

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

Case No. CG-80 of 2013

Instituted on : 21.06.2013

Closed on : 06.08.2013

**M/s Supreme Polyubes Pvt. Ltd.,
Bagrian Road, Dhuri.(Distt.Sangrur)**

.... Appellant

Name of the Op. Division: Dhuri.

A/c No. LS/15

Through

Sh. Pyara Lal Bhide, PR

V/s

PUNJAB STATE POWER CORPORATION LTD.Respondent

Through

Er. Daljit Singh Sidhu, ASE/Op. Divn. Dhuri.

BRIEF HISTORY

Petition No. CG-80 of 2013 was filed against order dt.10.03.2013 of the CDSC, Barnala 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 306.70 KW/CD 300 KVA, operating under AEE/Sub-Urban Sub-Divn., Dhuri.

The consumer was allowed to run 240 KW load during peak load hrs., but the same was withdrawn vide notice No. 503/11 dt. 24.07.2012.

The Addl.SE/MMTS, Patiala checked the connection of the consumer on 18.09.2012 and downloaded the data of the meter. As per DDL, it was found that consumer had violated the peak load hour restrictions and WOD during the period 24.07.2012 to 17.08.2012. On account of violations, an amount of Rs. 63,540/- was charged to the consumer vide notice No.2693 dt. 20.10.2012.

The consumer did not agree to it and made an appeal in the CDSC. The CDSC heard the case on 01.03.2013 and decided that as per DDL report the load was found running during the first as well as last half hour limit and also in between the peak load restriction hours. So the amount is to be charged at full rates. Hence the amount charged to the consumer 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 04.07.2013, 09.07.2013, 16.07.2013, 30.07.2013 and finally on 06.08.2013. Then the case was closed for passing speaking orders.

Proceedings:

PR contended that against the claim of Rs. 63540/-, the ASE/Op Dhuri in his written reply 30-07-2013 has admitted Rs. 40940/- as refundable to us (36350+4590). For the remaining amount of Rs. 22600/- the following amount are also payable to us.

	<u>Amt. refundable</u>
a) Rs. 2295/- for 28-07-2012 being falling under $\frac{1}{2}$ rate category for 118.8 KW maximum load at 22.30 hours as adopted by ASE/MMTS Patiala for claim of Rs. 63540/- as per para 132.1 only maximum load used in excess of exemption limit in a block is to be taken for the levy of penalty there is no other exception in the rule for any second maximum in between Hours.	2295.00
b) For 13-08-12 maximum load used has been adopted by the ASE/MMTS on 90 KW at 19.30 Hours. which falls within $\frac{1}{2}$ rate category (90 KW-27 KW= 63 KW @ Rs. 25 KW.	1575.00
c) For 14.08.12 MMTS has taken maximum load used as 115.2 KW at 19.30 hours which falls under $\frac{1}{2}$ rate.	2225.00
d) <u>Date</u>	<u>Time adopted by MMTS as PL hours</u>
07/08/2012	5.00 Hours.
08/08/2012	2.00 Hours.
09/08/2012	3.00 Hours.
10/08/2012	22.30 Hours.
11/08/2012	22.30 Hours.
17/08/2012	00.30 Hours.
	13140-00

All the times do not fall under PLHR time 19 to 22 as Claimed. Also for these dates the PSPCL had not given any intimation to us for any restriction through any Prescribed method as required vide Electricity code section 44. Hence claim is fallacious /infructuous. The ASE/Op Dhuri has also not rebutted our version in a reply

dated 30-07-2013. His saying for informing on telephone or website is hypothetic/Baseless. This is also not covered under the mode/method as per section 44 ibid.	6354.00
e) PSPCL in 04/2013 Electricity bill has recovered 6354/- as surcharge on 63540/- which is proved has not recoverable. Hence 6354/- is refundable (Inclusive of 2.81,884 Sundry)	<u>3495-00</u>
f) Interest on 69894/- (63540 + 6354) from 04/2013 to 07/2013 @ 15%.	<u>29084-00</u>

Accordingly Rs. 40940/- + 29084 = 70024 is refundable to us

NB: No timings of Indian Standard time & meter clock (RTC) have been recorded in the DDL or on printout as required under ESIM 132-3 for ascertaining difference of time (drift) which could effect on the whole of PLHR times resulting no penalty.

It is therefore requested that a sum of Rs. 70024 got refunded to us. Respondent contended that the claim made by the petitioner against para No. A,B & C is not as per Electricity Regulation Clause 132.1 and hence not maintainable . The claim of the petitioner as per para 'D' that restrictions for the referred dates is not peak load restriction is also not true. The claim made by the petitioner in para 'E' that surcharge not chargeable is partly denied because surcharge of 10% is chargeable on the claim of 22,600/- .

The claim of the petitioner in para 'F' is also not maintainable because respondent is not responsible for delay in decision.

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 Addl.SE/MMTS, Patiala downloaded the data of the meter of the consumer and pointed out certain PLVs and WOD violations during the period 24.07.2012 to 17.08.2012. The consumer was charged penalty of Rs. 63,540/- on account of these violations.

Petitioner contended that penalty on account of violations of PLHRs on dt. 28.07.2012, 13.08.2012, 14.08.2012 and 07.08.2012 to 11.08.2012 and also on 17.08.2012 do not fall under PLHR time 19.00 to 22.00 hrs. as claimed. The PSPCL had not given any prescribed method as required. Further the telephonic message No. 370/11 dt. 06.08.2012 for change in the schedule was not got noted from him.

Petitioner further contended that against the claim of Rs.63,540/-, the ASE/Op. Dhuri has admitted in his reply dt. 30.07.2013 that Rs. 40,940/- is refundable. The petitioner also demanded refund of the balance amount of Rs. 22,600/- alongwith interest and surcharge on it.

Forum observed that the contention of the consumer that telephonic message No. 370/11 dt. 06.08.2012 was not got noted from him is not tenable. As per present instructions all such messages/ instructions are also uploaded on the PSPCL Website, so it is also the responsibility of consumers to check regularly the website of the PSPCL. Further the

full rate charged on PLVs dt. 03.08.2012 and 04.09.2012 are not justified and for this violation half rate should be charged.

Forum concludes that an amount of Rs. 4590/- was excess charged due to calculation of penalty with full rates, whereas it was required to be calculated on half rate for the PLV dt. 03.08.2012 & 04.08.2012. Thus Rs.4590/- is refundable, the balance PLV amount is recoverable as the consumer has violated peak load restrictions either during the first half hour limit & during the last half hour limit or in between the peak load restrictions hours.


An amount of Rs. 36,350/- excess recovered from the consumer, on account of Peak Load Exemption charges as per circular No. 07/2012, is required to be considered for refund.

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:

- * **An amount of Rs. 4590/- out of Rs.63,540/- charged as PLV charges be adjusted/refunded and balance amount is recoverable.**
- * **The amount of Rs. 36,350/- excess recovered against PLE charges be refunded after verification from AO/ Field.**

- * **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