**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-117/2023**

**Date of Registration : 11.09.2023**

**Date of Closing : 10.10.2023**

**Date of Final Order : 17.10.2023**

**In the Matter of:**

**M/S Gursewak Singh,**

**Amarpuri Gali no. 2,**

**Amardass Colony, Ludhiana.**

**A/c No.: 3002888795.**

**Through:**

Sh. Gursewak Singh  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Estate (Spl.) Divn.,

PSPCL, Ludhiana. **...Respondent**

1. **BRIEF HISTORY:**

Petition against Case No. CF-117/2023 has been filed directly in the Forum by the petitioner in the matter related to account no. 3002888795in the name of M/S Gursawak Singh. The Petitioner is having MS connection with Sanctioned Load of 89.994 KW under DS Estate (Spl.) Division, PSPCL, Ludhiana. Connection of the petitioner was checked on 26.06.2023 by ASE/Enf. cum EA & MMTS-4, Ludhiana and ECR no. 36-37/4048 dated 26.06.2023 was prepared. AS per ECR, segments 1 & 3 were blinking but segment 2 was stable. DDL was done, voltage on three phases was recorded as under: -

Rφ = 2.36 V Yφ = 238 V Bφ = 2.46 V

Further, it was mentioned that it was a UUE case as electricity from this connection was being supplied to two nos. sheds having doors in a backside street. Connections of potential leads with main cable were got done afresh after removing oxidation, thereafter all segments started (actually stopped) blinking and meter started displaying voltages as 237 V, 238 V & 240 V.

ASE/Enf. cum EA & MMTS-4, Ludhiana issued speaking orders vide Memo no. 269 dated 03.07.2023. Relevant part of the speaking orders is reproduced under: -

“*ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਦਾ DDL ਘੋਖਣ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ ਮਿਤੀ 11.06.2021 ਤੋਂ ਹੁਣ ਤੱਕ Red & Blue Phases ਤੇ Voltage ਦੀ Contribution ਨਹੀਂ ਹੋ ਰਹੀ ਸੀ। ਇਹ ਸਿਲਸਿਲਾ DDL ਲੈਣ ਦੀ ਮਿਤੀ ਤੱਕ ਭਾਵ ਕਿ ਮਿਤੀ 26.06.2023 ਤੱਕ ਚਲਦਾ ਆ ਰਿਹਾ ਹੈ। ਮਿਤੀ 11.06.2021 ਤੋਂ 26.06.2023 ਤੱਕ ਦੋਨਾਂ ਫੇਸਾਂ ਤੇ Voltage Failure ਮੰਨਦੇ ਹੋਏ ਬਣਦੀ ਖਪਤ ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਨੂੰ ਰਕਮ ਚਾਰਜ ਕੀਤੀ ਜਾਵੇ।*”

In view of the above speaking orders, AEE/Comm., DS Estate (Spl.) Division, Ludhiana overhauled the account of the petitioner for a period of six months prior to 26.06.2023 and charged an amount of Rs. 1614796/- vide notice no. 1702 dated 31.07.2023. In this notice it was further mentioned as under: -

“*ਇਸ ਤੋਂ ਬਿਨਾਂ ECR ਅਨੁਸਾਰ ਆਪ ਜੀ ਵਲੋਂ ਫੈਕਟਰੀ ਦੇ ਪਿਛਲੇ ਪਾਸੇ 2 ਨੰ. ਸ਼ੈਡਾਂ ਵਿੱਚ ਕਿਰਾਏਦਾਰਾਂ ਨੂੰ ਬਿਜਲੀ ਦੀ ਸਪਲਾਈ ਦਿੱਤੀ ਜਾ ਰਹੀ ਹੈ ਜੋ ਕਿ UUE ਦਾ ਕੇਸ ਹੈ ਜਿਸ ਦੇ ਸਬੰਧ ਵਿੱਚ Assessing Officer ਦੀ LCR-6/1900 ਮਿਤੀ 10/7/23 ਅਤੇ ECR ਦੀ ਚੈਕਿੰਗ ਅਨੁਸਾਰ ਕੁਲ ਲੋਡ 135.321 KW ਪਾਇਆ ਗਿਆ ਜਿਸ ਵਿਚੋਂ UUE ਲੋਡ 26.171 KW ਹੈ।*”

Petitioner did not agree to this amount and filed his case in Corporate CGRF, Ludhiana. So far as the UUE case is concerned, it is neither under the jurisdiction of Corporate CGRF, Ludhiana nor did the petitioner mention it in his petition. Hence, the Forum is not concerned about this part. Forum heard the case in its proceedings dated 11.09.2023, 14.09.2023, 19.09.2023, 26.09.2023, 03.10.2023 and finally on 10.10.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 11.09.2023***

*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. Estate, Ludhiana (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 inform 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. 1614796/- charged vide notice no. 1702 dated 31.07.2023 on account of slowness of meter for period 11.06.2021 to 26.06.2023 detected vide ECR no. 36/4048 dated 26.06.2023.*
   2. *He will submit copy of ECR no. 36/4048 dated 26.06.2023 and speaking orders, if any.*
   3. *He will certify that while charging the amount, related features of the metering equipment as per its PO/Technical specification have been duly taken care of.*
   4. *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.*
   5. *He will submit copies of checking carried out by various authorities previously.*
   6. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab report and DDL report of meter in dispute.*
   7. *As the account has been overhauled for a period of more than six months, Respondent will specify specifically the relevant instruction of Supply Code, 2014 under which the account is overhauled for more than six months.*
   8. *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 14.09.2023*

***Proceedings dated: 14.09.2023***

*Respondent telephonically requested another date to submit reply. The same is admitted.*

*The case is adjourned to 19.09.2023 for submission of reply.*

***Proceedings dated: 19.09.2023***

*Respondent vide email dated 19.09.2023, intimated that the comments on petition and documents submitted earlier during pre-hearing on dated 05.09.2023, be considered as reply. Copy of the same had already been given to Petitioner.*

*Forum observed that reply to point no. 5(c) of proceeding dated 11.09.2023 is not submitted. Respondent is directed to the same on next date of hearing.*

*The case is adjourned to 26.09.2023 for filing rejoinder/oral discussion.*

***Proceedings dated: 26.09.2023***

*Respondent did not submit reply to point no. 5(c) of proceeding dated 11.09.2023. Respondent is again directed to submit the same.*

*Respondent is further directed to submit MCO dated 15.06.2021 clearly depicting date of effect, capacity of the Transformer from which connection of the petitioner is being fed and number of other connections being fed from this Transformer. Forum observed that as per reply submitted by the Respondent, meter in dispute was installed on 19.06.2021, however, as per the speaking orders of the Enforcement occurrence of voltage failure was recorded from 11.06.2021. Respondent is directed to clarify about this on next date of hearing.*

*The case is adjourned to 03.10.2023 for oral discussion.*

***Proceedings dated: 03.10.2023***

*Respondent submitted reply which has been taken on record. As per the reply, concerned offices had been asked regarding the reply to point 5(c) and the reply from the respective offices is still awaited, pending which his office cannot comment on query raised by Forum. Respondent is directed to take up the matter with CE Metering and submit the report on next date of hearing.*

*Forum observed that as per point no. 3 of reply, Respondent has submitted that has office had no records of reason for the event of voltage failure dated 11.06.2021 mentioned by MMTS-4 Ludhiana in their speaking orders. Respondent is advised to take up the matter with the concerned checking authority and submit the report on next date of hearing.*

*The case is adjourned to 10.10.2023 for oral discussion.*

***Proceedings dated: 10.10.2023***

*Respondent submitted documents as directed in previous hearing. The same is taken on record.*

*Petitioner stated that his consumption is 18000 units as per LDHF and usually his consumption is recorded around this figure.*

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

*Respondent stated that the reply to the petition 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. 3002888795 is having MS connection with Sanctioned Load of 89.994 KW in the name of M/S Gursawak Singh, under DS Estate (Spl.) Division, Patiala.
3. The Petitioner in his Petition prayed that: -
   * + 1. *26/6/23 ਨੂੰ Inspection ਟੀਮ ਸਾਡੀ Factory Inspection ਲਈ ਆਉਂਦੀ ਹੈ। Inspection ਤੇ ਉਨਾ ਨੂੰ ਲਗਦਾ ਹੈ ਕਿ ਮੀਟਰ ਵਿੱਚ ਦੋ ਫੇਸ ਨਹੀਂ ਆ ਰਹੇ ਅਤੇ ਮੀਟਰ ਦੀ Reading 66.67% slow ਹੈ। ਉਸ ਮੁਤਾਬਕ ਉਹ ਸਾਨੂੰ 1/07/23 ਨੂੰ ਨੋਟਿਸ ਭੇਜਦੇ ਹਨ ਜਿਸ ਵਿੱਚ 16,14,796 R ਦੀ ਰਕਮ ਨੂੰ ਅਦਾ ਕਰਨ ਦੇ ਹੁਕਮ ਹੁੰਦੇ ਹਨ।*
       2. *ਸਾਨੂੰ ਪਿਛਲੇ ਦੋ ਸਾਲਾਂ ਤੋਂ (ਜਦੋਂ ਤੋਂ ਮੀਟਰ ਲੱਗਾ ਹੈ) ਇੱਕ ਸਾਰ ਬਿੱਲ ਆ ਰਿਹਾ ਹੈ ਅਤੇ ਉਹਨਾਂ ਮੁਤਾਬਕ ਮੀਟਰ ਵਿੱਚ ਸੋਧ ਕੀਤੇ ਜਾਣ ਤੋ ਬਾਦ ਵੀ ਤਕਰੀਬਨ ਉਨਾ ਹੀ ਬਿੱਲ ਆਇਆ ਹੈ।*
       3. *ਸਮਾਰਟ ਮੀਟਰ ਦੇ ਡਾਟਾ ਨੂੰ Verify ਕਰਣ ਤੋ ਪਤਾ ਲੱਗਦਾ ਹੈ ਕੀ ਮੀਟਰ ਵਿੱਚ ਕੀਸੇ ਵੀ ਤਰਾਂ ਦੀ slowness ਨਹੀ ਹੈ। MDI and consumption ਦੇ Data ਦੀ ਕਾਪੀ ਨਾਲ Attach ਕੀਤੀ ਗਈ ਹੈ। ਜੋਕੀ ਸਾਨੂੰ P.S.P.C.L ਵਲੋ ਹੀ ਦਿੱਤੀ ਗਈ ਹੈ।*
       4. *ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਉਤੇ ਧਿਆਨ ਦਿੱਤਾ ਜਾਵੇ ਅਤੇ ਜੁਰਮਾਨਾ ਹਟਾਇਆ ਜਾਵੇ।*
4. The Respondent in his reply to petition stated that: -

*Brief History: -*

1. *This is MS Connection having sanction load 89.994 KW/90 kva.*
2. *The meter of this consumer was checked by ASE, MMTS-4, Ludhiana vide ECR 36,37/,4048 dated 26.6.2023.*
3. *As per ECR voltage recorded on Red, Yellow and Blue phases as R-2.36V, Y-238 V and B-2.46. Meter accuracy could not be checked due to unbalanced load. DDL has taken and speaking orders will be issued after examining the DDL.*
4. *Also, as per ECR on back side of factory consumer has built 2 no sheds which are given on rent and providing electricity to these sheds from his own connection by installing 2 nos. submeters. As per ECR load found 24.58kw in these sheds and load of consumer' own premises found 110.733 kw as per LCR 6/1900 dated 10.7.2023 checked by AEE (tech-2), Estate division, Ludhiana. Thus, Total connected load of consumer' premises found 135.321 kw. Consumer was issued provisional notice of UUE vide memo 1701 dated 31.7.2023. Consumer has filed objection against this provisional notice and final order will be issued after analyzing consumer' petition by Assessing officer.*
5. *As per speaking orders issued by ASE, MMTS-4, Ludhiana vide memo no 269 dated 3.7.2023 as per DDL Red and Blue phases were not contributing since 11.6.2021 to 26.6.2023.*
6. *As per supply code-2014 21.5.1 instructions consumer' account overhauled for six months from the date of checking by considering meter slowness 66.67% as Red and Blue phases were not contributing and consumer was issued supplementary bill amounting to Rs 1614796 vide memo 1702 dated 31.7.2023.*
7. *The consumer had put his case in Circle CCGRF Ludhiana for the amounting Rs.1614796/-*

*Reply to the Petition*

*The reply to the petition filed by consumer is hereby submitted for the kind consideration of the Hon'ble Forum.*

1. *This is MS Connection having sanction load 89.994 KW/90 kva.*
2. *The meter of this consumer was checked by ASE, MMTS-4, Ludhiana vide ECR 36,37/,4048 dated 26.6.2023.*
3. *As per ECR voltage recorded on red, yellow and blue phases as R-2.36V, Y-238 V and B-2.46. Meter accuracy could not be checked due to unbalanced load. DDL has taken and speaking orders will be issued after examining the DDL.*
4. *Also, as per ECR on back side of factory consumer has built 2 no sheds which are given on rent and providing electricity to these sheds from his own connection by installing 2 nos. submeters. As per ECR load found 24.58kw in these sheds and load of consumer' own premises found 110.733 kw as per LCR 6/1900 dated 10.7.2023 checked by AEE (tech-2), Estate division, Ludhiana. Thus, Total connected load of consumer' premises found 135.321 kw. Consumer was issued provisional notice of UUE vide memo 1701 dated 31.7.2023. Consumer has filed objection against this provisional notice and final order will be issued after analysing consumer' petition by Assessing officer.*
5. *As per speaking orders issued by ASE, MMTS-4, Ludhiana vide memo no 269 dated 3.7.2023 as per DDL Red and Blue phases were not contributing since 11.6.2021 to 26.6.2023.*
6. *As per supply code-2014 21.5.1 instructions consumer' account overhauled for six months from the date of checking by considering meter slowness 66.67% as Red and Blue phases were not contributing and consumer was issued supplementary bill amounting to Rs 1614796 vide memo 1702 dated 31.7.2023.*
7. *It is submitted that the amount has been correctly charged by as per supply code 2014 21.5.1 instructions.*

*Prayer*

*It is prayed that keeping in consideration the reply as stated above the present appeal may kindly be dismissed in favor of PSPCL. The relevant documents ECR, speaking orders, DDL and Consumption data are annexure as 1 to*

1. The Respondent submitted reply to para 5(c) of proceeding dated 11.09.2023 as under: -
2. *With ref to point 5(c), letters have already been written to ASE, ME lab Ludhiana and ASE, P.O metering Patiala vide memo no. 2143 dated 27.9.2023 and 2144 dated 27.9.2023 respectively. No reply has yet been received against these letters from above said offices. Specifications of MQP-125 with ref to above written letters has been received on dated 3/10/23 through WhatsApp conversation with AEE, P.O metering, Patiala. It is here by again submitted that Vref. is being considered in the energy consumption calculation meter is yet to be verified from these offices which is still pending, till then this office cannot comment on the query of Honorable CGRF.*
3. *As per Record available Meter no X1220402 make-secure was issued vide MCO no. 100013811887 dated 15.6.2021 against SCO related to Extension of load (SP to MS) of above said consumer (sco/mco copy attached). As per SCO/MCO meter was installed on 18.6.2021, and meter was drawn from store vide SR number10 dated 16.6.23.*

*Also as per Record this consumer load was enhanced from SP to MS vide estimate no 10300925/20-21, according to which transformer of capacity 100 kva was installed at site which has been duly verified from AEE tech 2 Estates and only above mentioned consumer is being fed from this transformer duly verified from AEE tech 2 Estates.*

1. *Voltage failure from 11.6.2021 has been mentioned by MMTS-4, Ludhiana in their speaking orders memo no 269 dated 3.7.2023 considering DDL of the same meter. This office has no record of reason for the above event recorded in the meter for dated 11.6.2021 as meter has been drawn from ME lab on dated 16.6.23.*
2. The Forum has gone through written submissions made by the Petitioner in the petition, written reply of the Respondent, its rejoinder along with the relevant material brought in the record. The issue that requires adjudication in the present dispute is to decide the legitimacy of amount of Rs. 1614796/- charged to petitioner vide notice no. 1702 dated 31.07.2023 on account of non-contribution of voltage by Red & Blue phases.
3. Forum observed that connection of the petitioner was checked on 26.06.2023 by ASE/Enf. cum EA & MMTS-4, Ludhiana and ECR no. 36-37/4048 dated 26.06.2023 was prepared. AS per ECR, segments 1 & 3 were blinking but segment 2 was stable. DDL was done, voltage on three phases was recorded as under: -

Rφ = 2.36 V Yφ = 238 V Bφ = 2.46 V

Further, it was mentioned that it was a UUE case as electricity from this connection was being supplied to two nos. sheds having doors in a backside street. Connections of potential leads with main cable were got done afresh after removing oxidation, thereafter all segments started (actually stopped) blinking and meter started displaying voltages as 237 V, 238 V & 240 V.

ASE/Enf. cum EA & MMTS-4, Ludhiana issued speaking orders vide Memo no. 269 dated 03.07.2023. Relevant part of the speaking orders is reproduced under: -

“*ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਦਾ DDL ਘੋਖਣ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ ਮਿਤੀ 11.06.2021 ਤੋਂ ਹੁਣ ਤੱਕ Red & Blue Phases ਤੇ Voltage ਦੀ Contribution ਨਹੀਂ ਹੋ ਰਹੀ ਸੀ। ਇਹ ਸਿਲਸਿਲਾ DDL ਲੈਣ ਦੀ ਮਿਤੀ ਤੱਕ ਭਾਵ ਕਿ ਮਿਤੀ 26.06.2023 ਤੱਕ ਚਲਦਾ ਆ ਰਿਹਾ ਹੈ। ਮਿਤੀ 11.06.2021 ਤੋਂ 26.06.2023 ਤੱਕ ਦੋਨਾਂ ਫੇਸਾਂ ਤੇ Voltage Failure ਮੰਨਦੇ ਹੋਏ ਬਣਦੀ ਖਪਤ ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਨੂੰ ਰਕਮ ਚਾਰਜ ਕੀਤੀ ਜਾਵੇ।*”

In view of the above speaking orders, AEE/Comm., DS Estate (Spl.) Division, Ludhiana overhauled the account of the petitioner for a period of six months prior to 26.06.2023 and charged an amount of Rs. 1614796/- vide notice no. 1702 dated 31.07.2023. In this notice it was further mentioned as under: -

“*ਇਸ ਤੋਂ ਬਿਨਾਂ ECR ਅਨੁਸਾਰ ਆਪ ਜੀ ਵਲੋਂ ਫੈਕਟਰੀ ਦੇ ਪਿਛਲੇ ਪਾਸੇ 2 ਨੰ. ਸ਼ੈਡਾਂ ਵਿੱਚ ਕਿਰਾਏਦਾਰਾਂ ਨੂੰ ਬਿਜਲੀ ਦੀ ਸਪਲਾਈ ਦਿੱਤੀ ਜਾ ਰਹੀ ਹੈ ਜੋ ਕਿ UUE ਦਾ ਕੇਸ ਹੈ ਜਿਸ ਦੇ ਸਬੰਧ ਵਿੱਚ Assessing Officer ਦੀ LCR-6/1900 ਮਿਤੀ 10/7/23 ਅਤੇ ECR ਦੀ ਚੈਕਿੰਗ ਅਨੁਸਾਰ ਕੁਲ ਲੋਡ 135.321 KW ਪਾਇਆ ਗਿਆ ਜਿਸ ਵਿਚੋਂ UUE ਲੋਡ 26.171 KW ਹੈ।*”

Petitioner did not agree to this amount and filed his case in Corporate CGRF, Ludhiana. So far as the UUE case is concerned, it is neither under the jurisdiction of Corporate CGRF, Ludhiana nor did the petitioner mention it in his petition. Hence, the Forum is not concerned about this part.

Forum observed the consumption data submitted by the Respondent on record reproduced below in tabular form:

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| KVAH | 2021 | | | 2022 | | | 2023 | | |
| Month | Cons. | MDI | Code | Cons. | MDI | Code | Cons. | MDI | Code |
| Jan | 3217 | 35 | O | 23294 | 96.3 | O |  |  |  |
| Feb | 3226 | 30 | O | 23810 | 94.66 | O | 20755 | 92.9 | O |
| Mar | 3677  495 | 39  39 | O  O | 19647 | 90.92 | O | 18189 | 92.28 | O |
| Apr | 2879 | 31 | O | 18778 | 97.08 | O | 18700 | 93.28 | O |
| May | 1943 | 35 | O | 18802 | 96.96 | O | 18393 | 92.64 | O |
| Jun | 2853  3000 | 30  0 | O  O | 16031 | 91.64 | O | 19476 | 92.74 | O |
| Jul |  |  |  | 16279 | 91.56 | O | 17161 | 99.7 | O |
| Aug | 2791 | 18 | O | 16898 | 91.38 | O | 19760 | 91.08 | O |
| Sept | 3744 | 42 | O | 17209 | 94.82 | O | 16457 | 93.02 | O |
| Oct | 21931 | 48 | O | 17142 | 92.2 | O |  |  |  |
| Nov | 18001 | 56 | O | 16131 | 90.54 | O |  |  |  |
| Dec | 17158 | 114.9 | O | 19744  21375 | 90.02  91.4 | O  O |  |  |  |
| **TOTAL** | **84915** |  |  | **245139** |  |  | **148890** |  |  |

Forum observed from the above consumption data that monthly consumptions and Maximum Demands are of the same order before and after the setting right the potential connections during checking on 26.06.2023.

Forum observed further that it was stipulated in ECR no. 36 & 37/4048 dated 26.06.2023 as under: -

“*ਮੀਟਰ ਦੀ ਡਿਸਪਲੇ ਤੇ 1 ਅਤੇ 3 ਸੈਗਮੈਂਟ ਬਲਿੰਕ ਕਰ ਰਹੇ ਸੀ ਜਦਕਿ 2 ਸੈਗਮੈਂਟ ਬਲਿੰਕ ਨਹੀਂ ਕਰ ਰਿਹਾ ਸੀ*”

Further, it was stated in speaking orders issued by ASE/Enf. cum EA & MMTS-4, Ldh., vide his office Memo no. 269 dated 03.07.2023, as under: -

“*ਚੈਕਿੰਗ ਸਮੇਂ ਪਾਇਆ ਗਿਆ ਕਿ PT ਦੀਆਂ Red ਅਤੇ Blue Phase (ਦੋਨਾਂ ਫੇਸਾਂ ਦੀਆਂ) Leads ਤੇ Oxidation ਹੋਣ ਕਾਰਨ ਸੰਪਰਕ ਨਹੀਂ ਬਣ ਰਿਹਾ ਸੀ ਭਾਵ ਕਿ ਦੋਨਾਂ ਫੇਸਾਂ ਦੀਆਂ ਵੋਲਟੇਜ ਕੰਟਰੀਬਿਊਸਨ ਨਹੀਂ ਹੋ ਰਹੀ ਸੀ।*”

Further, in reply to ASE/DS Estate (Spl.) Division Memo no. 2144 dated 27.09.2023, ASE/Enf. cum EA & MMTS-4, Ludhiana in his office Memo no. 451 dated 06.10.2023 had stated as under: -

*“ਖਪਤਕਾਰ ਦਾ DDL ਘੋਖਣ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ Event Report ਅਨੁਸਾਰ ਮਿਤੀ 11.06.2021 ਤੋਂ ਹੁਣ ਤੱਕ RED & BLUE Phases (ਦੋਨਾਂ ਫੇਜ਼ਾਂ ਤੇ) ਵੋਲਟੇਜ਼ ਦੀ ਕੰਟਰੀਬਿਊਸ਼ਨ ਨਹੀਂ ਹੋ ਰਹੀ ਸੀ”*

It is evident from the above findings of ASE/Enf. cum EA & MMTS-4, Ludhiana that meter of the petitioner did not get voltage on Red and Blue phases during the period from 11.06.2021 (as per DDL) upto 26.06.2023 when connections of potential leads of Red & Blue phases were put back to healthy condition as stated in ECR no. 36 & 37/4048 dated 26.06.2023.

Further, on directions of this Forum, ASE/DS Division Estate (Spl.), Ludhiana sought clarification from P.O./Metering vide his office Memo no. 2144 dated 27.09.2023 as under: -

“*ਈ.ਸੀ.ਆਰ ਅਨੁਸਾਰ ਮੀਟਰ ਸੀ. ਨੰ X1220402 ਮੇਕ- Secure (Inbuilt CT) ਮੀਟਰ ਲੱਗਾ ਹੈ ਜਿਸ ਦੀ ਬਿਲਿੰਗ Automatic MDAS ਰਾਹੀਂ ਹੁੰਦੀ ਹੈ।*

*ਸੋ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਕਤ Inbuilt meter ਦੇ P.0 ਅਤੇ Technical Specifications ਅਨੁਸਾਰ ਇਹ ਚੈਕ ਕੀਤਾ ਜਾਵੇ ਕਿ ਜੇਕਰ ਇਸ ਕੈਟਾਗਰੀ ਦੇ ਮੀਟਰਾਂ ਵਿੱਚ ਇੱਕ ਜਾਂ ਦੋ ਫੇਜ਼ ਤੇ voltage failure ਹੁੰਦੀ ਹੈ ਤਾਂ ਅਜਿਹੇ ਮੀਟਰ ਕੀ voltage ਦੀ ਪੂਰੀ Contribution ਮੰਨ ਕੇ ਪੂਰੀ ਖਪਤ ਜਾਂ ਘੱਟ ਖਪਤ ਰਿਕਾਰਡ ਕਰਦੇ ਹਨ?*”

After multiple adjournments in wait of the above clarification and intervention of the Forum, office of CE/Metering issued necessary clarification vide Memo No. 1727/28/F-3002/PO(M) dated 09.10.2023 which was submitted by ASE/DS Division Estate (Spl.), Ludhiana during proceedings on 10.10.2023 vide which it was clarified by Purchase Officer/Metering, Patiala as under: -

“*Ref: Your office letter no., 2144 dated 27.09.2023.*

*In regards to your office letter for the subject cited above, clause no. 17. (iv) "Missing Potential" of technical specification of tender enquiry no. MQP-125A against which Inbuilt CT meters were procured from M/s Secure Meters Ltd is reproduced as under:*

*The offered meters will be ca. able of recording occurrence of missing One/two. Potentials which can happen due to intentional/ accidental disconnection of potential leads with suitable indication on display. All such Occurrences and restorations or duration will be recorded with date and time.*

***Meter shall record energy according to Vref under this condition for the corresponding Phase.***”

It is evident from the above facts/clarification that although meter did not get voltage on Red & Blue phases during the disputed period, it recorded energy taking voltage of these two phases equal to reference voltage meaning thereby that it recorded energy correctly during the disputed period. Forum had this thinking right from beginning and hence had kept on stressing the Respondent to submit clarification regarding Vreference issue. However, ASE/Enf. cum EA & MMTS-4, Ludhiana did not bother to refer specifications and consumption data of the petitioner or relevant applicable regulations and issued the following speaking orders to AEE/Commercial vide his office Memo no. 269 dated 03.07.2023 as under: -

“*ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਦਾ DDL ਘੋਖਣ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ ਮਿਤੀ 11.06.2021 ਤੋਂ ਹੁਣ ਤੱਕ Red & Blue Phases ਤੇ Voltage ਦੀ Contribution ਨਹੀਂ ਹੋ ਰਹੀ ਸੀ। ਇਹ ਸਿਲਸਿਲਾ DDL ਲੈਣ ਦੀ ਮਿਤੀ ਤੱਕ ਭਾਵ ਕਿ ਮਿਤੀ 26.06.2023 ਤੱਕ ਚਲਦਾ ਆ ਰਿਹਾ ਹੈ। ਮਿਤੀ 11.06.2021 ਤੋਂ 26.06.2023 ਤੱਕ ਦੋਨਾਂ ਫੇਸਾਂ ਤੇ Voltage Failure ਮੰਨਦੇ ਹੋਏ ਬਣਦੀ ਖਪਤ ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਨੂੰ ਰਕਮ ਚਾਰਜ ਕੀਤੀ ਜਾਵੇ।*”

Although AEE/Commercial, DS Division Estate (Spl.), Ludhiana was conscious about applicable regulations to the extent that he overhauled account of the petitioner for a period of six months approximately instead of the period from 11.06.2021 to 26.06.2023 as ordered by ASE/Enf. cum EA & MMTS-4, Ludhiana but he too, failed to have a look on the consumption data of the petitioner which was suggesting overwhelmingly that the meter in fact has been recording energy correctly although it was not getting potential on Red & Blue phases during the disputed period. Further the MDI of the petitioner is being recorded as about 90KVA in each billing cycle and which is in the same range after setting right the connections on 26.06.2023. If two phases were not contributing then the actual MDI of the petitioner should have been of the tune of 270KVA, which cannot be possible for an MS connection. This aspect should also had been taken care of by the checking/ assessing agency.

Ignorance of Regulations and specifications of the meters and insensitivity of these officers resulted into charging a hefty amount of Rs. 1614796/- to the petitioner which put him to unnecessary harassment which was totally avoidable. Concerned PSPCL authorities (CE/EA & MMTS and CE/Metering) should look into this aspect of the case and take corrective measures in this respect in order to avoid recurrence of such incidences in future and to sensitise all its officers to be judicious towards consumers.

The Forum has gone through written submissions made by the Petitioner in the petition, written reply of the Respondent along with the relevant material brought in the record. In view of the above discussion, Forum is of the opinion that Memo no. 1702 dated31.07.2023 issued by AEE/Commercial, DS Division Estate (Spl.), Ludhiana vide which amount of Rs. 1614796/- has been charged to the petitioner on account of alleged non-contribution of potentials of Red & Blue phases is without any basis, is totally unjustified and is liable to be quashed.

Keeping in view the above, Forum came to unanimous conclusion that Memo no. 1702 dated31.07.2023 issued by AEE/Commercial, DS Division Estate (Spl.), Ludhiana vide which amount of Rs. 1614796/- has been charged to the petitioner on account of alleged non-contribution of potentials of Red & Blue phases, be quashed.

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. **Memo no. 1702 dated 31.07.2023 issued by AEE/Commercial, DS Division Estate (Spl.), Ludhiana vide which amount of Rs. 1614796/- has been charged to the petitioner on account of alleged non-contribution of potentials of Red & Blue phases, is quashed.**
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: 17.10.2023**