

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

APPEAL No. 95/2021

Date of Registration : 02.12.2021

Date of Hearing : 15.12.2021

Date of Order : 15.12.2021

Before:

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

In the Matter of:

Shri. Satnam Singh,
2486/1, Street No. 4, Mangat Colony,
Kailash Nagar, Ludhiana.

Contract Account Number: 3002457377

...Appellant

Versus

Addl. Superintending Engineer,
DS Sunder Nagar (Spl.) Divn.,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Sh. Parvesh Chadha,
Appellant's Representative.

Respondent : Er. Jagmohan Singh Jandu,
Addl. Superintending Engineer,
DS Sunder Nagar (Spl.) Divn.,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 16.08.2021 of the Consumer Grievances Redressal Forum, Ludhiana in Case No. CGL-076 of 2021, deciding that:

- “(i) *The bill issued after the request for PDCO given in 09/2019 are illegitimate and are liable to be quashed.*
- (ii) *Further the defaulting amount of Smt. Jaswinder Kaur, transferred to the account of Sh. Satnam Singh who is husband of Smt. Jaswinder Kaur, as reported in LCR no. 93/7107 dated 15.12.2020, 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 02.12.2021 i.e. after stipulated period of thirty days of receipt of the decision dated 16.08.2021 of the CGRF, Ludhiana in Case No. CGL-076 of 2021 by the Appellant on 26.08.2021. The Appeal was accompanied by an application from Appellant's Representative requesting for condoning of delay in filing the Appeal in this Court. The Appellant had also submitted copies of receipts no. 155285420 dated 12.02.2021 for ₹ 1,38,140/- and no. 169121506 dated 02.12.2021 for ₹ 1,38,140/- on account of requisite 40% of the disputed amount of ₹ 6,90,642/-. Therefore, the Appeal was registered and copy of

the same was sent to the Addl. Superintending Engineer, DS Sunder Nagar (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. 1689-1691/OEP/A-95/2021 dated 02.12.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 15.12.2021 at 10.00 AM and an intimation to this effect was sent to both the parties vide letter nos. 1730-31/OEP/A-95/2021 dated 10.12.2021. As scheduled, the hearing was held in this Court and arguments of both parties were heard.

4. Condonation of Delay

At the start of hearing on 15.12.2021, the issue of condoning of delay in filing the Appeal in this Court was taken up. The Appellant's Representative stated that the decision of the Forum was received by the Appellant on 26.08.2021 and the Appeal was to be filed upto 26.09.2021. However, PSPCL implemented the decision of the Forum vide Memo No. 6022 dated 22.10.2021 received on 29.10.2021 and as per Notice 30 days were given to file the Appeal before this Court. Thus, the delay in filing the Appeal may kindly be condoned. The Respondent had not objected to the condoning of delay in filing

the Appeal in this Court either in its written reply or during hearing in this Court.

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 16.08.2021 was sent to the Appellant by the office of the Forum vide Memo No. 2759 dated 17.08.2021 and the Appeal was received in this Court on 02.12.2021 i.e. after more than 30 days of receipt of the said order. 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's Representative 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 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 Medium Supply Category connection, bearing account no. 3002457377, with sanctioned load of 39.87 kW and CD as 40 kVA in the name of Appellant. The Appellant had extended his load from SP to MS Category in VDS on 20.04.2015. The SP connection was obtained in 04/2014 vide Account No. SP02-0492.
- (ii) The Appellant received bill for the month of January, 2021 issued on 18.01.2021 payable up to 28.01.2021 amounting to ₹ 7,02,600/- including arrear ₹ 6,90,682/-. The Appellant

contacted the Respondent and he was told that the amount of ₹ 6,75,810/- was relating to another account in the name of Smt. Jaswinder Kaur W/o Shri Satnam Singh having Account No. E42GT420474A (3004947241), which was transferred as per report of JE, Sh. Palav Jain, on LCR no. 93/7107 dated 15.12.2020.

- (iii) The Appellant had not received any supplementary bill cum notice before charging the amount in the current bill hence there was violation of instruction of ESIM no. 93.1. The Respondent failed to produce the copy of that with its acknowledgement before the Forum.
- (iv) The connection of Smt. Jaswinder Kaur was running in plot no. 2186, Street no. 4, Kailash Nagar, Ludhiana. The application was first submitted on 12.06.2015 as the new SP connection was installed and being used. The Respondent had not removed the meter. The two more application were given to remove the meter on 06.01.2016 and 16.08.2016 but no action was taken. There was no use of supply from this meter. The meter remained idle and was outside of the house. The office was approached many a times to remove the meter but all was vain.
- (v) On 19.04.2018, the site was checked by JE vide LCR no. 46/6830 dated 19.04.2018 and reported that (i) special note

LCR was also prepared before this LCR, (ii) Meter Display was off Sr. no. 1161060, 3 Phase, 3X10-60 amp, (iii) Pulse was not blinking on load, display was off, (iv) No supply was being used from this meter by the consumer, (v) means no supply was used and (vi) as per consumer when load was extended to 20 kW and new account CS010093 given, bill was not received.

- (vi) The Appellant again requested on 19.09.2019 that applications were being filed continuously for the last 4 year to PDCO the connection and to close the account.
- (vii) The meter was removed and now the amount of ₹ 6,90,100/- had been transferred in the account of the Appellant. The outstanding amount was ₹ 6,75,810/- as per LCR no. 93/7107 dated 15.12.2020. The amount charged was wrong and increased due to negligence on the part of PSPCL and needs to be withdrawn.
- (viii) The decision dated 16.08.2021 of the Forum was wrong and not admitted. Decision of the Forum was implemented and only ₹ 3,000/- was refunded vide memo no. 6022 dated 22.10.2021 received on 29.10.2021.
- (ix) The Forum had ordered that billing from 09/2019 was liable to be quashed. The Forum had not considered the facts/ discussed the points during proceedings.

(x) The Respondent had admitted in its reply that the bill was not issued in SAP System and the billing was charged following amounts:-

- (i) MMC from 15.05.2015 to 30.10.2017, 29.5 months @ $190 \times 20 \times 29.5 = ₹ 1,12,100/-$.
 - (ii) Average of 'D' Code 01.11.2017 to 30.04.2018 for 181 days of 14480 Units ₹ 1,16,626/-.
 - (iii) As per Half Margin no. 712 dated 23.08.2016 un-posted item vide SCA no. 8/4/149 raised vide Half Margin no. 603 dated 09.03.2015 as a difference of MCO readings (F/F) ₹ 1,16,670/-.
 - (iv) Fixed charges 01.05.2018 to 14.09.2018 = ₹ 20,000/-.
 - (v) Average of D code 01.05.2018 to 14.09.2018 of 10961 units = ₹ 95,220/-.
 - (vi) Total amount due is (₹ 2,28,726/- + 1,16,670/- + 20,000/- + 95,220/-) = ₹ 4,60,616/-. This amount was calculated as per SCA no. 13 as adjustment of account by refunding ₹ 5,40,875/-.
- (xi) A sum of ₹ 4,60,616/- was due from the Appellant as on 21.01.2020 (as per detail given in the decision at page no. 5). The Respondent had continued billing till 31.12.2020 when ₹ 6,90,642/- were transferred to the Appellant account thus excess ₹ 2,30,026/- (₹ 6,90,642/- - ₹ 4,60,616/- = ₹ 2,30,026/-) was charged. So, the decision was not correct. The Forum had also ignored the point raised in rejoinder dated 20.05.2021 that amount of ₹ 1,16,670/- was a time barred as per ESIM-2018

instruction no. 93.2. The amount was raised vide Half Margin no. 603 dated 05.03.2015. No supplementary bill was issued to claim the amount by the Respondent. The limitation Act provides that the amount cannot be claimed after 2 years. This amount was due up to 04.03.2017 but was claimed after 2 years.

“93.2 Limitation

Under Section 56 (2) of the Act, no sum due from any consumer shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied”.

- (xii) The supply was not in use due to obtaining connection under MS Category in 04/2014 in SP Category and extended in MS on 03.02.2015. As such average for the period 01.11.2017 to 30.04.2018 as ₹ 1,16,626/- and 01.05.2018 to 14.09.2018 as ₹ 95,220/- was wrong. The MMC were charged from 15.05.2015 to 30.10.2017 as ₹ 2,28,726/- and after 15.09.2018 again MMC/ Fixed charges levied in bills till close of account. It was also added that fixed charges were also charged during this period i.e. 01.05.2018 to 12/2019 as ₹ 20,000/-.
- (xiii) There was pure deficiency on the part of the Respondent for non-starting of billing in SAP system and even on start of

billing, they failed to act as per Instructions of PSPCL. Why they had not issued disconnection order on non-payment of dues and allowed to accumulate the amount? The RA/ AE/ AEE/ Xen/ ASE/ DS were responsible for the accumulation of defaulting amount as per ESIM-2018, Instruction no. 91.1. No action was taken against them. The supply was not disconnected on first default as per grace period of payment after due date, according to ESIM-2018, instruction no.91.

“91 DISCONNECTION FOR NON PAYMENT OF ELECTRICITY CHARGES

91.1 Every consumer is expected to make the payment of his dues by the 'due date'. In case he fails to discharge the liability, his premises will be liable for disconnection under Section-56 of the Act. The procedure laid down in Regulation 32 read with Regulation 35 of Supply Code-2014 shall be followed in the matter of disconnecting the premises of various categories of consumers, who fail to clear the bills for electricity etc. within due date. Notice for disconnection must be issued next day after the due date as per regulation 32 of Supply Code-2014. The accumulation of defaulting amount shall be the direct responsibility of RA/ AE/ AEE/ Xen (DS).

91.2 At the time of disconnection meter readings shall be recorded and it shall be compared at the time of reconnection so as to ensure that no energy was consumed during the period of disconnection. Simultaneously list of such disconnected consumers shall be handed over at the concerned complaint centre for entry in a separate register so that complaint staff is aware of these cases and if the staff detects any unauthorized reconnection, intimation thereof is given to AE/AEE/XEN (DS) immediately for taking further action in the matter.”

As per instructions, the connection was deemed to be PDCO after one month from the date of TDCO.

- (xiv) As per Supply Code-2014, Regulation 32:

“32. Disconnection of Supply

32.1 Where a consumer fails to deposit the billed amount with the distribution licensee by the due date mentioned in the bill, the distribution licensee may, after giving not less than fifteen clear days notice in writing to such consumer and without prejudice to his other rights to recover such amount by suit, disconnect supply to the consumer and for that purpose disconnect any electric supply line or other works being the property of such a distribution licensee until such charges or other sum together with any expenses incurred by the distribution licensee in disconnecting and reconnecting the supply are paid. Provided that the supply of electricity shall not be disconnected if a consumer makes payment under protest as per Regulation 35.1 of these Regulations; Provided further that except in the case of theft of electricity, the supply of electricity to a consumer shall not be disconnected on a day when the next day is a holiday in the offices of the distribution licensee.”

- (xv) As per ESIM-2018, the Respondent had not explained as to why no TDCO/ PDCO was issued as per ESIM-2018, instruction 91.1 and 91.2 and also not provided the copies. It was not understood that MCO was issued when supply was not used. No request to change the meter was given. The Meter Reader recorded ‘D’ Code without verifying the facts.
- (xvi) The office had also not complied with the instructions no. 104.7 of ESIM-2018. There was nil consumption and no such checking was carried out. Had it was done? It was added that

the this Court had also ordered in respect of variation of consumption vide CE/ Comm., Patiala Memo No. 399/403 Dd/Sr-93 dated 19.07.2018 as under:-

“All the ASEs/ Sr. Xens to keep a vigil on the variations in the energy consumption recorded and available in SAP in respect of all categories of consumers within their respective jurisdiction, analyze the cases of abnormal decrease in consumption of current vis-à-vis previous month(s) and take immediate corrective action, wherever required with a view to protect the interests of both the Utility and the Consumer.”

(xvii) The case was not properly viewed by the Forum and passed the order by ignoring the facts explained above. The Appellant's wife Smt. Jaswinder Kaur applied for disconnection of connection on 12.06.2015, 06.01.2016, 16.08.2016 and 19.09.2019 but no action was taken and the Respondent only admitted that application dated 19.09.2019 was received. But sorry to point out, no DCO was issued even on this application. It was further added that in the proceeding, the copy of another application for disconnection was produced by the Respondent but it was also not showing any date (due to past in SCA) but it showed no. 201517161 & 257482 (these were of Job Orders no.). This application was from the Appellant. The point was raised but CGRF ignored while making the decision.

(xviii) It was prayed that the decision of the Forum, be set aside and following relief be allowed to the Appellant:-

(a) The amount of ₹ 1,16,670/- raised by Audit Party vide HM no. 603 dated 09.03.2015 and re-raised as per HM no. 712 dated 23.08.2016 being un-posted item vide SCA no. 8/4/149 (being time barred). The amount was wrong hence be refunded.

(b) The amount of average charged for the period 01.11.2017 to 30.04.2018 as ₹ 1,16,626/- and 01.05.2018 to 14.09.2018 as ₹ 95,220/- total ₹ 2,11,846/-. The amount was not admitted. May kindly be refunded.

(c) The excess billing as per adjustment of ₹ 2,30,026/- (₹ 6,90,642/- - ₹ 4,60,616/- = ₹ 2,30,026/-) be refunded.

(d) The excess LPS & Interest charged be refunded.

(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 Respondent had not replied, whether supplementary bill in new A/c no. 3004947241 was issued as per ESIM-2018 instruction No. 93 or not. No evidence/ acknowledgement was produced even now with this reply.

- (ii) The Respondent had even not charged the amount of ₹ 1,16,670/- of Audit Party raised in this account vide HM no. 712 dated 23.08.2016. No supplementary bill was issued to the Appellant and claiming after time barred. PSPCL cannot claim after 2 years.
- (iii) As explained that billing from old A/c no. E42CS010093X was not started in SAP system and noticed vide LCR no. 46/6830 dated 19.04.2018 and after that new Account no. 3004947241 was allotted but in that billing, no such bill was delivered to the Appellant. The Appellant was of view that connection stood disconnected as the Appellant applied for removal of meter. The Respondent had not issued any TDCO/ PDCO for non-payment of billing issued in new account. The billing continued to accumulate defaulting amount.
- (iv) The account was closed as per Report of LCR no. 84/7063 dated 09.01.2020 but remained continued till 15.12.2020. The amount was calculated as ₹ 4,60,616/- but transferred as ₹ 6,90,642/- only to create harassment as threat was given by JE while preparing the LCR no. 84/7063 dated 09.01.2020 and had not removed meter from site. No adjustment was given in final bill of ₹ 2,30,026/- (₹ 6,90,642/- - ₹ 4,60,616/-).

- (v) The Respondent had not acted as per its own instructions and the billing continued and amount was accumulated but no such demand was raised and supply was not disconnected against non-payment. The Respondent had not fixed any responsibility of RA/ JE/ AEE/Comm. for accumulation of outstanding amount and non issue of any TDCO/ PDCO. No supplementary bill was issued against audit party observation vide HM no. 712 dated 23.08.2016 and claiming late was time barred as per limitation act.
- (vi) The supply was not used from MS connection. The connection A/c no. 3004947241 had not recorded any consumption readings/ status. The average billing was done and was not justified for the period 01.11.2017 to 30.04.2018 as ₹ 1,16,626/- and 01.05.2018 to 14.09.2018 as ₹ 95,220/- and not admitted. The Appellant had submitted applications to remove the meter on 12.06.2015, 06.01.2016, 16.08.2016 and 19.09.2019 but the Respondent had not taken any action. An application was produced by the Respondent in the reply which marked as “201517161” pasted in SCA was also given by the Appellant to remove the meter. It was demanded that the job order issued be provided but the Respondent ignored.

- (vii) The supply was not used from Account No. 3004947241 {wrongly mentioned as 3009497241} as the Appellant had obtained new connection in SP category in 04/2014 and then got extension and became MS category in February, 2015. The amount charged was wrong.
- (viii) Who was responsible for non starting of billing in SAP System and why this amount was not recovered from that person?
- (ix) The Respondent had not disconnected the meter of non billing case as per outstanding 1st Audit Party amount and kept pending HM with them. No bill cum notice was issued. If it was done, the non-billing would have come to the notice. Meter Reader visited every month, had he pointed out about non-billing case? Nobody bother about this lapse. The Appellant had approached for disconnection but meter was not removed.
- (x) The JE verified the fact that supply was not in use in LCR no. 46/6830 dated 19.04.2018. The average charged for the period 01.11.2017 to 14.09.2018 was totally baseless.
- (xi) The variation can be ascertained, it was done when NIL consumption was against this connection which was of 20 kW and RA/AEE are responsible to check the energy losses statement and decrease in consumption and revenue. The

Respondent was sheltering the officials/ officers by saying that no variation was required being Non billing case.

- (xii) The application marked on 19.09.2019 was on record but no DCO was issued even then the Respondent was denying the facts. The Respondent had not produced the job order issued against marked 20151716 and 257482. The requests dated 12.06.2015, 06.01.2016, 16.08.2016 and 19.09.2019 were given but the Respondent denied in reply.

(b) Submission during hearing

During hearing on 15.12.2021, the Appellant's Representative reiterated the submission made by the Appellant in the Appeal as well as in the Rejoinder to the written reply and prayed for the acceptance of Appeal.

(B) Submissions of the Respondent

(a) Submissions in written reply

The Respondent, in its defence, submitted the following written reply for consideration of this Court:

- (i) The Appellant was having MS Category connection, bearing Account No. 3002457377 with sanctioned load of 39.874 kW and CD as 40 kVA. In the month of 12/2020, on the basis of LCR no. 93/7107 amount of ₹ 6,90,642/- i.e. outstanding amount of A/c no. 3004947241 was transferred to this account.

(ii) Account No. E42GT420474A was running in the name of Smt. Jaswinder Kaur under GT category after extension of load in year 2015. GT Category was converted into GC category and Account No. E42CS010093X was allotted to the Appellant. Under this category, this account (E42CS010093X) did not migrate to SAP System and due to non migration of this account, billing could not be started in SAP. On the basis on LCR no. 46/6830 dated 19.04.2018, this Account was updated in SAP System and new Account No. 3004947241 was allotted. A half margin no. 712 dated 23.08.2016 amounting to ₹ 1,16,670/- which was not charged to this account earlier also charged to this account vide SCAR no. 15/26/R149, 'D' code average and MMC charged to this account. On the basis of LCR no. 84/7063 dated 09.01.2020, this account (3004947241) of consumer was disconnected. As per SCAR no. 31/35/R149, account of the Appellant was overhauled and all 'N' code bills were adjusted and final recoverable amount of ₹ 4,60,616 was calculated. Because this amount was not deposited by the Appellant so this amount was transferred to Account No. 3002457377 on the basis on LCR no. 93/7107 dated 15.12.2020.

- (iii) The Appellant did not agree with this amount and filed his case in the Forum. The Forum decided that the bills issued after the request of PDCO given in 09/2019 are illegitimate and are liable to be quashed and that the defaulting amount of Smt. Jaswinder Kaur, as reported in LCR no. 63/7107 dated 15.12.2020, is correct and recoverable.
- (iv) The Appellant was not satisfied with the decision of the Forum and filed this Appeal. The decision made by the Forum was correct and as per decision of the Forum, amount of ₹ 3,000/- was refunded to the Appellant. The billing of this account continued till 31.12.2020. In SAP, connection was closed on 07.01.2020. As per ECR no. 93 dated 15.12.2020, A/c no. 3002457377 (MS) was running at the backside of premises where Account No. 3009497241 was installed. Therefore, amount charged was recoverable.
- (vii) Non starting of billing was technical issue in SAP. It was moral responsibility of the Appellant to get confirmed his pending bill amount from the office and get cleared his pending dues in time. The spirit of clause was applicable when defaulting amount was not recoverable from the Appellant after every effort. Moreover, even after that there was provision of filing recovery suit in Civil Court to recover the arrears. In this case,

the defaulting amount pertained to the Appellant and the charges accrued relates to the actual consumption and benefit of any kind relating to consumption of electricity by existing consumer cannot be given to him as this will set a precedent for every defaulting consumer to get their bills waived off.

- (viii) MCO was issued to clear the 'D' Code. When the meter changed, no application was given by the Appellant to the Respondent that meter was not used by him and there was no need of replacement of this meter. Even at the time when non billing reported by area Incharge JE, Consumer signed LCR no. 46/6830 dated 19.04.2018. The Appellant should have filed application for disconnection at that time to the Respondent but he did not submit any application for disconnection of this connection. Moreover, in this LCR 46/6830, it was reported by JE that display of meter was off.
- (ix) This case was a non billing, so variation could not be ascertained. The Appellant had not given any request for PDCO before 2019. The Appellant was liable to deposit his outstanding amount including late payment interest.
- (x) It was prayed that the Appeal may kindly be dismissed with cost in the interest of justice.

(b) Submission during hearing

During hearing on 15.12.2021, the Respondent reiterated the submission made in its written reply and requested for dismissal of the Appeal.

6. Analysis and Findings

The issues requiring adjudication are that

- a) why the bills in respect of Account No. E42CS010093X for the period from 15.05.2015 to 30.04.2018 were not issued to Smt. Jaswinder Kaur;
- b) is the defaulting amount of ₹ 6,90,642/- in respect of Smt. Jaswinder Kaur transferred to the account of Shri. Satnam Singh, her husband, as reported in LCR No. 93/7107 dated 15.12.2020 correct or not;.

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

- (i) The Appellant's Representative (AR) reiterated the submissions made in the Appeal as well as in the rejoinder. He further pleaded that the action of the Respondent in transferring the amount of the account of Smt. Jaswinder Kaur to the account of the Appellant Shri. Satnam Singh was wrong as the said connection was lying idle and was not being used. Further, the

Appellant gave applications for disconnection of the said account in the name of Smt. Jaswinder Kaur but no action was taken by the Respondent to disconnect the said account of Smt. Jaswinder Kaur. The Respondent was negligent in performing its duties and no disciplinary action was initiated by the Respondent against the erring officials who failed to detect the mistake at an appropriate time and for not billing the Appellant for such a long period and allowed to accumulate the amount due to non preparation and non-issuance of bills.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal as well as in the Rejoinder. The Respondent argued that it was a case where the account of Smt.Jaswinder Kaur could not be migrated to SAP system for billing purpose and due to non-migration of the account from the manual system to the SAP system consumption of Smt.Jaswinder Kaur could not be billed. Further, it was duty of Smt. Jaswinder Kaur to inform the Department when she was not receiving the bills in respect of account No. E42CS010093X. She should have brought this mistake to the knowledge of the Respondent but she remained quiet for a long period for the reasons best known to her. Further, if for the sake of arguments, it is presumed that the connection of

Smt. Jaswinder Kaur could not be disconnected despite application given by her, even then she was duty bound to inform that no action on her applications had been taken and further that her connection had not been disconnected and that she had not been receiving the bills from the Respondent. It is presumed that when a provision for supply of electricity was made by the Respondent then Smt. Jaswinder Kaur might have been using the power for which she was under obligation to make the payment to the Respondent. Smt. Jaswinder Kaur had malafidely remained silent for long period and as such she cannot take benefit of her own wrongs with ulterior motive.

- (iii) I have gone through written submissions made by the Appellant in the Appeal as well as in the Rejoinder and by the Respondent in its written reply. Account No. E42GT420474A was running in the name of Smt. Jaswinder Kaur under GT category after extension of load GT category converted in to GC category and Account No. (E42CS010093X was not migrated to SAP system. Due to non-migration of this account, billing was not started in SAP. On the basis of LCR no. 46/6830, this account was updated in SAP system and new Account No. 3004947241 was allotted and updated in SAP. A half margin no. 712 dated 23.08.2016 amounting to ₹ 1,16,670/- on account of difference

in final reading was charged vide SCAR no. 15/26/R149. On the basis of LCR no. 84/7063, this account (3004947241) of consumer was disconnected and account of the consumer was overhauled after adjusting all N-code bills and final recoverable amount of ₹ 4,60,616/- was calculated. Because this amount was not deposited by the consumer, so this amount was transferred to Account No. 3002457377 on the basis of LCR no. 93/7107 dated 15.12.2020, on which it was reported by the concerned AAE as under: -

fJj whNo e[skjh oew yVh j'D ekoD PDCO
j' u[Zek j? s/ Rs. 6,75,810\$^ o[gJ/ yV/
jB.

fJ; njks/ d/ wro fJBQK dk jh e[B?e;aB
MS fi; dk yksk BzL CA No. 3002457377
(MS) i' fe ;aaqh ;sBkw f;zx d/ BK s/
bZrk j? fi; dk t/otk j/m fby/ nB[;ko
j?L

3 Phase flash Cap 10^60 Amp. Sr. No. 48207 R-
kWH-131981^kVAH-143501 j? i' fe w?B
r/N s'A pkjo bZrk j? ih.

T[go'es T[skfonk whNo i;ftzdo e"o W/o
;sBkw f;zx dk j? I' fe ;aaqhwhsh
I;ftzdo e"o, ;aaqh ;sBkw f;zx dh gsBh
j? T[es yks/ ftZu g?;/ gkT[D bJh
wfjew/ dhNk jdkfJsK nB[;ko pDdh
ekotkJh ehsh ikt/.

- (iv) The amount was transferred by the Respondent to another account of husband of Smt. Jaswinder Kaur. Smt. Jaswinder Kaur had the knowledge that she was not getting the bills from the Respondent but inspite of that she did not take any initiative to get the billing done from the Respondent and make the payment of the same. The Appellant had submitted request dated 19.09.2019 for disconnection (PDCO) of Account No. 3004947241 which was duly marked to RA. Further, after PDCO, meter was checked in ME Lab vide challan no. 3882 dated 28.01.2020 where meter was found burnt, accuracy could not be checked and DDL not obtained with final reading of 0001 KWH.
- (v) It is concluded that bills of the consumer were not issued due to non-migration of account in SAP upto 04/2018. Then bills on D-Code were issued after the migration in SAP and ₹ 116670/- were charged vide half margin no. 712 dated 23.06.2016. Earlier to it half margin no. 603 dated 09.03.2015 was issued for payment of this amount. Bills on N-code were issued but later on adjusted by the Respondent itself. The un-necessarily increase in the defaulting amount could have been avoided, had the Appellant brought this lapse to the knowledge of the

Respondent. The officials of the Respondent are also responsible for various lapses in this case.

- (vi) The Forum in last line of its decision dated 16.08.2020 on page 5 held that the defaulting amount of Smt. Jaswinder Kaur, transferred to the account of Sh. Satnam Singh who is husband of Smt. Jaswinder Kaur, as reported in LCR no. 93/7107 dated 15.12.2020, is correct and recoverable. Smt. Jaswinder Kaur did not disclose the fact of non receipt of bills well in time to the Respondent and kept quiet. She also did not make any effort to get the connection disconnected, if at all she was not in need of electricity against her account. MCO No. 3815 dated 09.07.2018 was affected on 15.09.2018 and meter was reported as dead in ME Lab report on Challan No. 2513 dated 27.09.2018. As such, the account of the consumer can be overhauled maximum upto six months prior to 15.09.2018 as per Regulation No. 21.5.2 of Supply Code-2014. However, it has been observed that the Respondent had overhauled the account for more than six months which is violation of regulations. The Respondent should overhaul the account for six months only. The decision of the Forum needs amendment to this extent.

- (vii) PDCO No. 493485 dated 24.12.2019 was affected on 08.01.2020. As per report of ME Lab on Challan No. 3882 dated 28.01.2020, the Meter has been declared as 'Burnt'. As per this report of ME Lab, the account is required to be overhauled as per Regulation No. 21.5.2 of Supply Code-2014. But the Respondent had not overhauled the account on the basis of report of ME Lab on Challan No. 3882 dated 28.01.2020.
- (viii) In this case, it is understood that the Respondent did not act as per regulations, resulting in accumulation of defaulting amount for which disciplinary action may be initiated against the erring officers/ officials of the Respondent.

7. Decision

As a sequel of above discussions, the decision of Forum dated 16.08.2021 is modified to the extent that overhauling of Account of burnt meter shall be done only for six months prior to 15.09.2018 instead of period from 01.11.2017 to 14.09.2018. The demand may be recalculated accordingly and recovered alongwith surcharge/ interest as per PSPCL instructions.

- 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 15, 2021
S.A.S. Nagar (Mohali)

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

