

**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. 16/2024**

**Date of Registration : 23.07.2024  
Date of Hearing : 13.08.2024, 28.08.2024  
Date of Order : 28.08.2024**

**Before:**

**Er. Anjuli Chandra,  
Lokpal (Ombudsman), Electricity, Punjab.**

**In the Matter of:**

**Smt. Sarabjeet Kaur W/o Sh. Surinder Singh,  
Village- Bhadson (Amloh),  
Ram Singh Nao, Bhadson.**

**Contract Account Number: 3006953742 (DS)**

**...Appellant**

**Versus**

**Senior Executive Engineer,  
DS Division, PSPCL,  
Amloh.**

**...Respondent**

**Present For:**

**Appellant : Sh. Surinder Singh,  
Appellant's Representative.**

**Respondent : 1- Er. Dharampal Singh,  
Assistant Executive Engineer,  
DS Division, PSPCL,  
Amloh.  
2- CA Mohit Goyal, RA.**

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 09.07.2024 of the Corporate Consumer Grievances Redressal Forum (Corporate forum), Ludhiana in Case No. T-135/2024, deciding that:

*“Forum observed that the petitioner is a habitual defaulter & does not comply with the orders of authorities/Forum deliberately. Moreover, her earlier case no. T-105/2023 on the same issue had already been heard by this Forum after condoning the delay. In view of the above, delay in filing the instant case cannot be condoned hence the present appeal is not allowed.”*

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

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 23.07.2024 i.e. within the period of thirty days of receipt of the decision dated 09.07.2024 of the CCGRF, Ludhiana in Case No. T-135/2024. The Appellant had deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 23.07.2024 and to meet the ends of ultimate justice, this Court decided to hear the Appeal on merits. A copy of the same was sent to the Addl. SE/ DS Division, PSPCL, Amloh for sending written reply/ parawise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 408-410/OEP/A-16/2024 dated 23.07.2024.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 13.08.2024 and intimation to this effect was sent to both the parties vide letter nos. 437-38/OEP/A-16/2024 dated 07.08.2024. As scheduled, the hearing was held in this Court on 13.08.2024 and arguments of both the parties were heard. The next date of hearing was fixed for 28.08.2024. An intimation to this effect alongwith the copies of proceedings dated 13.08.2024 was sent to both the parties vide letter nos. 450-51/OEP/A-16/2024 dated 13.08.2024. As scheduled, the hearing was held in this Court on 28.08.2024 and arguments of both the parties were heard.

### **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 deliberations made by the Appellant 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 her Appeal for consideration of this Court:-

- (i) The Appellant was having a DS Category Connection bearing Account No. 3006953742 in her name under DS Division, PSPCL, Amloh.
- (ii) The Appellant submitted that she appealed against inflated bill before the Corporate Forum. The Revenue Accountant & SDO/ DS Sub Division, PSPCL, Bhadson took affidavit from her by force for installments for which she was not ready.
- (iii) Her petition was rejected by the Corporate Forum. She was not satisfied with the decision of the Corporate Forum. So, she filed the present Appeal before the Court of Ombudsman, Electricity, Punjab.
- (iv) The Appellant prayed to give them relief from this matter as she had already paid enough bill and feeling harassed from SDO/ DS Sub Division, Bhadson.
- (v) The Appellant submitted that the SDO/ DS Sub Division, Bhadson had intentionally got Affidavit from them and now, he was threatening to disconnect the new connection released in the name of her son.

(vi) The Appellant prayed this Court to consider this matter because she cannot pay the pending disputed amount as she was not financially strong enough right now.

**(a) Submission during hearing**

During hearings on 13.08.2024 & 28.08.2024, the Appellant's Representative reiterated the submissions made in the Appeal and prayed to allow the same.

**(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 had first filed her case before the Zonal CGRF, Ludhiana vide Case No. 05/KHANNA/2022. As per the decision dated 24.02.2023 of the Zonal CGRF, Ludhiana, the disputed amount was recoverable from the Appellant and the Appellant was allowed to pay this disputed amount in installments after taking permission from the SE/ DS Circle, Khanna. Accordingly, on the request of the Appellant, SE/ DS Circle, Khanna allowed her to pay the disputed amount of ₹ 3,29,340/- in 10 equal installments. But the Appellant did not deposit the amount.



- (ii) The Appellant had earlier also filed her petition in the Corporate Forum, Ludhiana vide Case No. T-105 of 2023. The Corporate Forum had directed the Appellant on 16.08.2023 to deposit ₹ 25,000/- of the disputed amount alongwith the current consumption bills for the period after 25.04.2023 without any interest or surcharge for the registration of her Petition. In this regard, the Appellant was requested by DS Sub Division, Bhadson vide letter no. 2079 dated 16.08.2023 to deposit the amount of ₹ 1,35,990/- (₹ 25,000/- + ₹ 1,10,990/-). But the Appellant did not deposit any amount due to which her connection was permanently disconnected vide PDCO No. 1000217388221 dated 21.06.2023.
- (iii) Then in the month of 04/2024, the Appellant approached the office of DS Circle, Khanna for re-connection of her meter. As per the instructions of the S.E., DS Circle, Khanna, the Appellant had deposited 40% of the total dues of ₹ 5,68,800/- i.e. ₹ 2,27,520/- on 18.04.2024 and 10 instalments of the balance amount were made. Due to dues standing in SAP billing system against the Appellant and passage of time period of more than 6 months since permanent disconnection, RCO could not be done. So, new connection bearing a/c no. 3008720973 was issued in the name of son of the Appellant,

Sh. Simranjeet Singh, after deposit of the security for the new connection. Both the Appellant & her son submitted affidavit to deposit the pending dues of the Appellant's Account.

(iv) The Appellant had deposited the amounts as per detail below:-

Sr. No.	Description	Amount Deposit	Date	Remarks
1.	As per decision of Zonal CGRF, Ludhiana dated 24.02.2023	NIL		
2.	In respect to payment in installments as per Approval letter no. 9832 dated 03.07.2023 issued by SE/DS, Circle, Khanna	NIL		
3.	As per directions issued by Corporate CGRF, Ludhiana in Case No. T-105/2023 dated 16.08.2023	NIL		Connection disconnected(PDCO) dated 21.06.2023 on defaulting.
4.	As per orders from SE/DS Circle, Khanna	2,27,520/-	18.04.2024	40% amount of pending defaulting paid via online mode for reconnection of Electricity
5.	Instalments paid as promised in affidavit during reconnection	NIL		

- (v) Due to non-deposit of 1<sup>st</sup> instalment by the Appellant, the area JE had intimated the Appellant but the Appellant again filed her petition in Corporate Forum, Ludhiana vide Case No. T-135/2024 and at that time amount of ₹ 3,50,957/- was outstanding against the Appellant. The Corporate Forum, Ludhiana had dismissed the case.
- (vi) The amount of ₹ 8,699/- has been outstanding in the new connection of the Appellant which was overdue. As per the decision of the Corporate Forum, Ludhiana the balance outstanding amount of ₹ 3,53,180/- of the closed account no. 3006953742 of the Appellant was transferred in the new account no. 3008720973 vide Sundry No. SCA-308/92/R-216.
- (vii) Then the Appellant filed her case before the Court of Ombudsman, Electricity, Punjab. As per the report of the DS Sub division officer, the amount of ₹ 3,61,879/- was still outstanding against the Appellant till 29.07.2024.
- (viii) After the issuance of new connection, the Appellant had to deposit the outstanding amount in installments as per the affidavit dated 18.04.2024 submitted by her, but she did not deposit any installment. Instead, she approached the Corporate Forum, Ludhiana, where her petition was dismissed and now



she had filed her Appeal in the Court of Ombudsman, Electricity, Punjab.

- (ix) As per above, it was clear that the Appellant did not want to deposit the outstanding amount standing against her. Due to this, PSPCL had to face financial loss.
- (x) It was requested to order the Appellant to deposit the outstanding amount as per the affidavit submitted by her and the present Appeal of the Appellant be dismissed.

**(b) Additional Submissions submitted on 09.08.2024**

The Respondent submitted the following additional information vide Memo No. C-34 dated 09.08.2024 for consideration of this Court:-

- (i) The Respondent submitted the ME Lab report vide Challan No. 609 alongwith the Data Download (DDL) of the disputed meter bearing Sr. No. 653062.
- (ii) The premises of the Appellant was checked vide LCR No. 21/5095 dated 11.10.2022 where the connected load was found to be 11.49 kW against the Sanctioned Load of 7.26 kW. In this regard, the Appellant was asked vide Notice No. 2063 dated 11.10.2022 to deposit ₹ 12,543/- for Load Surcharge & Security for additional load found during checking, but the

Appellant did not deposit the same. So her load was not regularized.

- (iii) The connection in the name of Appellant's son, Sh. Simranjeet Singh was released on 19.04.2023.

**(c) Additional Submissions submitted on 22.08.2024**

The Respondent submitted the following additional information vide Memo No. 4188 dated 22.08.2024 for consideration of this Court:-

- (i) The Connection bearing account no. 3006953742 (earlier K62BS51/1027A) was released on 21.11.2019 & meter bearing serial no. 653062 with initial reading 0 was installed in the premises of the Appellant.
- (ii) The reason behind the difference in the readings on the bills issued and readings in the DDL of the disputed meter was due to incorrect readings being uploaded by the private meter reader on the basis of which bills with less consumption than the actual consumption were issued to the Appellant. It is pertinent to mention here that in case of 3 phase meters, the DDL is not done at the time of billing. In the present case, DDL of the disputed meter was done by the ME Lab after the Appellant had challenged the working of the meter. After examining the DDL, it came to knowledge that the private

meter reader had taken the wrong readings. So, the amount recoverable in this regard was charged to the Appellant. The Appellant filed her petition in Zonal CGRF. The Zonal CGRF, after examining the records, decided that the amount was recoverable from the Appellant. As per the instructions of the Supply Code, the Appellant could be given the permission to deposit the amount in installments.

- (iii) Regarding bill of consumption of 30,062 units in 92 days, the Respondent submitted that the private meter reader did not record the correct readings due to which the consumption was accumulated. As per DDL, the reading was 36040 kVAh/35939 kWh as on 31.10.2021 which matched with the reading taken & recorded on Meter Challan No. 609 in ME Lab. These units were consumed by the Appellant in the last 2 years which were not billed to the Appellant due to wrong readings taken by the Private Meter Reader. The private meter reader was dismissed from his service by the department. As per the DDL, it was clear that the load of the Appellant was found to be approximately 10.00 kW, which was not matched with the recorded readings. The comparative report was submitted regarding reading recorded by the private meter reader and the readings recorded on different dates as per the DDL.

(iv) Regarding consumption of 12013.54 units recorded between the period 01.01.2021 to 01.02.2021, the Respondent submitted that as per checking vide LCR No. 21/5095 dated 11.10.2022, the load of the Appellant's premises was found to be 11.49 kW, whereas the sanctioned load was 7.26 kW. It may be possible that some function was held in the premises of the Appellant due to which huge consumption was recorded during this period. The load of the Appellant was running between 7.00 kW to 10.00 kW, so it may be possible that the Appellant had consumed these units. As per the records, the amount charged to the Appellant was recoverable, so the present Appeal be dismissed.

**(d) Submission during hearing**

During hearings on 13.08.2024 & 28.08.2024, the Respondent reiterated the submissions made in the written reply to the Appeal & additional information provided and prayed for the dismissal of the Appeal.

**5. Analysis and Findings**

The issue requiring adjudication is the legitimacy of the bill dated 31.01.2022 issued to the Appellant for period of 92 days

from 31.10.2021 to 31.01.2022 for the consumption of 30,062 units.

*My findings on the points that emerged and my analysis is as under:*

- (i) The Corporate Forum in its order dated 09.07.2024 observed as under:-

*“Forum observed that the petitioner is a habitual defaulter & does not comply with the orders of authorities/Forum deliberately. Moreover, her earlier case no. T-105/2023 on the same issue had already been heard by this Forum after condoning the delay.*

*In view of the above, delay in filing the instant case cannot be condoned hence the present appeal is not allowed.”*

- (ii) I have gone through the written submissions made by the Appellant in the Appeal, written reply of the Respondent, additional information provided by the Respondent as well as oral arguments of both the parties during the hearings on 13.08.2024 & 28.08.2024. The consumption data of the Appellant as provided by the Respondent shows that bills were regularly being issued to the Appellant on the basis of ‘O’ code since date of connection i.e. 21.11.2019. The Appellant agrees with the readings recorded upto 31.10.2021. The reading recorded on 31.10.2021 was 1520 kWh on ‘O’ code. Then the Appellant received bill dated 31.01.2022 for the period of 92



days from 31.10.2021 to 31.01.2022 for the consumption of 30,062 units. She challenged the working of the meter by depositing the requisite fee. The meter was changed vide MCO No. 100017652129 dated 11.05.2022. The disputed meter was checked in ME Lab where the working of the meter was found OK. This Court asked the Respondent for the DDL of the disputed meter. On examining the DDL, this Court observed many discrepancies in the consumption data & DDL of the disputed meter. So clarification was sought from the Respondent on the following points:-

- 1- Bills of 'OK' Code of the disputed meter were issued to the Appellant, but the readings recorded by the meter reader did not corroborate with the readings as shown in the DDL of the disputed meter. Explain the reason for the same.
- 2- Explain whether the Appellant can consume 30,062 units in 92 days as the PSPCL issued bill of 30,062 units to the Appellant for the period of 92 days from 31.10.2021 to 31.01.2022?
- 3- Consumption of 12,013.54 kWh units was shown in the DDL of the disputed meter of the Appellant for the period from 01.01.2021 to 01.02.2021, i.e., 387.52 kWh units per

day. Whether this consumption of the Appellant with Sanctioned Load of 7.26 kW was correct?

- (iii) It was observed that the readings recorded in the bills issued to the Appellant on 'O' code did not corroborate with the readings shown in the DDL. The meter reader recorded reading of 31,582 as on 31.01.2022, while as per DDL, the reading as on 31.10.2021 already was 35,939.72. The Respondent failed to provide any concrete reply in this regard & put the entire blame on the private meter reader who was taking the readings.
- (iv) It was further observed by this Court that the consumption of 12,013.54 kWh units was shown in the DDL of the disputed meter of the Appellant for the period from 01.01.2021 to 01.02.2021, i.e., approximately 388 kWh units per day, which appears to be very high. If calculation of consumption is done as per para-4 of Annexure-8 of Supply Code, 2014 on LDHF basis, the consumption for 31 days comes to 540 units and even if the Load is considered as 11.49 kW, as detected by the Respondent vide checking No. 21/5095 dated 11.10.2022, then also the consumption for 31 days will be 855 units. The clarification of the Respondent in this regard that some function may have had held in the premises of the Appellant appears to be completely assumptive.

- (v) The disputed period is from 31.10.2021 till the replacement of the disputed meter only as 'O' Code bills were issued upto 31.10.2021 which were neither challenged by the Appellant nor by the Respondent. It can be seen from the discussion above that the readings as recorded by the meter reader for the disputed meter as well as shown by the DDL cannot be considered as reliable. Therefore, the bills issued for the period from 31.10.2021 till the replacement of the disputed meter based on these readings cannot be considered as correct. The contention of the CCGRF that the bills for the disputed period was recoverable does not hold good as the readings on which the bills are based are themselves incorrect.
- (vi) In view of the above, this Court is not inclined to agree with the decision dated 09.07.2024 of the Corporate Forum in Case No. T-135/2024. It is, therefore, decided to quash the disputed bill dated 31.01.2022 & other bills generated thereafter for the period upto the replacement of the disputed meter. The account of the Appellant should be overhauled for the maximum period of six months immediately preceding the date of replacement of the disputed meter on the basis of actual consumption recorded in the corresponding period of succeeding year as per Regulation 21.5.2 (d) & (e) of Supply Code-2014.

## 6. Decision

As a sequel of above discussions, the order dated 09.07.2024 of the Corporate Forum in Case No. T-135/2024 is hereby quashed. The billing for the period from 31.10.2021 till the replacement of the disputed meter is quashed. The Account of the Appellant should be overhauled for the maximum period of six months immediately preceding the date of replacement of the disputed meter on the basis of actual consumption recorded in the corresponding period of succeeding year as per Regulation 21.5.2 (d) & (e) of Supply Code-2014.

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, he 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.

August 28, 2024  
S.A.S. Nagar (Mohali)

(ANJULI CHANDRA)  
Lokpal (Ombudsman)  
Electricity, Punjab.