

**PUNJAB STATE POWER CORPORATION LIMITED
FORUM FOR REDRESSAL OF GRIEVANCES OF CONSUMERS
P-1 WHITE HOUSE, RAJPURA COLONY, PATIALA
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Case No. CG-67 of 2013

Instituted on : 21.05.2013

Closed on : 13.08.2013

**General Manager,
Markfed Cotton Processing Plant,
Gidderbaha.**

.... Appellant

Name of the Op. Division: Gidderbaha.

A/c No. LS-05

Through

Sh. S.R.Jindal, PR

V/s

PUNJAB STATE POWER CORPORATION LTD.Respondent

Through

Er. Sudhdev Singh Sohal, ASE/Op. Divn. Gidderbaha.

BRIEF HISTORY

Petition No. CG-67 of 2013 was filed against order dt.10.03.2013 of the CDSC, Muktsar Sahib deciding that the amount charged to the consumer on account of Peak Load Violations is correct and recoverable.

The consumer is having LS category connection with sanctioned load of 1121.870 KW/CD 830 KVA, operating under AEE/Op.City Sub-Divn., Gidderbaha.

The connection of the consumer was checked by Sr.XEN/MMTS, Bathinda on 18.07.2012 and DDL was taken & it was observed that the consumer has violated the Peak Load Hour restrictions during 07.05.2012 to 17.06.2012. The Sr.XEN/Op. Gidderbaha issued notice bearing No. 918/922 dt. 19.07.2012 to the consumer to deposit Rs. 1,46,215/- as PLHR violation charges. The same was deposited by the consumer under protest.

The consumer challenged this amount of Rs. 1,46,215 in the CDSC, Muktsar Sahib. The CDSC heard the case on 28.03.2013 and decided that the amount charged to the consumer on the basis of report of Sr.XEN/MMTS, Bathinda for Peak Load Violations is correct and recoverable.

Being not satisfied with the decision of the CDSC, the consumer made an appeal in the Forum. The Forum heard the case on 11.06.2013, 18.06.2013, 09.07.2013, 16.07.2013, 25.07.2013 and finally on 13.08.2013. Then the case was closed for passing speaking orders.

Proceedings:

Petitioner contended that the penalty on account of violations of PLHRs has been levied due to defect in the software of the meter, that load survey automatically shifted due to defect in L&T meter and load survey automatically set right. There was drift in RTC/IST of 20 minutes as reported by the MMTS Bathinda on 18.07.2012. On 18.05.2012, when supply was off from 22.20 hrs. to 05.32 hrs. (7 hrs. 12 minutes). As per respondent version the automatic arrangement from Husmer feeder for continuity of supply was made, which is wrong because there was no evidence as per log sheet of the Sub-Stn. Secondly on 19.05.2012 as per DDL supply from 5.30 hrs. to 12.30 hrs. was off and on 14.08.2012 and 07.08.2012 to 11.08.2012 and also on 05.06.2012 from 18.00 hrs. to 21.30 hrs. supply was off as per DDL. Supply was also off on 18.05.2012 from 19.00 hrs. to 20.00 hrs. but violations of PLHR for running load of 241.79 KW at 19.30 hrs. has been charged as per DDL taken by the MMTS.

Petitioner further contended that on 12.06.2012 and 17.06.2-012, there was power cut from 16.00 hrs. to 18.00 hrs. and Sub-Stn. was showing running of nil load, but as per DDL , load was running at that time. So, it is very much clear that there was defect in the software of the meter.

The representative of the PSPCL contended that the consumer had never made any complaint regarding malfunctioning of software of the meter. DDL of the meter was taken on 16.07.2012, but by clerical mistake, it was written as 18.07.2012, DDL taken on 16.07.2012 shows 20 minutes load drift at ECR No. 17/512 dt. 26.09.2012 indicates 21 minutes drift. As per PSPCL instructions meter was changed, so there is no matter to change the meter without assigning any reasons. So the amount of Rs. 1,46,215/- charged on account of 21 minutes load drift is wrong. Actually the PLV charges were levied by considering drift of 20 minutes. No PLV charges for the period 20.07.2012 to 26.09.2012 has been charged. The respondent further contended that regarding failure of supply time on dt. 18.05.2012, 20.05.2012, 01.06.2012, 05.06.2012 and 09.06.2012 was not during PLHR. Supply to the consumer on dt. 18.05.2012 restored after connecting with adjoining 11 KV Husner feeder as per practice in the field by isolating other GO switches. PSPCL contended that the sanctioned load of 1121.477 and CD of petitioner 830 KVA. The connection is in the name of GM Markfed, is right. The demand of cattle feed plant and single shift, production target is the matter of marked fed. As contended petitioner that he never paid penalty on account of PLHR, is wrong because as per DDL dt. 24-04- 2012 violation charges Rs. 8060/- were paid on 24-05-2012, by the petitioner.

DDL was taken on 16-07-2012 (by clerical mistake it was written as 18-07-2012) shows 20 minutes lead drift and ECR No. 17/512 dt 28-09-2012, indicate 21 minutes drift. As per, PSPCL directions meter was changed, so there is no matter to change the meter without assigning any reasons.

As per petitioner 1,46,215/- were charged on account of 21 minutes drifts is wrong. Actually the PLV charges as per PSPCL instructions were levied by considering drift of 20 minutes. No PLV charges for the period 20-07-2012 to 28-09-2012 has been charged.

DDL taken on 16-07-12 of M/s S.M. Traders was not taken DDL of M/s S.M. Traders was taken on 10-07-2012, ECR No. 21/505. As per petitioner claim regarding failure of supply time on dt. 18-05-2012, 20-05-2012, 01-06-2012, 05-06-2012 & 09-06-2012 It is made clear that failure of supply was not during PLR Hours as such PLC charges were not levied. Supply to Mark fed feeder on dt 18-05-2012 restored after connecting with the adjoining 11 KV Husner feeder as per practice in the field by isolating other GO switch. Comparison of petitioner claim of supply failure & actually supply remained failure/on as per Grid S/Stn.

Date	As per petitioner claim supply off	As per Grid S/Strn supply	
18-05-12	00-00 hrs to 05-00 hrs	17 & 18, 22-20 hrs to 05-32	Alternative supply given to Markfed feeder by connecting with the adjoining 11KV Husnsar feeder.
20-05-12	04-00 hrs to 06-00 hrs 23-00 hrs to 24-00	04-40 to 06-00 hrs 23-15 to 23-30	
01-06-12	log sheet not available	03-25 to 6-30 hrs	
05-06-12	03-00 hrs to 09-00 hrs except 07-00 hrs to 08-00 hrs.	03-05 to 06-50, 07-30 to 08-30 & 08-35 to 09-05	
09-06-12	01-00 to 02-00 hrs 04-00 to 06-00, 09-00 to 10-00	As per log sheet 80 Amp. recorded at 01-00 hrs. and supply remained off 04-40 to 06-10 hrs and also supply remained 80 Amp. at 09-00 hrs.	

So the question of defect in software of the meter does not arise as claimed by the petitioner. The meter recorded the actual load running in the premises of the consumer as per DDL data taken by the Sr.Xen/MMTS, Bathinda.

PR further contended that the statement of respondent given with itself contradictory and controversial because he has stated that on 18-05-2012 when the supply was off from 22-20 to 05-32 hrs (7 hrs 12 minutes) the alternative arrangement from Husnur feeder for

continuity of supply was made which is wrong because the log sheet originally brought by the respondent before the firm has no such evidence.

Secondly on 19-05-2-12 as per DDL supply from 05-30 hrs to 12-30 hrs was off and on 05-06-2012 from 18-00 hrs to 21-30 hrs supply was off as per DDL, why the supply was not connected to the Husnar feeder as per the statement of the respondent.

As per the statement of the respondent supply on 20-05-2012 was off from the Grid S/Stn. from 04-40 hrs to 06-00 hrs but in the DDL at 05.30 hrs 49.46 KW load was running as per DDL which is not possible if there was no defect in the software of the meter.

It is also wrong that DDL charges for the dates mentioned in the written argument has not been charged, whereas for 18-05-2012 & 09-06-12 PLV charges has been charged in the DDL . It is further stated that the consumer should not run Factory during Peak Load hrs when plenty of time is available with him to run industry during the normal working hrs. For example on 18-05-12 supply was off from 19-00 hrs to 20-00 hrs but, PLC charges for running load 241.79 KW at 19.30 hrs has been charged in the DDL recorded by MMTS.

PSPCL further contended that the supply was off on 17-05-2012 from 22-20 to 05-32 hrs on dt. 18-05-2012. On 19-05-2012 supply was running from 5-30 hrs to 12.30 as per log sheet. And on 05-06-2012 the supply was off from 17-00 to 19-00 hrs as per log sheet instead of 18-00 hrs to 21-30 hrs.

It is also submitted that the supply was off on 20-05-2012 from 4-40 hrs to 06-00 as per log sheet & PLV charges has been charged on dt. 18-05-2012 & 09-06-2012 as per peak load hrs timings.

Observations of the Forum:

Written submission made in the petition, reply, written arguments of the respondents as well as petitioner and other material on record have been perused and carefully considered.

Forum observed that the Sr.XEN/MMTS, Bathinda checked the connection of the consumer on 18.07.2012 and got the DDL of the meter. As per DDL, it has been found that the consumer has violated peak load hrs. restrictions from 07.05.2012 to 17.06.2012. Accordingly Sr.XEN/Gidderbaha charged Rs. 1,46,215/- on this account.

PR contended that supply position as per DDL dt. 18.07.2012 does not match with the log sheet of Sub-Stn. On various dates/time the load has been shown as running as per DDL, whereas supply was off on the Sub-Stn. PSPCL contended that as and when the supply of Markfed feeder was off, alternative arrangement was made for giving supply from the adjoining 11 KV Husner feeder as per practice in the field by isolating other GO Switch.

Forum observed that peak load violations as per print out of the DDL cannot be said to be due to defect in the software of the meter. The representative of the PSPCL has made clear that on certain dates, load

as per DDL has been found running and supply on the Sub-Stn. was off. But this was due to shifting of load after connecting with the adjoining 11 KV Husner feeder as per practice in the field by isolating other GO switches. Further the supply was off on 17.05.2012 from 22.20 hrs. to 05.32 hrs. on 18.05.2012 and on 19.05.2012 supply was running from 05.30 hrs. to 12.30 hrs. as per log sheet. Again supply was off from 17.00 hrs. to 19.00 hrs. as per log sheet instead of 18.00 hrs. to 21.30 hrs. Similarly violations on other dates, when the supply at Sub-Stn. has been shown as off, alternative arrangements were made by connecting to other feeder.

Forum observed that supply on Markfed feeder from 19.00 hrs. to 20.00 hrs. was off, whereas PL violations has been observed at 19.30 hrs. as per DDL. This may be due to shifting of load of the feeder to any other feeder as explained by the respondent for various dates/time. Therefore Forum concluded that relief to the consumer on account of peak load violations charged for 18.05.2012, 07.06.2012 and 17.06.2012 is justified because power cut (P.C.) is recorded in the daily log sheet of Markfed feeder. However PSPCL could not confirm the shifting of load on these dates. Forum also feels that these violations may be due to drift in the RTC of meter by 20 minutes.

Forum concluded from the above that amount charged to the consumer except P.L. violation dt. 18.05.2012, 07.06.2012 and 17.06.2012 is correct and recoverable.

Decision:

Keeping in view the petition, reply, oral discussions, and after hearing both the parties, verifying the record produced by them & observations of Forum, Forum decides that:

- * **The amount charged on account of P.L. violations on 18.05.2012, 07.06.2012 and 17.06.2012 be not recovered.**
- * **The balance amount of PLVs is correct & be recovered.**
- * **Forum further decides that the balance amount recoverable/refundable, if any, be recovered/refunded from/to the consumer along-with interest/surcharge as per instructions of PSPCL.**
- * **As required under Section-19 (1) & 19 (1A) of Punjab State Regulatory Commission (Forum & Ombudsman) Regulation-2005, the implementation of this decision may be intimated to this office within 30 days from the date of receipt of this letter.**

(CA Rajinder Singh)
Member/CAO

(K.S.Grewal)
Member/Independent

(Er.Ashok Goyal)
EIC/Chairman