

**COURT OF THE LOK PAL (OMBUDSMAN),
ELECTRICITY, PUNJAB,
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,
S.A.S. NAGAR (MOHALI).**

APPEAL No. 92/2021

Date of Registration : 24.11.2021

Date of Hearing : 10.12.2021

Date of Order : 10.12.2021

Before:

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

In the Matter of:

Manpreet Kaur,
Shop No. 302-C, Main Road BRS Nagar,
Ludhiana.

Contract Account Number: 3015065617 (NRS)

...Appellant

Versus

Senior Executive Engineer,
DS Agar Nagar Division (Spl.),
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Sh. Balvinder Singh,
Appellant's Representative.

Respondent : Er. Rajinder Singh,
Senior Executive Engineer,
DS Agar Nagar Division (Spl.),
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 28.10.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-277of 2021, deciding that:

“The bills issued from 09/2019 to 08/2020 are correct except for the period of lockdown from 23.03.2020 to 10.05.2020. For this period only fixed charges be recovered as applicable. The bills of this period be revised accordingly.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 24.11.2021 i.e. within stipulated period of thirty days of receipt of the decision dated 28.10.2021 of the CGRF, Ludhiana in Case No. CGL-277 of 2021. The Appellant also sent copies of receipt no. 162885102 dated 30.07.2021 for ₹ 23,000/- and receipt no. 162884923 dated 30.07.2021 for ₹ 25,000/- on account of requisite 40% of the disputed amount of ₹ 80,640/- in Account no. 3002872119 being the defaulting amount of the Appellant's account was shifted to this account. Therefore, the Appeal was registered and copy of the same was sent to the Senior Executive Engineer, DS Agar Nagar Division (Spl.), 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. 1645-1647/OEP/A-92/2021 dated 24.11.2021. The Respondent in its reply sent vide Memo no. 7535 dated 03.12.2021 submitted that the Appellant had deposited only ₹ 23,000/- vide receipt no. 162885102 dated 30.07.2021 and balance of ₹ 9,253/-, being 40% of disputed amount ₹ 80,640/-, is yet to be deposited ₹ 25,000/- was for current bills. The Appellant deposited ₹ 10,000/- vide receipt no. 169483292 dated 08.12.2021 which the Respondent confirmed vide Memo no. 7646 dated 09.12.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 12.12.2021 at 11.30 AM and an intimation to this effect was sent to both the parties vide letter nos.1711-1712/OEP/A-92/2021 dated 03.12.2021. 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 Representative 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 NRS connection, bearing Account No. 3015065617, with sanctioned load of 3.00 kW running under DS Agar Nagar Divn. (Spl.), PSPCL, Ludhiana in her name.
- (ii) The Appellant submitted that her tenant was consuming the electricity from the said connection. The said connection was disconnected on 20.07.2019 as the tenant did not deposit the bill. The Appellant also submitted that after the disconnection the meter got burnt, there was no consumption as the tenant vacated the shop.
- (iii) The Appellant received bills from 20.07.2019 to 24.08.2020 of nearly 4000 units with 'D' Code even when there was no consumption of electricity as the shop was vacant. The meter was replaced on 25.08.2020 and the Appellant was billed for 3443 units till 19.05.2021 on 'L' and 'N' codes even though the meter was showing NIL reading, but these bills from

25.08.2020 to 19.05.2021 were reversed by the Respondent. But the bills for nearly 4000 units generated from 20.07.2019 to 24.08.2020 for approximately ₹ 50,000/- were not reversed even no electricity was consumed by the Appellant during that period as the meter was disconnected and the shop was vacant.

- (iv) The Appellant further submitted that the Respondent did not recover the defaulting amount from her tenant, so she herself got the meter disconnected from the Respondent. The shop remained vacant even in lockdown, but the bills were generated on average basis. The tenant vacated the shop without paying the bills. The Appellant filed a complaint against the tenant in the Sarabha Nagar Police Station but the tenant showed its inability to pay the bills and gave an affidavit that he vacated the shop on 15.07.2019.
- (v) The Appellant prayed that her sanctioned load was 3.00 kW and she should be billed according to this load. The Appellant prayed for the justice in her favour.

(b) Submission during hearing

During hearing on 10.12.2021, the Appellant's Representative 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 NRS connection, bearing Account No. 3015065617, with sanctioned load of 3.00 kW running under Aggar Nagar Division (Spl), PSPCL, Ludhiana.
- (ii) The bills of the Appellant from 07/2019 to 08/2020 were generated on 'D' Code on LYSM basis. The meter of the Appellant was replaced vide MCO No. 100009294488 dated 18.11.2019 effected on 24.08.2020.
- (iii) The Meter was checked in ME Lab vide store Challan No. 477 dated 07.09.2020 and was found defective and reading was 5699 kWh. The defaulting amount was transferred to another account of the Appellant running in the same premises i.e. A/C No. 3002872119 in the name of Shri Balbir Singh as per LCR No. 770/81 dated 20.03.2021 for recovery and the connection was permanently disconnected on 18.06.2021. The Appellant did not agree with the average bills and approached CGRF, Ludhiana.
- (iv) The contention of the Appellant that the shop was vacant from 07/2019 cannot be relied upon as the rent deed submitted by the

Appellant for the period of 3 years (01.08.2017 to 31.07.2020). It is unrealistic to suggest that the tenant vacated the shop as soon as the meter became defective. Further, the Appellant failed to prove the non occupancy of the shop before the Forum as well. The Forum had already given the admissible relief by recovering only the fixed charges for the period of lock down i.e. 23.03.2020 to 10.05.2020 and the balance amount was recoverable.

- (v) The Appellant had deposited ₹ 23,000/- against the 20% amount to be deposited as per directions of the Forum in his running A/c no. 3002872119. Out of 40% of disputed amount ₹ 80,640/- to be deposited, i.e., ₹ 32,256/-, ₹ 23,000/- had been deposited on 30.07.2021.
- (vi) The Respondent further submitted that the Appellant had been granted relief of ₹ 4,833/- as per the decision of the Forum. The Appellant had deposited ₹ 10,000/- vide receipt no. 169483292 dated 08.12.2021 and as such 40% of the disputed amount had been deposited.

(b) Submission during hearing

During hearing on 10.12.2021, the Respondent reiterated the submissions made in its written reply and prayed for dismissal

of the Appeal. The Respondent admitted that 40% of disputed amount has been deposited by the Appellant.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the bills issued on 'D' code from 09/2019 to 08/2020 on average basis.

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

- (i) The Appellant pleaded that she was having NRS connection, bearing Account No. 3015065617, with sanctioned load of 3.00 kW running under DS Agar Nagar Divn. (Spl.), PSPCL, Ludhiana in her name. Her tenant was consuming the electricity from the said connection. The said connection was disconnected on 20.07.2019 as the tenant did not deposit the bill. The Appellant also submitted that after the disconnection the meter got burnt, there was no consumption as the tenant vacated the shop. The Appellant received the bills from 20.07.2019 to 24.08.2020 of nearly 4000 units with 'D' Code even when there was no consumption of electricity as the shop was vacant. The meter was replaced on 25.08.2020 and the Appellant was billed for 3443 units till 19.05.2021 on 'L' and 'N' codes even though the meter was showing NIL reading, but

these bills from 25.08.2020 to 19.05.2021 were reversed by the Respondent. But the bills for nearly 4000 units generated from 20.07.2019 to 24.08.2020 for approximately ₹ 50,000/- were not reversed even though no electricity was consumed by the Appellant during that period as the meter was disconnected and the shop was vacant. The Appellant further submitted that the Respondent did not recover the defaulting amount from her tenant, so she herself got the meter disconnected from the Respondent. The shop remained vacant even in lockdown, but the bills were generated on average basis. The tenant vacated the shop without paying the bills. The Appellant filed a complaint against the tenant in the Sarabha Nagar Police Station but the tenant showed his inability to pay the bills and gave an affidavit that he vacated the shop on 15.07.2019. The Appellant prayed that her sanctioned load was of 3.00 kW and she might be billed according to this load. The Appellant prayed for the justice in her favour.

- (ii) The Respondent controverted pleas raised by the Appellant and argued that the bills of the Appellant from 07/2019 to 08/2020 were generated on 'D' Code on LYSM basis. The meter of the Appellant was replaced vide MCO No. 100009294488 dated 18.11.2019 effected on 24.08.2020. The Meter was checked in

ME Lab vide store Challan No. 477 dated 07.09.2020 and was found defective and reading was 5699 kWh. The defaulting amount was transferred to another account of the Appellant running in the same premises i.e. A/C No. 3002872119 in the name of Shri Balbir Singh as per LCR No. 770/81 dated 20.03.2021 for recovery and the connection was permanently disconnected on 18.06.2021. The Appellant did not agree with the average bills and approached CGRF, Ludhiana. The contention of the Appellant that the shop was vacant from 07/2019 cannot be relied upon as the rent deed submitted by the Appellant was for the period of 3 years (01.08.2017 to 31.07.2020). It is unrealistic to suggest that the tenant vacated the shop as soon as the meter became defective. Further, the Appellant failed to prove the non occupancy of the shop before the Forum as well. The Forum had already given the admissible relief by recovering only the fixed charges for the period of lock down i.e. 23.03.2020 to 10.05.2020 and the balance amount was recoverable.

- (iii) The Forum observed that there was complete lockdown from 23.03.2020 and same was unlocked from 10.05.2020 in a phased manner. The meter of the Appellant got defective after the reading taken on 07/2019 which was declared 'defective' in

ME Lab. Forum observed that the period of the bills is from 09/2019 to 08/2020 & the lockdown period is only from 23.03.2020 to 10.05.2020. Also, the Forum observed that the Appellant failed to provide any evidence for closure of business after the lockdown period. After considering all written and verbal submissions by the Appellant and the Respondent and scrutiny of record produced, Forum decided that that the bills issued from 09/2019 to 08/2020 are correct except for the period of lockdown from 23.03.2020 to 10.05.2020. For this period only fixed charges be recovered as applicable. The bills of this period be revised accordingly.

- (iv) It is observed that the Appellant never challenged the bills before going to the Forum and the Appellant failed to provide any concrete evidence that her shop was vacant from 07/2019, as such the bills issued from 09/2019 to 02/2020 are recoverable. The bills from 02/2020 to 08/2020 for the period of six months immediately before the replacement of defective meter be overhauled as per Regulation 21.5.2 (a) of the Supply Code-2014 except for the period of lockdown from 23.03.2020 to 10.05.2020 for which period, only fixed charges be recovered as applicable. The bills of this period be revised accordingly.

- (v) The meter was declared defective on 20.09.2019 as per consumption data submitted by the Respondent. MCO No. 100009294488 dated 18.11.2019 was issued to replace the defective meter and the same was replaced on 24.08.2020 after 11 months. This meter was required to be replaced within 10 working days as per Standards of Performance laid down in Supply Code, 2014. The Respondent failed to achieve Minimum Standards of Performance in this case.

6. Decision

As a sequel of above discussions, the order dated 28.10.2021 of the CGRF, Ludhiana is amended to the extent that the bills for the period of six months immediately before the replacement of defective meter (24.08.2020) be overhauled as per Regulation 21.5.2 (a) & (e) of the Supply Code-2014. Rest of the decision of the Forum 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.

December 10, 2021
S.A.S. Nagar (Mohali)

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

