**CORPORATE CONSUMERS GRIEVANCES REDRESSAL FORUM**

**PUNJAB STATE POWER COPROPRATION LIMITED**

**220 KV S/Stn. Opp. Verka Milk Plant, Ferozepur Road, Ludhiana**

**Tel: 0161-2971912, email: secy.cgrfldh@gmail.com**

**CASE NO.: CF-092/2023**

**Date of Registration : 21.07.2023**

**Date of Closing : 29.08.2023**

**Date of Final Order : 05.09.2023**

**In the Matter of:**

**M/s Adinath Rice and Gen Mill,**

**Galib Kalan, Jagraon.**

**A/c No.: U24SJ0200080.**

**Through:**

Sh. Sukhminder Singh  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Division,

PSPCL, Jagraon. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-92/2023 has been filed directly in this Forum in the matter related to A/c no. U24SJ0200080, running in the name of M/S Adinath Rice and Gen Mill. The Petitioner is having LS connection with the sanctioned Load/CD 211.557 KW/173 KVA under DS Division, PSPCL, Jagraon. Connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-4, Ludhiana and ECR no. 34/4045 dated 06.04.2023 was prepared. In ECR it was reported that due to doubt of low voltage, CT/PT chamber was opened and found that leads of yellow and blue phases were disconnected. Voltage on meter terminals was checked with clip-on meter and recorded as under: -

R-N 28 V R-Y 51 V

Y-N 23 V Y-B 17 V

B-N 08 V R-B 35 V

It was directed to change the meter and CT/PT unit. CT/PT unit of the petitioner was changed on 10.04.2023 vide SJO no. 071/120182 dated 06.04.2023 and meter was changed on 11.04.2023 vide MCO no. 065/6501 dated 06.04.2023. Removed meter was checked in ME Lab vide challan no. 23 and its accuracy in KVAH mode was found within limits and DDL of the meter was taken on MRI. Removed CT/PT unit was checked in ME Lab vide challan no. 11 dated 18.04.2023 and results of CTs were found within accuracy limits as per I.S.S but all PTs were found burnt.

ASE/Enf. cum EA & MMTS-4, Ludhiana issued speaking orders vide his memo no. 187 dated 05.05.2023 wherein it was mentioned that on scrutinizing DDL it was found that contribution of voltages of Yellow & Blue phases was zero from 08.02.2023 to 08.04.2023 and it was directed that necessary amount considering the voltage failure on two phases be charged for the period from 08.02.2023 to 08.04.2023 as per instruction of PSPCL.

In accordance with the said speaking orders, Respondent issued notice no. 2914 dated 12.05.2023 asking the petitioner to deposit an amount of Rs. 825324/- overhauling the account of the petitioner for the period from 08.02.2023 to 08.04.2023. Petitioner did not agree to the amount charged to him and filed his case in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 25.07.2029, 01.08.2023, 08.08.2023, 16.08.2023, 22.08.2023 and finally on 29.08.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 25.07.2023***

*The petition has been placed before the Forum for admission. After considering the averments made in the petition, the petition is admitted. Notice be issued to ASE/Sr. Xen/Op. Jagraon (Respondent) along with copy of petition.*

*Respondent shall submit five copies of the following record/documents before the Forum*

1. *Respondent shall confirm that there is no case pending before any Court/Forum or any other authority between PSPCL and Petitioner.*
2. *Respondent shall confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
3. *Respondent shall confirm that the complainant/applicant/petitioner is a competent/authorised person to file/defend the case on behalf of the consumer of the above a/c no.*
4. *Point-wise/Para-wise reply to the petition be submitted in form of hard copy & soft copy through email at* [*secy.cgrfldh@gmail.com*](mailto:secy.cgrfldh@gmail.com)*.*
5. *Respondent shall also ensure the following action: -*
   1. *He will check/verify the amount of Rs. 825324/- charged vide notice no. 2914 dated 12.05.2023 on account of slowness of meter detected vide ECR no. 30/4045 dated 06.04.2023 on basis of speaking orders of ASE Enf. Cum EA & MMTS-4, Ludhiana.*
   2. *He will submit copy of speaking orders issued vide memo no. 187 dated 05.05.2023 along with DDL report of meter taken at site.*
   3. *He will submit consumption data depicting readings, dates of reading (in KWH & KVAH, MDI, PF etc.) also indicating the meter status, MF etc. For previous 5 years along with SAP reading record. Further, he will submit the data available on MDAS for the period account is overhauled.*
   4. *He will submit copies of checking carried out by various authorities previously.*
   5. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab report and DDL report of meter in dispute.*
   6. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
   7. *Ensure that all the documents have been checked/verified & signed by ASE/Sr. XEN and he will be responsible for the authenticity of the documents/information submitted to the Forum.*

*The case be put up on 01.08.2023*

***Proceedings dated: 01.08.2023***

*Respondent vide email dated 01.08.2023 requested another date as his case is not prepared. The same is admitted.*

*The case is adjourned to 08.08.2023 for oral discussion.*

***Proceedings dated: 08.08.2023***

*Respondent submitted five copies of reply to the petition along-with the record/documents and the same has been taken on record. One copy thereof was handed over to the petitioner/PR.*

*Petitioner submitted Rejoinder which is taken on record copy given to respondent for submission of comments, specifically on the specification of the meter.*

*Respondent is directed to submit complete DDL along-with justification from the checking authority regarding the basis on which two phases of the meter were declared dead for the period 02.02.2023 to 08.04.2023, on next date of hearing.*

*The case is adjourned to 16.08.2023 for oral discussion.*

***Proceedings dated: 16.08.2023***

*Respondent vide email dated 16.08.2023 requested another date as documents asked by the Forum are yet to be received from enforcement and ME Lab. The same is admitted.*

*The case is adjourned to 22.08.2023 for oral discussion.*

***Proceedings dated: 22.08.2023***

*Respondent vide email dated 22.08.2023 requested another 15 days for submission of documents asked by the Forum. Forum felt displeasure on part of Respondent for delay in submission of documents as a period of 15 days has already been given for the same.*

*Final opportunity is being given to Respondent for submission of documents as directed in hearing dated 08.08.2023 failing which the case will be closed as decided accordingly.*

*The case is adjourned to 29.08.2023 for oral discussion.*

***Proceedings dated: 29.08.2023***

*Respondent submitted documents as directed in hearing dated 08.08.2023.*

*Petitioner/PR stated that the petition, rejoinder and other documents already submitted may also be considered as part of oral discussion.*

*Respondent stated that the reply to the petition, reply to rejoinder and other documents already submitted may be considered as oral discussion*

*Both the parties have nothing more to say and submit.*

*The case is closed for passing speaking orders.*

1. **FACTS OF THE CASE AND OBSERVATIONS OF THE FORUM: -**
2. The Petitioner bearing A/c no. U24SJ0200080, is having LS connection with sanctioned Load/CD of 211.557 KW/173.000 KVA, in the name of M/S Adinath Rice and Gen Mill, under DS Divn., Jagraon.
3. The Petitioner in his Petition prayed that: -
4. *It is submitted that the petitioner is having LS category connection with Sanctioned Load as 211.557KW/173 KVA under Op Sub-Division Jagraon of Jagraon Division of PSPCL.*
5. *The supply from the connection is being used for Rice Mills, the reading is taken every month by competent officer of PSPCL and energy bills as raised by the department from time to time have been duly paid.*
6. *The connection of the petitioner was checked by ASE/Enf. cum MMTS-4 Ludhiana on 6.4.2023 vide ECR No.34/4045 (copy enclosed), and low voltage was observed on meter terminals. But voltage has been recorded on R, Y & B phases. It is mentioned in the report that "due to doubt of less voltage, CT/PT unit was opened and observed that leads of PT of Yellow and Blue phase were found disconnected".* ***It is not made clear as to why the accuracy of the meter was not checked at site conditions before opening the CT/PT unit, to ascertain the exact slowness of meter especially when voltage was observed (although low) on all the three phases.***
7. *ASE/Enf. cum MMTS-4 Ludhiana vide memo No.187 dated 5.5.2023, addressed to AEE/Op Sub-Division Jagraon (copy enclosed) intimated that "leads of PT of Yellow and Blue phase were found disconnected meaning thereby that on both the phases there was no voltage contribution. After replacement of CT/PT unit, the connection was again checked on 20.4.2023 and DDL was taken. After scrutiny of DDL of both the meters, it was observed that voltage contribution on Yellow and Blue phases was zero during the period 8.2.2023 to 8.4.2023 (up to replacement of CT/PT unit)". It is also mentioned in the speaking orders that hard copy of DDL report is enclosed.*
8. *On the basis of speaking orders of ASE/Enf. cum MMTS-4 Ludhiana, the account of the petitioner has been overhauled from 8.2.2023 to 8.4.2023 by considering the meter slow by 66.66% and AEE/Op Sub-Division Jagraon vide notice bearing memo No. 2914 dated 12.5.2023 (copy enclosed) has asked to deposit an amount of Rs.825324/-.*
9. *The AEE/Op Sub-Division Jagraon has not supplied copy of DDL report (on the basis of which ASE/Enf. cum MMTS-4 Ludhiana has given speaking orders) with the notice of demand of Rs.825324/- for verification by the petitioner. However, from the checking vide ECR No.34/4045 voltage has been recorded on R, Y & B phases (although it was low) but in the speaking orders, it is mentioned that there was no voltage contribution on Yellow and Blue phase (zero voltage). Thus, speaking orders are not supported/authenticated viz-a-viz checking carried out on 6.4.2023. The position can be made further clear after the scrutiny of DDL reports on the basis of which ASE/Enf. cum MMTS-4 Ludhiana has given speaking orders. The respondent may be directed to provide hard copy of DDL reports.*
10. *It is brought to the kind notice of Hon'ble Corporate Forum that AEE/Op Sub- Division Jagraon has provided copy of Snapshot of events in which data/value of only one day i.e. 3.4.2023 (from the overhauled period i.e. 8.2.2023 to 8.4.2023) is available. As per data/value available in Snapshot of events, it is evident that the voltage/line current on all the three phases is normal except at 11.14.41 hours on 3.4.2023, when current is zero. It may be a case of make- break of voltage/current due to lose leads/joints and at the time of opening of CT/PT unit, the leads of Yellow and Blue phase might have disconnected. Anyhow, the position can be further made clear only after the scrutiny of DDL reports. It is again mentioned here that accuracy of metering equipment was required to be checked at site conditions before opening the CT/PT unit, to ascertain the exact slowness of meter especially when voltage was observed (although low) on all the three phases. It is provided in regulation-21.5.as under:*

***21.5 Overhauling of Consumer Accounts 21.5.1 Inaccurate Meters***

*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 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 inaccurate meter is removed for testing in the laboratory of the distribution licensee.*

*The account was required to be overhauled against slowness of meter (if any) in accordance with the test results. However, the meter was not tested to determine slowness, before overhauling of account of the petitioner.*

1. *It is also brought to the kind notice of Hon'ble Corporate Forum that AEE/Op Sub-Division has overhauled the account for the 8.2.2023 to 8.4.2023 with slowness of 66.66%. The recorded consumption for this period has been worked out as 68777 units and when this consumption is enhanced with slowness of 66.67%, the resultant consumption comes to 206351 units for 2 months i.e. monthly consumption of 103175 units but such a huge consumption was never recorded during the previous period and also after the replacement of meter. Thus consumption pattern also suggest that the meter was not slow, atleast to the extent of 66.66%.as observed by ASE/Enf. cum MMTS-4 Ludhiana as per speaking orders.*

***Prayer:*** *From the above position, it may be clear that demand of Rs.825324/-. raised by AEE/Op Sub-Division Jagraon vide notice bearing memo No. 2914 dated 12.5.2023 after overhauling the account from 8.2.2023 to 8.4.2023 with slowness of 66.66% on the basis of speaking orders of ASE/Enf. cum MMTS-4 Ludhiana is apparently wrong, unjustified and thus liable to be quashed. It is mentioned here that submission as per petition has been made on the basis of record available with the petitioner. It is therefore requested that the respondent may be directed to provide the following record/information at the earliest, so that further submission can be made for the kind consideration of Forum:*

* + - 1. *The copy of Job Order vide which metering equipment has been replaced.*
      2. *Copy of ME Lab report*
      3. *Copy of both the DDL print-out taken by ASE/Enf. cum MMTS-4 Ludhiana*
      4. *Consumption data from 1/2020 till date with old/new KWH/KVAH/MDI readings, consumption and dates of readings.*

1. The Respondent submitted reply to the petition as under: -

*ਖਪਤਕਾਰ ਦਾ LS ਸਪਲਾਈ ਦਾ ਕੁਨੈਕਸ਼ਨ ਪਿੰਡ ਗਾਲਬ ਕਲਾਂ ਵਿਖੇ ਚਲਦਾ ਹੈ । ਜਿਸਦਾ ਮੰਜ਼ੂਰ ਭਾਰ 211.557 ਕਿਲੋਵਾਟ ਹੈ। ਖਪਤਕਾਰ ਦਾ ਕਨੈਕਸ਼ਨ ECR 34/4045 ਮਿਤੀ 06.04.2023 ਰਾਹੀਂ ਚੈਕ ਕੀਤਾ ਗਿਆ। ਚੈਕਿੰਗ ਸਮੇ ਪਾਇਆ ਗਿਆ ਕਿ PT ਦੀਆਂ YELLOW ਅਤੇ BLUE PHASE ਦੋਨਾਂ ਫੇਸਾਂ ਦੀਆਂ Leads Disconnect ਸਨ ਭਾਵ ਕਿ ਦੋਨਾਂ ਫੇਸਾਂ ਦੀਆਂ ਵੋਲਟੇਜ ਕੰਟਰੀਬਿਊਸ਼ਨ ਨਹੀਂ ਹੋ ਰਹੀ ਸੀ। ਵਧੀਕ ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ ਇਨਫੋ, ਕਮ MMTS-4 ਲੁਧਿਆਣਾ ਦੇ Speaking Order ਮਿਤੀ 05-05-2023 ਅਨੁਸਾਰ ਮਿਤੀ 08.02.2023 ਤੋਂ 08.04.2023 ਤੱਕ ਲਗਾਤਾਰ Yellow ਅਤੇ Blue Phases ਤੇ Voltage Contribution ਜੀਰੋ ਸੀ. ਇਹ ਸਿਲਸਲਾ CT/Pt Unit ਭਾਵ ਮਿਤੀ 08.04.2023 ਤੱਕ ਚਲਦਾ ਰਿਹਾ,ਖਪਤਕਾਰ ਨੂੰ ਮੀਮੋ ਨੰ 2914 ਮਿਤੀ 12.05.2023 ਨਾਲ ਮੀਟਰ ਹੌਲੀ ਚੱਲਣ ਦੀ ਰਕਮ 825324 ਦਾ ਨੋਟਿਸ ਭੇਜਿਆ ਗਿਆ.*

*SECY./CGRF PSPCL, LUDHIANA ਦੇ ਪੱਤਰ ਨੰਬਰ 818 DT 25.07.2023 ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਵਲੋਂ ਕੇਸ ਲਗਉਣ ਦਾ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ*

1. The Petitioner submitted his rejoinder as under: -

*In continuation to submission already made it is brought out for the kind consideration of Hon’ble Corporate Forum that the petitioner managed to get specifications of meter in question and following feature is available in the meter:*

***Missing Potential:*** *The offered meter will be capable of recording occurrence of missing Potentials of one/two potential which happen due to intentional/accidental disconnection of potential leads, alongwith the total number of such occurrences for all phases. All such Occurrences and restorations will be recorded date and time.* ***In this case, the meter should be capable of recording energy (active as well as apparent) by taking Vref alongwith logging the temper.***

*Thus, in view of above feature of the meter, although leads of PT of Yellow and Blue phase were observed disconnected (as reported by ASE/Enf. cum MMTS-4 Ludhiana on 6.4.2023 vide ECR No.34/4045) but the meter was recording consumption. The accuracy of the meter was not checked at site but the consumption pattern also suggest that meter was recording correct consumption (as explained in para-No. 8 of the petition).*

1. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. The issue that requires adjudication in the present case is to decide the legitimacy of notice no. 2914 dated 12.05.2023 of AEE/DS Divn., PSPCL, Jagraon vide which amount of Rs. 825324/- has been charged to the petitioner on account of Voltage Failure on Yellow and Blue phases.

1. Forum observed that connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-4, Ludhiana and ECR no. 34/4045 dated 06.04.2023 was prepared. Relevant part of the observations recorded in ECR is reproduced under: -

*“ਮੀਟਰ ਦੀ Display off ਸੀ ਜਿਸ ਕਾਰਨ ਕੋਈ ਵੀ Billing parameter ਨਹੀਂ ਲਿਆ ਜਾ ਸਕਿਆ।*

*Clip on meter ਨਾਲ ਮੀਟਰ ਦੀਆਂ ਦੋਵੇਂ MTC seals ਤੋੜ ਕੇ Meter Terminals ਤੇ voltage check ਕੀਤੀ ਗਈ-*

*R-N 28 V R-Y 51 V*

*Y-N 23 V Y-B 17 V*

*B-N 08 V R-B 35 V*

*Voltage ਘੱਟ ਹੋਣ ਤੇ Doubt ਤੇ CT/PT unit ਖੋਲਿਆ ਗਿਆ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ PT ਦੀਆਂ Yellow ਅਤੇ Blue phases ਦੀਆਂ leads disconnect ਸਨ।”*

CT/PT unit of the petitioner was changed on 10.04.2023 vide SJO no. 071/120182 dated 06.04.2023 and meter was changed on 11.04.2023 vide MCO no. 065/6501 dated 06.04.2023. Removed meter was checked in ME Lab vide challan no. 23 wherein it was reported as under: -

*“ਮੀਟਰ ਦੀ KVAH ਮੋਡ ਤੇ ਐਕੁਰੇਸੀ ਸੀਮਾ ਵਿੱਚ ਹੈ। DDL MRI ਤੇ ਲਿਆ ਹੈ। DDL ਘੋਖਣ ਤੇ ਬਣਦੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।”*

Removed CT/PT unit was checked in ME Lab vide challan no. 11 dated 18.04.2023 wherein it was reported as under: -

*“ਸਾਰੇ CTs ਦੇ ਨਤੀਜੇ I.S.S ਦੇ ਅਨੁਸਾਰ ਸੀਮਾ ਵਿਚ ਹਨ।*

*ਸਾਰੇ PTs ਸੜੇ ਹੋਏ ਹਨ ਅਤੇ ਇੱਕ ਵਾਇਰ ਵੀ ਮੌਜੂਦ ਨਹੀਂ ਹਨ। ਇਸ ਕਰਕੇ ਇਹਨਾਂ ਦੇ ਨਤੀਜੇ ਨਹੀਂ ਲਏ ਜਾ ਸਕਦੇ। Yφ ਅਤੇ Bφ ਦੇ PTs ਤੇ ਫਲੈਸ਼ ਪਿਆ ਹੈ ਅਤੇ Rφ ਦੀ ਲਿੰਕ ਵਾਇਰ ਨਹੀਂ ਹੈ।”*

ASE/Enf. cum EA & MMTS-4, Ludhiana issued speaking orders vide his memo no. 187 dated 05.05.2023. Relevant part of the speaking orders is reproduced below: -

*“ਖਪਤਕਾਰ ਦੇ ਦੋਨੋਂ ਮੀਟਰਾਂ ਦੇ DDL ਘੋਖਣ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ ਮਿਤੀ 08.02.2023 ਤੋਂ 08.04.2023 ਤੱਕ ਲਗਾਤਾਰ Yellow & Blue Phases ਤੇ Voltage ਦੀ Contribution ਜੀਰੋ ਸੀ। ਇਹ ਸਿਲਸਿਲਾ CT/PT Unit ਦੀ ਬਦਲੀ ਹੋਣ ਤੱਕ ਭਾਵ ਕਿ ਮਿਤੀ 08.04.2023 ਤੱਕ ਚਲਦਾ ਰਿਹਾ। ਮਿਤੀ 08.02.2023 ਤੋਂ 08.04.2023 ਤੱਕ ਦੋਨੇ ਫੇਸਾਂ ਦੀ Voltage Failure ਮਾਨਦੇ ਹੋਏ ਬਣਦੀ ਖਪਤ ਦੀ ਰਕਮ ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐਲ ਦੀਆਂ ਤਾਜਾਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਚਾਰਜ ਕੀਤੀ ਜਾਵੇ।”*

In accordance with the said speaking orders, Respondent issued notice no. 2914 dated 12.05.2023 asking the petitioner to deposit an amount of Rs. 825324/- overhauling the account of the petitioner for the period from 08.02.2023 to 08.04.2023. Petitioner did not agree to the amount charged to him and filed his case in Corporate CGRF, Ludhiana.

Forum observed consumption table of the petitioner, submitted by Respondent, tabulated under: -

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| KVAH | 2019 | | 2020 | | 2021 | | 2022 | | 2023 | |
| Month | Cons. | Code | Cons. | Code | Cons. | Code | Cons. | Code | Cons. | Code |
| Jan | 40146 | O | 34170 | O | 46812 | O | 42366 | O | 43212 | O |
| Feb | 38224 | O | 20560 | O | 40168 | O | 38588 | O | 40614 | O |
| Mar | 36868 | C | 22768 | O | 13040 | O | 34506 | O | 28458 | O |
| Apr | 21718 | O | 26980 | O | 20676 | O | 26454 | O | 41470 | O |
| May | 8046 | O | 38038 | O | 25798 | O | 33942 | O | 2038 | O |
| Jun | 14466 | O | 9108 | O | 5274 | O | 31462 | O | 858 | O |
| Jul | 1222 | O | 778 | O | 20072 | O | 2528 | O | 1076 | O |
| Aug | 1104 | O | 806 | O | 2764 | O | 1264 | O |  |  |
| Sep | 1090  688 | O  O | 990 | O | 1108 | O | 1626 | O |  |  |
| Oct | 1030 | O | 1424 | O | 2102 | O | 1436 | O |  |  |
| Nov | 2588 | O | 7024 | O | 2572 | O | 3316 | O |  |  |
| Dec | 24452 | O | 39440 | O | 21788 | O | 21230 | O |  |  |
| TOTAL | 191642 |  | 202086 |  | 202174 |  | 238718 |  | 157726 |  |

From the above consumption data, Forum observed that the annual consumption of the petitioner has been recorded as 191642, 202086, 202174, 238718 & 157726 units (upto 07/2023) respectively, which is consistent and there seems no major variation.

Respondent in his reply pleaded as under: -

*“ਨਿਮਨਹਸਤਾਖਰ ਵਲੋਂ ਏ.ਐਫ.ਐਸ.ਓ. ਲੁਧਿਆਣਾ ਨੂੰ ਪੱਤਰ ਨੰ 4244 ਮਿਤੀ 28-08-2023 ਲਿਖਕੇ ਉਪਰਕੋਤ ਫਰਮ ਨੂੰ ਪਿਛਲੇ 3 ਸਾਲਾਂ 20-21, 21-22 ਅਤੇ 22-23 ਵਿਚ ਪੌਡੀ ਅਲਾਟਮੈਂਟ ਬਾਰੇ ਪੁਛਿਆ ਗਿਆ ਸੀ। ਉਪਰੋਕਤ ਦੇ ਸਬੰਧ ਵਿਚ ਪ੍ਰਾਪਤ ਜਵਾਬ ਨਾਲ ਨੱਥੀ ਹੈ। ਪੌਡੀ ਦੀ ਪ੍ਰਚੇਂਜ ਅਤੇ ਸੀਜਨਲ ਖਪਤ ਘੋਖਣ ਤੋ ਪਤਾ ਲੱਗਦਾ ਹੈ ਕਿ ਖਪਤਕਾਰ ਦੀ ਪੌਡੀ ਅਲਾਟਮੈਂਟ ਦੇ ਅਨੁਮਾਨਤ ਖਪਤ ਪਿਛਲੇ ਸਾਲ 21-22 ਨਾਲ ਲੱਗਭਗ 54270 ਯੂਨਿਟ ਘਟੀ ਹੈ ਪਰੰਤੂ ਉਸ ਨੂੰ ਪਿਛਲੇ ਸਾਲ ਦੇ ਮੁਕਾਬਲੇ ਪੈਡੀ ਦੀ ਅਲਾਟਮੈਂਟ 17648 ਕੁਵਿੰਟਲ ਜਿਆਦਾ ਹੋਈ ਹੈ। ਇਸ ਮੁਤਾਬਿਕ ਜੋ ਰਕਮ ਫਰਮ ਨੂੰ ਚਾਰਜ ਕੀਤੀ ਗਈ ਹੈ, ਉਹ ਬਿਲਕੁਲ ਸਹੀ ਹੈ ਅਤੇ ਵਸੂਲਣਯੋਗ ਹੈ।”*

Forum observed that data of paddy stored in the mill for the 2020-21, 2021-22 and 2022-23 has been obtained by the Respondent and supplied to the Forum which does not seem to be relevant because electricity consumption depends upon the paddy milled not on paddy stored in the mill. Further, even if the data is considered, the ratio of paddy stored to electricity consumed in FY 2022-23 is 1.461 KWH/quintal as compared to 1.431 in FY 2020-21 as depicted in the table below: -

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2020-21 | 2021-22 | 2022-23 |
| Electricity consumption (in KVAH) | 224608 | 217614 | 235542 |
| Paddy Stored (in Quintals) | 157007 | 143551 | 161199 |
| Ration of Electricity consumption in KVAH/Quintal | 1.431 | 1.515 | 1.461 |

Moreover, the data of paddy is for complete Financial Years i.e., 12 months, whereas the disputed period is of just 60 days.

In view of the above, Forum is of the view that data of paddy stored furnished by the Respondent is not relevant and it cannot be correlated to the electricity consumption of the disputed period.

Forum observed further that as per ECR no. 34/4045 dated 06.04.2023 voltages at the meter terminals at the time of checking were RN=28 V; YN=23 V & BN=8 V. Respondent during proceedings dated 08.08.2023 was asked to obtain justification from the checking authority regarding the basis on which two phases of the meter were declared Dead for the period from 02.02.2023 to 08.04.2023 and submit the same to the Forum. He submitted his ‘Brief Report’ in which he mentioned as under: -

“*ਡੀ.ਡੀ.ਐਲ ਵਾਚਣ ਤੋਂ ਪਤਾ ਚਲਦਾ ਹੈ ਕਿ ਮਿਤੀ 08-02-2023 ਸਮਾਂ 2130 ਤੋਂ 08-04-2023 ਸਮਾ 18:30 ਤਕ ਤਿੰਨੇ ਫੇਸਾਂ ਤੇ 6350 ਵੋਲਟ ਨਹੀ ਰਹੀ ਕਿਉਕਿ ਜਦੋ 2 ਫੇਸ 11ਕੇਵੀ ਦੇ ਮੇਨ ਸਰਕਟ ਨਾਲੋ ਟੁੱਟ ਜਾਂਦੇ ਹਨ ਤਾਂ ਤੀਜੇ ਫੇਸ ਦੀ ਵੋਲਟੇਜ ਵੀ ਆਪਣੇ ਆਪ ਬੇਸ ਵੈਲਿਓ 6350 ਤੋਂ ਥੱਲੇ ਆ ਜਾਂਦੀ ਹੈ। ਮੀਟਰ ਦੀਆਂ ਸਪੈਸੀਫਿਕਸ਼ਨ ਮੁਤਾਬਿਕ ਜੇਕਰ 1 ਜਾਂ 2 ਫੇਸ ਦੀ ਵੋਲਟੇਜ 55ਪ੍ਰਤੀਸ਼ਤ ਆਫ VRef ਤੋ ਥੱਲੇ ਆ ਜਾਵੇ ਤਾਂ ਜੋ ਤੀਜਾ ਫੇਸ ਹੈ, ਉਸਦੀ Ref. ਵੋਲਟੇਜ 6350 ਵੋਲਟ ਹੋਵੇਗੀ। ਉਸ ਨੂੰ ਅਧਾਰ ਮੰਨਕੇ ਕੈਲਕੂਲੇਸ਼ਨ ਬਾਕੀ ਫੇਸਾਂ ਦੀ ਵੀ ਕਰੇਗਾ। ਪਰੰਤੂ ਇਸ ਕੇਸ ਵਿਚ V Ref. ਵੋਲਟੇਜ 6350 ਰਹੀ ਹੀ ਨਹੀ। ਇਸ ਕਰਕੇ ਮੀਟਰ ਵਲੋਂ ਪ੍ਰਾਪਰ ਰੀਕਾਰਡਿੰਗ ਨਹੀ ਕੀਤੀ ਗਈ।*”

Respondent also submitted copy of report of ASE/Enf. cum EA & MMTS-4, Ludhiana submitted to the respondent vide Memo no. 390 dated 25.08.2023, the relevant portion of which is as under: -

*“ਇਹ ਮੀਟਰ ਚੀਫ ਇੰਜੀਨੀਅਰ ਮੀਟਰਿੰਗ ਦੇ ਟੈਂਡਰ ਇੰਨਕੁਆਰੀ ਨੰਬਰ MQP123/2017-18/PR ਦੀਆਂ Specification ਮੁਤਾਬਕ ਹੈ ਜਿਸ ਵਿੱਚ ਮਿਸਿੰਗ ਪਟੈਸ਼ੀਅਲ ਬਾਰੇ ਲਿਖਿਆ ਗਿਆ ਹੈ। Corrigendum ਅਨੁਸਾਰ Technical Specification ਦੀ Clause no. 16 (iv) ਅਨੁਸਾਰ :-*

*"The offered meter will be capable of recording occurrence of missing potential which is defined as 55% of Vref or below in one or two phases which can happen.....".*

*DDL ਦੀ ਰਿਪੋਰਟ ਤੋ ਸਾਫ ਹੈ ਕਿ ਮਿਤੀ 08.02.2023 ਤੋਂ 08.04.2023 ਤੱਕ ਤੇ ਦੋ ਫੇਸਾਂ ਦੀਆਂ Leads Disconnect ਹੋਇਆ ਸਨ, ਕਿਉਂਕਿ ਇਹ PT (Potential Transformer) ਸੀ, ਦੋ ਫੇਸਾਂ ਦੀਆਂ Leads Disconnet ਹੋਣ ਕਾਰਨ ਟੈਕਨੀਕਲੀ ਤਿੰਨੇ Phases ਦੀ Voltage down ਹੋ ਗਈ। ਮਿਤੀ 06.04.2023 ਨੂੰ ECR No. 34/4045 ਅਨੁਸਾਰ ਮੀਟਰ Terminals ਤੇ R-N, Y-N ਅਤੇ B-N ਕ੍ਰਮਵਾਰ 28V,23V ਅਤੇ 8V measure ਕੀਤੀ ਗਈ, ਜਿਸ ਤੋਂ ਸਪਸ਼ਟ ਹੈ ਕਿ ਦੋ Leads disconnect ਹੋਣ ਨਾਲ ਤਿੰਨੇ ਫੇਸਾਂ ਦੀ ਵੋਲਟੇਜ਼ ਘੱਟ ਹੋ ਗਈ। ਜ਼ੋ ਕਿ ਅਸਲ ਵਿੱਚ ਹਰ ਫੇਸ ਤੇ 63.5 ਹੋਣੀ ਚਾਹੀਦੀ ਸੀ। ਜਿਵੇਂ ਕਿ DDL ਦੀ ਰਿਪੋਰਟ ਤੋਂ ਸਾਫ ਦੇਖਿਆ ਜਾ ਸਕਦਾ ਹੈ, ਤਿੰਨੇ ਫੇਸਾਂ ਤੇ ਵੋਲਟੇਜ ਘੱਟ ਹੋਣ ਦੀ duration ਮਿਤੀ 08.02.2023 ਸਮਾਂ 21:30-22:00 (Interval) ਤੋਂ 08.04.2023 ਸਮਾਂ 18:00-18:30 (Interval) ਤੱਕ ਰਹੀ। ਇਸ ਦੌਰਾਨ ਮੀਟਰ ਦੁਆਰਾ ਤਿੰਨੇ ਫੇਸਾਂ ਤੇ ਘੱਟ ਵੋਲਟੇਜ਼ ਤੇ ਰਿਕਾਰਡ ਕੀਤੀ ਗਈ, ਤਿੰਨੇ ਫੇਸਜ ਦੀ ਵੋਲਟੇਜ ਘੱਟ ਗਈ ਜੋ ਕਿ 55% of Vref (ਭਾਵ 55% of 6350=3492.5 Volt / 55% of 63.5V i.e 34.92V on each Phase) ਤੋਂ ਘੱਟ ਸੀ। ਜੇਕਰ ਇਕ ਫੇਸ ਜਾਂ ਦੋ ਫੇਸਾ ਤੇ Vref ਦੇ 55% ਤੋਂ ਵੋਲਟੇਜ਼ ਘੱਟ ਜਾਂਦੀ ਤਾਂ ਮੀਟਰ ਨੇ Specification ਮੁਤਾਬਕ missing potential ਦੀ occurrence ਨੂੰ ਰਿਕਾਰਡ ਕਰਨਾ ਸੀ ਅਤੇ ਇਕ ਜਾਂ ਦੋ ਫੇਸਾਂ ਨੂੰ Vref ਤੇ ਲੈ ਆਉਣਾ ਸੀ, ਪਰ ਇਸ ਵਿਸ਼ਾ ਚਰਚਿਤ ਕੇਸ ਵਿੱਚ ਅਜਿਹਾ ਨਹੀਂ ਹੋਇਆ। ਇਸ ਕੇਸ ਵਿੱਚ ਦੋ ਫੇਸਾਂ ਦੀ Leads Disconnect ਹੋਣ ਕਾਰਨ ਤਿੰਨੇ ਫੇਸਾਂ ਤੇ ਵੋਲਟੇਜ Vref ਤੋਂ ਘੱਟ ਗਈ। ਜਿਸ ਕਾਰਨ ਇਸ Missing Potential ਦੀ occurrence ਨੂੰ ਮੀਟਰ ਦੁਆਰਾ ਰਿਕਾਰਡ ਨਹੀਂ ਕੀਤਾ ਜਾ ਸਕਿਆ। ਤਿੰਨੇ ਫੇਸਾਂ ਤੇ ਵੋਲਟੇਜ Vref ਤੋਂ ਘੱਟ ਹੋਣ ਕਾਰਨ ਮਿਤੀ 08.02.2023 ਤੋਂ 08.04.2023 ਤੱਕ ਮੀਟਰ ਦੁਆਰਾ ਤਿੰਨੇ ਫੇਸਾਂ ਤੇ ਅਸਲ ਨਾਲੋ ਘੱਟ ਵੋਲਟੇਜ਼ ਦੇ ਹਿਸਾਬ ਨਾਲ ਰਿਕਾਰਡ ਕੀਤੀ ਗਈ, ਜੋ ਕਿ ਜੇਕਰ ਤਿੰਨੇ ਫੇਸ ਨੂੰ ਸਹੀ ਸਪਲਾਈ ਵੋਲਟੇਜ/Vref ਮਿਲਦੀ ਤਾਂ ਮੀਟਰ ਵੱਲੋਂ ਅਸਲ/ਸਹੀ Consumption ਰਿਕਾਰਡ ਕੀਤੀ ਜਾਣੀ ਸੀ। ਪਰ ਇਸ ਕੇਸ ਵਿੱਚ ਅਜਿਹਾ ਨਹੀਂ ਹੋਇਆ”*

Forum observed that both the Respondent and checking authority, ASE/Enf. cum EA & MMTS-4, Ludhiana have themselves written that voltage of all of the phases was abnormal, in that case how they treated the meter dead on two phases? Further the checking authority i.e., ASE/Enf. cum EA & MMTS-4, Ludhiana has also submitted copies of load survey of DDL report pertaining to dated 10.02.2023, 07.03.2023 & 04.04.2023. Forum observed these reports and found that some voltage has been recorded on all the three phases and at no point of time voltages of two phases has been recorded as zero.

Forum observed that the disputed period is from 08.02.2023 to 08.04.2023 and the consumption pattern during same period of previous years is tabulated is under:

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Year | 2019 | | 2020 | | 2021 | | 2022 | | 2023 | |
| Month | Cons. | MDI | Cons. | MDI | Cons. | MDI | Cons. | MDI | Cons. | MDI |
| Feb | 38224 | 117.36 | 20560 | 62.2 | 40168 | 125.72 | 38588 | 125 | 40614 | 136.26 |
| Mar | 36868 |  | 22768 | 120.8 | 13040 | 112.44 | 34506 | 98.64 | 28458 | 141.8 |
| Apr | 21718 | 113.76 | 26980 | 117.2 | 20676 | 106.16 | 26454 | 125.32 | 41470 | 125.4 |
| Total | 96810 |  | 70308 |  | 73884 |  | 99548 |  | 110542 |  |

It is observed from the above that the consumption during the disputed period of year 2023 is all-time high as compared to previous years. Further the MDI has been recorded as 141.8 KVA is also all-time high MDI. If, for the time being it is assumed that two phases were completely dead during this period, then the recorded MDI of 141.8 KVA is also required to be enhanced by two times making it 425.4 KVA, which is not at all possible with the sanctioned load/CD of the petitioner.

Forum observed that petitioner had contended in his petition, rejoinder and oral discussion that as per specification of the meter, if voltage of one or two phases decreases by 55% of Vref or below, the meter treats it as missing potential and records energy using Vref. Hence, as in this case, potential of two phases was missing and meter has recorded total energy used by him, there was no slowness and accordingly no overhauling of account was required.

Forum observed that all PT’s have been found burnt in ME Lab as per challan no. 11 dated 18.04.2023 and CT/PT unit is a part of the meter. Hence, it is required to be treated as burnt from date when potentials got disturbed i.e., 08.02.2023 (as per DDL) up to the date of change of meter i.e., 11.04.2023 (although CT/PT unit was changed on 10.04.2023). The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters is as under:

*Regulation 21.5.2 of Supply Code 2014 dealing with Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters is as under: -*

*“The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop and in case of burnt/stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:*

*a) On the basis of energy consumption of corresponding period of previous year.*

*b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.*

*c) If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.*

*d) Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para-4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.*

*e) The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts”.*

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. Forum is of the opinion that the notice no. 2914 dated 12.05.2023 of AEE/DS Divn., PSPCL, Jagraon is liable to be quashed. Account of the petitioner is required to be overhauled for the period from date when potentials got disturbed i.e., 08.02.2023 (as per DDL) up to date of change of meter i.e., 11.04.2023 (although CT/PT unit was changed on 10.04.2023) on the basis of energy consumption of corresponding period of previous year as per the Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014.

Keeping in view the above, Forum came to unanimous conclusion that the notice no. 2914 dated 12.05.2023 of AEE/DS Divn., PSPCL, Jagraon be quashed. Account of the petitioner be overhauled for the period from date when potentials got disturbed i.e., 08.02.2023 (as per DDL) up to date of change of meter i.e., 11.04.2023 (although CT/PT unit was changed on 10.04.2023) on the basis of energy consumption of corresponding period of previous year as per the Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014.

1. **DECISION:**

Keeping in view the petition, reply, oral discussion, after hearing both the parties, perusal of the record produced by them & observations of Forum,

Forum decides that: -

1. **Notice no. 2914 dated 12.05.2023 of AEE/DS Divn., PSPCL, Jagraon is quashed. Account of the petitioner be overhauled for the period from 08.02.2023 up to date of change of meter i.e., 11.04.2023** **on the basis of energy consumption of corresponding period of previous year as per the Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014.**
2. **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.**
3. **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.**

**(CA. Baneet Kumar Singla) (Er. Himat Singh Dhillon)**

**Member (Finance) Independent Member**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE/Commercial, PSPCL**

**Place: Ludhiana**

**Date: 05.09.2023**