

**PUNJAB STATE POWER CORPORATION LTD
CONSUMERS GRIEVANCES REDRESSAL FORUM
P-1, WHITE HOUSE, RAJPURA COLONY ROAD, PATIALA
PHONE: 0175-2214909 ; FAX : 0175-2215908**

Appeal No: CG-74 of 2013

Instituted On: 12.06.2013

Closed On: 06.08.2013

**M/s Ess Ess Forging,
Industrial Area-C,
Gen. Mohan Singh Road,
P.O. Jugiana, Ludhiana.**

.....Appellant

Name of Op/Division: Estate (Spl.)

A/c No.: EST-2/335

Through

Sh. Jaswant Singh, PR

V/s

PUNJAB STATE POWER CORPORATION LTDRespondent

Through

Er. P.S. Brar, ASE/OP. Estate Spl. Divn. Ludhiana.

BRIEF HISTORY

Petition No. CG-74 of 2013 was filed against order dated 05.04.2013 of ZDSC Ludhiana, deciding that the amount charged on account of demand surcharge, in the energy bill issued in 01/2013, is correct and recoverable from the consumer.

The MDI of 527.24 KVA against sanctioned CD of 266 KVA, was recorded in the month of 11/2012 and demand surcharge of

Rs.1,95,930/- was charged, which was paid by the consumer along with energy bill. In the next energy bill, issued in 12/2012 normal MDI of 74.308 KVA was recorded. The consumer was of the view that energy meter was recording excessive MDI due to some fault. He challenged the meter by depositing Rs. 2500/- on 21.01.2013. In the energy bill issued for 01/2013, MDI of 762.64 was recorded and Rs.3,72,480/- were charged as demand surcharge.

The connection of the consumer was checked by ASE/MMTS-3 on 01.02.2013 and DDL of the meter was taken. After scrutiny of print-out of DDL, ASE/MMTS intimated ASE/Estate Divn., vide letter dated 13.02.2013 that there was erratic behavior of the meter on 19.01.2013. The energy meter was replaced on 23.02.2013, vide MCO No. 646730, for testing in ME Lab. The results of the energy meter were found within limits, as per store challan No. 130321/64878 dated 28.03.2013. The consumer approached Chief Engineer/Central, Ludhiana to consider his case of demand surcharge of Rs. 3,72,480/- in ZDSC.

ZDSC Ludhiana heard the case on 05.04.2013 and observed that consumption for the month of 11/2012 & 01/2013 was commensurate with MDI recorded and results of the meter were within limits. The installed transformer of 500 KVA in the premises of the consumer was also capable of taking such high MDI for short interval. Therefore, ZDSC decided that amount charged to the consumer is correct and recoverable.

Being not satisfied with the decision of ZDSC, the consumer made an appeal in the Forum. The Forum heard the case in the proceedings held on 27.06.2013, 04.07.2013, 11.07.2013, 23.07.2013, 01.08.2013 and finally on 06.08.2013. The case was closed for passing speaking orders.

Proceedings:-

PR contended that a new connection of 240 KW/CD 266 KVA was released on 4/9/2012 and is being used for forging small hand tools. MDI recorded during 11/2012 jumped to 527.24 KVA. The respondent charged Demand surcharge in the bill .As bill payable by 13/12/2012 was received just two days before last day of payment. The appellant deposited bill along with the demand surcharge Rs195930/- under protest and requested in writing on 11/12/12 for checking of meter. It was the duty of respondent to ask the appellant to deposit meter challenge fee at that time. The respondent should have suo motto checked connected load as per ESIM under schedule of tariff, SI. 8 second Para. No action was taken by respondents. Thus reply of respondent that appellant neither challenged the bill nor requested for checking of connected load is wrong. Decision of ZDSC not to consider the dispute of Rs 195930/- is wrong as the appellant has challenged the disputed amount on 11/12/12 to Addl SE, then requested for review by ZDSC on 8/2/13, petition dated 22/02/13 and rejoinders to ZDSC on 8/3/13.

MDI again jumped to 762.64 KVA 19/1/2013, the appellant requested on 21/1/13 for checking of meter. The respondent got deposited challenge fee. The reply of the respondent that appellant deposited meter challenge fee after receipt of bill for 1/2013 is wrong as the bill issue date for Jan is 30/1/13 and meter challenge fee was deposited on 21/1/13. CBC levied a penalty of Rs 3, 72,480/- as demand surcharge on the jumped reading. Here again respondent suo motu did not check the connected load as per ESIM under schedule of tariff SI. 8 second Para. The reply of respondent that checking of connected load in case of defective MDI case could not be done at its own level until it is declared

defective, it is not understood what else is required for declaring meter defective when MMTS in its report dated 13.02.2013 has reported the meter behaviour erratic on 19.01.2013 and directed to replace the meter. Appellant is not required to tell the instructions to be followed by respondent.

The observation of ZDSC that 500 KVA transformer at consumer premises was also capable of taking such a high MDI for short interval is wrong, MDI recorded by meter is not the maximum load which remains for a short period (for a second or one minute). As per meter specifications, MDI recorded is in integration of 30 numbers one minute maximum load readings. As per load survey 762.64 KVA remained for more than three hours. The ratio of CT/PT ratio is 20amp and can take 381 KVA maximum load, under such conditions the T/F as well as CT/PT will be damaged. In case of MDI/KWH/KVAH meter reading jumping cases the accuracy of meter is not affected, ZDSC has ignored this fact. Leaving aside the disputed months the Max CD recorded is always below 90 KVA every month from release of connection. In view of the facts given above no demand surcharge penalty Rs 195930/-+Rs 372480/- is chargeable.

Representative of PSPCL contended that the bill payable by 13/12/2012 was not deposited by the consumer under protest. Neither the consumer submitted any application regarding this, nor did he deposit any meter challenge fee in the department at that time. The consumer did not even go to the ZDSC regarding demand surcharge of Rs. 1,95,930/-. MDI was recorded as 527.25 KVA on 09/11/2012, 527.25 KVA again on 20/11/2012, and 320.38 KVA on 01/12/12. The meter was challenged by the consumer on 21/01/2013 & the meter was checked by MMTS on 13/02/2013 and ASE/MMTS-III declared that meter behaved erratically on

19/01/2013 only. The meter was checked in ME Lab. in the presence of consumer's representative on dated 28/03/2013 & declared that the accuracy of the meter is within limits.

High MDI recorded by the meter is for a short time & transformer can take that much of load for a short period. Had the meter been defective it would have recorded very high KWH consumption also. The power factor of the meter would have also been recorded abnormal. Moreover ME Lab has declared that the meter was OK and its accuracy was within limits. High maximum demand could also be recorded due to failure/defect of some equipment installed by the consumer.

PR further contended that it is wrong that the consumer has not deposited the amount under protest. The copy of letter already enclosed It was the duty of the respondent to direct the consumer to deposit meter challenge fee. In case of excessive MDI more than the sanctioned CD the respondent should have checked the load suo motu as per instructions. It is also wrong that the consumer did not go to ZDSC regarding demand surcharge of Rs. 1, 95,930/- the letters dated 21/01/2013, 08/02/2013, 22/02/2013 & 08/03/2013 very clearly indicates that the amount was protested in them. It is also incorrect that 320.38 KVA demand was recorded on 01/12/2012. The reading mentioned as 320.38 KVA does not correlate with the load survey data, it shows the erratic behaviour of the meter. The meter was checked by MMTS on dated 1/02/2013 not 13/02/2013. The report was sent on 13/02/2013. The meter accuracy is not affected, in MDI meter reading jumping cases. Regarding of MDI by the meter and loading of the transformer it has already been explained in the arguments.

Respondent further contended that the consumer was asked to deposit meter challenge fee on 21/01/2013 by the respondent only. So the contention of the PR that the respondent did not direct the consumer to deposit meter challenge fees is wrong. The consumer did not go to ZDSC after getting the bill for demand surcharge of Rs. 1,95,930/- but, later on went to ZDSC after getting demand surcharge of Rs. 3,72,480/- ZDSC had also accepted the case for disputed amount of Rs. 3,72,480/- only.

Observations of the Forum:-

After the perusal of petition, reply, written arguments, proceedings, oral discussions and record made available to the Forum, Forum observed as under:-

The connection under LS category, with sanctioned load of 240 KW, CD 266 KVA, was released to the consumer on 04.09.2012. The CD below 100 KVA has been recorded from 09/2012 to 06/2013, except 527.24 KVA in 11/2012 and 762.64 KVA in 01/2013. The normal electricity consumption of the consumer is in the range of 15000-18000 units per month. However consumption of 21484 units was recorded in 01/2013. The ZDSC has decided the disputed case of Demand surcharge against the consumer on the ground that KWH consumption of 11/2012 & 01/2013 is commensurate with MDI recorded and 500 KVA T/F was capable of taking such high MDI for short interval.

PR contended that MDI of the meter jumped to 527.24 KVA during 11/2012 and demand surcharge of Rs. 1,95,930/- was deposited under protest. MDI again jumped to 762.64 KVA on 19.01.2013 and meter was challenged on 21.01.2013. MMTS has declared the behavior of the meter as erratic on 19.01.2013. PSPCL did not check connected load as per ESIM under schedule of tariff S1.8

(IInd para). MDI of 762.64 KVA remained for three hours as per load survey of DDL. The CT/PT of 20/5 Amp can take 381 KVA maximum load, under such condition of high MDI 500 KVA T/F and CT/PT will get damaged. The MDI of 320.38 KVA on 01.12.2012 does not correlate with the load survey data of DDL, which proves the erratic behaviour of the meter.

PSPCL contended that the consumer did not protest the demand surcharge of Rs. 1,95,530/- while depositing the energy bill of 11/2012 and ZDSC has considered the case of demand surcharge of Rs. 3,72,480/- only. High MDI recorded by the meter was for a short time & T/F can take that much of load for a short period. The ME lab has declared the accuracy of the meter within limits & high MDI could be due to defect in equipment installed by the consumer.

Forum observed that load between 760.87KW to 762.68 KW has been recorded continuously from 19.00 hrs. to 21.30 hrs. on 19.01.2013, as per load survey data of DDL. Thus high MDI was not recorded for short interval as considered by ZDSC.

Further, the consumption of 17568 units was recorded in 03/2013 when MDI was only 80.48 KVA, whereas consumption of 15550 units has been recorded in 11/2012 with MDI as 527.24 KVA. Thus consumption in this particular case cannot be correlated with high MDI as recorded in 11/2012 and 01/2013. The behaviour of the meter has been declared erratic on 19.01.2013 by MMTS after scrutiny of DDL report. In the case of MDI jumping, accuracy of meter may not be effected, as such in this case also the accuracy of the meter has been declared within limits in ME Lab. Moreover, the connected load of the consumer was not verified as

prescribed in Para SI.8 of Schedule of tariff of LS consumer given in ESIM which read as under:-

"In the event of MDI being defective and computed maximum demand more than the contract demand, no surcharge for demand consequent to this computation shall be levied provided the consumer's connected load is verified immediately and found within sanctioned load."

Thus Forum is of the firm view that high MDI recorded in 11/2012 & 01/2013 was due to erratic behaviour of the meter and demand surcharge of Rs.1,95,930/- levied in 11/2012 & Rs. 3,72,480/- charged in 01/2013 is not justified.

Decision:-

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

- That the demand surcharge of Rs.1,95,930/- charged in 11/2012 & Rs. 3,72,480/- as charged in the energy bill of 01/2013, is not recoverable from the consumer.
- 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 Electricity 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.

(Rajinder Singh)
CAO/Member

(K.S. Grewal)
Member/Independent

(Er. Ashok Goyal)
EIC/Chairman