**IN THE COURT OF OMBUDSMAN, ELECTRICITY PUNJAB,**

**66 KV GRID SUB STATION, PLOT NO: A-2, INDUSTRIAL AREA-1**

**S.A.S. NAGAR (MOHALI)**

Appeal No. **11 / 2016** Date of Order: **07 / 09 / 2016**

M/s Jai Jagdambay Rice Mills

Village Maniana (Moonak)

Distt Sangrur. ……Petitioner

A/c No. LS-S-76 – MN 01 / 00005

 Versus

Punjab State Power Corporation Ltd. ….Respondents

**“FINAL ORDER”**

Petition no: 11 of 2016 was decided by this Court vide order dated 21.06.2016 wherein it was directed that:

*“the presently installed 11KV / 110V, CT / PT unit, HT meter alongwith old meter (replaced on 20.04.2015), should be got re-checked / retested from the M.E. Lab. in the presence of the Petitioner or his authorized representative strictly as per provisions contained in Reg. 21.3.6 (d) and (e) of Supply Code 2014.*

*It is further held that in case, the test results of disputed CT / PT unit and meters are found to be within limits, the petitioner will be liable to deposit the balance amount, as per demand dated 04.03.2016 alongwith updated interest under the relevant provisions of ESIM 114, within 15 days from the date of receipt of fresh notice from the respondents. In case, accuracy / current ratio tests are found beyond the permissible limits, the notice dated 04.03.2016 shall be considered as set-aside and the Respondents shall rework-out the demand, on the basis of fresh results, and shall raise a fresh demand against the Petitioner for payment within the*

*prescribed time limits, as per rules”.*

In compliance to the above directions, the Respondents got checked / tested the old HT Meter (replaced on 20.04.2015), and 11KV / 110 V, CT / PT unit with HT meter after replacing the same with new one, from M.E. Lab., on 08.07.2016 in the presence of consumer’s representative wherein the accuracy and Ratio Test of new 11KV / 110V, CT / PT unit alongwith HT meter was found within limits but the old meter, when put on Test Bench, did not Power on and there was no display thus neither the accuracy of old meter could be tested nor the DDL could be taken.

Thereafter, the Petitioner, on 12.08.2016, made his submissions and prayed *“that the respondents may be directed to charge the petitioner according to rules as the old meter has been proved to be defective in ME Lab. Patiala on 8.7.2016, and earlier on 28.4.2015. The cost of CT / PT unit and two meters charged illegally needs to be set aside. The connection disconnected by the respondents a few days ago due to nonpayment of unjustified charges, may also be got reconnected. Compensation for unnecessary harassment unleashed on the petitioner may kindly be ordered in the interest of justice.”*

After scrutiny of above prayer, a copy of Petitioner’s submissions was forwarded to Sr. Xen / PSPCL, Lehragaga vide this Court Memo no: 994 / OPE / A-11 / 2016 dated 19.08.2016 directing to offer parawise comments on or before 31.08.2016 and apart from directing the reconnection of the light load of the petitioner’s connection till the final decision of the Court, the demand raised vide notice dated 18.07.2016 was also stayed.

In response to above directions, the Respondents, vide Memo no: 7668 dated 24.08.2016 informed the Court that the light load of the consumer’s premises was connected on 22.08.2016, vide RCO No. 102 / 62477 dated 22.08.2016. It was further informed that the old meter and new meter alongwith 11KV / 110V, CT / PT unit were got checked from M.E. Lab. on 08.07.2016, in the presence of the Petitioner’s representative by Addl. S.E, MMTS, Addl. S.E. Enforcement and AEE / M.E. Lab, wherein the accuracy of new HT meter alongwith CT / PT unit was found within limits but when the old HT meter was put on Meter Test Bench, the meter did not Power on and there was no display and the DDL of the meter could not be taken.

I have gone through the M.E. Lab. report dated 08.07.2016 and had observed that the old meter was checked by a team consisting of Addl. S.E. / MMTS, Addl. SE / Enforcement and AEE / ME. Lab., in the presence of the consumer’s representative wherein the accuracy of the meter could not be checked as it did not Power Up and there was no display, consequently, the DDL of the meter was also unsuccessful. This might had happened due to failure of internal Battery because the meter was lying idle since first checking on 28.04.2015. To reach on a conclusive result, I have also gone through the ME Lab checking report dated 28.04.2015 which clearly shows that the accuracy of the meter was O.K. This checking was done by the responsible officers of MMTS, Enforcement & ME Lab and moreover, this checking report also bears signatures of Petitioner’s Representative which shows that this checking was definitely done in the presence of the consumer’s representative. Thus, the argument of the Petitioner that the meter was not checked in his presence is not maintainable.

Moreover, the Petitioner, in his appeal, had also disputed the accuracy & Ratio of CT / PT unit with meter, resulting application of wrong Multiplication Factor, which was also got tested in ME Lab as per orders dated 21.06.2016, wherein accuracy and Ratio Test has been found to be within the limits / OK. Thus the arguments of the Petitioner in this regards are also not maintainable.

Next issue raised by the Petitioner was that the Respondents had charged the cost of CT / PT unit and meter, which is not as per order dated 21.06.2016 / any Regulation. The Respondents argued that no cost of new CT / PT unit or meter has been charged but Petitioner has been asked to deposit the security of new CT / PT unit & Meter, which is in accordance with the Rules and Regulations. The arguments of the Respondents have been found maintainable in view of Regulation 16.2 under Appendix 1, Schedule of General Charges provided in ESIM, as approved by the Commission.

As a sequel of above discussions, the demand raised by Respondents vide notice dated 04.03.2016, is found justified and therefore is held recoverable alongwith updated interest thereon. Accordingly, the amount excess/ short, after adjustment, if any, may be recovered / refunded from / to the petitioner with interest under the provisions of ESIM - 114.

The petition is dismissed.

 (MOHINDER SINGH)

Place: Mohali. Ombudsman

Dated: 07.09.2016. Electricity Punjab,

 Mohali.