

**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-68 of 2013**

**Instituted On: 24.05.2013**

**Closed On: 02.07.2013**

**Sh. Lakhwinder Singh,  
Street No. 6, Giaspura Road,  
Ludhiana.**

**.....Appellant**

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

**A/c No.: MS-04/1143**

**Through**

**Sh.Charanjit Singh, PR**

**V/s**

**PUNJAB STATE POWER CORPORATION LTD**

**.....Respondent**

**Through**

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

**BRIEF HISTORY**

The petitioner has filed an appeal No. 68 of 2013 against the decision of CDSC dated 28.02.2013, deciding that the amount charged for 34.98% slowness of meter declared by ASE/Enf. is correct and recoverable from the consumer.

The consumer is having MS category connection bearing Account No. MS-04/1143, with sanctioned load as 56.910 KW, operating under Estate Divn.(Spl.) Ludhiana.

The connection of the consumer was checked by ASE/Enf-2, Ludhiana vide ECR No. 20/898 dt. 22.12.2012. It was reported that:

*'the accuracy of the meter was checked with ERS meter, on running load of 38.87 KW and meter was found slow by 34.98%. For the purpose of investigation, the seals of MCB and CTC were broken and found that yellow potential wire was carbonized. After decarbonizing, the wire was again connected and meter was found blinking on all the three phases. The accuracy of the meter was re- checked with ERS meter and found within limits.'*

On the basis of above report of ASE/Enf., the account of the consumer was overhauled for the period 06/2012 to 11/2012. AEE/Comml. Estate Divn. issued notice the consumer vide memo No. 2277 dated 03.01.2013, asking the consumer to deposit Rs. 1,59,974/-. The consumer did not agree to the demand so raised and got referred his case for review of CDSC. The consumer contended that his case may be decided on the basis of DDL taken by ASE/Enf. on dated 22.12.2012. The case was heard in the CDSC on 28.02.2013. CDSC decided that single DDL do not serve the purpose and amount charged as per ESIM regulation 54.6 and Supply Code 21.4, is recoverable.

Being not satisfied with the decision of CDSC, the consumer made an appeal in the Forum. The forum heard the case in the proceedings held on 11.06.2013, 20.06.2013 and finally on 02.07.2013. Then the case was closed for passing speaking orders.

**Proceedings:-**

PR contended that their petition and written arguments be considered as a part of oral discussions.

That the consumer applied for extension of load and being a MS connection this was checked by the Enforcement on dt.22.12.12 and stated on the ECR No. 20/898 dt. 22.12.12 that the yellow potential wire was carbonized so this meter is running slow by 34.98%. As this carbon was removed and was set right and then the working of this phase started blinking again. That against this checking the account of the consumer was overhauled for the period 6/12 to 11/12 and penalty of Rs. 159979/- was raised against the slowness.

That here I would like to clear that when any potential wire gets carbonized which stops blinking/contribution of that very phase and this defect is only removed when the carbon is cleared/removed off as done by the enforcement in our case on dt. 22.12.12. And the most important thing is that the DDL clearly shows the contribution of yellow phase existing and OK with Healthy power factor throughout the DDL upto dt.10.12.12 without any break and if the contribution of any phase gets broken/stopped/not contributing then it cannot start again unless and until the carbon is removed as done by the Enforcement in our case on dt 22.12.12. That the DDL for the LS connections is taken by the MMTS at every regular interval but the same is not done in the MS connections. So seeing the present DDL available in our case which clearly shows the contribution of yellow phase is quite OK upto 10.12.12, so the account should be overhauled just for 10 days from 10.12.12 to 22.12.12, when checked by the Enforcement.

Representative of PSPCL contended that the DDL clearly shows missing contribution of Y phase on the dates prior to 10.12.12 as well. The DDL of the meter is taken from 21.11.12 and tempered

data of the meter points to Y phase missing on dates 27.11.12, 3.12.12 & 9.12.12 etc. also. So seeing the present DDL available the exact date of Y phase not contributing cannot be ascertained. So the amount be charged as per ESIM 54.6 and Supply Code 21.4.

PR further contended that the missing of Y phase on dated 27.11.12, 3.12.12 & 9.12.12 is just a mere spark on that phase but the complete non- contribution of the Y phase starts from 10.12.12, as stated earlier in the petition and written arguments.

**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 of the consumer was checked by ASE/Enf. vide ECR No.20/898 dated 22.12.2012 and meter was reported as slow by 34.98%, due to non- contribution on yellow phase. The account of the consumer was overhauled for a period of six months i.e. 06/2012 to 11/2012, on the basis of slowness factor of 34.98%, declared by ASE/Enf. The DDL taken by ASE/Enf. on dated 22.12.2012, shows that meter was also contributing on yellow phase upto 10.12.2012, except nil contribution on few dates.

Forum observed that this fact was not considered by the CDSC on the ground that DDL is not taken on regular basis, in case of MS consumers and single DDL do not serve the purpose.

PR contended that DDL taken by ASE/Enf. clearly shows the contribution of yellow phase is quite OK upto 10.12.2012, so the

account should be overhauled just for 10 days from 10.12.2012 to 22.12.2012. If the contribution of any phase gets stopped then it cannot start again unless the carbon is removed, as was done by the enforcement on 22.12.2012.

PSPCL contended that the DDL clearly shows missing contribution of Y phase on 27.11.2012, 03.12.2012 and 09.12.2012 also. So the exact date of Y phase not contributing cannot be ascertained.

Forum observed that DDL taken on 22.12.2012 shows contribution on Yellow phase upto 10.12.2012, except on few dates and this evidence cannot be ignored, while overhauling the account of the consumer. The non- contribution on 'Y' phase on certain dates prior to 10.12.2012, indicates that behavior of the meter was erratic, which is also supported by the fall in consumption during some months from 7/2012 to 12/2012. However overhauling of account for a period of six months by treating the meter as dead on one phase (34.98% slow), is not justified.

The decision of CDSC is wrong, vague and non- speaking. The decision does not specify, under which instructions clear evidence of contribution on yellow phase as per DDL, was ignored altogether. Moreover, the CDSC in its decision has not clearly mentioned that the amount charged to the consumer is recoverable.

The Forum is of the view that keeping in view the erratic behavior of the meter, the overhauling of account from 07/2012 to 22.12.2012 ( date of checking by Enf.), on the basis of consumption of corresponding period of previous years, is 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 account of the consumer be overhauled from 07/2012 to 22.12.2012, on the basis of consumption recorded during the corresponding period of the previous year i.e. 2011 or actual recorded consumption, whichever is higher.
- 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