IN THE COURT OF THE LOKPAL (OMBUDSMAN),

ELECTRICITY PUNJAB,

66 KV GRID SUB-STATION, PLOT NO. A-2,

INDUSTRIAL AREA, PHASE-1, S.A.S NAGAR (MOHALI)

Appeal No. 59/2017

Vijay Kumar,

Plot No. 127, Gali No.3,

New Heera Nagar,

Kakowal Road, Ludhiana

…….Petitioner

Account No. 3002800712

*Through:*

Shri Kanwarjit Singh, Petitioner’s Counsel (PC),

Shri Anoop Singh, Petitioner’s Representative (PR).

Versus

Punjab State Power Corporation Limited

……...Respondent

*Through:*

Er. Ram Paul,

Senior Executive Engineer,

DS Sundar Nagar (Special) Division,

PSPCL, Ludhiana.

Petition No. 59/2017 dated 08.09.2017 was filed against order dated 09.08.2017 in Case No. CG-124 of 2017 of the Consumer Grievances Redressal Forum (Forum) deciding that:

*“The amount charged to the Petitioner by AEE/OP, Sunder Nagar (Special) Division, Ludhiana, vide notice bearing memo no. 6105 dated 06.02.2017 amounting to Rs. 73,777/- and amount charged, vide notice bearing memo no. 6872 dated 31.03.2017 amounting to Rs. 5,68,979/-, on account of Red Phase potential not contributing for 1118 days and Blue Phase potential for 1073 days was as per events recorded in the DDL dated 12.01.2017 and was correct and chargeable.”*

2. Arguments, discussions and evidence on record were held on 08.02.2018.

3. Shri Kanwarjit Singh, Petitioner’s Counsel (PC), alongwith Shri Anoop Singh, Petitioner’s Representative (PR) attended the Court proceedings on behalf of the Petitioner. Er. Ram Paul, Senior Executive Engineer, DS Sunder Nagar (Special) Division, PSPCL, Ludhiana, appeared on behalf of the Respondent-PSPCL.

4. Presenting the case on behalf of the Petitioner, Shri Kanwarjit Singh, Petitioner’s Counsel (PC) stated that the Petitioner was the consumer of Medium Supply Category connection bearing Account No. CW03/0845 (CA 3002800712) and had been depositing the consumption charges regularly as per the demand raised by the PSPCL.

PC stated that, on the basis of site checking report dated 12.01.2017, the Respondent overhauled the account of the Petitioner for the period 07/2016 to 12/2016. As per checking report, the concerned officer declared the working of the Energy Meter as defective and running slow by 57.08% due to carbonization of Red and Blue Phase and after a while itself declared the working of the Energy Meter as accurate on each Phase but without the checking of the Energy Meter in M.E. Lab, which was legally not correct and was against the principles of natural justice and was against the applicable provisions of the law and applicable rules and regulations. The Respondent first raised a demand of Rs.73,777/- vide memo no. 6105 dated 06.02.2017. Although, the Petitioner did not agree with the results so communicated but agreed to deposit the charged amount in installment to avoid dispute and accordingly, deposited 1st installment of Rs.24,600/-. But, afterwards, the Respondent raised the demand amounting to Rs. 5,68,979/- vide memo no. 6872 dated 31.032017 without providing the opportunity of being heard and without providing the claimed/ referred speaking order vide memo no. 75 dated 13.02.2017 and DDL and claimed that potential of the Red Phase was not contributing the electricity energy for the last 1118 days and Potential of the Blue Phase was not contributing the electricity energy for the last 1073 days.

PC stated that the overhauling of the account of the Petitioner for such a long period was otherwise not correct and was against the norms applicable and provisions of law.

PC stated that, due to following reasons, the amounts raised by the PSPCL vide memo no. 6105 dated 06.02.2017 amounting to Rs. 73,777/- and vide memo no: 6872 dated 31.03.2017 to the tune of Rs. 5,68,979/-, was liable to be quashed :-

1. The account of the Petitioner had been overhauled for the period of 1118/1073 days only on the basis of the site checking report prepared by the officers of the PSPCL at site on dated 12.01.2017 and the Energy Meter of the Petitioner had neither been checked in the M.E. Lab nor the Petitioner had ever been called for the checking of the Energy Meter in the M.E. Lab. Besides this, the checking authority itself had mentioned in checking report that the Energy Meter of the Petitioner be checked in the M.E. Lab but the concerned office of the PSPCL overhauled the account of the Petitioner twice without the checking the Energy Meter in the M.E. Lab while the applicable provisions clearly required that those Energy Meters, which were declared as defective at site, needed to be checked/tested in the M.E. Lab and on receipt of the results of checking from the M.E. Lab, the concerned officers of the PSPCL were allowed to overhaul the account of those consumers. However, in the case of the Petitioner, the concerned officers clearly violated the provisions laid down and did not care to comply with the guidelines provided by the Enforcement in the checking report itself.

b) In the case of the Petitioner, the AAE was only authorized to take reading of the consumers of MS category connections and being responsible official of the PSPCL, could not be expected to ignore such type of major defect lying in the Energy Meter for a long period of 1118/1073 days. Had such like defect been lying in the Energy Meter earlier, which could have been noted by the concerned AAE, then, the said AAE might have intimated the said defect earlier also since he was bound to take monthly readings against which, the consumers of MS category connection were liable to make payment to the PSPCL, which proved that since earlier, no such defect was lying in the Energy Meter, as such, he was not in a position to intimate such defect. Hence, the consumption, so recorded in the Energy Meter during a period of 1118/1073 days, was the actual consumption, which the consumer consumed at the relevant time. All the consumption bills served upon the consumer during this period were of “O” Code, which meant that Energy Meter was correct.

c) There existed a prescribed schedule of checking of the installed Energy Meters. The officers of the PSPCL deliberately ignored the checking schedule prescribed under the Instructions No. 104 of ESIM-2010.

d) The DDL brought on record by the PSPCL itself proved that the Energy Meter of the Petitioner never remained defective continuously, rather, as per the DDL, if there was occurrence of defect, then, after some time, there was recovery and after recovery, the Energy Meter in question recorded the energy actually consumed.

e) In the case of the Petitioner, amount of Rs. 5,68,979/-, on account of defect in the Energy Meter was, in any manner, did not pertain to the application of wrong Multiplication Factor (MF).

f) The PSPCL did not intimate or mention the instructions under which, the PSPCL was empowered to charge any consumer for the period of more than six months in case of defective Energy Meter. The Respondent had powers only to overhaul the account of any consumer for a period not exceeding six months on the basis of note appended under Regulation 21.5.1 of Supply Code-2014 which was applicable from 01.01.2015.

g) A study of the language used in the said note clearly revealed that it pertained to the levy of penalty in cases of application of wrong MF and not to those cases, if the question of accuracy of the Energy Meter was involved or one phase dead, which, as per citation *MPEB V. Basantibai (SC) 1988 AIR (SC) 71,*  also came under the definition of defective Energy Meter. Similarly, as per the definition of the Energy Meter, Energy Meter meant a device suitable for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include, wherever applicable, other equipments such as current transformer, voltage transformer with necessary wiring and accessories or Capacitor Voltage Transformer necessary for such purpose.

h) Otherwise, the Legislature and the Hon`ble Supreme Court of India had clearly decided that in the cases of defective Energy Meters, the concerned Utility could not charge any consumer for more than six months even if the Energy Meter of the consumer was lying defective for more than five years. In this connection, the citation/case of *DESU V/S Y.N.Gupta I 1993 CPJ 27 (NC)* was very much important. Besides, this Court had, in the past, decided a number of cases on the same aspect of defect in Energy Meter and clearly held that the PSPCL had powers to overhaul the account of such consumers only for a period of six months. Appeal cases of this Court, bearing numbers 80/2016 decided on 27.03.2017 and 13/2017 decided on 30.05.2017, may be referred to in this regard.

The Respondent, in the proceedings held before the Forum, pleaded as under:

*“ASE/Enforcement-1, Ludhiana, vide memo no: 75 dated 13.02.2017, had given speaking orders on the checking made vide ECR No: 6/461 dated 12/1/17 in which it had been stated that on scrutinizing the print out of DDL, it was observed that Red Phase potential was not contributing for 1118 days and Blue Phase potential for 1073 days. The account of the petitioner be overhauled under intimation to the office of ASE/Enforcement-1, Ludhiana.*

*Based on the above speaking orders of ASE/Enforcement-1 Ludhiana, account of the Petitioner was again overhauled and consumer was charged an additional sum of Rs. 5,68,979/- in the bill after issuing supplementary notice no: 6872 dated 31.3.2017, after taking into consideration the earlier notice issued vide no. 6105 dated 6.2.2017, by AEE/Op. Sunder Nagar (Special) Division, Ludhiana.*

But the Respondent had neither quoted any regulation nor the Law under which instructions, the PSPCL had powers to overhaul the account of any consumer, whose Energy Meter remained defective, for more than six months while Regulation 21.5.1 of the Supply Code-2014 was applicable from 1.1.15 and pertains to inaccurate Energy Meters providing that:

*“If a consumer’s Energy Meter on testing, is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months”*

PC prayed that keeping in view the position explained above, the Appeal may be accepted and amount of Rs.73,777/- raised vide memo no: 6105 dated 06.02.2017 and amount of Rs. 5,68,979/- raised, vide memo no: 6872 dated 31.03.2017 issued by Sunder Nagar Division (Special), PSPCL, Ludhiana, may be quashed being an illegal, arbitrary, null and void and also against the applicable rules and regulations.

5. Defending the case on behalf of the Respondent – PSPCL, Er. Ram Paul, Senior Executive Engineer stated that the Petitioner was having a Medium Supply category connection, bearing Account No. 3002800712, with Sanctioned Load 39.870kW and Contract Demand 44.300 kVA and metering was being done by providing LT CT operated static Energy Meter. The Respondent stated that the connection was checked by the Addl. S.E, Enforcement-1, PSPCL, Ludhiana on 12.01.2017 vide ECR No. 06/461 dated 12.01.2017 and the Energy Meter was found running slow by 57.08%. The Addl. S.E/Enforcement-1 reported that:

*“On Energy Meter display segment 1 and 3 were missing and voltage/current were as under:*

|  |  |  |
| --- | --- | --- |
| ***Phase*** | ***Voltage*** | ***Current*** |
| *Red* | *0.00V* | *51.83 Amp* |
| *Yellow* | *241.1V* | *45.390 Amp* |
| *Blue* | *0.00V* | *24.12 Amp* |

*It meant that Red and Blue phase Potentials were not contributing towards consumption. The report further stated that Red and Blue phase Potential dhnK skoK B{z fSZb e/ ;kÕ eoe/ d[pkok brk fdshnK jB . whNo dh n?e[o/;h ;hwK ftu nkJh j? .”*

Based on above checking, the account of the Petitioner was overhauled for the period 07/2016 to 12/2016 by enhancing the recorded consumption considering degree of slowness and the consumer was charged a sum of Rs. 73,777/- and notice was issued on dated 06.02.2017.

However, the Enforcement, vide memo. No. 75 dated 13.02.2017, gave speaking orders and stated that *“on study of printout of DDL, it is observed that Red Phase Potential is not contributing for 1118 days and Blue Phase Potential for 1073 days and directed to overhaul the account accordingly.”*

Based on above speaking orders, the account of the Petitioner was again overhauled and the consumer was charged additional sum of Rs. 5,68,979/- and notice was issued on dated 31.03.2017 to the Petitioner.

The Energy Meter was replaced vide Device Replacement Order dated 17.01.2017 effected on 13.06.2017and was got checked from the M.E. Lab on 22.06.2017 (not in the presence of the consumer/its representative) and the accuracy was found within limits.

Not satisfied with the notice issued on 31.03.2017, the Petitioner made an Appeal with the Forum which upheld the amount charged by the Respondent. The Petitioner did not agree with the decision of the Forum, and filed an Appeal in this Court.

The Respondent further stated that the overhauling of the account of the Petitioner had been done on the basis of the speaking orders of Addl. S.E/Enforcement-1, PSPCL, Ludhiana, vide memo no.75 dated 13.02.2017 and the amount had been charged for the actual period of non-contribution of phases. Besides, the Energy Meter of the consumer had been checked vide ME Lab Challan No. 2590 dated 22.06.2017 according to which, the accuracy of Energy Meter was found within limits. The amount had thus been charged as per the speaking order of Addl. S.E, Enforcement-1, PSPCL, Ludhiana. The Respondent prayed to dismiss the Appeal.

**Decision**

6. The relevant facts of the case are that the Petitioner was having a Medium Supply category connection, bearing Account No.3002800712, with Sanctioned Load 39.870kW and Contract Demand 44.300kvA. The metering was being done by providing a LT CT operated static Energy Meter. The connection was checked by the Addl. S.E, Enforcement-1, PSPCL, Ludhiana on 12.01.2017 vide ECR No. 06/461 dated 12.01.2017 and the Energy Meter was found running slow by 57.08%. The Addl. S.E/Enforcement-1 reported that:

*“On Energy Meter’s display, segment 1 and 3 were missing and voltage/current were as under:*

|  |  |  |
| --- | --- | --- |
| ***Phase*** | ***Voltage*** | ***Current*** |
| *Red* | *0.00V* | *51.83 Amp* |
| *Yellow* | *241.1V* | *45.390 Amp* |
| *Blue* | *0.00V* | *24.12 Amp* |

*It meant that Red and Blue phase Potentials were not contributing towards consumption.*

*The report further stated that “Red and Blue Phase Potential dhnK skoK B{z fSZb e/ ;kÕ eoe/ d[pkok brk fdshnK jB . whNo dh n?e[o/;h ;hwK ftu nkJh j? .”*

Based on above checking, the account of the Petitioner was overhauled for the period 07/2016 to 12/2016 by enhancing the recorded consumption considering degree of slowness and the consumer was charged a sum of Rs. 73,777/- vide notice issued on dated 06.02.2017 and the same was deposited in installments by the Petitioner. However, the Enforcement, vide memo no. 75 dated 13.02.2017, gave speaking orders and stated that a study of printout of DDL, revealed that the Red Phase Potential was not contributing for 1118 days and Blue Phase Potential for 1073 days and directed to overhaul the account accordingly. In compliance, the account of the Petitioner was again overhauled and the consumer was charged an additional sum of Rs. 5,68,979/- and notice was issued on dated 31.03.2017 to the Petitioner. The Energy Meter was replaced vide Device Replacement Application dated 17.01.2017, effected on 13.06.2017. The removed Energy Meter was got checked from the M.E. Lab on 22.06.2017 when neither the consumer nor its representative was present. The M.E. Lab on testing the Energy Meter, found its accuracy within limits.

The Petitioner was not satisfied with the notice issued by the Respondent on 31.03.2017, and filed a Petition in the Forum which decided as under:

*“The amount charged to the Petitioner by AEE/Op, sunder Nagar, (Special) Division, Ludhiana vide notice bearing memo no. 6105 dated 6.2.2017 amounting to Rs. 73,777/- and amount charged vide notice bearing memo no. 6872 dated 31.3.2017 amounting to Rs.5,68,979/- on account of Red phase potential not contributing for 1118 days and Blue phase potential for 1073 days is as per events recorded in the DDL dated 12.01.2017 and is correct and chargeable”.*

The Petitioner did not agree with the decision of the Forum and filed an Appeal in this Court.

I have gone through the written submissions made in the Petition by the Petitioner and written reply of the Respondent as well as the oral submissions made by the Representatives of the Petitioner and Respondent alongwith the material brought on record by both the sides.

The issue requiring adjudication is the legitimacy of the amount of Rs.73,777/- and Rs.5,68,979/- charged to the Petitioner by the Respondent, vide memo no. 6105 dated 06.02.2017 and 6872 dated 31.03.2017 respectively, on account of overhauling of the account of the Petitioner for 1118/1073 days though the Energy Meter was found accurate on testing in M.E. Lab.

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

1. PC argued that the account of the Petitioner had been overhauled for a period of 1118/1073 days, only on the basis of the site checking report prepared by the officers of the PSPCL at site on dated 12.01.2017 and the Energy Meter of the Petitioner had never been checked in the M.E. Lab nor the Petitioner had ever been called for the checking of the Energy Meter in the M.E. Lab. Besides this, the ASE/Enforcement-1, Ludhiana, himself had mentioned in checking report that the Energy Meter of the Petitioner be checked in the M.E. Lab but the concerned office of the PSPCL overhauled the account of the Petitioner twice without the checking of the Energy Meter in the M.E. Lab when otherwise, applicable provisions clearly required the checking of those Energy Meters, which were declared as defective at site to be done in the M.E. Lab and on receipt of the results of checking from the M.E. Lab, the concerned officers of the PSPCL were allowed to overhaul the account of those consumers. But in the case of the Petitioner, the concerned officers clearly violated the laid down provisions and did not care to comply with the guidelines provided by the Enforcement in the checking report itself.

I observe from the perusal of the material brought on record that the connection of the Petitioner was checked at site by the Addl. S.E, Enforcement-1, PSPCL, Ludhiana on 12.01.2017 vide ECR No. 06/461 in the presence of the consumer and the Energy Meter was found running slow by 57.08%. However, I find that the Respondent could not disprove the contention of the PC that neither the Petitioner nor its representative was present in case, the Energy Meter was actually tested in M.E. Lab on 22.06.2017 as stated by the Respondent.

*I, therefore, agree with the contention of the PC that the action of the Respondent in testing the Energy Meter in M.E. Lab, without ensuring the presence of the consumer or its representative, was not in accordance with the applicable rules.*

ii) PR next argued that in case of the Petitioner, the AAE was only authorized to take reading of the consumers of MS category connections and being responsible officer of the PSPCL, could not be expected to ignore such type of major defect lying in the Energy Meter for a long period of 1118/1073 days. Had such like defect been lying in the Energy Meter earlier, the same could have been noted by the concerned AAE, who might have intimated the said defect earlier also since it was bound to take monthly readings against which the consumers of MS category connection were liable to make payment to the PSPCL. This proved that since earlier, no such defect was there in the Energy Meter, as such, the Respondent was not in a position to intimate such defect. Hence, the consumption so recorded in the Energy Meter, during a period of 1118/1073 days, was the actual consumption, which the consumer consumed at the relevant time. All the bills, served upon the consumer during this period, were of “O” Code, which meant that the Energy Meter was correct.

*I observe that the AAE concerned, deputed to take readings of the disputed Energy Meter of the Petitioner having Medium Supply category connection, clearly failed to observe the fault which was coming out on the display of the said Energy Meter. At the same time, it is not correct on the part of the PC to state that the AAE did not point out any defect during the disputed period, in the Energy Meter because no such defect existed therein during that period of* 1118/1073 *days and the consumption so recorded then by the AAE was the actual energy consumed by the consumer.*

*I also observe that the comparison of the consumption figures shown by the Energy Meter, during disputed period of* 1118/1073 *days vis-a-vis post disputed period/after replacement of disputed Energy Meter, is a sufficient evidence to conclude that the contention of the PC is false as the consumption increased after removal of defect on 12.01.2017 because average monthly consumption prior to rectification of fault on 12.01.2017 was 1413kVAh units but this monthly average increased to 5770kVAh after removal of fault.*

iii) PC next contended that there existed a prescribed schedule of checking of the installed Energy Meters. The officers of the PSPCL deliberately ignored the prescribed checking schedule laid down as per the Instruction No. 104 of ESIM-2010.

*I agree with the contention of the PC that the Respondent defaulted in ensuring compliance of the provisions contained in Instruction No. 104 of ESIM – 2010 requiring checking of the connection once in every six months. Had this been done as required, the defect in the connection could have been noticed earlier and dispute would not have arisen.*

iv) PR next argued that the DDL, brought on record by the Respondent, itself, proved that the Energy Meter of the Petitioner never remained defective continuously, rather, as per the DDL, if there was occurrence of defect, then after some time, there was recovery and as such, after recovery, the Energy Meter in question recorded energy actually consumed. In the case of the Petitioner, amount of Rs. 5,68,979/-, on account of defect in the Energy Meter, in any manner, did not pertain to the application of wrong multiplication factor. The Respondent did not intimate or mention the instructions under which it was empowered to charge any consumer for the period of more than six months in case of defective Energy Meter. The Respondent had powers only to overhaul the account of any consumer for more than that of six months only on the basis of note appended under Regulation No: 21.5.1 of Supply Code-2014 which was applicable from 01.01.2015. A study of the language used in this note clearly clarified that it pertained to the levy of penalty in cases of application of wrong MF and not to those cases, where the question of accuracy of the Energy Meter was involved or one phase dead, which, as per citation *MPEB V. Basantibai (SC) 1988 AIR (SC) 71,* also came under the definition of defective Energy Meter. Similarly, as per the definition of the Energy Meter, *“ Energy Meter means a device suitable for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include, wherever applicable, other equipments such as current transformer, voltage transformer with necessary wiring and accessories or Capacitor Voltage Transformer necessary for such purpose.”* Otherwise also, the Legislature and the Hon`ble Supreme Court of India had clearly decided that in the cases of defect in the Energy Meter, the concerned Utility could not charge any consumer for more than that of six months even if the Energy Meter of the consumer was lying defective for a long period of say five years. In this connection, the citation/case of *DESU V/S Y.N. Gupta I 1993 CPJ 27 (NC)* was very much important. Besides, this Court had, in the past, decided a number of cases on the same aspect of defect in Energy Meter and clearly held that the PSPCL had powers to overhaul the account of such consumers only for a period of six months. Appeal cases of this Court bearing numbers 80/2016 decided on 27.03.2017 and 13/2017 decided on 30.05.2017 may be referred to in this regard. But, the Respondent had neither quoted any regulation nor the Law under which instructions, the PSPCL had powers to overhaul the account of any consumer, whose Energy Meter remained defective, for more than six months while Regulation 21.5.1 of the Supply Code-2014 (applicable from 01.01.2015) pertained to inaccurate Energy Meters and provided that:

*“If a consumer Energy Meter on testing is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months”*

I have gone through the results of the checking of the connection of the Petitioner by the Addl. S.E, Enforcement-1, Ludhiana vide ECR No. 06/461 dated 12.01.2017 reporting that:

*“ On Energy Meter’s display segment 1 and 3 were missing and voltage/current were as under:*

|  |  |  |
| --- | --- | --- |
| ***Phase*** | ***Voltage*** | ***Current*** |
| *Red* | *0.00V* | *51.83 Amp* |
| *Yellow* | *241.1V* | *45.390 Amp* |
| *Blue* | *0.00V* | *24.12 Amp* |

*It meant that Red and Blue Phase Potentials were not contributing towards consumption. The report further stated that Red and Blue Phase Potential dhnK skoK B{z fSZb e/ ;kÕ eoe/ d[pkok brk fdshnK jB . whNo dh n?e[o/;h ;hwK ftu nkJh j? .*

I find that based on above checking, the account of the Petitioner was overhauled for the period 07/2016 to 12/2016 by enhancing the recorded consumption considering degree of slowness and the consumer was charged a sum of Rs. 73,777/- for which notice was issued on dated 06.02.2017. However, the Enforcement, vide memo. no. 75 dated 13.02.2017, had given speaking orders and stated that on study of printout of DDL, it is observed that Red Phase Potential and Blue Phase Potential was not contributing for 1118/1073 days respectively and directed to overhaul the account accordingly.As a result, the account of the Petitioner was again overhauled and consumer was charged additional sum of Rs. 5,68,979/- vide notice dated 31.03.2017. The Energy Meter was replaced on 13.06.2017.

I find that the Energy Meter was got checked from the M.E. Lab on 22.06.2017 (when neither the Petitioner nor its representative was present. I note that the accuracy of the Energy Meter, on being tested in ME Lab, was found within limits. I also observe that the Energy Meter was already checked at site in the presence of the consumer.

I have also perused the printout of Tamper Events, at sequential storage of Events ON, reveal that voltage failure on Red Phase occurred on 29.08.2016 at 12 hrs 43 min. 35 seconds and on Blue Phase on 28.07.2016 at 15 hrs 15 min 16 seconds and voltage on different phase was as under:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Date*** | ***Voltage failure occurred***  ***On Phase*** | ***Voltage ( in Volts)*** | | |
| ***Red*** | ***Yellow*** | ***Blue*** |
| *29.08.2016* | *Red Phase* | *131.03* | *239.06* | *0.00* |
| *26.07.2016* | *Yellow Phase* | *66.66* | *234.48* | *131.03* |

*It leads to a conclusion that there was carbonization of the Potential wires and that the tamper event remained ‘ON’ till rectification of the fault. The failure type/status/count/duration, which shows voltage failure on Red Phase and Blue Phase for 1118 days and 1073 days respectively included the events due to Power failure or when no load was running.*

From the above analysis, it is clear that the Energy Meter, on being tested in M.E. Lab on 22.06.2017, was found accurate due to which the applicability of the provisions of the Regulation 21.5.1 of Supply Code-2014 for overhauling the account of the Petitioner, as contended by the PC, can not be questioned. There is, however, no denying the fact that the onus for the present dispute lies both on the Petitioner as well as the Respondent as also discussed in the preceding para. While the Petitioner, being a Medium Supply category consumer, did not point out the fact of less billed amount (as a result of less consumption) during the long disputed period of more than three years, the Respondent also defaulted in ensuring and monitoring implementation of its own instructions of noticing the defect in Energy Meter display at the time of meter reading and also of not conducting periodical checking of the connection every six months as per rules/regulations.

**As a sequel of above discussions, it is held that the account of the Petitioner should be overhauled, with slowness factor 57.08%, as per provisions contained in Regulation 21.5.1 of Supply Code-2014 i.e. for a period of six months prior to the date of checking and rectification of fault by the Enforcement (12.01.2017). Accordingly, the Respondent is directed to recalculate the demand and refund/recover the amount found excess/short, if any.**

7. The Appeal is disposed of accordingly.

8. In case, the Petitioner or the Respondent (Licensee) is not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate Bodies in accordance with Regulation 3.28 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations – 2016.

(VIRINDER SINGH)

Date: 13.02.2018 LokPal (Ombudsman)

Place: S.A.S. Nagar (Mohali) Electricity, Punjab.