**COURT OF THE LOK PAL (OMBUDSMAN),**

**ELECTRICITY, PUNJAB,**

**PLOT NO.A-2, INDUSTRIAL AREA, PHASE-1,**

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

**APPEAL NO. 32/2018**

**Date of Registration : 05.06.2018**

**Date of Hearing : 04.10.2018 and 25.10.2018**

**Date of Order : 28.11.2018**

**Before:**

**Er. Virinder Singh, Lok Pal (Ombudsman) Electricity**

**In the Matter of :**

Tharaj Castings Pvt. Ltd.,

Village Kanganwal, Post Office Jugiana,

District Ludhiana.

...Petitioner

Versus

Additional Superintending Engineer,

DS Estate Division (Special) ,

PSPCL, Ludhiana.

...Respondent

**Present For:**

Petitioner : 1. Sh. Tajinder K. Joshi, Advocate ,

Petitioner’s Counsel (PC).

2. Sh. Naveen Dhoopar,

Petitioner’s Representative (PR).

Respondent : 1. Er. Daljeet Singh,

Addl. S.E, DS Estate Division (Special),

PSPCL, Ludhiana.

2. Shri Kishan Singh, Supdt. Revenue,

DS Estate Division (Special),

PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Petitioner against the order dated 28.03.2018 in Case No. CG-32 of 2018 of the Consumers Grievances Redressal Forum (Forum) deciding as under:

*“The amount equivalent to differential energy recorded at Petitioner’s 66 kV cluster Sub-Station and 11kV meter installed individually is chargeable/ recoverable from the Petitioner as per Clause 4.3.3 of Supply Code-2014.”*

**2. Condonation of Delay:**

At the outset, the issue of condonation of delay in filing the Appeal in this Court was taken up. The Petitioner’s Counsel stated that the Petitioner did not receive the order of the Forum and came to know about its decision on being informed by the Respondent, vide letter dated 11.04.2018, that its Petition had been decided by the Forum and accordingly, the Petitioner should deposit a sum of Rs. 43,70,110/-. The Petitioner got the copy of the order dated 28.03.2018 of the Forum from the office of the Respondent-PSPCL (DS office). The Petitioner, then, enquired about the matter from the office of the Forum and was told that its Representative had already collected the copy of order from the office of the Forum. Thereafter, the Petitioner collected the papers and engaged a Counsel at Chandigarh, who took some time to prepare the Appeal. Besides, the Petitioner also arranged funds for depositing 40% of the disputed amount. The Petitioner’s Counsel submitted that the delay in filing the Appeal by the Petitioner was not intentional but due to the reasons mentioned above and prayed to condone the delay in filing the Appeal in the interest of justice.

The Respondent, in its reply to the Appeal, did not offer any comments on the request of the Petitioner for condonation of delay in filing the Appeal in this Court and also did not raise any objection to the prayer of the Petitioner’s Counsel in this regard during the course of hearing in this Court.

In this connection, I have gone through Regulation 3.18 (ii) of the PSERC (Forum and Ombudsman) Regulation-2016 which reads as under:

“*No representation to the Ombudsman shall lie unless the representation is made within one month of the date of receipt of order of the Forum.*

*Provided that the Ombudsman may entertain a representation beyond one month on sufficient cause being shown by the complainant that he/she had reasons for not filing the representation within the aforesaid period of one month”.*

*I observe that though the Petitioner has given reasons for not filing the Appeal within the stipulated period, it ought to be vigilant and should have kept a watch on the uploading of the decision of the Forum on its website or pursued the matter with the office of the Forum/Respondent after the case was closed on 16.03.2018 by the Forum. I also observe that non condonation of delay would deprive the Petitioner of the opportunity, required to be afforded, to seek remedy and would also not meet the ends of ultimate justice. With this in view, the delay in filing the Appeal in this Court is condoned and the Petitioner is afforded an opportunity to present the case.*

**3. Facts of the Case:**

The relevant facts of the case are that:

1. The Petitioner was having a Large Supply (LS) Category connection with sanctioned load of 2500 kW and contract demand (CD) of 2670 kVA.
2. The Petitioner was having a 66KV **Cluster Connection,** comprising two members getting supply at 11 kV, bearing Account No. LS-218 and Account No. LS-350 and submitted the Agreement for supply of electricity for cluster Sub-Station. The total sanctioned load was 4100 kW with contract demand (CD) 4555kVA.
3. The Petitioner was served a supplementary bill, vide memo no. 4094 dated 09.10.2017, to deposit a sum of Rs. 27,01,487/- due to charging of proportionate difference of 66 kV and 11 kV Energy Meter consumption of 5,93,747 units for the period from 14.03.2015 to 14.09.2017 by Centralised Billing Cell (CBC) through RBS No. 111/2017 dated 25.09.2018. The other cluster connection was charged Rs. 26,04,601/- vide RBS No. 110/2017 dated 25.09.2017.
4. Aggrieved with the supplementary bill of Rs. 27,01,487/-, the Petitioner filed a Petition in the Forum who, passed order dated 28.03.2018 (Reference: Page 2, Para 1).
5. The Petitioner was not satisfied with the decision of the Forum, and preferred an Appeal in this Court with the prayer to set aside the decision of the Forum and allow the Appeal in the interest of justice.

**4. Submissions made by the Petitioner and the Respondent:**

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Petitioner and reply of the Respondent as well as oral submissions made by the Representatives of the Petitioner and the Respondent along with material brought on record by both the sides.

1. **Submissions of the Petitioner**:

The Petitioner made the following submissions for the consideration of this Court:

1. The Petitioner was having electricity connection with a 66 kV Cluster Sub-station, comprising two members and was getting 11 kV supply. The Energy Meter was installed at 66 kV Cluster Sub-station and separate Energy Meters had been installed on 11 kV side with both the consumers. For the purpose of billing, the Respondent took data from 66 kV Sub-station and the amount so calculated was then distributed amongst the constituents of cluster in the ratio of data taken from respective Energy Meters fed from 11 kV.
2. The consumption shown in the Energy Meter installed at 66 kV Sub-station had to be equal to the sum of consumption shown in the Energy Meters installed at 11 kV and in case of difference, it had to be less than 1%. Upto October, 2014, there was not much difference between the consumption shown by the Energy Meters installed at 66 kV Sub-station and at 11 kV. Normally, there was difference of less than 1% due to transmission losses. But, in the energy bill for the month of November, 2014, there was a difference of 3% in the energy consumption noted in the Energy Meter installed at 66 kV Sub-station and Energy Meters installed at 11 kV side. So, the Petitioner sent a letter dated 27.11.2014 in this connection to the Respondent – Sr. XEN, DS Estate Division (Special), PSPCL, Ludhiana. The Petitioner was advised by the Respondent that there may be some fault in the CTs/ PTs installed at 66 kV Sub-station and accordingly, the Petitioner, vide letter dated 28.11.2014, requested for testing the 66 kV CTs/ PTs of 66 kV Sub-station.
3. The Additional S.E, Protection Division-2, PSPCL, Ludhiana, vide its letter dated 28.11.2014, directed the Petitioner to deposit Rs. 33,286/- as testing charges which were deposited by the Petitioner.
4. The Respondent carried out the testing of 66 kV Sub-station of the Petitioner and gave its report dated 06.01.2015. But, it was submitted that after October, 2014, the consumption recorded in the Energy Meter installed at 66 kV Sub-station was more than sum of consumptions recorded by 11 kV Energy Meters though it was required to be the same. The Petitioner requested the Respondent to check the difference whereafter, the CTs/PTs were checked and the testing of 66 kV Sub-station of the Petitioner was carried out. But, despite the checking, the Respondent could not find out the defect in the Energy Meter installed at 66 kV Sub--station.

**(v)** The Petitioner was informed, vide letter dated 10.02.2015, by the Asstt. Executive Engineer (Commercial), Estate Division (Special.), PSPCL, Ludhiana, that the CT/PT and the Energy Meter would be checked in the M.E. Lab on 11.02.2015 and the same were checked accordingly.

**(vi)** Despite the above checking, the difference between the consumption shown in the Energy Meter installed at 66 kV Sub-station was more than the consumption recorded at 11 kV Energy Meters. Besides, the Power Factor (PF) at 11 kV side was above 0.99, while the Power Factor was shown on lower side at 66 kV Sub Station. Due to low Power Factor (PF), the consumption recorded by the Energy Meter at 66 kV Sub-station was shown as large. The Respondent was charging from the Petitioner, and another constituent of the cluster on the basis of consumption recorded at 66 kV Sub-station and due to this reason, the Petitioner was paying more to the Respondent though the actual consumption was less. Therefore, the Petitioner again sent a letter dated 15.06.2015 to the Sr. Xen/DS Estate Division (Special), PSPCL, Ludhiana and requested for Third Party checking of 66 kV Sub-station from Govt. approved vendor. But, the Respondent did not allow the Petitioner to get the Energy Meter checked from Third Party.

1. The Petitioner also requested the officials of the Respondent that there may be chances that connection of the Energy Meter at 66 kV might have been done wrongly. But, the Respondent told the Petitioner that there might be default in the CTs/PTs installed at 66 kV Sub-station and on being so advised, the Petitioner also got them changed in May, 2016.
2. The Respondent was of the view that there was some defect in the 66 kV Sub-station and not in the Energy Meters etc. installed at 11 kV side. Due to these reasons, 66 kV Sub-station was checked and CT/PT unit was changed. Despite the above said checking etc., there was huge difference in the consumption shown by the Energy Meter installed at 66 kV Sub Station and 11 kV.
3. The Addl. S.E/DS, Estate Division (Special), PSPCL, Ludhiana sent a letter dated 24.11.2017 to the Add. SE, MMTS-3, Ludhiana mentioning that a difference of 51,990 units in the consumption shown by the Energy Meters installed at 66 kV and 11 kV side during the consumption recorded for the period from 29.09.2017 to 31.10.2017 had been noticed which may be due to defect in one of the Energy Meters. Thereafter, the Dy. Chief Engineer/ DS, City West Circle, PSPCL, Ludhiana, also requested vide letter 30.11.2017, to the Addl. SE/MMTS-3, PSPCL, Ludhiana to check the accuracy of the Energy Meters.
4. The Addl. SE, MMTS-3, Ludhiana in reply to the said letter, intimated vide Memo No. 1605 dated 06.12.2017, as under:

*“As per Supply Code 4.3.3, the supply on the basis of consumption recorded at 33 kV or higher voltage shall be billed for electricity charges including MMC alongwith electricity duty, octroi, fuel surcharge and shall be apportioned to the individual consumers in proportion to the consumption recorded by the meter installed on the 11 kV feeders of each consumer at the cluster sub-station. The licenses shall install seal & maintain all the meters including 11 kV meters as per Regulation 21 of Supply Code.”*

1. The Petitioner approached the Forum and requested for checking of 66 kV Sub Station from the Third Party/approved vendor and its request was allowed by the Forum. Thereafter, Yadav Measurements Private Limited, Udaipur visited the premises of the Petitioner on 12.03.2018 and the Energy Meter was checked after the same was removed by the officials of the Respondent. During the course of removal process, it was noticed that the neutral wire of all three Phases of VTs were not connected to the Energy Meter neutral terminal. The Energy Meter was checked whereafter, it was again fixed by the Respondent’s officials and at that time, the neutral wire was also connected and connections, which were not attached correctly earlier, were attached correctly.
2. The Forum, vide its order dated 28.03.2018, dismissed the Petition of the Petitioner and held that the amount equivalent to differential energy recorded at Petitioner’s 66 kV Cluster Sub-station and 11 kV Energy Meter installed individually, was chargeable/recoverable from the Petitioner as per Regulation 4.3.3 of the Supply Code-2014. The Forum lost sight of the fact that after the Energy Meter was checked by the Third Party approved vendor, the Data for two to three months should have been checked by it before passing the order ibid. But, the Forum, without waiting for the Data relating to the consumption etc, subsequent to the checking of the Energy Meters, passed the impugned order dated 28.03.2018.
3. The Petitioner obtained the Load Survey Data sheet from the Respondent on 13.04.2018 of the Energy Meter installed at 66 kV Sub Station wherein, the Power Factor (PF) of the said Energy Meter had been given which showed that before the Energy Meter was removed and checked by Yadav Measurements (Pvt.) Limited, the Power Factor (PF) was about 0.92 to 0.94 and after the Energy Meter was checked and re-installed the Power Factor (PF) was about 0.99 or unity. The Data clearly showed that immediately after the correction of connections of the Energy Meter at 66 kV, the Power Factor (PF) had improved.
4. After connecting the correct connections of the Energy Meter installed at 66 kV, the difference had came down drastically as was evident from the supplementary bill raised thereafter. This fact clearly proved that there was some defect in the Energy Meter/ connections of the Energy Meter installed at 66 kV Sub-station and, so, the consumption recorded on the Energy Meter was wrong and could not be relied upon for preparing the bills.
5. The PSPCL could charge from the consumers for the actual electricity consumed by them. In the case of the Petitioner, the actual consumption was correctly recorded by Energy Meters installed at 11 kV level but the Respondent was charging as per consumption recorded in the Energy Meter installed at 66 kV Sub-station which was not recorded correctly. As such, the order of the Forum was liable to be set aside by this Court, in the interest of natural justice.
6. **Submissions of the Respondent:**

The Respondent, in its defence, submitted the following for consideration of this Court:

1. The Petitioner was having 66 kV cluster Sub-station, comprising two members getting 11 kV supply – one, bearing Account no. LS-218 in the name of Tharaj Casting (Pvt.) Ltd. and the other, bearing A/c no. EST-1350, in the name of Manglam Recycling (Pvt.) Ltd. The Petitioner had been charged for Rs. 27,01,487/-, as per the RBS No. 111 dated 25.09.2017, for the period from 14.03.2015 to 14.09.2017 for 3,59,968 units as proportionate difference of consumption of Energy Meters at 66 kV and 11 kV. The bill of the Petitioner during this period had been prepared on the basis of consumption recorded by 11 kV Energy Meter. As per Clause (vi-c) cluster Agreement and Regulation 4.3.3 of the Supply Code-2014, a sum of Rs. 27,01,487/- was charged to the Petitioner vide RBS No. 111/217 dated 25.09.217. At the same time, a sum of Rs 26,04,601/- was charged, vide RBS No. 110/2017 dated 25.09.2017, to the other cluster member EST-1350 in the name of Manglam Recycling (Pvt.) Ltd. Therefore, the CBC issued Revised Bill statement and on the basis of which, the AEE (Commercial) issued supplementary bill dated 09.10.2017 for Rs. 27,01,487/- , to the Petitioner.
2. Before 14.03.2015, the energy bills to these two cluster members were issued on the basis of readings (Consumption) of 66 kV Energy Meter and these bills were correctly prepared on basis of 66 kV consumption but from 04/2015 onwards, the billing of these two consumers - Manglam Recycling (Pvt.) Ltd. and Tharaj Casting (Pvt.) Ltd. started on basis of KVAh consumption recorded independently on 11 kV side and the difference of 66 kV and 11 kV consumption was not being charged in the bills. On the detection of this mistake, CBC overhauled the account of the Petitioner vide RBS. No. 111/2017 and charged Rs. 27,10,487/- to Tharaj Casting (Pvt.) Ltd. as proportionate consumption of difference of 66 kV and 11 kV. The Petitioner came to know about the difference of 66 kV and 11 kV consumption on the detection of the mistake when a supplementary bill dated 09.10.2017 for Rs. 27,10,487/- was issued to it. On the operationlisation of SAP billing system in 07/2015, the difference of 66 kV and 11 kV units was not being charged in the bills.
3. The Respondent never refused to allow the Petitioner to get testing of the 66 kV Meter and Grid Sub Station from approved Third Party checking agency.
4. The letters of the Addl. S.E, DS Estate Division (Special), PSPCL, Ludhiana, referred to by the Petitioner in the Appeal, were written to higher authority to check the accuracy of 66 kV and 11 kV Energy Meters to know the factual position of the difference of 66 kV and 11 kV Energy Meters which showed consumption on the higher side i.e. 9.28% for the period from 29.09.2017 to 31.10.2017. There was no admission in these letters that the Meters (at 66 kV and 11 kV) were defective. The Addl. S.E, MMTS-3 rightly quoted the relevance of Regulation 4.3.3 of the Supply Code-2014 while responding to the aforesaid letter.
5. The supplementary bill dated 09.10.2017 for Rs. 27,10,487/- was correctly raised for the period from 14.03.2015 to 14.09.2017 for 3,59,968 kVAh units as difference of 66 kV and 11 kV Energy Meter on the basis of RBS No. 111/2017 dated 25.09.2017 in terms of Regulation 4.3.3 of the Supply Code-2014. The Forum correctly decided this case in favour of the Respondent - PSPCL by giving detailed speaking order.
6. The Petitioner had not disclosed complete facts in the Calibration Certificate of Yadav Measurement (Pvt.) Ltd. The complete results had been mentioned in Para no. 10 in the report and remarks mentioned at Para no. 11 (7) which read as under:

*"The meter error is found within specified limit as per IS 14697: 1999 (Re-affirmed) with latest amendment."*

1. There may be some fault in 66 kV Grid on outgoing side or there may be chances of defect/under capacity of shunt capacitor bank installed on the consumers outgoing side during the disputed period in the present case.
2. The Petitioner admitted that its Power Factor (PF) of 66 kV Energy Meter remained between 0.92 to 0.94 prior to the checking conducted by Yadav Measurement (Pvt.) Ltd. Non-connecting of neutral wire did not affect the accuracy of the 66 kV Energy Meter. There may be some fault at 66 kV Grid Sub-station on outgoing side or there may be chances of defect/under capacity of shunt capacitor bank installed on the Petitioner outgoing side during the disputed period in the present case.
3. The Respondent - PSPCL had correctly raised supplementary bill dated 09.10.2017 for Rs. 27,10,487/- for the period from 14.03.2015 to 14.09.2017 for 3,59,968 kVAh units as difference of 66 kV and 11 kV Energy Meter on the basis of RBS 111/2017 dated 25.09.2017 as per Regulation 4.3.3 of the Supply Code-2014.
4. The Forum correctly decided the case in favour of Respondent -PSPCL by considering all the facts and gave detailed speaking order. So, the Appeal deserved to be dismissed**.**

**5. Analysis:**

The issue requiring adjudication is the legitimacy of the amount charged to the Petitioner as equivalent to differential energy recorded at Petitioner’s 66 kV Energy Meter of cluster Sub-station and 11 kV Energy Meters installed individually as per applicable regulations.

*The points emerged are deliberated and analysed as under:*

1. The present dispute involves raising of demand/supplementary bill dated 09.10.2017 due to charging of proportionate difference of energy consumption of 5,93,747 kVAh units recorded at 66 kV and 11 kV Energy Meters installed individually for the period from 14.03.2015 to 14.09.2017. For Cluster Sub-station, the billing was being done as per provisions contained in Regulation 4.3.3 of the Supply Code-2014 which reads as under:

*“4.3.3: The supply on the basis of consumption recorded at 33 kV or higher voltage shall be billed for electricity charges including MMC alongwith electricity duty, octroi, fuel surcharge and shall be apportioned to the individual consumers in proportion to the consumption recorded by the meter installed on the 11 kV feeders of each consumer at the cluster sub-station. The licensee shall install, seal & maintain all the meters including 11 kV meters as per Regulation 21 of Supply Code.”*

PC argued that the PSPCL could charge from the consumers for the actual electricity consumed by them. In the case of the Petitioner, the actual consumption was correctly recorded by the Energy Meter installed at 11 kV level but the Respondent had charged the Petitioner as per consumption recorded by the Energy Meter installed at 66 kV Sub-station which was not recorded correctly. As such, the order of the Forum was liable to be set aside by this Court, in the interest of natural justice.

I find that the Addl. S.E/DS, Estate Division (Special), PSPCL, Ludhiana, vide memo no. 3290 dated 24.11.2017, requested the Additional S.E/MMTS-3, PSPCL, Ludhiana, as under:

*“In this respect, it is stated that connection has supply at cluster 66kV connection with Manglam Recycling (Pvt.) Ltd a/c No. EST-1350. As Manglam Recycling (Pvt.) Ltd A/c No. EST-1350 has been disconnected permanently due to defaulting amount. Now, at present there is only one connection Tharaj Casting (Pvt.) Ltd, Ludhiana A/c EST-1-218 (3003018007) having CL 2500 kW /CD 2670 kVA.*

*It has been noticed that there is a difference of 51,990 units kVAh (6,12,000-5,60,010) between meters installed at 66 kV and 11 kV side during the consumption recorded for the period 29.09.2017 to 31.10.2017, which is 9.28%. As such, this is on higher side. The reason of this may be due to defectiveness of one of the meters i.e. 66 kV meter and 11 kV meter. So, you are requested to check these two meters, so that the accuracy of these may be ascertained to avoid any dispute regarding billing.”*

I also find that the Addl. S.E, MMTS-3, PSPCL, Ludhiana responded, vide memo no. 1605 dated 06.12.2017, and stated as under:

*As per Supply Code 4.3.3 “the supply on the basis of consumption recorded at 33 kV or higher voltage shall be billed for electricity charges including MMC along with electricity duty, octroi, fuel surcharge and shall be apportioned to the individual consumers in proportion to the consumption recorded by the meter installed on the 11 kV feeders of each consumer at the cluster sub-station. The lincensee shall install, seal & maintain all the meters including 11 kV meters as per Regulation 21 of the Supply Code.”*

1. PC next contended that the Petitioner also requested, vide letter dated 15.06.2015, the Respondent for checking of 66kV Sub-station from the Third Party/Accredited Testing House, but, no checking was got done. However, on the directions of the Forum, 66 kV Sub-station was allowed to be got checked from the Third Party i.e. Yadav Measurements (Pvt.) Ltd, the Accredited Testing House which, in turn, conducted the testing of the Energy Meter installed at 66 kV Sub-station of Tharaj Casting (Pvt.) Ltd. owned by the Petitioner. These tests were conducted on 12.03.2018 in the presence of the Representatives of both the Petitioner and the Respondent. As per remarks on Page 4, regarding Certificate of Calibration of Yadav Measurements (Pvt.) Ltd, Points No. 7 and 11 read as under:

***“(7)*** *The meter error is found within specified limit as per IS 14697:1999 (Re-affirmed) with latest amendment.*

***(11)*** *During the removal of the connection from the meter, it was observed that the neutral wire of all three Phase of VT’s was not connected to the meter neutral terminal.”*

I find that the accuracy of the Energy Meter was found within specified limits at both the ends. However, as per Technical Specification of the Energy Meter, the accuracy of the Energy Meter is not affected if PTs are not connected to the Meter Terminal. The Energy Meter will record correct consumption in this type of tamper. Accordingly, the billing was done by the CBC, as per provisions of Regulation 4.3.3 of the Supply Code-2014.

1. During the course of hearing on 04.10.2018, the Court was apprised that the Availability Based Tariff (ABT) Energy Meter was installed in October, 2014, whereafter the present dispute arose.

The Respondent was, then, directed, vide letter no. 1526-27 / OEP /A-32/2018 dated 04.10.2018, to submit the Consumption Data alongwith Power Factor (PF) for the five years before installation of the ABT Energy Meter and thereafter till date by 22.10.2018.

1. On the next date of hearing i.e. 25.10.2018, the Petitioner submitted the copy of e-mail dated 25.10.2018 from Yadav Measurements (Pvt.) Ltd, (Third Party / Accredited Testing House) which had tested the Energy Meter at site on 12.03.2018. After the conclusion of the deliberations, the Respondent – Addl. S.E, DS Estate Division (Special), PSPCL, Ludhiana was directed to have a report from the Addl. S.E, MMTS, PSPCL, Ludhiana, on the basis of DDL reports as to whether the load was balanced or unbalanced and submit the same in this Court by 12.11.2018 positively. The Petitioner was also directed to get the earth resistance checked/tested from approved agency of BEE and submit the report to this Court latest by 12.11.2018.

In response, the Addl. S.E, Estate Division (Special), PSPCL, Ludhiana submitted the desired information vide e-mail dated 06.11.2018.

1. A perusal of the Consumption Data made available reveals that before the Energy Meter was removed and checked by Yadav Measurements (Pvt.) Limited, the Power Factor (PF) was about 0.92 to 0.94 and after the Energy Meter was checked and re-installed, the Power Factor (PF) was about 0.99 or unity. The Data clearly showed that immediately after re-connecting the connections of the Energy Meter at 66 kV, the Power Factor (PF) had improved. After re-connecting the connections of the Energy Meter installed at 66 kV, the difference of readings recorded at 66 kV and 11 kV Energy Meter had came down drastically as was evident from the supplementary bill raised thereafter.

*I observe that after re-connection of the connections at 66 kV Energy Meter pursuant to the checking dated 12.03.2018 by the Accredited Testing House, there was significant improvement in the Power Factor and decline in energy consumption billed in subsequent billing months. There is absolutely no doubt that the line losses of the Petitioner during the disputed period are in the range of (-) 9.28% which definitely are on the higher side in comparison to other similarly placed consumers as well as yardsticks provided by the various Regulations. I also observe that the Hon’ble PSERC fixed the Transmission line losses maximum to 2.5% in various Tariff Orders issued by it.*

From the above analysis, it is concluded that the charged amount equivalent to differential energy recorded at Petitioner’s 66 kV Sub-station and 11 kV Energy Meter installed individually is not fair and genuine. The Petitioner definitely deserves relief due to excess billing as proved from the evidence coming from the perusal of Consumption Data/Power Factor (PF) before and after conduct of testing of 66 kV and 11 kV Energy Meter by the Accredited Testing House on 12.03.2018. Though, the Petitioner requires to bear maximum limit of losses, but again the fact remains that its actual T&D losses have been recorded in the range of less than 1% after correction of the connections on the said date i.e.. 12.03.2018.

**6. Decision:**

**As a sequel of above discussions, the order dated 28.03.2018 of the Forum in Case No. CG-32 of 2018 is set aside. It is held that the billing of the Petitioner for the disputed period shall be done by taking the line loss as 1% and the amount so found excess shall be refunded to the Petitioner without interest through future bills/adjustments against outstanding dues.**

7. The Appeal is disposed off accordingly.

**8**. In case, the Petitioner or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016.

(VIRINDER SINGH)

November 28th, 2018 LokPal (Ombudsman)

S.A.S. Nagar (Mohali) Electricity, Punjab.