

**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-73 of 2013

Instituted On: 04.06.2013

Closed On: 04.07.2013

**M/s Indian Rice & General Mills,
Samrala Road, Machhiwara,
Distt. Ludhiana.**

.....Appellant

Name of Op. Division: Samrala

A/c No: LS-08

Through

Sh. Vipran Kumar Talwar, PR

V/s

PUNJAB STATE POWER CORPORATION LTDRespondent

Through

Er. Kanwal Preet Singh Sidhu, Sr.Xen/OP. Divn. Samrala

BRIEF HISTORY

Petition No. 73 of 2013 was filed against order dated 18.04.2013 of the ZDSC South Patiala, deciding that the amount charged on account of MMC for intervening disconnection period of seasonal Industry, is correct and recoverable from the consumer.

The consumer is having LS category connection bearing Account No. LS-0008, with sanctioned load of 314.800 KW and CD as 245

KVA, in the name of M/s Indian Rice & General Mills, operating under Op. Sub Divn. Machhiwara.

The consumer requested SDO/Machhiwara for disconnection of seasonal load vide letter dated 19.04.2012 and the same was disconnected vide SJO No. 89/44659 dated 20.04.2012, effected on 27.04.2012. Thereafter, the consumer requested SDO, Machhiwara vide letter dated 06.08.2012 for re-connection of seasonal load. The compliance was made vide SJO No.196/44659 dated 09.08.2012 and 3 phase (seasonal load) was re-connected on 09.08.2012. The Internal Audit Party, vide half margin No.10 dated 07.02.2013, pointed out MMC amounting to Rs.3,45,199/- for the period 27.04.2012 to 09.08.2012, as per provision of CC No. 15/2012 dated 31.05.2012. AEE/Machhiwara issued supplementary bill dated 08.02.2013 for Rs.4,04,960/- which includes Rs. 59761/- as MMC for the month of 08/2012 in addition to Rs. 3,45,199/- pointed out by audit. The consumer deposited the amount of MMC relating to 08/2012, but did not agree to the amount of Rs.3,45,199/- raised by the audit. The consumer got referred his case of disputed amount for review by ZDSC South Zone, Patiala.

ZDSC, South Patiala heard the case on 18.04.2013 and decided that amount of MMC charged to the consumer for intervening disconnection period is recoverable.

Being not satisfied with the decision of ZDSC, the consumer made an appeal in the Forum. The Forum heard the case on 18.06.2013, 25.06.2013 and finally on 04.07.2013. 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 discussion. Circular No. 15/2012 is not applicable in this case as the firm did not apply for extension in seasonal period and the SE/Op. Ropar has also certified vide his Endst.No.5225/28 dated 17.4.2013 that the firm has not applied any extension in seasonal period thus this letter circular (15/2012) is silent on the issue of the firm. Accordingly MMC charges wrongly levied on the firm is required to be considered for waiving sympathetically. Similarly circular No. 36/2005 which has now been produced in the Hon'ble Forum is also not applicable. The firm never applied for extension in seasonal period and the charges of MMC levied by Internal Auditor is totally wrong hence the same is required to be waived off.

Representative of PSPCL contended that in continuation of written arguments submitted today. It is again reiterated that para No. 2 of CC No. 15/2012 is self-explanatory in which Rice Sheller applies for request for RCO after closing his operation will have to pay MMC for intervening disconnection period. It is further clarified that SE/Op. Ropar being PO in ZDSC dated 18.4.13 has categorically explained 15/2012 which has been reproduced in the decision of ZDSC. The firm which is very old seasonal industry had applied for re-connection before the start of seasonal period, on which CC No. 15/2012 is applicable. Thus amount charged is correct and recoverable.

PR further contended that the contention of the Hon'ble representative of PSPCL as presented above is totally wrong. The arguments on these points has already been elaborated in the

written arguments. The point taken by the representative of PSPCL that the firm is very old seasonal industry had applied for reconnection before the start of seasonal period. In this connection, it is submitted that the firm had applied for reconnection only and not for extension in seasonal period as the connection was already disconnected on 20.04.2012 and reconnected on 09.08.2012. If the MMC is chargeable then concerned SDO was required to inform the firm clearly and the connection should not be reconnected without taking consent of the firm. It is very much clear that the circular No. 15/2012 according to which MMC was charged on the firm by the Internal Auditor is totally wrong as this circular only relates to extension cases in seasonal period. It is further clarified that the representative of PSPCL has wrongly written contents of the para 2 of the CC No. 15/2012, whereas actual wording of para 2 of CC ibid is "In case where Rice Sheller consumers applies with such a request for extension after closing its Operating/seasonal industry after running the same for minimum period of 4 ½ months." Accordingly this instructions are applicable only on extension case of seasonal period where as firm did not apply for the extension.

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 as under:-

The consumer is having LS connection for Rice Sheller (Seasonal Industry) with 314.800 KW load. The consumer got his seasonal load disconnected on 27.04.2012 and thereafter the load was re-connected on 09.08.2012. The Internal Audit Party pointed out MMC for the intervening disconnection period i.e. 27.04.2012 to 09.08.2012, as per conditions of CC No. 15/2012 dated 31.05.2012. The relevant portion of CC No.15/2012 is re-produced as under:-

In case where rice sheller consumers applies with such a request for extension after closing its operation/seasonal industry after running the same for minimum period of 4-1/2 months; he shall have to pay MMC for intervening disconnection period. Otherwise, it is further clarified that no MMC shall be chargeable if they have already paid the MMC for the minimum period of 4-1/2 months during the seasonal period.

PR contended that conditions of CC No. 15/2012 are not applicable in their case as the firm never applied for extension in seasonal period. PR further contended that the firm had applied for re-connection only and not for extension in seasonal period as the connection was already disconnected on 27.04.2012 and re-connected on 09.08.2012.

Representative of PSPCL contended that when Rice Sheller consumer applies for request for RCO after closing his operation, will have to pay MMC for intervening disconnection period. PSPCL further contended that the firm is very old seasonal industry, had applied for reconnection before the start of seasonal period, on which CC No. 15/2012 is applicable.

Forum observed that the firm had requested on 06.08.2012, for re-connection of electricity connection for running sortex. Although the firm has not clearly mentioned that their seasonal period may be extended but request for reconnection after closing the

operation and before the start of seasonal period is to be considered as request for extension in seasonal period. Further, there is clear stipulation in CC 15/2012 that consumer can request for extension after closing its operation and shall have to pay MMC for intervening disconnection period. However as per this circular, the billing to those Rice Shellers who have run their shellers for full year shall be charged as per CC 36/2005. There is stipulation in CC 36/2005 that ' the billing to the Rice Shellers who run their shellers for full year shall be charged as per provision of Sales Regulations clause 81.11.3.1 i.e. for 9 months on MMC applicable to seasonal industries and for 3 months MMC for general category'. The Forum is of the view that in case any Rice Sheller consumer who has run his sheller for a period of less than 12 months should not be charged more than the MMC applicable to Rice Sheller consumer who has run the sheller for full year. Thus for the disputed case in question, charging of MMC, for 9 months as applicable to seasonal industry and for 3 months MMC for general category, are 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 MMC be recovered for 9 months as applicable to seasonal industry and for remaining period MMC for general category be charged, as per CC No. 36/2005.
- 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

