**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-127/2023**

**Date of Registration : 25.09.2023**

**Date of Closing : 10.10.2023**

**Date of Final Order : 17.10.2023**

**In the Matter of:**

 **Sh. Sanjeev Kumar Goyal,**

 **P-2219, Baba Gajja Jain Cly,**

 **Ludhiana.**

**A/c No.: 3006400706.**

**Through:**

Sh. Raghunandan Goyal **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Divn Focal Point (Spl.),

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

1. **BRIEF HISTORY:**

Petition against case No.: CF-127/2023 has been filed as an appeal in the Forum by the Sh. Raghunandan Goyal/PR, in the matter related to A/c no. 3006400706, in the name of Sh. Sanjeev Kumar Goyal. Petitioner is having MS category connection with sanctioned load of 40KW/40KVA under DS Focal Point (Spl.) Division, PSPCL Ludhiana. Petitioner was issued bill dated 29.11.2022 for consumption of 5107 KVAH on ‘O’ code amounting to Rs. 112110/- (including demand surcharge amounting to Rs. 78120/-, MDI being recorded as 144.16Kva). Petitioner did not agree to the bill and challenged his meter. Connection of the petitioner was checked by ASE/Enf.-cum- EA & MMTS-3, PSPCL Ludhiana on dated 22.12.2022 and ECR no. 23/3441 was prepared at site, when it was found that as per online data, MDI is increasing again and again whereas it is less at site. It seems that there is some fault in the Communication port of the meter and it was directed to get the meter checked from ME lab. Accordingly, meter of the petitioner was replaced vide MCO no. 100020196354 dated 23.12.2022 effected on 07.02.2023. Replaced meter was checked in ME lab vide challan no. 167 dated 06.04.2023 where accuracy of the meter on KVAH mode was found within limit. DDL was taken on MRI. Petitioner did not agree to demand surcharge charged in his bill and filed case in Circle CGRF, City East, PSPCL Ludhiana. Circle CGRF, City East, PSPCL Ludhiana decided in its meeting held on 25.07.2023 that amount of Rs. 78120/- charged to petitioner as demand surcharges is correct and recoverable. Petitioner did not agree to the decision of Circle CGRF, City East, PSPCL Ludhiana and filed his case in Corporate Forum. Forum heard the case in its proceedings dated 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: 26.09.2023***

*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. Roop Nagar (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 bit other than the amount in dispute, is pending.*
3. *Respondent shall confirm that the complainant/applicant/petitioner is a competent/authorized person to file/defend the case on behalf of the consumer of the above a/c no.*
4. *Respondent shall also ensure the following action:*
5. *He will submit point-wise/para-wise reply to the petition be submitted in form of hard copy & soft copy (in word format) through email at* *secy.cerfidh@gmail.com*.
6. *He will check/verify the amount of demand surcharge of Rs. 78120/-charged in bill dated 29.11.2022 against MDI of 144.16KVA.*
7. *He will submit copy of decision of Circle CGRF along with its case file.*
8. *He will submit legible copy of ECR no. 23/3441 dated 22.12.2022 and speaking orders, is any.*
9. *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.*
10. *He will submit copy of current site checking report and further submit copies of reports of checking carried out by various authorities previously.*
11. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab reports of meter in dispute alongwith its DDL.*
12. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
13. *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 03.10.2023.*

***Proceedings dated: 03.10.2023***

*Respondent submitted reply in five no sets and the same has been taken on record Copy given to petitioner.*

*Respondent is directed to submit copy of MCO depicting date of effect. DDL report and data available on MDAS for the period in dispute, capacity of transformer and details of connections running from that transformer.*

*Respondent is further directed to submit copy of site checking report especially connected load in next date of hearing.*

*The case is adjourned to 10.10.2023 for filing rejoinder/ oral discussion.*

***Proceedings dated: 10.10.2023***

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

*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 the 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. 3006400706, is having MS connection with sanctioned Load 40KW/40KVA, in the name of Mr. Sanjeev Kumar Goyal, under DS Focal Point Division, Ludhiana.
3. The Petitioner in his Petition prayed that: -

*Here I would like to draw your kind attention towards the excess electric bill for the m/o Nov. 2022 of Rs. 112110/-. If you see my bill history of the consumption that comes between Rs. 30-40 thousand in a month from last so many years. This time it crossed the amount more than 1 lac in a single month that is impossible. It shows that there is some error or defect occurred in the electric meter during the month due to this happened.*

*I am enclosing here meter report Sr. no. 3441 Dt.22.12.2022.*

*Regarding that I approached many times to pspcl but no solution provided to me and now matter is declined by him.*

1. The Respondent in his reply to petition stated that: -
	* + 1. *That there is no case pending before any Court/Forum or any other authority between PSPCL and Petitioner.*
			2. *The consumer has paid his current bills.*
			3. *As per authority letter.*
			4. *The consumer is having MS connection having load of 40 KW. In the month of 11.2022, Bill has been issued for consumption 5107 (kvah) units against 'O' code of Rs. 1,11,800/- including demand surcharge Rs. 78,120/--*

*SR. Xen Enforcement - 3 visited consumer premises on consumer request to check meter and reported vide ECR no. 23/3441 dated 22.12.2022 that as per online data of meter MDI is increasing again and again but as per site it is less, from this it is assumed that there is a fault in the communication port.*

*Meter has been replaced vide MCO no. 100020196354 dated 23.12.2022 and checked in ME Lab vide Challan no. 167 dated 06.04.2023. As per ME challan report, meter accuracy is within limits on KVAH mode. DDL has been taken on MRI.*

*Consumer approached CCGRF. CCGRF decided that amount charged to the consumer is correct and recoverable.*

1. Forum has gone through the written submissions made the Petitioner in the petition, written reply of the Respondent as well as oral arguments made by the Petitioner and the Respondent along with the material brought on the record. The issue that requires adjudication in the present dispute is to decide the legitimacy of the Demand Surcharge of Rs. 78120/- charged in the bill dated 29.11.2022.
2. Forum observed that Petitioner was issued bill dated 29.11.2022 for consumption of 5107 KVAH on ‘O’ code amounting to Rs. 112110/- (including demand surcharge amounting to Rs. 78120/-, MDI being recorded as 144.16Kva). Petitioner did not agree to the bill and challenged his meter. Connection of the petitioner was checked by ASE/Enf.-cum- EA & MMTS-3, PSPCL Ludhiana on dated 22.12.2022 and ECR no. 23/3441 was prepared, wherein, it was reported that as per online data, MDI is increasing again and again, whereas, it is less at site. It seems that there is some fault in the Communication port and it was directed to get meter checked from ME lab. Accordingly, meter of the petitioner was replaced vide MCO no. 100020196354 dated 23.12.2022 effected on 07.02.2023. Replaced meter was checked in ME lab vide challan no. 167 dated 06.04.2023 where accuracy of the meter on KVAH mode was found within limit. DDL was taken on MRI. Petitioner did not agree to demand surcharge charged in his bill and filed the case in Circle CGRF, City East, PSPCL Ludhiana. Circle CGRF, City East, PSPCL Ludhiana in its decision dated 25.07.2023 decided that: -

*“Kpqkwr nUM ib`l swiekl 10/2022 imqI 29.11.2022 nUM irkwrf MDI 144.160 KVA dw SURCHARGE vsUlxXog hY[”*

Petitioner did not agree to the decision of Circle CGRF, City East, PSPCL Ludhiana and filed his case in Corporate Forum.

Forum observed the consumption data submitted by the Respondent is reproduced as under:

|  |  |  |  |
| --- | --- | --- | --- |
| Year | **2021** | **2022** | **2023** |
| Month | KVAH | MDI | Code | KVAH | MDI | Code | KVAH | MDI | Code |
| Jan |  |  |  | 2168 | 8.300 | O |  |  |  |
| Feb |  |  |  | 2063 | 12.100 | O | 2579.8595.6 | 14.78014.700 | OO |
| March |  |  |  | 334 | 8.600 | O | 1434 | 1.190 | O |
| April |  |  |  | 2172 | 10.300 | O | 351 | 4.080 | O |
| May |  |  |  | 2929 | 12.200 | O |  |  |  |
| June | 1343 | 6.200 | O | 2552 | 12.900 | O | 4943 | 14.900 | O |
| July | 2331 | 15.500 | O | 4742.4 | 11.300 | O |  |  |  |
| Aug | 3636 | 16.000 | O | 2978.6 | 8.520 | O | 4577 | 14.88 | O |
| Sept | 3314 | 15.000 | O | 2879.2 | 8.520 | O | 2932 | 14.46 | O |
| Oct | 7058 | 9.200 | O | 5107 | 144.160 | O |  |  |  |
| Dec | 4891 | 11.500 | O | 4856.4 | 12.840 | O |  |  |  |
| **TOTAL** | **22573** |  |  | **32781.6** |  |  | **17412.4** |  |  |

From the above consumption data, it is observed that the consumption from 2021 to 2023 is 22573, 32781.6 and 17412.4 units respectively. MDI of 144.16 KVA has been recorded in the bill issued on dated 29.11.2022 but at the same time the consumption during period of this bill is not commensurate with this abnormally high MDI of 144.16KVA. It is observed that such a high MDI has never been recorded before & after this disputed bill. ASE/Enf.-cum- EA & MMTS-3, PSPCL, Ludhiana vide ECR No. 23/3441 dated 22.12.2022 had reported as under: -

*“ieh Ahwqw Sr. Xen F/Pt dy p`qr nM 319 imqI 02.12.2022 dy sbMD iv`c cY`k kIqw igAw DDL lYx sMbMDI Aqy mItr bdlx sMbMDI[ mItr (Inbuilt) nUM bdlI kIqw jwvy[ auqwry mItr nUM ME lab qoN cYk krwieAw jwvy[ AwnlweIn fwtw iv`c mItr dI MDI vwr-vwr v`D Aw rhI hY[ jd ik mOky qy MDI G`t hY[ ijs qoN jwpdw hY ik mItr dy Communicate port iv`c koeI nuks hY[ mItr dw DDL lY ilAw hY[ MCB nUM kuldIp JE v`loN sIl lgw id`qI hY[”*

Further, ASE/Enf.-cum- EA & MMTS-3, PSPCL, Ludhiana vide his memo no. 397 dated 04.08.2023 issued speaking order to the respondent, reproduced as under: -

*“ieh kunYkSn sInIAr kwrjkwrI ieMj/Pokl puAwieMt dy p`qr nM. 319 imqI 02.12.2022 rwhI eI.sI.Awr nM. 23/3444 imqI 22.12.2022 nMU cY`k kIqw igAw[ mOky qy mItr dI ifsply qy MDI 12 KVA irkwrf hoeI hY[ eI.sI.Awr iv`c mItr bdlI krn qy irmwrks id`qy gey imqI 07.02.2023 nUM mItr sweIt qy bdilAw igAw Aqy aus smyN imqI 07.02.2023 nUM mItr dI ifsply qy MDI 14.7 KVA irkwrf hoeI[ ieh auqirAw mItr AYm.eI. lYb clwn nM. 167 imqI 06.04.2023 nUM cY`k hoieAw[ AYm.eI dI irport Anuswr mItr dI AYkurysI KVAH MODE qy sImw iv`c hY[ imqI 22.12.2022 nUM swiet qy ley gey DDL Anuswr MAXIMUM DEMAND 02.12.2022 nUM 12 KVA 29.11.2022 nUM 11.2 KVA, 01.10.2022 nUM 12.2 KVA, 23.09.2022 nUM 12.78 KVA, 16.08.2022 nUM 12.42 KVA irkwrf hoeI hY[ sweIt qy ley gey DDL dI lof srvy irport (KW,KVA,KWH,KVAH) imqI 15.10.2022 nUM smW 10:00 AM lY ky 13:00 vjy q`k, 24.10.2022 nUM 10:00 vjy qoN lY ky 10:30 q`k, 25.10.2022 nUM 10:00 vjy qoN lY ky 10:30 q`k ijAwdw VALUE irkwrf hoey hn, jo ik bwkI imqIAW nwloN bhuq hI ijAwdw irkwrf hoeIAW hn[ AwnlweIn fwtw MDAS REPORT Anuswr imqI 02.10.2022 nUM smW 12:00 qoN lY ky 14:00 vjy q`k, imqI 03.10.2022 nUM 09:30 qoN lY ky 14:30 q`k 04.10.2022 nUM 09:30 qoN 15:00 q`k, imqI 05.10.2022 nUM 10:00 qoN 15:00, imqI 12.10.2022 nUM 10:00 qoN 12:30 q`k, 13.10.2022 nUM 10:00 qoN 11:00 q`k, imqI 15.10.2022 nUM 10:00 qoN 12:30 q`k imqI 24.10.2022 nUM 10:00 qoN 10:30 q`k, imq`I 25.10.2022 nUM 10:00 qoN 10:30 q`k KW,KVA,KWH,KVAH ijAwdw irkwrf hoey hn, jo ik bwkI imqIAW nwloN bhuq hI ijAwdw irkwrf hoeIAW hn[ Bwv ieh hY ik auprokq drsweIAW imqIAW/smW nUM Kpqkwr dw lof vI ijAwdw cilAw hY, MDI/KVA vI ijAwdw irkwrf hoeI hY qy iesdy nwl hI KWH/KVAH vI ijAwdw irkwrf hoeI hY[ sweIt qy ley gey DDL dI lof srvy irport Aqy AwnlweIn MDAS iv`c ley gey fwtw dI lof srvy irport nwl n`QI hY[*

*ies leI Kpqkwr nUM ib`l sweIkl 10/2022 imqI 01.11.2022 nUM irkwrf MDI 144.160 KVA dw SURCHARGE vsUlx Xog hY[”*

During proceedings dated 03.10.2023, Respondent was directed to intimate capacity of transformer and details of connections running from this transformer. Respondent during hearing dated 10.10.2023 submitted copy of LCR no. 06/1342 dated 09.10.2023 as per which, capacity of the transformer is 100KVA and two consumers including petitioner having loads of 40 KW and 39 KW are being catered from this transformer. Forum observed that two consumers each of about 40KW load are connected to a 100 KVA transformer as such a continuous load of 144KVA of single consumer (alongwith some load of 2nd consumer) cannot be fed for continuous 3-4 Hrs., as mentioned by ASE/Enforcement in his speaking order.

Forum also scrutinized the DDL report submitted by the Respondent. As per the Load survey report of DDL the various parameters recorded on 15.10.2022 are reproduced as under: -

**15/10/2022: Current 15/10/2022: Voltage**

|  |  |  |  |
| --- | --- | --- | --- |
| **Interval** | **Param 1 (V)** | **Param 2 (V)** | **Param 3 (V)** |
| 09:30-10:00 | 237.31 | 235.36 | 235.69 |
| 10:00-10:30 | 236.93 | 234.87 | 235.27 |
| 10:30-11:00 | 236.40 | 234.29 | 234.49 |
| 11:00-11:30 | 235.75 | 233.42 | 234.12 |
| 11:30-12:00 | 235.77 | 233.22 | 233.98 |
| 12:00-12:30 | 235.73 | 233.53 | 234.14 |
| 12:30-13:00 | 237.91 | 235.37 | 236.22 |
| 13:00-13:30 | 248.76 | 246.45 | 246.88 |
| 13:30-14:00 | 245.29 | 243.18 | 243.32 |
| 14:00-14:30 | 240.77 | 238.34 | 239.12 |

|  |  |  |  |
| --- | --- | --- | --- |
| **Interval** | **Param 1 (A)** | **Param 2 (A)** | **Param 3 (A)** |
| 09:30-10:00 | 12.80 | 10.90 | 15.20 |
| 10:00-10:30 | 12.50 | 10.60 | 14.40 |
| 10:30-11:00 | 12.50 | 10.60 | 17.30 |
| 11:00-11:30 | 12.30 | 10.30 | 14.10 |
| 11:30-12:00 | 12.80 | 10.70 | 13.70 |
| 12:00-12:30 | 12.80 | 10.70 | 13.60 |
| 12:30-13:00 | 12.90 | 10.70 | 13.80 |
| 13:00-13:30 | 3.10 | 1.80 | 5.80 |
| 13:30-14:00 | 6.10 | 4.60 | 11.70 |
| 14:00-14:30 | 12.90 | 10.70 | 14.60 |

**15/10/2022: Demand 15/10/2022: Power Factor**

|  |  |
| --- | --- |
| **Interval** | **Param 1**  |
| 09:00-09:30 | 0.97 |
| 09:30-10:00 | 0.97 |
| 10:00-10:30 | 1.00 |
| 10:30-11:00 | 1.00 |
| 11:00-11:30 | 1.00 |
| 11:30-12:00 | 1.00 |
| 12:00-12:30 | 1.00 |
| 12:30-13:00 | 1.00 |
| 13:00-13:30 | 0.99 |
| 13:30-14:00 | 0.98 |
| 14:00-14:30 | 0.97 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Interval** | **Param 1 (kw)** | **Param 2 (kVAr)** | **Param 3 (kVar)** | **Param 4 (kVA)** |
|  09:30-10:00 | 8.96 | 2.20 | 0.00 | 9.22 |
| 10:00-10:30 | 110.04 | 108.36 | 107.82 | 110.12 |
| 10:30-11:00 | 144.16 | 144.16 | 144.16 | 144.14 |
| 11:00-11:30 | 144.00 | 144.00 | 144.00 | 144.00 |
| 11:30-12:00 | 144.14 | 144.16 | 144.14 | 144.16 |
| 12:00-12:30 | 144.00 | 144.00 | 144.00 | 144.00 |
| 12:30-13:00 | 68.08 | 64.38 | 63.22 | 68.20 |
| 13:00-13:30 | 6.42 | 4.36 | 4.02 | 6.50 |
| 13:30-14:00 | 5.36 | 1.18 | 0.02 | 5.50 |
| 14:00-14:30 | 8.92 | 2.30 | 0.00 | 9.22 |

**15/10/2022: Energy**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Interval** | **Param1 (kwh)** | **Param 2 (kVArh)** | **Param 3 (kVArh)** | **Param 4 (kVArh)** |
| 09:30-10:00 | 4.48 | 1.10 | 0.00 | 4.61 |
| 10:00-10:30 | 55.02 | 54.18 | 53.91 | 55.06 |
| 10:30-11:00 | 72.08 | 72.08 | 72.08 | 72.07 |
| 11:00-11:30 | 72.00 | 72.00 | 72.00 | 72.00 |
| 11:30-12:00 | 72.07 | 72.08 | 72.07 | 72.08 |
| 12:00-12:30 | 72.00 | 72.00 | 72.00 | 72.00 |
| 12:30-13:00 | 34.04 | 32.19 | 31.61 | 34.10 |
| 13:00-13:30 | 3.21 | 2.18 | 2.01 | 3.25 |
| 13:30-14:00 | 2.68 | 0.59 | 0.01 | 2.75 |
| 14:00-14:30 | 4.46 | 1.15 | 0.00 | 4.61 |

Forum observed that there are two constituents of the Maximum Demand, the voltage and the current and the maximum demand is simple multiplication of voltage & current for the respective phases. The MDI has been recorded high from 10.00 Hrs. to 1300 Hrs. At the same time the recorded voltage and current are very normal. The average line current during this period remained about 13 Amp and line voltage as 234 V. With these parameters, the demand should come out about 9.3 KVA, whereas the demand register has recorded the same as 144KVA. Thus, From the above it is clear that the MDI register of the DDL got erratic and recorded illogical MDI of 144.16 KVA. Thus, the behavior of the meter was erratic.

Forum further observed that a 3x240 volts, 10-60 A capacity meter can withstand a maximum demand of 43.2KVA and it is impossible that it could cater 144 KVA demand for hours together. As such, although the accuracy of the meter was found within limits in ME Lab, but the meter is required to be treated as defective. Forum also observed that ASE/Enf.-cum- EA & MMTS-3, PSPCL, Ludhiana in his ECR no. 23/3441 dated 22.12.2022 has felt that there is some defect in communication port of the meter but in his speaking order issued vide memo no. 397 dated 03.08.2023 declared that this is the actual load of the consumer and as such demand surcharge against MDI of 144.160 KVA is correct & recoverable. Forum felt that the checking agencies must go through the complete DDL report and speaking orders should be issued on basis of the available records.

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as oral arguments put forth by the Petitioner and the Respondent along with the material brought on the record. Keeping in view the above discussion, Forum is of the opinion that such a high MDI is not possible with the sanctioned load of the Petitioner & with the presently installed transformer & numbers of consumers/load connected to it, therefore, recording of excessive MDI during the disputed period is due to the erratic behavior of the demand register of the meter and thus it is liable to be ignored. So, the Demand Surcharge of Rs. 78120/- charged in the bill dated 29.11.2022, is liable to be annulled and accordingly the decision of Circle CGRF, City East, PSPCL Ludhiana dated 25.07.2023 is liable to be set aside.

Keeping in view the above, Forum came to unanimous conclusion that the decision of Circle CGRF, City East, PSPCL Ludhiana dated 25.07.2023 be set aside. The demand surcharge of Rs. 78120/- charged in the bill dated 29.11.2022, issued to the petitioner, is not recoverable.

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. **The decision of Circle CGRF, City East, PSPCL Ludhiana dated 25.07.2023 is set aside. The demand surcharge of Rs. 78120/- charged in the bill dated 29.11.2022, issued to petitioner is annulled.**
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**