IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-29469-2023
Date of decision: 05.01.2024

KHUSHJIV SINGH

......Petitioner

VERSUS

THE OMBUDSMAN ELECTRICITY PUNJAB AND OTHERS

.......Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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Present: - Mr. Sanjay Kumar, Advocate
for the petitioner.

Mr. K.S. Kharbanda, Advocate
for the respondents.

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VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the order dated 20.11.2023 (Annexure P-3) passed by respondent No.1-Electricity Ombudsman, Punjab as well as to the order dated 02.08.2023 (Annexure P-2) passed by the Corporate Consumer Grievance Redressal Forum-PSPCL whereby the petitioner had been directed to deposit the demand as raised upon the petitioner.

2. The grievance of the present case pertains to overhauling of the account of the petitioner since the net meter reading of the petitioner was

wrongly recorded. The display regarding export from was inadvertently tapped to an import and vice-versa the display relating to an import was tapped to the export wiring. When the said fact came to the notice of the authorities, the account was sought to be overhauled. An arrears were accordingly demanded by the respondent-distribution licensee from the petitioner. The above said demand notice raised by the respondents-distribution licensee was challenged by the petitioner before the Corporate Consumer Grievances Forum constituted under the Electricity Act, 2003. The contention of the petitioner before the Court was that the Grid Interactive rooftop SPV System of 10 Kw was installed on 05.02.2019 under the net metering system and the bills were issued accordingly. The said connection was checked by the Additional Superintending Engineer/Sr. Xen, Enforcement on the request sent vide Memo No. 1176 dated 27.12.2022. A checking note was accordingly prepared on 05.01.2023 as per which the CTs were found installed in a reverse direction due to which the import/export consumption got interchanged. The said CTs were thereafter got installed in correct direction at the time of checking. The bills raised on the petitioner were accordingly deleted from the date of installation of the Solar System and to enter the correct import/export readings. Accordingly, the bill dated 21.03.2023 for the bill cycle 10/2022 amounting to Rs. 668050/- and a bill dated 16.05.2023 for the bill cycle 02/2023 amounting to Rs. 776270/- including unpaid arrear of Rs. 690870/- was served upon the petitioner. The petitioner did not agree to these bills and challenged his meter. The site of the petitioner was checked again by the Additional Supdt. Engineer/Sr. Xen, Enforcement on 11.05.2023 and ECR No. 039/3001 dated 11.05.2023 was prepared. Accuracy of the meter was found to be within limits and there was no defect found in the meter instrument. The petitioner did not agree to the above said recalling/correction of the account and filed his case before the Corporate, Consumer Grievance Redressal Forum.

3. The respondent-distribution licensee filed its reply before the Consumer Grievance Redressal Forum wherein the above said factual aspect was not disputed, however, it was averred that when the meter was checked on 05.01.2023 vide ECR No. 002/278, the wrong CT wiring of the above said meter was detected. P-1, P-2 of the main cable was found connected with $2, $1 for all three phases due to which the import reading was recorded as export and export reading was recorded as import. It was under the said circumstances that the account had to be reconciled by deleting all the earlier bills raised with the respect to the import and export display and to redraw the same by swapping the readings as already detected. Since the petitioner raised a dispute with respect to the accuracy of the meter, the said aspect was also examined and it was found that there was nothing wrong with the functioning of the meter and all the readings were correct. It was thus contended that as the error was only on account of a wrong display of the reading due to wrong wiring of the export/import display, hence, the error was in relation to raising of the bill due to the above said error and it is not a case of imposing of the penalty for any act or omission attributed to the petitioner. Vide its order dated 02.08.2023, the Corporate, Consumer Grievance Redressal Forum passed the following order:

> *"i. All the bills pertaining to the period from 05.02.2019 to 05.01.2023 issued to the petitioner are quashed. Account of the petitioner be overhauled under Net Metering arrangement as per Commercial Circular No. 22/2015 for the period from 05.02.2019 (date of*

> *installation of SPV) to 05.01.2023 (date of checking) on the basis of actual readings, considering readings recorded in Export Register as Import readings and those recorded in Import Register as Export readings.*
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> *ii. As required under Regulation 2.33 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021 the compliance of this decision shall be made within 21 days from the date of receipt of this order.*
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> *iii. If the Petitioner is not satisfied with the decision of Corporate CGRF, he is at liberty to file a representation before the Ombudsman appointed/ designated by the Punjab State Electricity Regulatory Commission within #30 days from the date of receipt of the order of the Forum, as required under Regulation 2.39 read with Regulation 2.37 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021."*

4. Aggrieved thereof, the petitioner preferred an appeal before the Electricity Ombudsman. Upon consideration of the following contentions raised by the petitioner, the Electricity Ombudsman upheld the order passed by the Corporate Consumer Grievance Redressal Forum and dismissed the said appeal. Hence, the present petition.

5. Counsel for the petitioner has, however, failed to refer to any statutory provision on the basis whereof the above said rectification/reconciliation of account on the basis of a wrong display can be held to be bad or make it bad under any statutory provision. He, however, contends that the petitioner had already deposited 40% of the amount as demanded, at the time of preferring appeal before the Electricity

Ombudsman and that it would be satisfy in case the respondents do not impose any penalty upon the petitioner and as the amount involved is heavy, he may be permitted to deposit the said amount in installments.

6. Counsel appearing on behalf of respondent-PSPCL submits on instructions from Taranjit Singh, Sr. Executive Engineer, PSPCL, Mohali that the error being on the part of the PSPCL in the wrong wiring and the erroneous display, he has instructions to state that no penal charges shall be levied upon the petitioner and that as 40% of the amount has already been deposited, the remaining 60% of the amount may be deposited within two equated instalments of 30% each to be paid in a quarter. Hence, the 1st instalment of 30% of the balance payment shall be deposited by the petitioner on or before **04.04.2024** and the second installment shall be deposited by him on or before **04.07.2024.** It is further held that the respondents shall not disconnect the electricity supply to the premises of the petitioner on account of the delayed payment of the arrears. The petitioner, however, shall continue to pay the current energy bills. Failure to pay the current bills being raised by the respondent-distribution licensee shall entail appropriate consequences as per the Electricity Act, 2003.

The writ petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 05, 2024
Vishal Sharma

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