

**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. 88/2021

Date of Registration : 17.11.2021

Date of Hearing : 07.12.2021

Date of Order : 07.12.2021

Before:

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

In the Matter of:

Sh. Parminder Singh,
G.T. Road, V&PO Dhandari,
Distt. Ludhiana.

**Contract Account Number:3001926311(New)
W11GT280599N(Old)**

...Appellant

Versus

Additional Superintending Engineer,
DS Estate Division (Special),
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: 1. Sh. Parvesh Chadha,
 Appellant's Representative
 2. Sh. Jatinder Pal Singh,
 Appellant's Representative.

Respondent : 1. Er. Mandeep Garg, AEE
 DS Estate Division (Special),
 PSPCL, Ludhiana.
 2. Sh. Krishan Singh, AAO

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 30.09.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-229 of 2021, deciding that:

“The amount of Rs. 146262/- charged in bill issued on date 11.05.2021 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 17.11.2021 i.e within thirty days of receipt of copy of decision dated 30.09.2021. The Appellant had received the copy of decision of the CGRF, Ludhiana on 18.10.2021 and he attached the proof of receipt of the order. The Appellant had deposited the requisite 40% of the disputed amount vide receipt no. 215600274729 dated 21.06.2021 of ₹ 15,000/-, receipt no. 295629277729 dated 21.06.2021 of ₹ 15,000/- and receipt no. 168311915 dated 17.11.2021 of ₹ 30,000/-. Therefore, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/ Sr. Xen/ DS Estate (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. 1613-15/OEP/A-88/2021 dated 17.11.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 03.12.2021 at 12.00 PM and an intimation to this effect was sent to both the sides vide letter nos. 1671-72/OEP/A-88/2021 dated 29.11.2021. The Appellant on 02.12.2021 requested for adjournment of the case, on the ground that his Aunt had expired. Accordingly, the case was adjourned to 07.12.2021 and intimation to both the parties was sent vide letter nos. 1687/1688/OEP/A-88 of 2021 dated 02.12.2021. As scheduled, the hearing was held on 07.12.2021 in this Court and arguments of both parties were heard.

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 sides.

(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 DS Category Connection bearing Account No. 3001926311 with sanctioned load of 6.00 kW running under DS Estate Division (Special), PSPCL, Ludhiana in the name of Sh. Parminder Singh.
- (ii) The Appellant was having a plot in Village Dhandari, District-Ludhiana. The plot had two 10X10 rooms alongwith a kitchen. A handicapped person was living in this plot. The meter was installed outside the plot and the same was burnt due to rain.
- (iii) The Appellant informed the Respondent about the burnt meter and deposited the fee for new meter. The Respondent visited the site and replaced the old meter with new meter. The Appellant was told that the removed meter would be checked in his presence at ME Lab.
- (iv) The Appellant visited the Respondent office after few days and asked about the checking status of removed meter from ME Lab for which the Respondent assured him that the meter would be checked in his presence only. Afterwards, the Appellant received the bill of ₹ 1,46,262/- which was quite shocking.

- (v) The Appellant approached the CGRF, Ludhiana and filed the petition but was not satisfied with the decision of the Forum.
- (vi) The Appellant asked whether he was responsible for the burning of meter installed outside his home and he was not informed when burnt meter was checked in ME Lab.
- (vii) The SDO/ Sr.Xen/ DS Estate (Spl.) Divn., PSPCL, Ludhiana submitted the site inspection report in the CGRF, Ludhiana twice and both times it was written in the reports that the plot was having two small rooms alongwith a kitchen. The Respondent checked the load which was found to be less than one kW.
- (viii) The Appellant requested the CGRF, Ludhiana to compare the average of last 15 years consumption with the average consumption of new meter installed. But the CGRF did not investigate the same.
- (ix) When the SDO/ Sr. Xen visited the site and inquired from the Appellant that why the load had been extended from 2 kW to 6 kW when there was no need, the Appellant told them that they decided to get building constructed on the plot and give it to some company on lease, so got the load extended but later on when the deal with the company did not go through, the Appellant decided not to construct the building. The same had

been reported by the SDO/ Sr. Xen in their site inspection report.

- (x) The Appellant submitted that the Forum failed to decide the case on the basis of Regulation 21.5.2/21.6 of Supply Code-2014 which deals with burnt meter.
- (xi) The Appellant prayed for the justice in its favour.

(b) Submissions in Rejoinder

In its Rejoinder to the written reply of the Respondent, the Appellant submitted the following for consideration of this Court: -

- (i) The Appellant had admitted that his load was 6 kW but the same was not installed and at present, the running load was .200 kW. The Appellant had got the load enhanced for future planning as there was a tie-up with a Company but due to non-completion of agreed terms and conditions, the same was dropped and the Appellant had gone to Canada. The enhanced load was neither installed nor used. The Checking Agency had not found load more than 0.200 kW and even there were no electric appliance by which energy was consumed. There were only three rooms in the plot and the Meter was installed outside and the same was burnt and the Appellant had filed an

application dated 23-01-2021 due to sparking on the meter and deposited ₹ 620/- as cost of meter. The Respondent in its reply in the Forum had admitted that burnt meter was changed on 03-02-2021 as per exception report. The meter was checked in ME Lab on 20.04.2021 without presence of the Appellant. The reading was recorded in ME Lab as 18771 kWh.

- (ii) It was not in the knowledge of Appellant about concealment of 16434 Units as the meter was fitted outside the house. The Appellant used to pay the bills whatsoever was being issued and the Appellant was never called for to explain about concealment of consumption before charging the amount. The Appellant was surprised when he received the notice no. 765 dated 11-05-2021 to deposit ₹ 1,43,394/-. The Appellant had filed case in the Forum for ₹ 1,46,262/- which was as per the bill issued by The Respondent.
- (iii) The meter was installed outside in MCB and not in a proper manner and burnt in 2017, which was replaced on 26-09-2017. The next meter was running fast and replaced on 09.01.2019. The Appellant had challenged this meter as there was abnormal consumption recorded inspite of low use of electricity as 0.200 kW. The said meter was checked in the ME Lab and it was found that it was running without load. The excess billing was

withdrawn by the Respondent vide Sundry. The consumption was reduced from 6942 & 984 to 180 & 246 units to set right the account through sundry register item no. 100/47/R-207 but sorry to point out that charged consumption was ignored while submitting the consumption data in the Forum.

- (iv) The Enforcement Agency of the Respondent on the basis of ME Lab report, checked the house of Appellant on 04-05-2021 after 14 days and reported that connected load was 0.200 kW against sanctioned load of 6.00 kW. There might be jumping in the meter as DDL could not be recorded due to burning of the meter and without DDL how can Respondent confirm that there was no jumping in meter? The data can be downloaded from the Manufacturer of the Meter to find out exact fault and no such efforts were made before charging the amount.
- (v) During the lockdown period because of Covid-19 Pandemic, the consumption was less as mostly the workers left for their homes and this fact is in the knowledge of everybody.
- (vi) The Appellant had no knowledge that load can be reduced. The MDI recorded as 2.90 kW against running load 0.200 kW might be due to internal defect in the meter. It was not correct that as the ECR no. 9/5003 dated 04-05-2021, MDI was 0.42 whereas as per LCR no. 11/1855 dated 18.09.2021, MDI shown by JE

was 2.90 kVA which was wrong. The load remained the same and it was because of defect in the meter. JE had not found any extra load at site. The abnormal consumption was due to some internal defect in meter and the ME Lab had not investigated the reason. The consumption of new meter was correct as used.

- (vii) The DDL of the Meter may be got done from the Manufacturer of the Meter at the expenses of the Appellant.
- (viii) The Appellant had not pin pointed about 3 rooms, which the Respondent had replied that the Appellant had admitted about 3 rooms and the load was 0.200 kW.
- (ix) The consumption as pointed out, was recorded during the year 2016 as 2161 Units, 2017 as 2964 Units, 2018 as 2154 Units, 2019 as 1638 Units, 2020 as 802 Units(Covid-19 periods), 2021 as 874 Units upto September, 2021 + 274 (P code) R-44636. The Meter reader had recorded R-44636 on 23-11-2021 thus consumption became $44636 - 874 = 43762$ units and bill issued on "P" code for 274 units. This Court can see consumption of 43762 kWh units recorded for 64 days against 0.200 kW. The ME lab reading 18771 might be due to internal defect in the meter.

- (x) It was prayed that the decision of the Forum may kindly be set aside and the amount charged was not correct, so the same may be withdrawn.

(c) Submission during hearing

During hearing on 03.12.2021, the Appellant's Representative reiterated the submissions made in the Appeal as well as in the Rejoinder and prayed to allow the relief claimed 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 Domestic Supply Category connection bearing Account No. 3001926311 with sanctioned load of 6.00 kW running under DS Estate (Spl.) Divn., PSPCL, Ludhiana in the name of Appellant.
- (ii) The Appellant's meter got burnt and was changed vide MCO No. 100012382919 dated 02.02.2021, effected on 03.02.2021. This meter was sent to ME Lab vide store challan no. 3 dated 20.04.2021 and as per ME report, the meter was burnt and reading on meter was recorded as 18771 kWh.

- (iii) As the report of ME Lab, Ludhiana detected concealment of 16434 units, the connection was checked by ASE/ MMTS-5, Ludhiana vide ECR no. 09/5003 dated 04.05.2021 as per which the connected load was found to be 0.200 kW against the sanctioned load of 6.00 kW.
- (iv) The Appellant was correctly charged ₹ 1,43,394/- vide supplementary bill Memo No. 765 dated 11.05.2021 as difference of 16434 units (18771-2337 last billing reading) as per store challan no. 3 dated 20.04.2021.
- (v) The Appellant filed the case in the Forum for ₹ 1,46,262/- which was decided on 30.09.2021 by the Forum.
- (vi) The Appellant's meters were also changed in year 2017 vide MCO No. 100004690650 dated 26.09.2017 (meter burnt) affected on 26.09.2017 and in year 2019 vide MCO No. 100007305537 dated 28.12.2018 affected on 09.01.2019 as meter was challenged by the Appellant. This challenged meter was checked in ME Lab vide challan no. 1850 dated 16.01.2019 which, as per Sundry no. 100/147/R207, stated "whNo dh gb; s/ ohfvzr fpBQk b'v s'A ubdh j?. n?e{o/;ah BjhA j' ;edh whNo nzdo{Bh s"o s/ yokp j?. DDL BjhA nk fojk j?." Due to meter being found defective in ME lab, the bills of the Appellant dated 03.11.2018 and 07.01.2019 billed for the

consumption of 6942 units and 984 units respectively were revised on basis of consumption of last year, i.e., 180 units and 246 units respectively and refund of ₹ 69,852 was given by AEE/ Commercial to the Appellant vide SCA No. 100/47/ R 207 posted on 15.04.2019 in chronology list.

- (vii) The Respondent submitted that there was no jumping in the meter reading but it was a concealment of reading. The fact of concealment of reading had been recorded in the ECR no. 09/5003 dated 04.05.2021 of ASE / Enforcement & MMTS-5, Ludhiana.
- (viii) On the direction of the Forum, the site was checked by AAE, vide LCR no. 11/1855 dated 18.09.2021. He reported that there were 3 residential quarters with load of 5 lamps, ceiling fans 3, plug 3 no. He also reported that as told by the Appellant, he had extended his load for rent purpose of the plot, but due to lockdown, no tenant had come.
- (ix) As per consumption data from 2016 to 2021, there was constant consumption in all the months. Even in lockdown period there was consumption of 319 units in month of 5/2020, 119 units in 07/2020, 102 units in 09/2020 and 117 units in 11/2020. There was no extension/ reduction in load of the Appellant since 2015.

- (x) As per LCR No. 11/1855 dated 18.09.2021, the connected load was about 0.200 kW and MDI reading was 2.90 kVA. It was contended and submitted that the tenants may have used extra load (heaters, air coolers etc.) as MDI reading of 2.90 kVA proves this fact.
- (xi) The burnt meter was changed and the Appellant deposited ₹ 620/- vide receipt dated 27.01.2021 as burnt meter cost. As per copy of original MCO dated 02.02.2021 effected on 03.02.2021, JE had reported on it, that the meter was fully burnt and reading was not readable. The reading of the meter was detected and written in store challan as 18771 by ME Lab. The meter was correctly installed in MCB Box outside the premises as per PSPCL instructions.
- (xii) The Respondent submitted that CGRF had correctly decided the case in favour of PSPCL by giving detailed speaking order in the decision.
- (xiii) The total units billed were 2337 units for the period of 25 months from 09.01.2019 to 03.02.2021 which were very less in comparison to previous years i.e. 2016, 2017, 2018. It was pertinent to mention here that the consumption in July, 2016 was 453, July, 2017 was 1000 units and July, 2018 was 1253

units, whereas the consumption ranged approximately between 100 to 270 units for the period 01/2019 till 02/2021.

(xiv) The Respondent prayed that the present Appeal may kindly be dismissed.

(b) Submission during hearing

During hearing on 03.12.2021, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for dismissal of the Appeal. The Respondent failed to prove that reading of 18771 kWh written on Challan No. 3 dated 20.04.2021 was correct. The investigation report of burnt meter was not prepared.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the amount of ₹ 1,46,262/- charged in the Supplementary bill vide Memo No. 765 dated 11.05.2011 charged on account of final reading recorded in ME Lab.

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

(i) The Appellant's Representative (AR) while arguing its case, reiterated the submissions made in the Appeal as well as in the Rejoinder. The AR pleaded that the Appellant was having a

Domestic Supply Category Connection with sanctioned load of 6.00 kW in his name in his plot situated in Village Dhandari, District Ludhiana. The plot had two 10X10 rooms alongwith a kitchen. A handicapped person was living in this plot. The meter was installed outside the plot. The meter got burnt due to rain. The Appellant informed the Respondent about the burnt meter and deposited the fee for new meter. The Respondent visited the site and replaced the old meter with new meter. The Appellant was told that the removed meter would be checked in his presence at ME Lab. The Appellant visited the Respondent office after few days and asked about the checking status of removed meter from ME Lab for which the Respondent assured him that the meter would be checked in his presence only. Afterwards, the Appellant received the bill of ₹ 1,46,262/- which was quite shocking to the Appellant. The Appellant approached the Forum but he was not satisfied with the decision of the Forum. The Appellant asked whether he was responsible for the burning of meter installed outside his home and he was not informed when burnt meter was checked in ME Lab. The Respondent submitted the site inspection report in the Forum twice and both times, it was written in the reports that the plot was having two small rooms alongwith a kitchen. The

Respondent checked the load which was found to be less than one kW. When the SDO/ Sr. Xen visited the site and asked the Appellant that why the load had been extended from 2 kW to 6 kW when there was no need, the Appellant told them that they decided to get building constructed on the plot and give it to some Company on lease, so got the load extended but later on when the deal with the company did not go through, the Appellant decided not to construct the building. The same had been reported by the SDO/ Sr. Xen in their site inspection report. The Appellant submitted that the Forum failed to decide the case on the basis of Regulation 21.5.2/ 21.6 of Supply Code-2014 which deals with the burnt meters.

- (ii) The AR further pleaded that it was not in the knowledge of Appellant about concealment of 16434 Units as the meter was fitted outside the house. The Appellant used to pay the bills whatsoever was being issued and the Appellant was never called for to explain about concealment of consumption before charging the amount. The Appellant was surprised when he received the notice no. 765 dated 11-05-2021 to deposit ₹ 1,43,394/-. The meter was installed outside in MCB and not in a proper manner and burnt in 2107, which was replaced on 26.09.2017. The next meter was running fast and replaced on

09.01.2019. The Appellant had challenged this meter as there was abnormal consumption recorded due to low use of electricity as 0.200 kW. The said meter was checked in the ME Lab and it was found that it was running without load. The excess billing was withdrawn by the Respondent. The consumption was reduced from 6942 & 984 to 180 & 246 units to set right the account through sundry register item no. 100/47/R-207.

- (iii) There might be jumping in the meter as DDL could not recorded due to burning of the meter and without DDL, how can Respondent confirm that there was no jumping in meter? The data can be got down loaded from the Manufacturer of the Meter to find out exact fault and no such efforts were made before charging the amount.
- (iv) The MDI recorded as 2.90 kW against running load 0.200 kW might be due to internal defect in the meter. It was not correct that as per the ECR no. 9/5003 dated 04-05-2021; MDI was 0.42 whereas as per LCR no. 11/1855 dated 18.09.2021, MDI shown by JE was 2.90 kVA which was wrong. The load remained the same and it was because of defect in the meter. JE had not found any extra load at site. The abnormal consumption was due to some internal defect in meter and the ME Lab had

not investigated the reason. The consumption of new meter was correct as used. The consumption as pointed out, was recorded during the year 2016 as 2161 Units, 2017 as 2964 Units, 2018 as 2154 Units, 2019 as 1638 Units, 2020 as 802 Units (Covid-19 periods), 2021 as 874 Units upto September, 2021 + 274 (P code) R-44636. The Meter reader had recorded R-44636 on 23-11-2021 thus consumption became $44636 - 874 = 43762$ units and bill issued on "P" code for 274 units. This Court can see consumption of 43762 kWh units recorded for 64 days against 0.200 kW. The ME lab reading of 18771 might be due to internal defect in the meter

- (v) The Respondent controverted the pleas raised by the Appellant in its Appeal as well as in the Rejoinder and argued that the Appellant's meter got burnt and was changed vide MCO No. 100012382919 dated 02.02.2021, effected on 03.02.2021. This meter was sent to ME Lab vide store challan no. 3 dated 20.04.2021 and as per ME report, the meter was burnt and reading on meter was recorded as 18771 kWh. The Appellant was charged ₹ 1,43,394/- vide supplementary bill Memo No. 765 dated 11.05.2021 as difference of 16434 units (18771-2337 last billing reading) as per store challan no. 3 dated 20.04.2021. As the report of ME Lab, Ludhiana detected concealment of

16434 units, the connection was checked by ASE/ MMTS-5, Ludhiana vide ECR No. 09/5003 dated 04.05.2021 as per which the connected load was found to be 0.200 kW against the sanctioned load of 6.00 kW. The Appellant filed his case in CGRF, Ludhiana for ₹ 1,46,262/- which was decided on 30.09.2021 by the Forum. The Appellant's meters were also changed in year 2017 vide MCO No. 100004690650 dated 26.09.2017 (meter burnt) effected on 26.09.2017 and in year 2019 vide MCO No. 100007305537 dated 28.12.2018 effected on 09.01.2019 as meter was challenged by the Appellant. This challenged meter was checked in ME Lab vide challan no. 1850 dated 16.01.2019. Due to meter being found defective in ME Lab, the bills of the Appellant dated 03.11.2018 and dated 07.01.2019 billed for the consumption of 6942 units & 984 units respectively were revised on basis of consumption of last year, i.e., 180 units and 246 units respectively and refund of ₹ 69,852 was given by AEE /Commercial to the Appellant vide SCA No. 100/47/ R 207 posted on 15.04.2019 in chronology list. The Respondent submitted that there was no jumping in the meter reading but it was a concealment of reading. The fact of concealment of reading had been recorded in the ECR No. 09/5003 dated 04.05.2021 of ASE/ Enforcement & MMTS-5, Ludhiana.

There was no extension/ reduction in load of the Appellant since 2015. As per LCR No. 11/1855 dated 18.09.2021, the connected load was about 0.200 kW and MDI reading was 2.90 kVA. It was contended and submitted that the tenants may have used extra load (heaters, air coolers etc.) as MDI reading of 2.90 kVA proves this fact. As per copy of original MCO dated 02.02.2021 affected on 03.02.2021, JE had reported on it, that the meter was fully burnt and reading was not readable. The reading of the meter was detected and written in store challan as 18771 by ME Lab. The meter was correctly installed in MCB Box outside the premises as per PSPCL instructions. The Respondent submitted that CGRF had correctly decided the case in favour of PSPCL by giving detailed speaking order in the decision and that the Forum correctly observed that the readings entered by the meter reader were erratic and were constantly recorded as such, which resulted into reading less than the actual at site leading to accumulation of reading. The total units billed were 2337 units for the period of 25 months from 09.01.2019 to 03.02.2021 which was very less in comparison to consumption of previous years i.e. 2016, 2017, 2018. It was pertinent to mention here that the consumption in July, 2016 was 453,

July, 2017 was 1000 units and July, 2018 was 1253 units, whereas the consumption ranged approximately between 100 to 270 units for the period 01/2019 till 02/2021. The Respondent prayed that the Appeal may kindly be dismissed.

- (vi) The Forum observed that consumption recorded during year 2016 to year 2021 was 2161, 2964, 9291, 1479, & 937 units (for 7 months) which was quite low during the above period except in the year 2018 against 6.00 KW of sanctioned load. The Forum further observed that, consumption during year 2015 to 2017 was 362 units per month, from 09/2017 to 11/2018 it was 680 units per month and from 20.09.2018 to 03.11.2018 it was 6942 units i.e. 4628 units per month and it was reduced considerably from 09.01.2019 to 20.01.2021 to 95 units per month from which, it can be ascertained that the readings entered by the Meter Reader were erratic and were constantly recorded as such, which resulted into reading less than the actual at site leading to accumulation of reading. After considering all written and verbal submissions by the petitioner and the respondent and scrutiny of record produced, Forum decided that the amount of ₹ 1,46,262/- charged in bill issued on date 11.05.2021, on account of the final reading recorded in ME Lab, was correct & recoverable.

(vii) It is observed by this court that the Forum, while deciding the case, did not consider the fact that the consumption of 6942 units for the period from 20.09.2018 to 03.11.2018 was revised to 180 units vide SCA no. 100/47/R207 as submitted by the Respondent in its reply. The Forum also did not consider the fact that that connected load was recorded less than 0.250 kW each time during site inspection by both the Enforcement agency as well as by DS staff of the Respondent. So, this Court is of the opinion that the decision of the Forum is not based on any facts, regulations/ instructions of the Distribution Licensee and the Forum has erred in passing such order. This Court has also observed that the Respondent had submitted in its reply that the JE who changed the burnt meter vide MCO no. 100012382919 on 03.02.2021 had reported on it that the meter was fully burnt and the reading was not readable at the time of removal of burnt meter.

(viii) As per consumption data, the reading recorded on 20.01.2021 was 2287 kWh with 'O' Code. The Appellant informed the Respondent regarding burning of meter on 23.01.2021 and asked for change of meter. MCO No. 100012382919 dated 02.02.2021 was issued to change the burnt meter and this MCO was affected on 03.02.2021. JE had reported on MCO that the

meter is totally burnt and not readable. Burnt Meter was sent to ME Lab vide Challan No. 3 dated 20.04.2021 and the final reading written on this Challan is 18771 kWh. The perusal of Challan reveals that meter was returned in the absence of the Appellant and it was not seal packed at the time of removal. This vital evidence is not available with the Respondent now. The Respondent could not prove during hearing on 07.12.2021 that reading recorded as 18771 kWh on Challan is correct. The record submitted in the Court indicates that burnt meter no. 144846 was sent to ME Lab with final reading as 18771 kWh vide Challan No. 3 dated 20.04.2021 and the same was accepted in routine. The Appellant did not agree with the reading of 18771 kWh during hearing on 07.12.2021 and stressed that this is due to jumping of reading or malfunctioning of meter due to burning at site. The Respondent could not prove without any doubt that reading written on Challan No. 3 dated 20.04.2021 was reliable/ correct. As such, this Court cannot consider reading of 18771 kWh as correct for billing purpose. The evidence (Burnt Meter) has not been preserved and as such this Court is not in a position to order re-checking/ testing of meter in dispute. The pleadings of the Respondent that the Meter Reader has not recorded the correct

readings cannot be considered because no investigation has been done in this regard and no action has been initiated against the Meter Reader.

- (ix) There is no weightage in the arguments of the Respondent for charging the Appellant for final reading of 18871 kWh as per report of ME Lab when the JE reported on MCO that the meter was fully burnt and the reading was not readable at the time of removal of burnt meter. This Court is of the view that it is a case of overhauling of the accounts after change of the burnt meter instead of charging the Appellant for final reading of 18871 units as per report of the ME Lab. Therefore, such type of case is required to be dealt under Regulation No. 21.5.2 of Supply Code-2014, which is reproduced hereunder:

“21.5.2 Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters)

The accounts of a consumer shall be overhauled/ billed for the period meter remained defective/dead stop subject to maximum period of six months. In case of burnt/stolen meter, where supply has been made direct, the account shall be overhauled for the period of direct supply subject to maximum period of six month. The procedure for overhauling the account of the consumer shall be as under:

a) On the basis of energy consumption of corresponding period of previous year.

b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.

c) If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.

d) Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para -4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.

e) The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts.”

- (x) In view of the above, this court is not inclined to agree with the decision dated 30.09.2021 of the Forum in case no. CGL-229 of 2021. The account of the Appellant should be overhauled for the period from 20.01.2021 to 03.02.2021 as per Regulation No. 21.5.2 (a) of Supply Code, 2014. The meter was burnt as

mentioned on MCO no. 100012382919 as well as ME Challan No. 3 dated 20.04.2021.

- (xi) The investigation report of burnt meter was not prepared by the Respondent as per Regulation No. 21.4.1 of Supply Code, 2014.

6. Decision

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

- a) The order dated 30.09.2021 of the Forum in Case No. CGL-229 of 2021 is set aside.
- b) The account of the Appellant should be overhauled for the period from 20.01.2021 to 03.02.2021 as per Regulation No. 21.5.2 (a) of Supply Code, 2014.
- 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.

December 07, 2021
S.A.S. Nagar (Mohali)

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

