 (a) of Supply Code, 2014;
 - c) the cost of CT/PT unit is not recoverable from the Appellant.
- 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 25, 2021
S.A.S. Nagar (Mohali)

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

