

**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-64 of 2013

Instituted On: 22.05.2013

Closed On: 02.07.2013

**Sh. Narinderjit Singh  
C/o Swaran Industries,  
Daba Road, Sherpur Bypass,  
Ludhiana.**

**.....Appellant**

**Name of Op/Division: Estate Division, Ludhiana.**

A/c No. **EST-08/0315**

Through

Sh. R.S. Dhiman, PR

V/s

**PUNJAB STATE POWER CORPORATION LTD** **.....Respondent**

Through

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

**BRIEF HISTORY**

The petitioner has filed appeal No. 64 of 2013 against the decisions of CDSC dated 20.03.2013, deciding that the amount charged as per DDLs carried out by MMTS, is correct and recoverable from the consumer.

The petitioner is having LS category connection bearing Account No. EST-08/0315, sanctioned load 218.600 KW, in the name of Sh.Narinder Singh, under Operation Division Estate (Spl.), Ludhiana.

The data of the meter was down loaded by ASE/MMTS on 31.10.2012 and again on 07.01.2013. From the print- out of DDL dated 31.10.2012, ASE/MMTS observed violations during the period 22.08.2012 to 30.10.2012 ( 53 nos. violations) and pointed out peak load violations charges for Rs. 72,657/-. Similarly peak load violations charges amounting to Rs.1,32,996/- were pointed out for PLV during the period 01.11.2012 to 06.01.2013 (48 nos. violations), against DDL dated 07.01.2013. AEE/Comml. Estate Division issued 2 nos. supplementary bills for Rs. 72,657/- and Rs. 1,32,996/- both dated 06.02.2013, with due date as 18.02.2013. The consumer did not agree to the amount so charged and got referred his case for review by CDSC. Dy. chief Engineer/DS, City West Circle, Ludhiana, registered two separate cases for both the disputed amounts.

CDSC heard both the disputed cases on 20.03.2013 and decided that the amount charged on account of peak load violations, is correct & recoverable.

Being not satisfied with the decision of CDSC, the consumer made an appeal in the Forum. The Forum heard the case in its proceedings held on 04.06.2013, 06.06.2013, 13.06.2013 and finally on 02.07.2013. Then the case was closed for passing speaking orders.

#### **Proceedings:-**

On 02.07.2013, PR contended as under:-

1. Originally, the petitioner's connection was of MS Category. It came over to LS category. In 6/12 after extension of load. While in MS category, Peak load restrictions were not applicable to it.

So, it was mandatory to get the schedule of PLRs and WODs noted from the consumer at the time of changeover from MS to LS category. This was not done by the respondents.

2. Taking cue from other consumers, the petitioner started observing peak load restrictions, but as per Indian Standard Time. As per cc 4/2009 para (ii) it was incumbent upon the respondents to get it noted from the petitioner in writing that he was required to observe restrictions according to the RTC of his meter. This was never done. However, in the present case, the petitioner's action to observe restrictions as per IST turned out to be in order since the RTC of his meter was leading by about 30 mts. Para (iii) of cc 4/2009 mandates that in case the drift in RTC is more than 20 mts, the consumer should observe PLRs as per IST. This is exactly what the petitioner has done. Hence his action cannot be questioned. It is noteworthy that the petitioner has observed restrictions for full three hours which also fulfills the condition of para (iii) of cc 4/2009.
3. Non compliance of para (iv) of the above mentioned circular by the respondents by not intimating violations to the petitioner promptly makes them liable to disciplinary action. Failure to replace the defective meter immediately is also a non compliance of para (iii) of this circular.

Representative of PSPCL contended that the load of the consumer was extended and consumers category was changed from MS to LS and at the time of filling A&A form the consumer must have read all the conditions of the A&A form in which it is clearly written that he has read all the conditions and will observe PLH intimated from time to time. The consumer has to observe PLHRs according to RTC for drift of time upto 20 minutes and according to IST for the drift of more than 20 minutes and in this case RTC is ahead by 29 minutes, so PLV charges should be calculated according to ESIM-132.3.

PR further contended that the consumer has observed PLRs as per IST so he has done exactly what the conditions say in case the drift is more than 20 minutes.

Both the parties have nothing more to say and submit and the case was closed for passing speaking orders.

**Observations of the Forum:-**

After the perusal of petition, reply, written arguments, proceedings, oral discussions and record made available to the Forum, Forum observed that ASE/MMTS pointed out PLV as per print- outs of DDL taken on 31.10.2012 & DDL taken on 07.01.2013 and the penalty for Rs. 72,657/- and Rs.1,32,996/- respectively, was charged to the consumer.

ASE/MMTS at the time of taking DDL vide ECR No. 13/1985 dated 31.10.2012 has pointed out difference of time between RTC of the meter and IST by 29 minutes. The time as per RTC has been mentioned as 17.52 against IST as 17.23, which means RTC of the meter was leading by 29 minutes.

Forum observed that peak load violations (as per print- outs of DDL) have been pointed out as per RTC of the meter without adjustment of drift in the RTC of the meter.

PR contended that the petitioner observed peak load restrictions as per IST, as CC No. 04/2009 mandates that in case the drift in RTC is more than 20 minutes, the consumer should observe PLRs as per IST. PR also contended that supplementary bills in respect of DDLs dated 31.10.2012 and 07.01.2013 were issued on the same date i.e. 06.02.2013. Had the alleged violations as per DDL of 31.10.2012 been conveyed immediately after the DDL, petitioner would have sorted out the matter before the DDL of 07.01.2013.

PSPCL admitted that the consumer has to observe PLHRs according to IST for the drift of more than 20 minutes. In this case RTC is ahead by 29 minutes, so the PLV charges should be calculated as per instruction No. 132.3 of ESIM. However, he contended that ASE/MMTS intimated PLV vide letter dated. 04.02.2013 against DDL taken on 31.10.2012 and for DDL dated 07.01.2013 intimation of PLV was given vide letter dated 04.02.2013. The supplementary bills against both the DDL reports were issued on 06.02.2013 without any delay.

Forum observed that it has been clearly prescribed in instruction No. 132.3(1) (c) that in case, the drift is more than +20 minutes, then immediate action may be taken to get the meter replaced and till such time the meter is replaced, the consumer may observe the PLHR as per IST. **However consumer must ensure that he observes the peak load hour restrictions for minimum three hours as per IST, otherwise penalty as per existing instructions will be leviable.**

Instruction No. 132.3(i)(d) prescribed that " It may be ensured by MMTS and Distribution Organization that peak load hours restrictions/weekly off day violations, **if any, as per DDL are intimated to the consumers promptly, but in any case before the due date for second DDL. However, in case of any delay, the responsibility may be fixed by the Chief Engineer/Enforcement/concerned CE/DS and suitable action may be initiated against the delinquent officers/officials to avoid disputes on this account".**

**Forum observed that CDSC has ignored, the ESIM instructions while deciding the disputed cases of the consumer, without assigning any reason. Further both the disputed cases for Rs.72,657/- and Rs.1,32,996/- could have clubbed and decided by**

**ZDSC instead of review by CDSC separately, on the same date i.e. 20.03.2013. The decisions of CDSC are totally vague, non-speaking and contention of the consumer was not discussed. The RTC of the meter was leading by 29 minutes, whereas in the decision it has been mentioned that RTC was delayed by 29 minutes.**

Forum is of the view that PLV charges are required to be calculated after adjustment of drift in the RTC of the meter by 30 minutes.

**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 peak load violation charges against DDL dated 31.10.2012 and 07.01.2013 be calculated after adjustment of drift in RTC of the meter by 30 minutes.**
- **That suitable action may be initiated against the delinquent officers/officials for violation of instructions as per ESIM 132.3(i)(d).**
- **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