

CWP No.21218 of 2015 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.21218 of 2015 (O&M)
Date of decision:06.11.2015**

M/s Shiva Food Industries

...Petitioner

Versus

Punjab State Power Corporation Ltd., Patiala and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Inderjit Sharma, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is registered as L.S. Consumer having S.L.-186.50 KW with CD of 207.200 KVA at 11 KV supply voltage and Meter Account No.G76-LS01/00009 under the supervision and control of respondent No.5-the Sub Divisional Officer (Operation), Punjab State Power Corporation, Qadian. The petitioner received a notice dated 26.05.2014 served by respondent No.5 alleging that as per the checking report, jointly conducted by the Flying Squad and the MMTS vide checking No.18/2122 dated 25.03.2014, the electricity meter of the petitioner was not found working properly and the bill for the period of 11/2013 to 04/2014 was revised during which the meter remained defective due to wrong connection and average was imposed to the tune of ₹18,57,104/- which was

asked to be deposited within 7 days.

The petitioner took up the matter before the Zonal Dispute Settlement Committee (Border), PSPCL, Amritsar, after depositing the amount of ₹2,78,566/- on 19.08.2014. The Committee found that the meter recorded the consumption of 21716 units for 16 days, which shows that the plant was running at its required capacity, therefore, it was decided to overhaul the account of the petitioner for the period from 11/2013 to 04/2014 by taking the base of consumption recorded i.e. 21716 units in 16 days on pro-rata basis.

Aggrieved against the said order of the Committee dated 17.12.2014, the petitioner filed the appeal before the Consumers Grievances Redressal Forum, PSPCL P-1, on 02.02.2015. The said appeal was dismissed by the Forum, which comprised of 3 members, with the following decision:-

- “* The account of the petitioner for the period 04.10.2013 to 25.03.2014 be overhauled on the basis of consumption recorded during the corresponding period of previous year and amount so charged be got pre-audited from A.O./Field.
- * CE/Border Zone shall get the lapses as mentioned in the observations of the forum, investigated for initiating strict disciplinary action against delinquent officers/officials.
- * Forum further decides that the balance amount recoverable/refundable, if any, be recovered/refunded from/to the consumer alongwith interest/surcharge as per instructions of PSPCL.

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- * As required under Section-19(1) & 19(1A) of Punjab State Regulatory Commission (Forum & Ombudsman) Regulation-2005, the implementation of this decision may be intimated to this office within 30 days from the date of receipt of this letter.”

Counsel for the petitioner has argued that as per Regulation 21 of Chapter-V of the Punjab State Electricity Regulatory Commission (Electricity Supply Code and related matters) Regulations, 2014 (hereinafter referred to as the “Regulations”), it was incumbent upon the respondents to test the inaccurate meter in the presence of the consumer and has referred to Regulation 21.3.6, which is reproduced here-as-under:-

“(a) The distribution licensee shall have the right to test any consumer meter and related equipment, either at site or in the laboratory, if there is a reasonable doubt about its accuracy and the consumer shall co-operate with the distribution licensee in conducting the test. The consumer shall have the right to be present during such testing. A copy of the test results indicating the accuracy of the meter shall be provided to the consumer.”

Regulation 21.5 deals with overhauling of consumer accounts in which it is provided that *“if a consumer 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 immediately preceding the: (a) date of*

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test in case the meter has been tested at site to the satisfaction of the consumer or replacement of inaccurate meter whichever is later; or (b) date the defective meter is removed for testing in the laboratory of the distribution licensee”.

Although counsel for the petitioner has vehemently argued that the respondents have violated Regulation 21.3.6 of the Regulations in which it is provided that the test in regard to accuracy of the meter shall have to be conducted in the presence of the petitioner but he has failed to show that this aspect was ever brought to the notice of the Zonal Disputes Settlement Committee who had passed the impugned order Annexure P-5 or the Consumers Grievances Redressal Forum, PSPCL P-1, to whom the appeal was preferred against the order of the Committee and despite repeatedly asking, learned counsel for the petitioner has failed to show even the averments made in this petition in this regard, therefore, the petitioner is obviously trying to take advantage of the Regulation 21.3.6 (a), which is not applicable to him because he has failed to aver that he was not present during such testing.

Thus, in view of the aforesaid discussion, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

No costs.

November 06, 2015

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(Rakesh Kumar Jain)
Judge