

**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. 93/2021**

**Date of Registration : 26.11.2021**

**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:**

Smt. Jagwinder Kaur,  
V.P.O. Ayali Kalan,  
Ludhiana.

**Contract Account Number: 3002359224 (NRS)**

...Appellant

Versus

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

...Respondent

**Present For:**

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

Respondent : Er. M.P. Singh,  
Addl. Superintending Engineer,  
DS Model Town Division (Special),  
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 25.08.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-264 of 2021, deciding that:

*“The final reading recorded as 34453 Kwh in ME Lab is correct. The decision taken by CLDSC/DS, City West Circle, Ludhiana, in its meeting held on dated 04.11.2020, is modified to the extent that the difference of units be spread over equally on month basis from 11.04.2015 (i.e., data available in SAP) to date of replacement of meter i.e., 28.10.2018 and account be overhauled accordingly as per applicable tariff from time to time.”*

## **2. Registration of the Appeal**

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 15.11.2021 i.e. beyond the period of thirty days of receipt of copy of the decision dated 25.08.2021 of the CGRF, Ludhiana in Case No. CGL-264 of 2021. The Appellant had deposited only 20% (₹ 21,500/-) of the disputed amount of ₹ 1,07,476/- vide Receipt No. 216900205701 dated 10.06.2020 before filing the Petition in the CGRF, Ludhiana. But for filing the Appeal in this Court,

40% of the disputed amount was required to be deposited by the Appellant. The Appellant was requested to deposit the requisite 40% of the disputed amount for filing the Appeal Case in this Court vide Memo No. 1610/OEP/ Jagwinder Kaur dated 16.11.2021. The Appellant deposited the balance 20% of the requisite 40% of the disputed amount, i.e., ₹ 22,000/- vide Receipt No. 168737892 dated 25.11.2021. Therefore, the Appeal was registered on 26.11.2021 and copy of the same was sent to the Addl. S.E./ DS Model Town Division (Special), 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. 1655-57/OEP/A-93/2021 dated 26.11.2021.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 10.12.2021 at 12.00 Noon and an intimation to this effect was sent to both the parties vide letter nos. 1713-1714/OEP/A-93/2021 dated 03.12.2021. As scheduled, the hearing was held in this Court. Arguments were heard of both parties and order was reserved.

#### 4. Condonation of Delay

At the start of hearing on 10.12.2021, the issue of condoning of delay in filing the Appeal in this Court was taken up. I find that the Respondent did not object to the condoning of the delay in filing the Appeal in this Court either in its written reply or during hearing in this Court. The Appellant had filed an application to condone the delay in filing the Appeal.

In this connection, I have gone through Regulation 3.18 of PSERC (Forum and Ombudsman) Regulations, 2016 which reads as under:

*“No representation to the Ombudsman shall lie unless:*

*(ii) The representation is made within 30 days from the date of receipt of the order of the Forum.*

*Provided that the Ombudsman may entertain a representation beyond 30 days on sufficient cause being shown by the complainant that he/she had reasons for not filing the representation within the aforesaid period of 30 days.”*

The Court observed that order dated 25.08.2021 was sent to the Appellant by the office of CGRF, Ludhiana. The Appellant received the copy of the decision of the CGRF, Ludhiana on

04.09.2021. The Appellant could not file the Appeal within the period of 30 days due to her father's health problem. The Appeal was received in this Court on 15.11.2021 i.e. after more than 30 days of receipt of the decision dated 25.08.2021. The Appellant deposited the rest 20% of the disputed amount on 25.11.2021. So, the Appeal was registered for consideration on 26.11.2021. It was also observed that non condonation of delay in filing the Appeal would deprive the Appellant of the opportunity required to be afforded to defend the case on merits. Therefore, with a view to meet the ends of ultimate justice, the delay in filing the Appeal in this Court beyond the stipulated period was condoned and the Appellant was allowed to present the case.

**5. 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 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 Non Residential Supply Category Connection, bearing Account No. 3002359224 with sanctioned load of 2.93 kW under DS Model Town Division (Special), PSPCL, Ludhiana in the name of Smt. Jagwinder Kaur.
- (ii) The meter was installed in the premises of the Appellant. As per the report of the Respondent, the meter got burnt and was removed from site vide MCO dated 23.08.2018.
- (iii) The removed meter was not packed/ sealed in the presence of the Appellant and was kept in open condition which was against the rules of the PSPCL. The removed meter was sent to ME Lab at much later stage vide Challan No. 192 dated 17.12.2018 which was also the violation of rules/ regulation and provisions of the Electricity Act, 2003.
- (iv) At the time of removing the meter from the site, the final reading was mentioned as 22284 but later on official of the Respondent themselves changed the final reading to 34453 in MCO.

- (v) On the basis of false reading of 34453, Half Margin No. 89 dated 15.11.2019 for illegal demand of ₹ 1,07,476/- for the difference of 12169 units was raised by the Respondent and later on, it was included in the bill of the Appellant.
- (vi) The Appellant was running a small office of property dealer. She decided to challenge the illegal demand raised by the Respondent in the Dispute Settlement Committee, where she was not heard and the illegal demand was upheld by the DSC.
- (vii) The Appellant was not satisfied with the decision of the DSC and filed the petition in the CGRF, Ludhiana. The Forum decided the case on 25.08.2021 which was one sided and no major relief was given to the Appellant.
- (viii) The demand raised by the Respondent was totally illegal and was liable to be quashed on the following ground:-
- a) The meter was running accurately and was recording the correct reading and no defect was pointed out by the Respondent before it got burnt.
  - b) The removed meter was not packed/ sealed in the presence of the Appellant and no seal was affixed on Cardboard Box.
  - c) The meter was checked in ME Lab in the absence of the Appellant.

- d) The Respondent kept the meter in open/ unpacked condition for a long time in its possession before sending it to the ME Lab on 17.10.2018 which was negligence on the part of the Respondent.
- e) At the time of effecting MCO, the reading was 22284 but later on the Respondent changed the reading to 34453 without any reason just to harass the Appellant.
- (ix) All these facts were brought to the knowledge of the DSC and CGRF, Ludhiana at the time of hearing/arguments but they decided the case one sided. The only relief given to the Appellant by the Forum was to divide the whole consumption equally from 11.04.2015 to 28.10.2018 but the illegal demand was not quashed. The Respondent threatened the Appellant to disconnect the electricity connection without any reason.
- (x) The Appellant prayed that after considering the above submissions and facts, the illegal demand of ₹ 1,07,476/- raised by the Respondent on the basis of Audit Party Half Margin may kindly be quashed and the Respondent be directed to refund the amount already deposited by the Appellant.



**(b) Submission during hearing**

- (c) During hearing on 10.12.2021, the Appellant's Representative reiterated the submissions made in the Appeal and prayed for relief demanded 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 a Non Residential Supply Category Connection, with sanctioned load of 2.93 kW under DS Model Town Division (Special), PSPCL, Ludhiana in the name of Smt. Jagwinder Kaur.
- (ii) The Appellant was charged with a short assessment of ₹ 1,07,476/- on account of difference of final reading & billed reading units (34453-22284 = 12169 units) vide Internal Auditor Half Margin number 89 dated 15.11.2019.
- (iii) The Appellant first approached the CDSC which held the charging genuine & recoverable. Then, the Appellant filed an Appeal before the Forum against the orders of CDSC, Ludhiana in which the Forum decided to recover the amount after dividing the consumed units from 11.04.2015 to 28.10.2018.

The Appellant instead of depositing the amount filed second Appeal before the Hon'ble Ombudsman.

- (iv) The meter was replaced on 'R' code report in year 2018 & being Single Phase meter it was not packed. The Appellant was not called in ME Lab. As only those consumers are called to ME Lab whose meter is challenged & being checked in ME Lab. The meter was sent to ME Lab in a routine & checked in the presence of all concerned officers.
- (v) The Appellant's Case was earlier decided by the CDSC & then first Appeal was entertained & decided by the Forum by giving relief by dividing the consumption of 12169 units from 11.04.2015 to 28.10.2018 against the Appellant.

**(b) Submission during hearing**

During hearing on 10.12.2021, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal. The Respondent failed to prove that final reading of 34453 kWh is correct and reliable.

**6. Analysis and Findings**

The issue requiring adjudication is the legitimacy of the amount of ₹ 1,07,476/- charged by audit party vide Half Margin no. 89

dated 15.11.2019, due to the difference of final reading recorded in ME Lab and billed units.

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

- (i) The Appellant argued that she was having a Non Residential Supply Category Connection, bearing Account No. 3002359224 with sanctioned load of 2.93 kW under DS Model Town Division (Special), PSPCL, Ludhiana in her name. As per the report of the Respondent, the meter got burnt and was removed from site vide MCO dated 23.08.2018 in which final reading was recorded as 22284. But later on, the Respondent raised illegal demand of ₹ 1,07,476/- for the difference of 12169 units on the basis of ME Lab report and later on, it was included in the bill of the Appellant. The Appellant further pleaded that the removed meter was neither packed/sealed in her presence nor checked in her presence in the ME Lab. The meter was kept negligently in open condition by the Respondent from the time of its removal to the time it was checked in the ME Lab. She decided to challenge the illegal demand raised by the Respondent in the Dispute Settlement Committee, where she was not heard and the illegal demand was upheld by the DSC. The Appellant was not satisfied with

the decision of the DSC and filed the petition in the CGRF, Ludhiana. The Forum decided the case on 25.08.2021 which was one sided and no major relief was given to the Appellant. The Appellant prayed for quashing of illegal demand of ₹ 1,07,476/- raised by the Respondent.

- (ii) The Respondent controverted the pleas raised by the Appellant and argued that the Appellant was charged with a short assessment of ₹ 1,07,476/- on account of difference of final reading & billed reading units (34453-22284 = 12169 units) vide Internal Auditor Half Margin number 89 dated 15.11.2019. The meter was replaced on 'R' code report in year 2018 & being Single Phase meter it was not packed. The Appellant was not called in ME Lab as only those consumers were called to ME Lab whose meter was challenged & being checked in ME Lab. The meter was sent to ME Lab in a routine & checked in the presence of all concerned officers where final reading was recorded as 34453.
- (iii) The Forum in its decision had observed that the annual consumption from 2017 to 2020 has been recorded as 2330, 1466, 2887 & 2597 units respectively. The consumption had been increased during 2019 after the change of the meter on 28.10.2018. Forum also observed that the meter was declared

as burnt and its final reading was recorded as 34453 kWh whereas, the Appellant was billed only up to the reading of 22284 kWh on 'O' code on 30.09.2018 which showed that the meter reader was not recording the correct readings, causing accumulation of reading/ consumption, for the meter replaced in 10/2018. After considering all written and verbal submissions by the Appellant and the Respondent and scrutiny of record produced, Forum decided that considering the Final Reading 34453 units as per ME Lab report as correct, the difference of units be spread over equally on month basis from 11.04.2015 (i.e., data available in SAP) to date of replacement of meter i.e., 28.10.2018 and account be overhauled accordingly as per applicable tariff from time to time.

- (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 Reading Record of the Appellant's consumer account available in SAP system shows that bills were regularly being issued to the Appellant on the basis of 'O' code since 11.04.2015 to 01.08.2018 and the Respondent had failed to prove that the readings recorded by the Meter Reader during the period from 11.04.2015 to 01.08.2018 were incorrect. No action had been

initiated against the Meter Reader for recording incorrect readings. So, distributing of consumption over a period of time before 01.08.2018 is not correct and also not as per any regulations/ instructions.

- (v) The Appellant agrees with the readings recorded upto 01.08.2018. The reading recorded on 01.08.2018 was 21722 kWh. The meter was changed vide MCO No. 100006406671 dated 23.08.2018 effected on 28.10.2018 and final reading recorded on it was 22284 kWh. MCO does not have signatures of the Appellant on it as she had pleaded that meter was not replaced on 28.10.2018 in her presence. Further, Meter was not checked in ME Lab in her presence. The Appellant disagreed with reading of 34453 kWh as recorded by ME Lab. The Respondent failed to prove that the Final Reading of 34453 kWh written on Challan No. 192 dated 17.12.2018 was correct. The burnt meter was returned to ME Lab. in unpacked condition in routine in the absence of the Appellant. The evidence (Burnt Meter) has not been preserved by the Respondent till the disposal of the case. Since the meter was declared burnt at site and also found burnt in the ME Lab, it would not be fair to consider the reading of the Meter recorded by ME Lab as correct and reliable. The possibility of

malfunctioning of meter circuit during burning could not be ruled out. The disputed period is from 02.08.2018 to 27.10.2018 only.

- (vi) In view of the above, this court is not inclined to agree with the decision dated 25.08.2021 of the Forum in case no. CGL-264 of 2021. The final reading of 34453 kWh as recorded by ME Lab shall not be considered for billing purpose. The disputed period from 02.08.2018 to 27.10.2018 shall be overhauled with the corresponding consumption recorded during the period from 02.08.2017 to 27.10.2017 as per Regulation 21.5.2 (a) of Supply Code-2014.
- (vii) There is violation of Standards of Performance because the meter was not replaced within 10 working days.
- (viii) The Respondent had not prepared the investigation report of burnt meter as per Regulation No. 21.4.1 of Supply Code, 2014.

## **7. Decision**

As a sequel of above discussions, it is decided that:

- a) The order dated 25.08.2021 of the CGRF, Ludhiana in Case No. CGL-264 of 2021 is hereby quashed.
- b) The disputed period from 02.08.2018 to 27.10.2018 shall be overhauled with the corresponding consumption recorded

during the period from 02.08.2017 to 27.10.2017 as per Regulation 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.

8. The Appeal is disposed of accordingly.
9. 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.
10. 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.