113 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6734 of 2017(O&M)
Date of decision : 18.04.2017

Punjab State Power Corporation Limited .... Petitioner

versus

The Ombudsman Electricity, Punjab and another .... Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

***

Present: Ms.Promila Nain, Advocate
for the petitioner.

***

AMIT RAWAL, J.

The petitioner-Punjab State Power Corporation Limited is in writ petition challenging the order of the Ombudsman Electricity, Punjab-respondent No.1 dated 16.08.2016 (Annexure P-6) on the premise that respondent No.2 is having 66 KV cluster comprising of 2 members getting 11 KV supply having account No. LS218 in the name of M/s Tharaj Casting Ltd. and account No. LS314 in the name of Manglum Recycling Ltd. The aforementioned accounts were checked by the ASE MMTS-3, wherein the yellow phase of the CT was alleged to be defective and on the basis of this report, the Centralized Billing Cell, Ludhiana issued energy bills from July, 2013 to January, 2014 by enhancing the recorded consumption of 66 KV meter by 50%. Thereafter by memo dated 20.04.2014 on the basis of energy audit from the print out of DDL of M/s Manglum Recycling Ltd, the energy bill from January 2013 to June 2013 was revised and demand of

Rs.26,57,309/- dated 6.5.2014 was raised which was assailed by the parties and ultimately respondent No.2 filed appeal before Zonal Dispute Settlement Committee which decided the same on 18.09.2014 and held that the amount charged from the consumer is correct. Committee further decided that the balance amount is recoverable (Annexure P-1). Respondent No.2 challenged the said order before Consumer Grievance Redressal Forum which set aside order dated 18.09.2014 vide order dated 17.07.2015(Annexure P-4) and provided partial relief (Annexure P-4) by adding 1% instead of 2.16%. Learned counsel for the petitioner submits that the total consumption of both the cluster members recorded at 11 KV was rightly enhanced at 3% as transformation losses. The difference of units of both the connections detected the erratic consumption rightly so the account was overhauled for a period of six months. The appeal filed before the forum against the decision of the ZDSC which provided partial relief but yet the matter was assailed before the Ombudsman who passed the impugned order. She ultimately prayed for setting aside of the said order.

I have heard learned counsel for the petitioner, perused the paper book and am of the view that the findings rendered by the Ombudsman are perfectly legal and justified. There is no regulation pointed out before the Ombudsman or before this Court authorizing the Electricity Board to overhaul the account on the basis of audit report. In fact, having large supply of electricity connection, the Electricity Board was supposed to check the meter and to analyse all the records/defects which could have been the basis but no such record had been produced. The Ombudsman had also taken into consideration notification dated 17.03.2006 of the Central Electricity Authority which envisaged that the energy accounting and audit meters shall be rectified or repaired and replaced by the licencee immediately after noticing errors in the meter readings, being not in accordance with the normal pattern of the load demand and meter tampering or erratic display or damage but no such correcting measures have been taken.

For the reasons aforementioned I find that the order of the Ombudsman for overhauling of the petitioner's account does not suffer from any illegality and cannot be said to be vitiated in law and the same is upheld.

The petition is dismissed.

(AMIT RAWAL)
JUDGE

April 18, 2017
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No