

**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 the
Electricity Act, 2003)**

APPEAL No. 84/2021

Date of Registration : 12.10.2021

Date of Hearing : 27.10.2021

Date of Order : 27.10.2021

Before:

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

In the Matter of:

Sh. Harish Sharma,
1656, Sector-32-A,
Urban Estate,
Chandigarh Road Ludhiana. Pin 141010

Contract Account Number: 3002841896 (DS)

...Appellant

Versus

Additional Superintending Engineer,
DS Focal Point (Spl.) Divn.,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Sh.Harish Sharma,
Appellant.

Respondent : Er. Manik Bhanot,
Asstt. Executive Engineer,
DS Focal Point (Spl.) Divn.,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 16.09.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-181 of 2021, deciding that:

“The bill dated 05.03.2021 amounting to Rs.103750/- including previous arrears is correct and recoverable.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 12.10.2021 i.e within the period of thirty days of receipt of copy of the decision dated 16.09.2021 of the CGRF, Ludhiana in Case No. CGL-181 of 2021. The Appellant deposited the requisite 40% of the disputed amount vide Receipt No. 158844538 dated 05.05.2021. Therefore, the Appeal was registered on 12.10.2021 and copy of the same was sent to the Addl. S.E./ DS Focal Point (Spl.) Divn., 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. 1467-69/OEP/A-84/2021 dated 12.10.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 27.10.2021 at 12.00 Noon and an intimation to this effect was sent to both the parties vide letter nos. 1536-37/OEP/A-84/2021 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 and the Respondent alongwith material brought on record by both 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 Domestic Supply Category Connection, bearing Account No. 3002841896 with sanctioned load of 10.620 kW under DS Focal Point (Spl.) Divn., PSPCL, Ludhiana in the name of Sh. Harish Sharma.

- (ii) The Appellant's meter got burnt in July, 2020. The meter was sent to ME Lab vide Challan No. 352 dated 26.09.2020 in which final reading was taken as 11738 kWh, which was very high and not justified.
- (iii) After the installation of new meter, the Appellant received bills with high consumption as below :-

Date of Reading	Units Consumed (kWH)
29.07.2020	3770
08.09.2020	2000
02.10.2020	1983

The Appellant's average consumption was 500 to 600 units (approx.) every month.

- (iv) The Appellant filed a case in the CGRF but he was not satisfied with the decision of the CGRF as he did not get any relief.
- (v) CGRF, Ludhiana observed on page no. 4 para (iii) of its decision dated 16.09.2021 that consumption from 2016 to 2017 was constant and reduced considerably in 2018 and 2019. Against this, the Appellant replied that he was not staying in his house due to his daughter's study and stayed at his Cousin's flat for some time.
- (vi) It was prayed that the Appeal may be decided in favor of the Appellant.

(b) Submission during hearing

During hearing on 27.10.2021, 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 bearing Account No. 3002841896 had DS Connection with sanctioned load as 10.620 kW under Focal Point (Spl.) Division, Ludhiana. The meter of the Appellant got burnt and was replaced vide MCO No. 100010553962 dated 24.07.2020 effected on 27.07.2020.
- (ii) The burnt meter was sent to ME Lab vide Challan No. 352 dated 26.09.2020 where meter was found burnt with final reading as 11738 kWh. Thereafter, the bill dated 08.09.2020 for the consumption of 5846 units, consisting of 3923 units of old burnt meter upto final reading 11738 kWh and 1923 units of current meter, amounting to ₹ 83,330/- was generated.
- (iii) The Appellant was issued bill dated 05.03.2021 for 31 days on 'O' code basis amounting to ₹ 1,03,750/- including previous arrears. The Appellant did not agree with it and filed a case in CGRF, Ludhiana.

- (iv) The CGRF, Ludhiana examined the consumption data before & after the change of burnt meter and decided that the bill dated 05.03.2021 amounting to ₹ 1,03,750/- including previous arrears was correct and fully recoverable.
- (v) The bills were generated for the actual electricity units consumed by the consumer. The amount charged to the consumer was correct and thus recoverable.

(b) Submission during hearing

During hearing on 27.10.2021, 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 bill dated 05.03.2021 issued to the Appellant for ₹ 1,03,750/- including previous arrears.

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

- (i) The Appellant pleaded that he was having a Domestic Supply Category Connection, bearing Account No. 3002841896 with sanctioned load of 10.620 kW under DS Focal Point (Spl.) Divn., PSPCL, Ludhiana in the name of Appellant. The

Appellant's meter got burnt in July, 2020. The meter was sent to ME Lab vide Challan No. 352 dated 26.09.2020 in which final reading was taken as 11738 kWh, which was very high and not justified. After change of meter, he received inflated bills as against his earlier bills of average consumption of 500-600 units (approx.) per month.

- (ii) The Respondent argued that the Appellant bearing Account No. 3002841896 had DS Connection with sanctioned load as 10.620 kW under Focal Point (Spl.) Division, Ludhiana. The meter of the Appellant got burnt and was replaced vide MCO No. 100010553962 dated 24.07.2020 effected on 27.07.2020. The burnt meter was sent to ME Lab vide Challan No. 352 dated 26.09.2020 where meter was found burnt with final reading as 11738 kWh. Thereafter, the bill dated 08.09.2020 for the consumption of 5846 units, consisting of 3923 units of old burnt meter upto final reading 11738 kWh and 1923 units of current meter, amounting to ₹ 83,330/- was generated. The Appellant was issued bill dated 05.03.2021 for 31 days on 'O' code basis amounting to ₹ 1,03,750/- including previous arrears. The Appellant did not agree with it and filed a case in CGRF, Ludhiana. The bills were generated for the actual electricity units consumed by the consumer. The amount

charged to the consumer was correct and hence fully recoverable.

- (iii) The Forum observed that the consumption of the Appellant from 2016 to 2017 was constant but reduced considerably in 2018 and 2019 for which the Appellant did not explain the reasons for such low consumption either in petition or during oral discussion. The Appellant was issued bill in 06/2020 on 'P' code and then on 'F' code, thereafter the bill dated 08.09.2020 for the consumption of 5846 units recorded in 09/2020, consisted of 3923 units of old Meter from 02.06.2020 to 26.07.2020 and 1923 units of current Meter from 27.07.2020 to 08.09.2020 i.e. for 99 days amounting to ₹ 83,330/- was generated after adjusting all the previous bills prepared on average basis from 06/2020 to 08/2020. The Forum further observed that the above period included the lockdown period from 23.03.2020 to 05/2020, during which all the business activities were completely shut down and all the family members were staying at their home. Moreover, the period was also summer period so due to the above, consumption might have been increased during disputed period of the bill. Keeping in view the above discussion, the consumption data before and after the change of meter and after going through submissions

of the Appellant and the Respondent along with the material brought on record, the Forum decided that the bill dated 05.03.2021 amounting to ₹ 1,03,750/- including previous arrears was correct and recoverable.

- (iv) It is observed that the billing of Appellant was done on the basis of actual units of electricity consumed by him. The Appellant never challenged the working of the new meter installed on 27.07.2020 by depositing the requisite fee as per Regulation 21.3.6 (b) of the Supply Code-2014. The Appellant also failed to deposit even the current bills after 09/2020. The Appellant brought no new points in this Appeal which were not considered by the Forum at the time of passing the final order on 16.09.2021.
- (v) From the above, it is concluded that since the Appellant was billed on the basis of actual consumption recorded by the meters, so the bill dated 05.03.2021 amounting to ₹ 1,03,750/- including previous arrears was correct and recoverable. This Court is not inclined to interfere with the order dated 16.09.2021 passed by the Forum in Case No. CGL- 181 of 2021.

6. Decision

As a sequel of above discussions, the order dated 16.09.2021 of the CGRF, Ludhiana in Case No. CGL-181 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 27, 2021
S.A.S. Nagar (Mohali)

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