

**PUNJAB STATE POWER CORPORATION. LTD.
CONSUMERS GRIEVANCES REDRESSAL FORUM
P-I, White House, Rajpura Colony Road, Patiala.**

Case No. CG- 41 of 2013

Instituted on : 26.03.2013

Closed on : 16.05.2013

M/s Ajay Agro Tech. Pvt. Ltd.

Kakarwal Chowk,

Dhuri.

Appellant

Name of Op. Division: Dhuri

A/C No: LS-12

Through

SH. Amarjit Sharma, PR

V/s

Punjab State Power Corporation Ltd.

Respondent

Through

Er. Daljit Singh Sidhu, ASE/OP. Divn. Dhuri

BRIEF HISTORY

The petitioner has filed appeal No. CG-41 of 2013 against order dt. 26.03.2013 of ZDSC West Zone Bathinda dated 20.12.2012 deciding that the amount charged to the consumer is correct and recoverable.

The petitioner is having LS category connection bearing Account No. OLS-12 with sanctioned load of 264.983 KW operating under AEE/Op. City S/D Dhuri. The connection is being used for Rice Sheller.

ASE/MMTS checked the energy meter installed at consumer's premises vide checking report No. 459/218 dt. 05.12.2011 and reported that scroll of scroll button of the energy meter was defective and recommended that the energy meter be replaced.

ASE/MMTS down loaded the data of the energy meter installed at consumer's premises vide checking report No. 10/230 dt. 11.02.2012 and reported as follows:-

Scroll button found defective, current parameter recorded by MRI and observed that voltage in 'Y' phase was 0.61 volt and on other two phases also it was less than normal. Voltage recorded with multi meter after opening terminal plate of the energy meter and observed it as R phase 50V, Y phase .5V and B phase 45V from phase to neutral respectively. Whereas from phase to phase it was as R-B 100 V. B-Y 41V and Y-B 51V. CT/PT chamber opened and found that the main wire connecting Y phase of PT was disconnected. Due to this Y phase PT was not getting voltage on primary side. CT/PT unit of PTs primary side was found flashed and found cracked. CT/PT unit be replaced. Further directions for overhauling of account will be given separately.

The connection of the consumer was again checked by Sr.Xen/Enf. Patiala vide ECR No. 34/103 dt. 25.02.2012 and reported as follows:-

Phase segment 1,2 & 3 are not stable on load. Meter accuracy could not be checked as there was no stock of paddy (load). Scroll button of energy meter is defective. Energy meter will be checked jointly with MMTS so CT/PT unit not to be replaced.

The energy meter was checked jointly by Sr.Xen/Enf & Sr.Xen/MMTS vide ECR No. 36/0103 dated 01.03.2012 as follows:-

Checked the accuracy of the meter by LTERS meter at operating load of 41.20 KW & by dial test (MRI). The energy meter found slow by 58%. The meter and CT/PT unit be replaced. Consumer account be overhauled w.e.f. 27.11.2011 (81960 kwh) with slowness factor.

AEE/Op. City S/.D Dhuri overhauled the account of the consumer from the period 27.11.2011 to 01.03.2012 and charged Rs.1,09,533/- vide notice No. 282 dt. 19.03.2012. The account of the consumer was again overhauled because CT/PT unit was replaced on 20.04.2012 also the MF was not applied in the earlier notice and charged Rs. 3,90,389/- vide notice No. 1278 dt. 24.03.2012. The consumer did not agree to it and challenged the amount charged in ZDSC.

ZDSC heard the case in its meeting and decided on 20.12.2012 that the amount charged is correct and recovered is as per instructions of PSPCL.

The petitioner did not agree to it and made an appeal before the Forum and the Forum heard the case in its proceedings held on 09.04.2013, 23.04.2013, 02.05.2013 and finally on 16.05.2013 when the case was closed for passing speaking orders.

Proceedings:

On dated 09.04.2013, PR submitted copy of resolution passed in the Board of Directors meeting held on 26.10.2012 of the company authorizing Sh. Gopal Krishan Gupta to appear on behalf of the company and the same has been taken on record.

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 23.04.2013, PR submitted authority letter in his favour duly signed by the petitioner and the same has been taken on record.

Representative of PSPCL stated that the reply submitted on 09.04.2013 be treated as their written arguments.

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 is directed to supply DDL print outs carried out by MMTS on dated 11.02.2012 to the petitioner by 25.04.2013 positively and copy of the same be sent to Forum.

On dated 02.05.2013, In the proceeding dated 23.04.2013, representative of PSPCL was directed to supply DDL print outs carried out by MMTS on dated 11.02.2012 to the petitioner by 25.04.2013 positively and copy of the same be sent to Forum and the same has been supplied and taken on record. Copy of the same has already been supplied to the consumer on dated 25.04.2013.

PR contended that site testing of the meter was not acceptable to us, therefore, we signed this report under protest. As per regulation 21.4 (c) of Supply Code where the consumer is not satisfied with the site report, the meter is required to be removed and sent to ME Lab for checking. The account have been overhauled without the testing of meter from the ME lab. Now on 12.03.2013 the meter has been removed and sent to ME lab the report of which is still awaited.

Site testing of the meter was not carried out at normal running load/PF as required under instruction No. 59.4 of ESIM. Operating level for checking of meters was defined as 80% as per ESR 70.6 and 72.1. Since 1988 the then PSEB now PSPCL was testing the meters as per instructions

covered in the CC No. 1/88 in corporate in the then Sales Manual and ESR.

The overhauling of account on the basis of testing of meter as per report of dated 01.03.2012 has been done from 27.11.2011 but prior to this checking the Sr.Xen/MMTS have already checked our meter on dated 05.12.11 and 11.02.2012 is it right to recover the amount prior to the previous checking i.e. 05.12.2011 and 11.02.2012.

The concerned office has admitted that the meter was checked on 05.12.2011, 11.02.2012 and 01.03.2012 and it has also been admitted in the reply that the checking authority in all the reports has desired to replace the meter. But the concerned office failed to replace the meter in spite of the directions of checking authority and in violation of its own instructions covered under instruction No. 59.3 of ESIM and 54.6 of ESIM and 21.4(e) of supply code as per Reg. 21.1 of Electricity Supply Code. The PSPCL is required to supply electricity through a correct meter. The concerned office failed to comply with these instructions and directions of checking authority.

Apart from the above the points covered in the appeal and written arguments may also be treated as a part of oral discussion.

Representative of PSPCL contented that as per 21.4 (c) only if the meter cannot be tested at site then it should be tested in the ME lab. The metering equipment was checked at running load of 41.20 KW which is more than 15% of the sanctioned load. So checking of accuracy is as per ESIM 59.4. The overhauling of accounts has been done from 27.11.2011 because as per DDL the voltage of one phase recorded as nil from the above date. Copies of DDL dated 05.12.2011 and 11.02.2012 proves the same.

It is true that DDL of the meter was done on dated 05.12.2011, 11.02.2012 and 01.03.2012 itself but accuracy of the meter was checked only on 01.03.2012. So the claim of the consumer that accuracy was checked on 05.12.2011 and 11.02.2012 is wrong. It is worth mentioning here that the meter of the consumer was declared defective only for nonfunctioning of scroll knob not because of accuracy. The slowness factor declared on 01.03.2012 is because of wrong in put to the meter by the metering equipment due to missing of voltage of one phase. So it is wrong to relate this case with non-replacement of meter till 12.03.2013. Hence the amount is recoverable.

PR further contended that as per Reg.21.4 (c) there is also a provision that in case the consumer is not satisfied with the site testing of the meter installed in his premises the meter is to be removed and sent to ME lab for checking. The contention of the respondent that the meter is to be sent to ME Lab only when it cannot be tested at site is in addition to the above provision.

Representative of PSPCL further contended that the consumer has never approached PSPCL to further check the accuracy of the meter either at site or at ME lab.

Representative of PSPCL is directed to supply ME Lab report of the meter and DDL print out after change of CT/PT unit i.e. w.e.f. 20.04.2012 till date on the next date of hearing with advance copies of the same to the consumer.

On dated 16.05.2013, In the proceeding dated 02.05.2013, Representative of PSPCL was directed to supply ME Lab report of the meter and DDL print out after change of CT/PT unit i.e. w.e.f. 20.04.2012 till date on the next date of hearing with advance copies of the same to the consumer. Representative of PSPCL stated that the disputed energy meter has been got checked from the ME lab. on dated 15.05.2013 and submitted accuracy report and also submitted copy of DDL print outs for the period 20.04.2012 to 12.03.2013 which has been taken on record. The copy of the same has already been supplied to the petitioner in advance.

PR contended that as per report of the meter submitted by the respondent. The meter has been shown not contributing on one phase, whereas the DDL taken upto 15.05.2013 shows that the meter was working correctly on all the three phases upto 12.03.2013 i.e. the date of replacement of meter. The respondent in his oral discussion has admitted that the accounts were overhauled from 27.11.2011 because as per DDL the voltage of one phase recorded as nil from dated 27.11.2011. In case the voltage of one phase was nil as contended by the respondent then the slowness factor should have been 33% only instead of 58%. Moreover the voltage of one phase was never recorded as nil. On most of the times it was more than 1 which shows that overall percentage of slowness should not be more than 20%/25% instead of 58% and also submitted print out of DDL carried out on dated 15.5.2013 in the ME Lab.

Representative of PSPCL contended that the version of the consumer that meter is contributing on all the three phases upto 12.03.2013 is not related with the present case. The amount charged is correct as per DDL from dated 27.11.2011 because CT/PT unit is not contributing one phase for the metering purpose. The contention of the consumer to overhaul the

account because of above as 33% slowness factor is not correct, because the meter was tested at site and found as 58% slow.

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 petitioner is having LS category connection bearing Account No. LS-12 with sanctioned load of 264.983 KW operating under AEE/Op. City S/D Dhuri. The connection is being used for Rice sheller.

ASE/MMTS checked the energy meter installed at consumer's premises vide checking report No. 459/218 dt. 05.12.2011 and reported that scroll button of the energy meter was defective further recommended that the meter be replaced.

ASE/MMTS down loaded the data of the energy meter installed at consumer's premises vide checking report No. 10/230 dt. 11.02.2012 and reported scroll button found defective meter be replaced, voltage and current parameter recorded by MRI and observed that voltage in 'Y' phase was 0.61 volt and on other phases also it was less than normal. Voltage recorded with multi meter after opening terminal plate of the energy meter and observed as R phase to neutral 50V, Y phase to neutral .5V and B phase 45V phase to neutral.

Forum observed that the account of the consumer was overhauled by AEE/Op. City S/D Dhuri for the period 27.11.2011 to 20.04.2012 and charged Rs. 3,90,389/- as per the directions of Sr.Xen/Enf. Patiala and Sr.Xen/MMTS, Patiala. The energy meter was checked for accuracy jointly by Sr.Xen/Enf. and Sr.Xen/MMTS with LT ERS meter at running load of 41.2 KW did test with MRI. As per this the meter was recording 58% less

energy. the CT/PT unit was reported burnt/defective. The burnt CT/PT unit was replaced on dated 20.04.2012 in which accuracy of meter was reported as 58% slow, which was protest by party/consumer. The contention of the PR that since the consumer was not satisfied with the site testing of meter so the meter should have been tested in ME lab. as per supply Code regulation No. 21.4.(g) were not followed by the respondents. the respondents overhauled the account as per slowness factor (for which the consumer disputed) is not as per the regulations of Supply Code.

Forum further observed that the meter of the consumer was tested for accuracy at running load of 41.2 KW. Where as the normal running load of the consumer as per consumption data put up by the respondents is much more. Further the three phase/motive load of the petitioner as per test report is 250.283 KW and single phase/light load is only 14.700 KW . Three phase load is equally divided on three phase of the meter and only the single phase load can be put on one phase. So it is observed that when the utilization of load will increase and the slowness of meter will come down henceforth the single-phase utilization of load will decrease the slowness factor will come down.

Forum further observed that in the present case the meter/CT/PT unit of the consumer should have been replaced immediately and tested for accuracy in ME Lab, slowness factor arrived in ME lab should have been adopted for overhauling of the account of the consumer.

Further the contention of the consumer that since he signed the checking report under protest and his meter has not been tested in ME lab at different loading conditions, so his account requires to be overhauled as per corresponding consumption of previous year and the account prior to the checking data 11.02.2012 should not have been overhauled. Whereas

Forum is of the view that the date from which the account of the consumer needs overhauling has been arrived at by MMTS/Enf. as per print outs of DDL i.e. 27.11.2011 is correct but the slowness factor applied for overhauling of account is not as per instructions of PSPCL.

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 the account of the consumer be overhauled from 27.11.2011 to date of CT/PT unit i.e. 20.04.2012 on the basis of corresponding consumption of previous year.

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.

(Harpal Singh)
CAO/Member

(K.S. Grewal)
Member/Independent

(Er. Ashok Goyal)
EIC/Chairman