

**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. 91/2021

Date of Registration : 23.11.2021

Date of Hearing : 03.12.2021

Date of Order : 03.12.2021

Before:

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

In the Matter of:

Sh. Balwinder Singh S/o Sh. Swarn Singh,
Lee Plaza Mall, Near SBI Bank,
College Road, Malerkotla.

Contract Account Number: 3002951164 (DS)

...Appellant

Versus

Sr. Executive Engineer,
DS Division,
PSPCL, Malerkotla.

...Respondent

Present For:

Appellant: Sh. Balwinder Singh,
Appellant.

Respondent : Er. Prince Kumar,
AE/ DS Sub Divn. City-2,
PSPCL, Malerkotla.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 29.10.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-371 of 2021, deciding that:

“As the respondent has already overhauled the petitioner’s account for six months period from 23.10.2020 to 21.04.2021 (Date of replacement of meter), as per Supply Code 2014 Regulation Clause no. 21.5.1, and refund has been given to petitioner, no any further relief is to be given to petitioner on this account.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 23.11.2021 i.e. within thirty days of receipt of copy of decision dated 29.10.2021 by the Appellant. The Appellant had deposited the requisite 40% of the disputed amount vide receipt no. 168460328 dated 21.11.2021 for ₹ 9500/- and receipt no. 168584282 dated 23.11.2021 for ₹ 350/-. Thus the Appellant deposited ₹ 9,850/- which was equivalent to the requisite 40% of the disputed amount of ₹ 24,620/-. Therefore, the Appeal was registered and copy of the same was sent to the Sr. Xen/ DS Division, PSPCL, Malerkotla for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to

the Appellant vide letter nos. 1631-33/OEP/A-91/2021 dated 23.11.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 03.12.2021 at 12.30 PM and an intimation to this effect was sent to both the parties vide letter nos. 1673-74/OEP/A-91/2021 dated 29.11.2021. As scheduled, the hearing was held on 03.12.2021 in this Court and 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 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 Domestic Supply Category Connection bearing account no. 3002951164 with sanctioned

load of 12.5 kW running under jurisdiction of DS Division, PSPCL, Malerkotla.

- (ii) The Appellant had received the excess consumption bill from last 2-3 years but due to health issues during the time of lockdown, the Appellant had not challenged the said meter connection and challenged the same in April, 2021. The said meter was found out of limit (+) on basis of ME Lab report and meter no. 620622 was replaced on 21.04.2021 and new meter was installed.
- (iii) After the replacement of the old faulty meter, the Appellant received the bill of around 500-600 units consumption. It was inevitable that formerly the Appellant deposited the huge amounts to PSPCL on account of the faulty meter.
- (iv) The Appellant had filed the petition in the Forum for justice but after the decision of the CGRF, the Appellant presumed that the relief provided by the Forum was not upto the extent & unsatisfactory and against the public justice. Therefore, the Appellant aggrieved by the order of the Forum had sought justice from this Court because from last 2-3 years, the Appellant miserably deposited the bill amount by part shares.
- (v) The Respondent issued the relief to the Appellant for the period of 6 months from (23.10.2020 to 21.04.2021) and refunded the

amount of ₹ 40,296/- in the bill dated 28.08.2021 and uncovered the huge period, which was injustice with the Appellant.

- (vi) The Appellant prayed to restrain the order issued by the Forum and asked for justice by covering of the last 2-3 years period and requested for satisfactory relief.

(b) Submission during hearing

During hearing on 03.12.2021, the Appellant reiterated the submissions made in the Appeal and prayed to allow the relief claimed.

(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. 3002951164 with sanctioned load of 12.500 kW in his name.
- (ii) The Appellant had deposited ₹ 540/- as Meter Challenge Fee on 09.04.2021. Meter Serial No. 620622 was replaced on 21.04.2021 and new meter was installed. The replaced challenged meter was checked on 22.07.2021 vide Challan No. 69 dated 22.07.2021 in ME Lab, Patiala where the meter was

found out of limit (+). On the basis of ME Lab report and as per Regulation 21.5.1 of Supply Code-2014, the account of the Appellant was overhauled for the period of 6 months i.e. from 23.10.2020 to 21.04.2021 (date of replacement) and refund of ₹ 40,296/- was given to the Appellant in the bill dated 28.08.2021.

- (iii) The Appellant in its Appeal had alleged that he received the excess consumption bills from last 2-3 years but as per last 5 years consumption record, consumption pattern was almost similar and it remained similar even after replacement of the meter. If the Appellant had received excess consumption bills from the last 2-3 years then he should have challenged the meter at that time but as pointed out by the Forum the Appellant had not challenged the meter before 09.04.2021.
- (iv) As per Regulation 21.5.1 of Supply Code-2014, maximum period for overhauling of account was 6 months so as per this Regulation, the refund of ₹ 40,296/- was given to the Appellant.
- (v) As it was mentioned in letter no. 1411 dated 21.10.2021 of AE/ ME, Sangrur that DDL of the meter could not be done being the counter type meter, therefore, the Forum in its decision has held that in the absence of DDL the scrutiny of consumption pattern/ working of meter was not possible.

(vi) In view of the above, there was no discrepancy in decision of the Forum. The Respondent had requested to reject the Appeal as the Appellant had failed to mention any violation of rules/regulations in decision of the Forum.

(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 pleaded that as percentage of inaccuracy was not mentioned in ME Challan, therefore, it was not possible to overhaul the account of the Appellant on the basis of inaccuracy percentage (As per Clause 21.5.1 of Supply Code) and hence his account was overhauled for last six months as per consumption of corresponding period of previous year (As per clause 21.5.2 of Supply Code).

5. Analysis and Findings

The issue requiring adjudication is the prayer of the Appellant to overhaul the accounts for the last 2/3 years in view of test report of ME Lab, Patiala on Challan No. 69 dated 22.07.2021.

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

- (i) The Appellant reiterated the submissions already made by him in the Appeal and argued that he had been receiving the excess consumption bill from last 2-3 years. He had challenged the same in April, 2021 and the meter was found out of limit (+) on the basis of ME Lab report and new meter was installed in the premises of the Appellant.
- (ii) After replacement, the Appellant received the bill for 500-600 Units consumption. It was inevitable that formerly the Appellant deposited the huge amounts to PSPCL on account of the faulty meter. He had filed the petition in the Forum for justice but after the decision, the Appellant presumed that the relief provided by the Forum was not upto the extent and aggrieved by the order of the Forum, the Appellant had filed the present Appeal.
- (iii) The Respondent had overhauled the account for the period of 6 months from 23.10.2020 to 21.04.2021 and refunded the amount of ₹ 40,296/- in the bill dated 28.08.2021 and left the previous period, which was injustice to the Appellant.
- (iv) The Respondent controverted the pleas raised by the Appellant and argued that the Appellant had deposited ₹ 540/- as Meter Challenge Fee on 09.04.2021. Meter Serial No. 620622 was replaced on 21.04.2021 and new meter was installed. The

replaced challenged meter was checked on 22.07.2021 vide Challan No. 69 dated 22.07.2021 in ME Lab, Patiala where the meter was found out of limit (+). The account of the Appellant was overhauled as per Regulation 21.5.1 of Supply Code-2014 for the period of 6 months i.e. from 23.10.2020 to 21.04.2021 and refund of ₹ 40,296/- was given to the Appellant in the bill dated 28.08.2021.

- (v) The Appellant in its Appeal had alleged that he had been receiving the excess consumption bills from last 2-3 years but as per last 5 years consumption record, consumption pattern was almost similar and it remained similar even after replacement of the meter. If the Appellant had received excess consumption bills from last 2-3 years then he should have challenged the meter at that time but as pointed out by the Forum the Appellant had not challenged the meter before 09.04.2021. Further, as was mentioned in letter no. 1411 dated 21.10.2021 of AE/ ME, Sangrur that DDL of the meter could not be done being the counter type meter, therefore, the Forum in its decision has held that in the absence of DDL the scrutiny of consumption pattern/ working of meter was not possible. Therefore, the Respondent had prayed for dismissal of the

Appeal of the Appellant and the decision of the Forum is correct.

(vi) The Respondent further confirmed vide letter no. 10265 dated 30.11.2021 that the accuracy could not be determined by testing in ME Lab. So considering the meter as defective, the account of the consumer was overhauled for six months from 23.10.2020 to 21.04.2021 as per Regulation 21.5.2 of Supply Code, 2014.

(vii) The Forum in its decision dated 29.10.2021 too at page 4 has observed as under: -

"That as per the provisions of Supply Code 2014 Regulation Clause no. 21.5.1, in case the accuracy of meter on testing is found to be beyond of accuracy limits, the account of the consumer can be overhauled for a period not exceeding 6 months immediately preceding the date of test in case the meter has been tested at site or date the defective meter is removed from site for testing in the laboratory. This clause mandates for maximum overhauling for 6 months period. Forum also observed that petitioner has never challenged his meter before 09.04.2021 (date of meter challenge). Respondent has already overhauled the petitioner's account, as per result of ME report, for six months period from 23.10.2020 to 21.04.2021 (Date of replacement of meter). In view of above forum is of the considered view that as the respondent has already overhauled the petitioner's account for six months, as per Supply Code 2014 Regulation Clause no. 21.5.1 and refund has been given to petitioner, no any further relief is to be given to petitioner on this account.

(viii) From the above, it is concluded that the meter of the Appellant was found running fast in the ME upon its testing and the

Appellant was already given the refund by the Respondent as per the provisions contained in the Regulation 21.5.2(a) of Supply Code, 2014, which is reproduced as under: -

“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. ”

(ix) There is no provision for overhauling of the account of any consumer for more than 6 months period and as such, the plea of the Appellant for grant of relief for the last 2-3 years on account of running of the meter fast, as alleged, was not tenable and sustainable in the eyes of law. Moreover the Appellant had never challenged the working of meter before 09.04.2021 and therefore, the Appeal of the Appellant deserves dismissal on merits.

(x) In view of the above, this Court is inclined to agree with the decision dated 29.10.2021 of the Forum in case no. CGP-371 of

2021. However, Supply Code Regulation clause No. 21.5.1 may be replaced with Supply Code Regulation clause No. 215.2 (a).

6. Decision

As a sequel of above discussions, the Appeal of the Appellant against order dated 29.10.2021 of the Forum in Case No. CGP-371 of 2021 is hereby dismissed. No further relief is admissible to the Appellant.

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 3, 2021
S.A.S. Nagar (Mohali)

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