

**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. 86/2021

Date of Registration : 08.11.2021

Date of Hearing : 29.11.2021

Date of Order : 29.11.2021

Before:

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

In the Matter of:

Sh. Amritpal Singh,
8-A, Nirbhai Colony, Ragho Majra,
Patiala, Pin 147001.

Contract Account Number: 3000080250 (DS)

...Appellant

Versus

Additional Superintending Engineer,
DS Model Town Division,
PSPCL, Patiala.

...Respondent

Present For:

Appellant: Sh. Amritpal Singh,
Appellant.

Respondent : Er. Preetinder Singh,
AE/ Commercial,
DS Model Town Division,
PSPCL, Patiala.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 08.10.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-325 of 2021, deciding that:

“Considering the FR-89754 units as correct, consumption recorded by the meter during the period from 21.02.2020 to the date of replacement of meter i.e. 22.09.2020 (date of replacement of meter) be equally distributed over this period and the account of petitioner be overhauled as per applicable tariff from time to time without charging any surcharge/ interest. DLDSC, Patiala decision dated 18.06.2021 is modified to that extent.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appellant had sent the Appeal vide e-mail dated 03.11.2021 and also sent four copies of the Appeal through Registered Post. The Appeal was received in this Court on 08.11.2021 i.e. within the stipulated period of thirty days of receipt of copy of decision dated 08.10.2021 of the CGRF, Patiala by the Appellant on 13.10.2021. The Appellant had deposited the requisite 40% of the disputed amount of ₹ 19,970/- vide receipt no. 156221676 dated 05.03.2021 for ₹ 3,740/-, receipt no. 159058777 dated 10.05.2021 for ₹ 1,610/-, receipt no.

160955593 dated 20.06.2021 for ₹ 376/-, receipt no. 14167190250 dated 23.10.2021 for ₹ 2,500/- and receipt no. 167803522 dated 08.11.2021 for ₹ 3,000/-. Therefore, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/ DS Model Town Division, PSPCL, Patiala for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos.1601-03/OEP/A-86/2021 dated 08.11.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 29.11.2021 at 12.30 PM and an intimation to this effect was sent to both the parties vide letter nos. 1652-1653/OEP/A-86/2021 dated 26.11.2021. As scheduled, the hearing was held on 29.11.2021 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 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 Domestic Supply Category Connection, bearing Account No. 3000080250 with sanctioned load of 5.99 kW under DS Model Town Division, PSPCL, Patiala. The Appellant had got installed Solar System in the month of September, 2020. Earlier, the Respondent used to send the bills to the Appellant on regular basis on the basis of actual readings and no bill was ever sent on average basis except the one in the month of April, 2020. The Appellant received the last bill on the basis of actual meter reading as 87650 on 20.08.2020 from the Meter Reader who took the reading in the presence of Appellant. The Meter Reader also took a screen shot of the same. The Appellant pleaded with the Respondent that for his satisfaction, the screen shots taken by the Meter Reader during 2020 may be called upon but no such record was provided by them. The Appellant was having a single phase connection and his consumption for the period of 7 months from November, 2020 to June ,2021 was 1514 units only but to his surprise, the bill for the month of October, 2020 received by the Appellant

showed consumption of 2429 units which was more than total units consumed by the Appellant in a year.

- (ii) The Appellant visited the office of the Respondent many times during November – December, 2020 and requested the SDO concerned to show him his previous Meter which was removed on 21.09.2020 with final reading of 89754. The SDO kept assuring the Appellant that the Meter would be shown to him. After waiting for more than one month, the Appellant lodged a written complaint addressed to SDO on 04.01.2021 and asked for showing him the Meter which was removed without his knowledge. When no response was received from the SDO, the Appellant again sent reminder on 18.01.2021 and obtained acknowledgement from the concerned SDO. In response to the above letter, the Appellant received letter no. 18 dated 11.01.2021 and letter no. 42 dated 22.01.2021 merely justifying the reading shown in the bill as 89754.
- (iii) The Appellant approached the Respondent on 22.01.2021 for obtaining justice. The Appellant had received letter no. 477 dated 01.02.2021 justifying the letter written to him by the SDO. The Appellant again requested the Respondent vide its letter dated 06.02.2021 to do justice by showing him the old Meter, also checking of his previous record of consumption and

matter may please be referred to Dispute Settlement Committee. After waiting for four months, the Appellant again requested to the Respondent vide his letter dated 11.06.2021 for the said purpose. Thereafter, the case was referred to Dispute Settlement Committee on 18.06.2021.

- (iv) After listening to the Appellant, the Dispute Settlement Committee also responded with same reply based on letters of the SDO that the meter was submitted to ME Lab but kept mum regarding of Meter and screen shot taken by the Meter Reader. The case of the Appellant was decided on the basis of mere observations of the Committee and not on the basis of facts or evidences and the Committee observed that the Meter Reader had taken wrong reading in previous bills during 2020. The observation of the DSC was merely a complete lie because the Meter Reader used to take reading by screen shot also.
- (v) The Appellant could not get justice from DSC and thereafter he filed Petition in the CGRF at Patiala on 24.08.2021.
- (vi) The decision of Forum was based upon the decisions of the Committee. The main point mentioned by the Respondent and Dispute Settlement Committee that the ME Report has been taken as final for deciding the case.

- (vii) The Appellant was itself a witness of Meter reading on 20.08.2020 when reading & screen shot of Meter was taken as 87650 by the Meter Reader. It was that average bills were issued with 'N' code whereas all actual reading bills were issued with 'O' code which was very well reflected in consumption data provided by the Respondent to the Forum. For reading dated 30.04.2020, on that day also the Appellant had checked the reading which was mentioned in bill on higher side as compared to meter reading even then the Appellant had paid the bill because it had been mentioned in the bill as 'N' code status and same was adjusted in next bill with actual reading showing consumption of the Appellant as (-60) units.
- (viii) The Appellant requested the Forum to ask for those screen shots from the Respondent on 01.10.2021 but the Forum did not take it seriously and if this information i.e. screen shots of 21.02.2020 & 30.04.2020 was called for then its case could be justified.
- (ix) During March, 2020; Covid-19 Pandemic was at its peak. It was strict advice/ instructions from the Govt. not to use ACs, so data for that period cannot be considered to be compared with data of previous years. The Appellant and his wife had been residing at the place and their daughter was in service at Bangalore. The

Appellant being a Senior Citizen was afraid of Covid-19 Pandemic and never used ACs, even Fans remained out of use.

- (x) The Forum had not given any concrete evidence as to why it had accepted meter reading dated 22.09.2020 FR-89654 as correct without any evidence except just copying the decision of DSC dated 18.06.2021. All other bills of 2020 considered as incorrect because it had considered the meter reading to be equally distributed over the period starting 02/ 2020. How the Forum had considered that bill before 2020 were sent correctly by PSPCL and no mistake made by the Meter Reader as had been done in year 2020? It was sort of punishment to the consumer if one had not consumed electricity, only change the Forum had made in its decision was that of waiving of surcharge/ interest to the Appellant.
- (xi) The Appellant pleaded that disputed meter or its screen shot dated 21.09.2020 may be asked for from the Respondent showing reading as 89654 which had been called for by the Forum vide its letter but the Respondent had not provided the same to the Forum. It was quite surprising that why the Forum had ignored it otherwise, it might have served the purpose of concrete evidence. The Appellant would have no objection to pay the bill if reading of meter tallies with the bill under dispute

otherwise in absence of evidence, bill of October may be considered completely null and void because it was prepared on flimsy grounds and fake record had been created by different Departments of same Organization to save each other from their faults. The Appellant had also requested to summon from the Respondent screen shots of reading dated 21.02.2020 & 30.04.2020 taken by the Meter Reader. It would help in clarification that whether reading was taken incorrectly by the Meter Reader and if reading tallied with the screen shot then observation of the Committee/ Forum would be exposed and justice would be provided to the Appellant on the basis of evidence. It was also requested to instruct the concerned to issue separate monthly bills after 21.09.2020 till date without surcharge/ penalties/ interest so that the Appellant being a layman could understand the same. The Appellant prayed that he believes that there will be refund in his favour till date of his consumption.

(b) Submissions made in the Rejoinder:

The Appellant made the following submissions in its Rejoinder dated 28.11.2021 sent via email for consideration of this Court:-

- (i) The Appellant in his Rejoinder had denied the version of the Respondent that the meter was replaced in his presence or in presence of his representative. The Appellant had earlier denied this fact in the Forum also and the papers have been created by the Respondent of the same Organization to save each other.
- (ii) The vital evidence in the case asked by the Forum i.e. Screen Shot of meter under dispute was not submitted by the Respondent and now again the Respondent had shown its inability to produce meter under dispute or its screen shot dated 21.09.2020.
- (iii) The Respondent had intentionally not been producing screen shots taken by Meter Reader of previous bills dated 20.08.2020, 21.02.2020 and 11.06.2020 which remained available with the Department in normal course of working showing actual readings at material time. These bills were issued on actual reading basis with 'O' code. These screen shots, if produced, must have served as complete and vital evidence in deciding the case.
- (iv) The case was clear and the Respondent had nothing to tell and no evidence to produce before this Court. The Appellant had stated in his petition that if screen shots of meter reading were produced then he had no objection to pay the bill.

- (v) The Appellant prayed that the bill dated 21.09.2020 be declared as null and void with instructions to the Respondent to provide him refund of amount already paid

(c) Submission during hearing

During hearing on 29.11.2021, the Appellant reiterated the submissions made in the Appeal as well as in the Rejoinder and prayed to allow the relief claimed by him in the Appeal. The Appellant stated that the disputed period in this case is from 21.08.2020 to 22.09.2020. He is satisfied with the billing done prior to and after this disputed period.

(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. 3000080250 with sanctioned load of 5.99 kW under DS Model Town Division, PSPCL, Patiala in his name.
- (ii) The Appellant had applied for the replacement of the meter with bi-directional meter due to installation of Solar Plant at his premises. The old meter bearing Serial No. 197292 with final

reading as 89754 kWh was replaced on 22.09.2020 vide MCO No. 100010884553 in the presence of the Appellant/ his Representative who put his signature on the MCO.

- (iii) The removed meter was returned to the ME Lab, Patiala vide Challan No. 47/15 dated 27.10.2020. The Appellant had visited Sub Division Commercial-2, Model Town, Patiala on 04.01.2021 and submitted the request to rectify the bills. The Appellant was informed that the bill was generated as per the reading of the meter at the time of its removal which was also verified by AEE/ ME, Patiala in the presence of Sr. XEN/ Enforcement-2, Patiala on ME Challan.
- (iv) The Respondent informed the Appellant that the removed meter having Sr. No. 197292 was already returned to ME Lab, Patiala as per the norms of PSPCL on 27.10.2020 and could not be produced before the Appellant as demanded by him.
- (v) The screen shots of the meter reading taken during spot billing by the Meter Reader were not available as the work order for spot billing was changed from M/s. Cosyn to M/s. Sterling Transformers during the month of August, 2020.
- (vi) The officials of M/s. Cosyn were contacted telephonically to make available the screen shots and it was intimated by them

that the whole data related to spot billing of PSPCL was removed from the servers after completion of the work order.

- (vii) The decision of Divisional Dispute Settlement Committee and the Forum for redressal of the grievance filed by the Appellant was as per the records and facts.
- (viii) The Respondent confirmed that the Appellant has deposited the requisite 40% of the disputed amount.

(b) Submission during hearing

During hearing on 29.11.2021, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for dismissal of the Appeal. He admitted that the meter in dispute and screen shots are not available now.

5. Analysis and Findings

Both parties agreed that the disputed period is from 21.08.2020 to 22.09.2020. As such, adjudication shall be done only in respect of consumption relating to this period only.

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

- (i) The Appellant argued that he was having a Domestic Supply Category Connection, bearing Account No. 3000080250 with sanctioned load of 5.99 kW. The Appellant had got installed

Solar System in the month of September, 2020. The Appellant received the last bill on the basis of actual meter reading as 87650 on 20.08.2020 from the Meter Reader who took the reading in the presence of Appellant. The Meter Reader also took a screen shot of the same. The Appellant pleaded with the Respondent that for his satisfaction, the screen shots taken by the Meter Reader during 2020 may be called upon but no such record was provided by them. The Appellant was having a single phase connection and his consumption for the period of 7 months from November, 2020 to June, 2021 was 1514 units only but to his surprise, the bill for the month of October, 2020 received by the Appellant showed consumption of 2429 units which was more than total units consumed by the Appellant in a year. The Appellant visited the office of the Respondent many times during November – December, 2020 and requested the SDO concerned to show him his previous Meter which was removed on 21.09.2020 with final reading of 89754. The SDO kept assuring the Appellant that the Meter would be shown to him. After waiting for more than one month, the Appellant lodged a written complaint addressed to SDO on 04.01.2021 and asked for showing him the Meter which was removed without his knowledge. When no response was received from

the SDO, the Appellant again sent reminder on 18.01.2021 and obtained acknowledgement from concerned SDO. In response to the above letter, the Appellant received letter no. 18 dated 11.01.2021 and letter no. 42 dated 22.01.2021 merely justifying the reading shown in the bill as 89754. The Appellant approached the Respondent on 22.01.2021 for obtaining justice. The Appellant received letter no. 477 dated 01.02.2021 justifying the letter written to him by the SDO. The Appellant again requested the Respondent vide its letter dated 06.02.2021 to do justice by showing him the old Meter, also checking of his previous record of consumption and matter may please be referred to the Dispute Settlement Committee. After waiting for four months, the Appellant again requested to the Respondent vide his letter dated 11.06.2021 for the said purpose. Thereafter, the case was referred to the Dispute Settlement Committee on 18.06.2021. The Appellant could not get justice from DSC and thereafter, he filed Petition in the Forum on 24.08.2021. The decision of Forum was based upon the decisions of the Committee. The main point mentioned by the Respondent and the Dispute Settlement Committee that the ME Report has been taken as final for deciding the case. The Appellant requested the Forum to ask for those screen shots from the Respondent on

01.10.2021 but the Forum did not take it seriously and if this information i.e. screen shots of 21.02.2020 & 30.04.2020 was called for then its case could be justified. During March, 2020; Covid-19 Pandemic was at its peak, the Appellant being a Senior Citizen was afraid of Covid-19 Pandemic, never used ACs and even Fans remained out of use. The Appellant pleaded that the screen shots taken by the Meter Reader may be shown to him and if these tallies with the reading, he was ready to make the payment of the bill. The Appellant prayed that he believes that there will be refund in his favour till date of his consumption.

- (ii) The Respondent controverted the pleas raised by the Appellant and argued that the Appellant had applied for the replacement of the meter with bi-directional meter due to installation of Solar Plant at his premises. The old meter bearing Serial No. 197292 with final reading as 89754 kWh was replaced on 22.09.2020 vide MCO No. 100010884553 in the presence of the Appellant/ his Representative who put his signature on the MCO. The removed meter was returned to the ME Lab, Patiala vide Challan No. 47/15 dated 27.10.2020. The Appellant had visited the Respondent on 04.01.2021 and submitted the request to rectify the bills. The Appellant was informed that the bill

was generated as per the reading on the meter at the time of its removal which was also verified by AEE/ ME, Patiala in the presence of Sr. XEN/ Enforcement-2, Patiala on ME Challan. The Respondent informed the Appellant that the removed meter having Serial No. 197292 was already returned to ME Lab, Patiala as per the norms of PSPCL on 27.10.2020 and could not be produced as demanded by the Appellant. The screen shots of the meter reading taken during spot billing by the Meter Reader were also not available as the work order for spot billing was changed from M/s. Cosyn to M/s. Sterling Transformers during the month of August, 2020. The officials of M/s. Cosyn were contacted telephonically to make available the screen shots and it was intimated by them that the whole data related to spot billing of PSPCL was removed from the Servers after completion of the work order. The decision of Dispute Settlement Committee and the Forum for the redressal of grievance filed the Appellant was as per the records and facts.

- (iii) The Forum in its decision had observed that annual consumption for year 2016, 2017, 2018 and 2019 was 7960 units, 8283 units, 4761 units, and 5901 units respectively. Forum also observed that signature of the Appellant were found appended on MCO No. 100010884553 dated 14.09.2020

effected on 22.09.2020, where the FR of meter was recorded by JE as 89745 units on 22.09.2020, however the Appellant denied that these were his or his representative's signature. The Forum further observed that the same Final Reading 89754 was also reported by ME Lab, Patiala vide challan no. 47/15 dated 27.12.2020 and that DLDSC, Patiala also observed that due to Corona Lockdown during 2020, meter readings seems to have been taken incorrectly in this case. After considering all written and verbal submissions by the Petitioner and the Respondent and scrutiny of record produced, Forum decided that considering the FR-89754 units as correct, consumption recorded by the meter during the period from 21.02.2020 to the date of replacement of meter i.e. 22.09.2020 (date of replacement of meter) need to be equally distributed over this period and the account of Petitioner need to be overhauled as per applicable tariff from time to time without charging any surcharge/ interest.

- (iv) It is observed by this court that the decision of the Forum is not based on any regulations/ instructions of the Distribution Licensee and the Forum has erred in passing such order. The Appellant in its Appeal has admitted that he was witness to the reading of 87650 taken by the meter reader on 20.08.2020 but

he did not agree to the reading of 89754 kWh recorded on MCO No. 100010884553 dated 14.09.2020 effected on 22.09.2020. So distributing of consumption over a period of time before 20.08.2020 is not correct and also not as per any regulations/ instructions. The Respondent had failed to prove that the readings recorded by the Meter Reader during the period from 21.02.2020 to 22.09.2020 were incorrect. No action had been initiated against the Meter Reader for recording incorrect readings.

- (v) The Appellant agree with the readings recorded upto 20.08.2020. The reading recorded on 20.08.2020 was 87650 kWh. MCO No. 100010884553 dated 14.09.2020 was affected on 22.09.2020 and final reading recorded on it is 89754 kWh. MCO had signatures of consumer on it but the Appellant had denied in the Rejoinder about this. He had pleaded that meter was not replaced on 22.09.2020 in his presence or in the presence of his authorized representative. Further, Meter was not returned to ME Lab in the presence of the Appellant or his authorized representative. The Appellant disagree with reading of 89754 kWh recorded on 22.09.2020. The Respondent could not prove during hearing on 29.11.2021 that the reading recorded on MCO is correct. The Respondent failed to

authenticate that the MCO had signatures of the consumer or his authorized representative. No documentary evidence like screen shot or meter in dispute was produced in the Court as demanded by the Appellant. In view of this, it is difficult for this Court to consider the reading of the Meter recorded on 22.09.2020 as correct. The disputed period is from 21.08.2020 to 22.09.2020.

- (vi) In view of the above, this court is not inclined to agree with the decision dated 08.10.2021 of the Forum in case no. CGP-325 of 2021. The final reading of 89754 kWh written on MCO shall not be considered for billing purpose. The disputed period from 21.08.2020 to 20.09.2020 shall be overhauled with the corresponding consumption recorded during the period from 21.08.2019 to 22.09.2019.

6. Decision

As a sequel of above discussions, it is decided as under: -

- a) The order dated 08.10.2021 of the Forum in Case No. CGP-325 of 2021 is set aside.
- b) The disputed period from 21.08.2020 to 22.09.2020 shall be overhauled with corresponding consumption recorded during the period from 21.08.2019 to 22.09.2019.

c) Accordingly, the Respondent is directed to refund/ recover the amount found excess/ short after adjustment, if any, with surcharge/ interest as per instructions of PSPCL.

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.

November 29, 2021
S.A.S. Nagar (Mohali)

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