2025:PHHC:029346

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

CWP-8240-2017
Date of Decision: **24.02.2025**

Onkar Singh ...Petitioner

Versus

PSPCL and others ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rahul Arora, Advocate
for the petitioner.

None for respondent Nos.1 to 3.

Mr. H.S. Jugat, Advocate and
Mr. Satish Kumar, Advocate
for respondent No.4.

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KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition prayer has been made for issuance of directions in the nature of certiorari for quashing of the order dated 10.01.2017 (Annexure P-9) and order dated 05.09.2016 (Annexure P-7) passed by the Ombudsman, Electricity Punjab, in Appeal No.63 of 2016 and the Consumer Redressal Forum, respectively. Further, prayer has been made for quashing of the demand notice dated 29.04.2016 (Annexure P-3) and 02.05.2016 (Annexure P-4), whereby, demand of Rs.7,29,066/- for a period from 01.10.2011 to 17.03.2016 was raised on account of applicability of wrong multiplying factor (M.F.) and a demand of Rs.48,835/- was also raised on account of wrong metering.

2. The sole argument which has been raised by the learned counsel for the petitioner is that the Distribution Licensee concerned, cannot raise a

demand beyond a period of 06 months, whereas, on account of wrong multiplying factor, demand has been raised for a period from 01.10.2011 to 17.03.2016. To substantiate his arguments, he has placed reliance upon the notification dated 29.06.2007 (Annexure P-10) issued by the Punjab State Electricity Regulatory Commission. He further places reliance upon the judgment dated 19.12.2015 passed by a Co-ordinate Bench of this Court in CWP No.17699 of 2014, titled as ***M/s Park Hyundai Vs. Punjab State Power Corporation Ltd. and others***. He further submits that the Distribution Licensee in order to calculate the wrong multiplier factor, for a period of about 05 years, has gain strength from the Supply Code-2014, which came into effect from 01.01.2015, Therefore, that Supply Code cannot be brought into effect retrospectively, for overall energy account of the petitioner.

3. This Court has considered the submissions made by the learned counsel for the petitioner, and is unable to find any merit in his submission. The regulation i.e. **21.4(g)**, which has been relied upon for better adjudication of the instant case, is reproduced as under:-

21.4(G) OVERHAULING OF CONSUMER ACCOUNTS

(i). If a meter on testing is found to be beyond the limits of accuracy as prescribed in the Regulations notified by the Central Electricity Authority under Section 55 of the Act, the electricity charges for all categories of consumers will be computed in accordance with the said test results for a period of six months immediately preceding, the:

(a) date of test in case the meter has been tested at site to the satisfaction of the consumer; or
(b) date the defective meter is removed for testing in the laboratory of the Licensee where such testing is undertaken at the instance of the Licensee; or
(c) date of receipt of request from the consumer for testing a meter in the laboratory of the Licensee.

Any evidence provided by the consumer about conditions of working and/or occupancy of the concerned premises during the said period(s) which might have a bearing on computation of electricity consumption will, however, be taken into consideration by the Licensee.

(ii). The accounts of a consumer will be overhauled for the period a burnt meter remained at site and for the period of direct supply, on the basis of energy consumption of the corresponding period of the previous year after calibrating for the changes in load, if any. In case the average consumption for the corresponding period of the previous year is not available then the consumer will be tentatively billed for the consumption to be assessed in the manner indicated in para-4 of Annexure-8 and subsequently adjusted on the basis of actual consumption in the corresponding period of the succeeding year,

(iii) in case of stolen meters the accounts of a consumer will be overhauled for the period of direct supply as per procedure applicable for a burnt meter contained in Regulation 21.4 (g) (ii).

(iv) If a consumer is liable to pay an additional amount or entitled to a refund in consequence of an overhaul of his account in accordance with Regulations 21.4 (g) (i), (ii) and (iii), the Licensee will effect recovery or adjust the excess amount in the electricity bills of the immediately succeeding months.

4. A perusal of the above regulation clearly reflects that issue is of defective meters, and not with regard to the defective calculation of the multiplying factor. Therefore, this instruction, which has been relied upon by the learned counsel for the petitioner, is not at all applicable to the case of the present petitioner, so far as the demand, as raised by the Distribution Licensee is with regard to the wrong multiplying factor is concerned, the judgment upon which reliance is placed, by the learned counsel for the petitioner, also deals with the defective meters, and therefore, it has no applicability on the instant case.

5. In view of the above, this Court does not find any error in the orders passed by the Forum for Redressal of Grievances of Consumers, Patiala, and the Ombudsman, therefore, the orders passed by them are upheld, and the demand of Rs.7,29,066/-, as raised on account of the wrong multiplier factor, is

also ordered to be upheld. So far as the demand raised with regard to the defective meter is concerned, the above regulations is applicable and the Distribution Licensee cannot raise a demand beyond the period of 06 months. Therefore, the instant demand notice dated 29.04.2016 (Annexure P-3) is only interfered to the extent of the amount Rs.48,835/-, which is demanded by the Distribution Licensee with regard to the wrong metering. Therefore, direction is passed upon the Distribution Licensee concerned to recalculate the demand in this regard, and the demand can only be raised upto the last six months. It is made clear that in case, the petitioner has deposited any amounts on account of the impugned demand notice (Annexure P-3), the same shall be adjusted towards the fresh demand, which is to be raised by the Distribution Licensee concerned, after recalculating the amount on account of the defect metering under the head of the defected meter.

6. Accordingly, the instant petition stands **disposed of**.

(KULDEEP TIWARI)
JUDGE

24.02.2025
Parveen kumar

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No