

**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-48 of 2013

Instituted On: 17.04.2013

Closed On: 23.05.2013

**M/s Mrs. Bector Food Specialties Ltd.
Tehang Road, Phillaur
Distt. Jalandhar.**

.....Appellant

A/c No.: **LS-01/0021**

Through

Sh. Sukhminder Singh, PR

V/s

PUNJAB STATE POWER CORPORATION LTD

.....Respondent

Name of Op/Division: Goraya

Through

Er. Kulwinder singh, ASE/OP. Divn. Goraya

BRIEF HISTORY

The present appeal No. 48 of 2013 dated 17.04.2013 has been filed against the decision dated 23.01.2013 of ZDSC, North Zone Jalandhar deciding that amount charged is recoverable. However monthly PLEC already paid if any, may be refunded/adjusted.

The petitioner is having LS category connection bearing Account No. LS-01/0021 with sanctioned load of 2486.757KW/2490 KVA operating

under AEE/Op. Sub Division, Phillaur. ASE/MMTS-II, Jalandhar downloaded the data of the consumer's meter on 19.09.2012. From the DDL print-out of DDL, ASE/MMTS-II Jalandhar vide his office memo No. 1215 dated 08.10.2012 intimated AEE/Op. Sub Divn. Phillaur that the consumer has violated PLHRs and pointed out chargeable amount of Rs. 1045871/-. AEE/Op. Phillaur charged the amount of Rs. 1045871/- to the consumer and asked him vide his office memo No. 2264 dt. 23.11.2012 to deposit the same. Instead of depositing the amount the consumer changed it before ZDSC, North and deposited Rs. 209174/- vide BA-16 No. 457/11972 dt.17.12.2012 as 20% of the disputed amount.

ZDSC heard the case and decided in its meeting held on 23.01.2013 that the amount charged is recoverable. However, monthly PLEC already paid if any may be refunded/adjusted.

As per decision of ZDSC, AEE/Op. Phillaur S/D issued notice vide memo No. 311 dt. 27.02.2013 to the consumer and asked him to deposit Rs. 836697/-.

Not satisfied with the decision of ZDSC the petitioner filed an appeal before the Forum and the Forum heard the case in its proceedings held on 30.04.2013, 07.05.2013, 09.05.2013, 14.05.2013 and finally on 23.05.2013 when the case was closed for passing speaking orders.

Proceedings of the Forum:

On dated 30.04.2013, Representative of PSPCL submitted authority letter vide memo No. 4505 dt. 29.04.2013 in his favour duly signed by ASE/Op. Divn. Goraya and the same has been taken on record.

Representative of PSPCL stated that their reply is not ready and requested for giving some more time.

On dated 07.05.2013, Representative of PSPCL submitted four copies of the reply and the same has been taken on record. One copy thereof has been handed over to the PR.

On dated 09.05.2013, No one appeared from PSPCL side. Forum took a serious view of this as neither ASE/Op. Goraya attended the Forum either personally or through his representative nor any intimation was sent to Forum. Whereas the date was fixed as per consent of the respondent.

PR submitted authority letter in his favour duly signed by the petitioner and the same has been taken on record.

Secretary/Forum is directed to send the copy of the proceeding to EIC/Op. North Jalandhar for ensuring the presence of ASE/Op. Divn. Goraya on the next date of hearing.

On dated 14.05.2013, PR submitted authority letter in his favour duly signed by the Executive Director of the Company and the same has been taken on record.

PR submitted four copies of the written arguments and the same has been taken on record. One copy thereof has been handed over to the representative of PSPCL.

Representative of PSPCL stated that the reply submitted on 07.05.2013 be treated as their written arguments.

On dated 23.05.2013, PR contended that their petition and written arguments/re-joinder be considered as a part of oral discussion.

Representative of PSPCL contended that it is submitted that Mrs. Bectors Foods Specialties Ltd. running under the S/D Phillaur. Connections data down loaded by MMTS Jalandhar on 19.09.2012 and it was observed that on dated 24.07.2012 to 13.08.2012 Peak Load Violation instead of as sanctioned PLR load as per CE/PPR. CE/PPR with condition as per CC No. 9/07 for any change in PLE i.e. increase/decrease /withdrawal, the latest copy of your energy bill and copy of this letter be supplied along with your request at least one on the advance. This peak load exemption cannot be reduced/increase/withdraw. before one month from the date of issue of this letter. Grant of this exemption does not confirm any legal title on you to claim this exemption as a matter of right. PSPCL reserves the right to withdraw this exemption partially or completely without any notice, if the system constraints so demand. On dated 30.07.2012 there was North Grid Failure from 2.35 PM to 9.25 PM and also on 31.7.2012 13.04. to 16..50 there is also complete Northern Grid Failure. PSPCL and PSTCL has give the direction to maintain the Grid, In view of this PSPCL CE/PPR withdraw the PLE exemption and there is also instruction on dated 01.04.2012 onward that any information can be down loaded from the PSPCL website. No notice will be served to the consumer. However CE/Comml. where the status of continuous process industry vide letter No. 575 dt. 23.01.2011 with the condition when the feeder was energized. Its independent feeder was energized on dated 23.08.2013, consumer started drawing more load during the PLH, more than the sanctioned load of 1280 KW. However, its load was sanctioned 2486.757 KW with CD 2490 KVA. SDO/ Phillaur

charged the amount as per DDL data down loaded by MMTS Jalandhar.

PR contended that it is submitted that no notice was delivered to us by SDO/Phillaur that PLE has been withdrawn to our industry. Further we have not seen any advance public notice and any message for observing PLH. PLE of 1280 KW on regular basis being continue process industry was granted to us vide CE/PPR PSPCL, Patiala vide office memo No. 575 dt. 20.01.2011, it is also mentioned here that office of Sr.Xen/CBC Jalandhar was charging PLEC through our regular energy bill issued and no instructions has been given for withdrawl of PLE. If Sr.Xen/CBC Jalandhar was not aware that PLE has been withdrawn to our industry then how the consumer can know that PLE has been withdrawn especially when no notice was got noted from us for withdrawal of PLE.

From the position explained above, it is very much clear that we have not violated any regulatory measures of PSPCL and therefore, humbly request to the Hon'ble Forum to set aside the decision of the ZDSC and provide justice to us.

Both the parties have nothing more to 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:-

PR had contended that the amount of Rs. 1045875/- charged to the consumer as per DDL print- out carried out by ASE/MMTS has been

charged wrongly and not according to instruction as he had been given status of continuous process industry vide CE/PPR memo No. 582/88 dated 23.01.2011. Further CE/PPR granted Peak load exemption of 1280 KW vide his office memo No. 575 dt. 12.01.2011 on regular basis bearing continuous process against the payment of peak load exemption charges. Consumer have been continuously paying PLEC charged in the bills issued during the month in which penalty has been charged. No notice was issued to them that the peak load exemption granted to them has been withdrawn. So they are not liable to pay any penalty charged as per DDL print- out.

Forum observed that representative of PSPCL had contended that the amount has been charged for violation of PLHR's as per DDL print- out , the continuous process industry status was given to the consumer vide CE/PPR memo No. 575 dt. 23.11.2012 with the condition that it will be regularized when the independent feeder will energize and in this case the independent feeder was energized on 23.08.2012. Even after 23.08.2012 the consumer has drawn more power than the sanctioned load during PLH i.e. 1280 KW, so the amount has been rightly charged. Further it has been clarified that the sanctioned of Peak Load Exemption does not confirm any legal title on the consumer to claim this exemption as a matter of right. PSPCL reserves the right to withdraw this exemption partially or completely without any prior notice, if the system constraints demands.

Further there was north Grid failure on dt. 30.07.2012 from 13.04hrs. to 16.60hrs. In view of grid failure CE/PPR withdrew the Peak Load Exemption and also the consumers have been asked to visit the web site of the PSPCL to down load the latest changes in Peak Load exemption. so there was no need of any notice to the consumer.

Forum observed that the petitioner was allowed peak load exemption of 1280 KW on regular basis being continuous process vide CE/PPR memo No. 575 dt. 20.01.2011 against the payment of peak load exemption charges. Further petitioner was granted continuous process industry status vide CE/PPR memo No.582/88 dt. 20.01.2011 with certain conditions as below:-

Forum observed that CE/PPR has not put any condition that the status of category -IV will commence from the date of energization of 11 KV independent feeder to be erratic at the cost of the consumer rather it was granted from the date of issue of memo i.e. 20.01.2011. As the same has been clarified by CE/PPR in para No. 3 that the status of continuous process is given for the load of 1513.87 KW. and in case of extension in the load the consumer shall get the load regularized as continuous process from their office. So the Forum is of the view that the status of the consumer w.e.f. 20.01.2011 is continuous process industry (category-IV) and the penalty on account of violation of PLHRs needs to be calculated as applicable to category-IV consumer.

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 on account of PLV's be recalculated by treating the status of the consumer as continuous process industry (Category-IV) w.e.f. 20.01.2011.**
- **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.**

(Harpal Singh)
CAO/Member

(K.S. Grewal)
Member/Independent

(Er. Ashok Goyal)
EIC/Chairman

