IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1174 of 2017 (O&M)
Date of decision: 30.08.2018

Baldeep Singh

...Petitioner(s)

Versus

Punjab State Power Corporation Ltd. and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Brijesh Nandan, Advocate for the petitioner(s).

Mr. Nitin Kaushal, Advocate for the respondents.

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Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks quashing of the impugned order dated 26.12.2016 (Annexure P-1) and bill-cum-demand notice vide which the account of the petitioner was overhauled for a period of more than 6 years and was asked to deposit Rs.24,94,336/- on account of overhauling of account passed by the respondents.

It is contended that the petitioner had been regularly paying the bills of account No.CS-01/0260 on the basis measured consumption. The meter of the petitioner was replaced in the month of September, 2009 and the consumption remained consistent. However, after a gap of more than six years from the date of replacement, the petitioner's account was overhauled and a demand of Rs.23,96,680/- was raised, vide notice dated 23.10.2015 wherein it was alleged that the meter capacity was 100/5 Amp and as such MF-2 was required to be applied, whereas, MF-1 was being applied in the petitioner's case. He further states that the petitioner under protest has already deposited 40% of the amount i.e. Rs.9,60,000/- out of the disputed amount. In case of overhauling, if any, the petitioner is not at fault, rather, the respondents have replaced the meter; the bills were being sent after noting the meter reading by the respondents, therefore, the action of the respondents deserves to be set aside.

On the other hand, learned counsel for the respondents states that the petitioner is not entitled for the relief sought as on account of mistake of application of wrong multiplication factor continued from 09/2009 to 10/2015, the account of the petitioner was overhauled. A demand notice dated 23.10.2015 was served which was challenged by the petitioner before the ZDSC, Central Zone, Ludhiana and the same was dismissed. The appeal against the same also stands rightly dismissed, vide order dated 16.12.2016.

Heard.

Clause 93.1 of the Electricity Supply Instructions Manual reads as under:-

> *"93.1 There may be certain cases where the consumer is billed for some of the dues relating to previous months./years or otherwise as arrears on account of under assessment/unauthorized use of electricity or demand / load surcharge pointed out by Internal Auditor/ detected by the authorized officers either owing to negligence of the PSPCL employees or due to some defect in the metering equipment or due to application of wrong tariff/multiplication factor or due to mistake in connection or other irregularities/malpractices etc. In all such cases, separate bills shall be issued giving complete details of the charges levied. Such charges shall be shown as arrears in the subsequent electricity bills regularly till the payment is made. Supplementary bills shall be issued separately giving complete details of the charges in regard to theft cases, slowness of meters, wrong connections of the meter and*

> *unauthorized of use electricity etc. In such cases the copy of relevant instructions under which the charges have been levied shall also be supplied to the consumer for facilitating the quick disposal of cases by consumer forums if approached by the consumer."*

Since the issue involved is on account of wrong application of multiplying factor and in view of the above clause, no case for interference is called for in the impugned order dated 26.12.2016 (Annexure P-1).

Dismissed.

However, as learned counsel for the respondents admits the factum of deposit of Rs.9,60,000/- towards the demand raised through impugned order dated 26.12.2016 (Annexure P-1).

The consumption by the petitioner is not in dispute; considering the fact that overhauling was on account of MF-2 instead of MF-1 which is stated to be due to software problem, therefore, the amount of interest, if so raised against the petitioner is waived off. In case, the entire amount is deposited by the petitioner; firstly, 1/3rd amount will be paid and the remaining amount will be paid in equal five instalments within four months from the date of receipt of certified copy of the order.

30.08.2018 **(JITENDRA CHAUHAN)**

sumit.k **JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No