

**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-102 of 2013

Instituted on: 08.08.2013

Closed on: 17.09.2013

**M/S Paramount Steels Ltd. ,
Phase-VII, Focal Point,
Ludhiana..**

.... Appellant

Name of the Op. Division: Focal Point Spl. Ludhiana.

A/c No. FP-55/0743

Through

Sh.Devinder Kumar Mehta, PR

V/s

PUNJAB STATE POWER CORPORATION LTD.Respondent

Through

Er. H.S. Gill, ASE/Op. Focal Point Spl. Divn. Ludhiana.

BRIEF HISTORY

Petition No. CG-102 of 2013 was filed against order dt. 26.04.2013 of the ZDSC, Ludhiana deciding that the amount charged to the consumer is correct and recoverable from him.

The consumer is having LS category connection with sanctioned load of 3389 KW with CD of 3995 KVA operating under

AEE/Comml. Focal Point Spl. Divn. Ludhiana. Sr.XEN/MMTS-1, Ludhiana down loaded the date of the energy meter installed in the premises of the consumer on 17.08.2011 and had taken print out. After scrutiny of print out MMTS pointed out violations of WOD on 07.08.2012 and 14.08.2012 vide memo.No.2391 dt. 03.09.2012. Due to WOD violation an amount of Rs.2,35,648/- was found recoverable from the consumer. The consumer was asked to deposit the said amount by the AEE/Comml. Focal Point Spl. Divn. Ludhiana. The consumer instead of depositing this amount requested for review of his case in the ZDSC, Ludhiana. The ZDSC heard the case on 26.04.2013 and observed that WOD violation of dated 14.08.2012 is not chargeable. ZDSC decided that amount charged amounting to Rs. 1,31,024/- for WOD violation dated 07.08.2012 is correct and recoverable.

Being not satisfied with the decision of the ZDSC, the consumer made an appeal in the Forum. The Forum heard the case on 22.08.2013, 09.09.2013 and finally on 17.09.2013. Then the case was closed for passing speaking orders.

Proceedings:

Forum directs PSPCL to submit memo. No. 4145 dt. 08.05.2012 and 4217 dt. 09.05.2013 of Dy.CE/PP&R, Patiala on the next date of hearing.

PR contended that on 07.08 2012 was Tuesday and petitioner's WOD comes on Monday fall on Monday. Chief Engineer PPR had issued a telephonic message bearing no. 296/11 dt.03.08.2012 (Friday) at 03.15 hrs for imposing one Weekly off Day of 24 hours (8.30 am to 8.30am) for Central Zone. During the normal working days all the consumers falling in the Central Zone can use power during day time only for 11 hrs i.e between 0830 to 1930 hrs only. Actually/Technically WOD was only 11 hours 0830 to 1930. Xen MMTS ignore the actual fact and impose Penalty on the basis of

time mention in the Telephonic Massage. On 7.08.2012 Chief Engineer PPR vide Telephonic Massage no 370 given 12 hour power to Furnace consumers and petitioner had run their unit according to new instructions.

That Chief Engineer PPR given clarifications vide memo no.4145 dt. 08/05/2013 and memo no 4217 dt.09.05.2013 given in the case of m/s C.L Engineers in ZLDSC which is also an induction Furnace consumer and solve the matter. ASE/Op. Focal Point Spl. Divn. Ludhiana in it reply also rely on these clarification.

This Forum has also given relief in similar status case on dt 02.07.2013 in case CG 50 of 2013 of M/s D.C. Steel Ltd. Particular of this case is same as present case. Time and date of violation is same as present case.

The present dispute arises in view of telephone message 370/11 dt. 6.8.12 vide which it was directed that all industrial consumer fed from Cat 2&3 feeders can use PSPCL power for 12 hrs. during day time. For Central Zone timings were 7.30 hrs. to 19.30 hrs. , for which power can be used. In the light of this circular consumer built up his load after 7.30 hrs. on 7.8.12 of Tuesday. His WOD was on 6.8.12 which was to continue till 7.8.12, 8.30 hrs. in view of previous message 296/11 dt. 3.8.12.

It is submitted that violation dt. 14.08.12 has already been decided as not chargeable by ZDSC.

The recent message of 370/11 dt. 6.8.12 was applicable to consumer w.e.f. 7.8.12 as mentioned in the subject of the circular. Whereas this consumer has made a violation of observing the WOD of 6.8.12, which was to continue till 7.8.12 morning 8.30 hrs.

But a recent development in this context is that a clarification of the same issue was sought by Dy.CE/Op. East Circle Ludhiana vide letter dated 7.5.13 from Dy.CE/PP&R Patiala in another

similar case. He has clarified vide above mentioned letters that the consumer was allowed to use PSPCL power w.e.f. 7.30 hrs. to 19.30 hrs. on dated 7.8.12. This clarification has been given in the case of M/s C.L.Engg. which is an induction furnace consumer and has the similar status as the status of consumer in the present dispute. So the present dispute may please be reviewed/decided in the light of above facts.

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

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 Sr.XEN/MMTS-1, Ludhiana checked the connection and got the DDL printout of the meter. He found that the consumer has violated WOD instructions on 07.08.2012 & 14.08.2012. Due to these violations consumer was charged Rs.2,35,668/-. He did not agree to the charges levied and made an appeal in the ZDSC. The ZDSC decided that the amount is chargeable.

Forum observed that the dispute for violation of WOD dt. 07.08.2012 was in view of telephone message 370/11 dt.06.08.2012 vide which it was directed that all industrial consumers fed from category 2 & category 3 feeders can use PSPCL power for 12 hrs. during day time. For Central Zone timings for using power were 7.30 hrs. to 19.30 hrs. In the light of this circular consumer built up his load after 7.30 hrs. on 07.08.2012. Consumer's WOD was on 06.08.2012 which was to continue till 07.08.2012 – 8.30 hrs. in view of previous message 296/11 dt.03.08.2012. The recent message of 370/11 dt.06.08.2012 was applicable to consumers w.e.f. 07.08.2012, whereas this consumer has made a violation of

observing the WOD on 06.08.2012, which was continued till 07.08.2012 morning 8.30 A.M.

Forum further observed that a clarification of this issue was sought by Dy.CE/Op.East Ludhina from Dy.CE/PP&R, Patiala. The Dy.CE/PP&R clarified vide memo. dt.09.05.2013 that as per PR circular 09/2012, the consumer was allowed to use PSPCL power w.e.f. 7.30 hrs. to 19.30 hrs. on 07.08.2012. In view of the above clarification, Forum is of the view that amount charged on account of WOD violation dated 07.08.2012 is not recoverable.

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:

- * The amount charged due to WOD violation on 07.08.2012 is not recoverable, as such be not recovered.
- * 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