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

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

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

 **APPEAL NO. 23/2019**

**Date of Registration : 30.04.2019**

**Date of Hearing : 27.06.2019**

**Date of Order : 09.07.2019**

**Before:**

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

**In the Matter of :**

Krishna Agro Industry,

Malerkotla Road,

Village Paharpur, Nabha

...Petitioner

 Versus

Senior Executive Engineer,

DS Division ,

PSPCL, Nabha

 ...Respondent

Present For:

Petitioner : 1. Sh. S.R.Jindal,

 Petitioner’s Representative (PR).

 2. Sh.Yashwinder Puri

 Petitioner’s Representative.

Respondent : 1. Er.G.S.Gurm,

 Senior Executive Engineer,

 DS Division ,

 PSPCL, Nabha.

 2. Sh.Puneet Singla,

Revenue Accountant

 Before me for consideration is an Appeal preferred by the Petitioner against the order dated 10.04.2019 of the Consumer Grievances Redressal Forum, Patiala (Forum), in Case No.CGP-039 of 2019 deciding that :

 “*The account of the Petitioner may be overhauled for a period not exceeding six months immediately before 13.04.2018 as per Regulation 21.5.1 (b) on the basis of energy consumption of corresponding period of previous year as per Regulation 21.5.2 (*a)”.

**2.** **Facts of the Case**:

 The relevant facts of the case are that:

1. The Petitioner was having a Medium Supply Category connection

with sanctioned load of 98.460 kW and contract demand (CD) of 100 kVA for which, the Metering was being done by providing HT, CT/PT operated Static Energy Meter.

1. The connection was checked by the Addl.S.E/Enforcement No.1,

PSPCL, Patiala, vide ECR No.050/313 dated 24.01.2018, in the presence of the Petitioner’s Representative. During checking, it was found that the Energy Meter was slow by 86.39% and directions were issued to replace 11 kV/ 110 V, CT/PT Unit alongwith Energy Meter.

1. The Energy Meter was replaced, vide Meter Change Order

No. 65/60845 dated 24.01.2018 and CT/PT unit was replaced vide Sundry Job Order No.103/528 dated 06.03.2018, affected on 13.04.2018. The Energy Meter was directed to be replaced, as the same was of Non-DLMS Type.

1. The disputed Energy Meter and CT/PT Unit were got checked

on 28.05.2018 in the M.E Laboratory wherein the accuracy of the Energy Meter was found to be within permissible limits and the CT/PT Unit was declared as burnt. The accuracy of Yellow Phase CT was found to be beyond permissible limits.

1. As per report of the Enforcement, the account of the Petitioner was

overhauled for 6 months immediately preceding the date of replacement of the Energy Meter on 13.04.2018, considering the slowness as 86.39%. Besides, the Petitioner was charged the cost of burnt CT/PT Unit, amounting to Rs.34,080/-. The Respondent also issued Notice ,bearing No.1440 dated 18.10.2018, to the Petitioner to deposit Rs.35,75,053/- after overhauling its account as per report of the Enforcement.

1. The Petitioner did not agree with the above Notice and filed a

Petition dated 04.02.2019 in the CGRF, Patiala, who, after hearing, passed the order dated 10.04.2019. (Page-2, Para-1).

1. Not satisfied with the decision of the CGRF, the Petitioner preferred

an Appeal in this Court and prayed to withdraw the demand raised with interest.

**3**. **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 consideration of this Court:

1. The Petitioner was having an electric connection for Rice Mill

(Seasonal) with sanctioned load of 98.460 kW and CD of 100 kVA since long.

1. A Notice, bearing No.1440 dated 18.10.2018, was received based on

checking dated 24.01.2018 by the Addl.S.E/Enforcement -1, Patiala, raising a demand of Rs.35,75,053/- for the period from 10/2017 to 03/2018 (six months) by applying slowness factor of 86.39% as reported in its checking. This was despite the fact that the Petitioner was regularly depositing the bills served by the Respondent.

1. The Energy Meter including CT/PT unit was replaced on 13.04.2018

i.e. three months after checking on 24.01.2018 and deposited amount of Rs.34,080/- on 06.03.2018 as cost of CT/PT unit as reported in the checking ibid.

1. The Energy Meter including CT/PT unit was got deposited in the

M.E Laboratory on 28.05.2018, but no checking in the M.E Laboratory was done as per provisions contained in Regulation 21.3.6 (b) of Supply Code-2014 and no copy of report of checking in M.E laboratory had been supplied to the Petitioner so far.

1. The Addl.S.E/ Enforcement 1, Patiala committed irregularities/

omissions in its checking dated 24.01.2018 and was summoned by the CGRF, Patiala to clarify some facts vide proceedings dated 14.03.2019 ( after the close of the case on 08.03.2019 and after protest by the Petitioner). The Addl.S.E, Sh.S.K.Anand, Enforcement-1, Patiala appeared before the Forum on 29.03.2019 and stated that proper Dial test could not be done at the time of checking on 24.01.2018 and slowness factor of 86.39% seemed to be erroneous.

1. The Forum, in its decision dated 10.04.2019, held that account of the

Petitioner be overhauled for the period from 10/2017 to 04/2018 on the basis of consumption of corresponding period of previous year in view of Regulation 21.5.2(a) of Supply Code-2014 ignoring other relevant erroneous factors and checking by the Enforcement Wing, Patiala as stated before the Forum on 29.03.2019.

1. A scrutiny of the consumption data from 2014 to 2018 supplied by

the Respondent revealed that the amount charged by the Forum was wrong/illegal, because the Enforcement termed checking dated 24.01.2018 as erroneous before the Forum on dated 29.03.2019. The issue of demand notice, after nine months of the checking and replacement of the Energy Meter after three months created doubt about the intention of the Respondent.

1. It was the responsibility of the distribution agency to satisfy itself

regarding the accuracy of the Energy Meter before it was installed at the consumer’s premises as per provisions contained in Regulation 21.3 of the Supply Code-2014. The consumer has a right to be present during the testing of the Energy Meter. A copy of test result indicating the accuracy/defect in the Energy Meter should have been provided to the consumer as per Regulation 21.3.6, but no such action was taken by the Respondent and thus the checking dated 24.01.2018 was null and void.

1. The Respondent had checked the Energy Meer on 24.01.2018 and

replaced it on 13.04.2018 after a period of three months and notice of Rs.35,75,053/- was served on the Petitioner on 18.10.2018 after nine months from the date of checking beyond rules of the Respondent because the defective Energy Meter had not been replaced within stipulated period of 5 days as per Standard of Performance, hence, required to be penalized @ Rs 100/- per day for the period of delay as per Clause 3.2 Regulation 26 of Supply Code-2014.

1. The defective Energy Meter remained installed at the consumer’s

premises for a period of three months but the bill was not served by applying slowness factor of 86.39% in the month of February/March and April 2018, because in fact, the Energy Meter was not defective and serving the notice, after nine months from the checking, was itself contrary to the laid down procedure.

1. The demand of Rs.34,080/-, deposited on 06.03.2018, as cost of

CT/PT unit forcibly was in violation of Commercial Circular (CC) No.55/2017 without any investigation of fault of the Petitioner, be withdrawn in the interest of justice. No M.E Laboratory report regarding damage of CT/PT unit had ever been supplied to the Petitioner, as the report of the Enforcement Wing dated 24.01.2018 was wrong/illegal as stated by it in the Forum on 29.03.2019.

1. The consumption during the disputed period from 10/2017 to

03/2018 recorded as 79,024 kVAh units whereas consumption calculated on the basis of LDHF formula (Annexure-8, Supply Code-2014) worked out to 71,490 kVAh units for six months, which was fully justified and genuine.

1. Monthly readings were being recorded by the JE/JE-1 as per

Instruction No.81.1 of ESIM and no report of any defect in the Energy Meter and CT/PT unit was ever reported by it.

1. If there was any variation in energy consumption, the Respondent

must have verified the facts of variation as per Instruction No. 104.7 of ESIM. The consumption, after the change of the Energy Meter on dated 13.04.2018, was quite normal if compared with that in pre- disputed period. The consumption could vary on the basis of Paddy Milled and depended upon the crop/milling allowed/allotted by the PUNGRAIN Agency as may be seen from data of Rice delivered during 2016-17 and 2017-18.

1. There was no solid reasons with the Respondent to charge any

amount to the Petitioner on this account as there was discrepancy in the checking report of the Enforcement Wing, Patiala which was null and void and keeping in view the collection data/consumption data, no amount was chargeable to the Petitioner in the eyes of law, hence, the same be withdrawn and amount due be refunded with interest.

1. **Submissions of the Respondent**:

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

1. The Petitioner was having a Medium Supply Category electricity

connection for running Rice Sheller, bearing Account no.P53/MS/0092A, under the name and style of Krishna Agro Industries, with sanctioned load of 98.460 kW and contract demand (CD) of 100 kVA.

1. The connection of the Petitioner was checked by the Addl.S.E/

Enforcement-1, Patiala on 24.01.2018, vide ECR No 50/313, wherein it was reported that the Energy Meter installed at the premises was checked with LT ERS and found slow by 86.39% and remarks were given to replace 11 kV CT/PT unit .

1. The Energy Meter of the consumer was replaced vide Meter Change

Order (MCO) No.103/528 dated 24.01.2018. Besides, CT/PT unit was replaced, vide Sundry Job Order (SJO) No.103/528 dated 06.03.2018, affected on 13.04.2018.

1. Thereafter, the Energy Meter and 11 kV CT/PT unit of the Petitioner

were got checked in the M.E laboratory, Patiala vide Challan No.04 and Challan No.05 dated 28.05.2018.

1. The account of the Petitioner was overhauled for six months

preceding the date of replacement of the Energy Meter on 13.04.2018 as per rules/ instructions of the Department and a Notice, bearing No.1440 dated 18.10.2018, was issued to the

consumer to deposit Rs.35,75,053/-.

1. The consumer did not agree with the Notice and filed a Petition in

the CGRF, Patiala who decided that the Petitioner be charged for a period not exceeding six months prior to 13.04.2018 as per consumption for the corresponding period of previous year as per Regulation 21.5.2(b) of Supply Code-2014. Accordingly, a sum of Rs.2,03,652/- was charged which was paid by the consumer.

1. It was wrong on the part of the Petitioner that Addl.S.E/

Enforcement-1, Patiala had committed irregularities/omissions in its checking dated 24.01.2018. The Addl.S.E/Enfrocement-1,Patiala stated during oral submissions in the Forum on 29.03.2019 that yellow phase CT was saturated and accuracy was checked with LT ERS four times on Pulse Mode and found to be minus(-) 86.39%, but due to problem at site, Dial Test could not be done. Moreover, from the DDL report, it was observed that on 18.02.2017 at 19:11:35 hours, line current on Y Phase was Zero (Red Phase = 4.10A and B Phase=3.60A) which showed Y Phase CT was saturated and not contributing and slowness factor of 86.39% seemed to be erroneous.

1. The Petitioner, in its Petition before the Forum, pleaded that its

Energy Meter be treated as defective and account be overhauled on the basis of average consumption of the corresponding period of the previous year as per Regulation 21.5.2 of Supply Code-2014.

1. The consumption for the period 01/2018 to 03/2018 was very low

as compared to that of the previous year particularly when the Rice Sheller was running in full swing. It was worth mentioning that after the replacement of the Energy Meter and CT/PT unit on 13.04.2018, the consumption for 04/2018 had increased by 3417 kVAh units as compared to the same in April 2017, hence, the plea of the Petitioner for further relief was wrong.

1. The connection was checked, vide ECR No.50/313 dated

24.01.2018, in the presence of the Petitioner who had also signed the report.

1. The Petitioner was served a Notice, bearing No.1440 dated

18.10.2018 as per Instruction No. 21.5.1 of the ESIM after receiving report of DDL from the Enforcement-1, PSPCL, Patiala vide their e-mail dated 18.10.2018.

1. As per the decision of the Forum, the account of the Petitioner was

overhauled and a sum of Rs.2,03,652/- was charged as per corresponding months’ average as per provisions of Regulation 21.5.2(a) of Supply Code-2014.

1. The Petitioner itself pleaded before the Forum that its Energy Meter

be treated as defective and account be overhauled on the basis of average consumption of the corresponding period of the previous year as per Regulation 21.5.2 of Supply Code-2014.

1. In view of the submissions made above, the Appeal may be

dismissed.

**4. Analysis:**

The issues requiring adjudication are the legitimacy of

1. Overhauling of the account of the Petitioner for a period not exceeding six months prior to 13.04.2018 (date of replacement of CT/PT unit) on the basis of energy consumption of the corresponding period of previous year as per applicable regulations.
2. Demand of cost of CT/PT unit amounting to Rs.34,080/- vide Notice dated 18.10.2018.

*The issues emerged in the case are deliberated and analysed as under:*

**Issue No. (i): Overhauling of Account***:*

1. During the checking of the Petitioner’s connection on 24.01.2018

by the Enforcement, it was noticed that **Phase Sequence was reverse but as per Technical Specification of HT Energy Meters, the same did not have any affect on the consumption**.

 I find that during checking, the following parameters were recorded on the Energy Meter and on Electronic Reference Standard (ERS) Meter installed on LT side of the Energy Meter:

|  |  |  |  |
| --- | --- | --- | --- |
| S.No. | Per Phase Voltage in volts | Current as on Energy Meter(in Amps) | Current on LT side as per ERS Meter (in Amps) |
| 1 | R-N | 6.27 | 2.11 | 48 |
| 2 | Y-N | 6.28 | **0.25** | **46.8** |
| 3 | B-N | 6.25 | 1.80 | 50.1 |

A perusal of the above table reveals that current in respect of Red and Blue Phase were almost matching with those observed on LT ERS Meter when converted to 11 kV but current variation on Yellow Phase, as recorded by the Energy Meter and LT ERS Meter, was high which was nearly 15% of the actual current flowing in this Phase as compared to current recorded by the LT ERS Meter. During checking of CT/PT unit in the M.E Laboratory, the Yellow Phase CT was not O.K.

1. The Enforcement had taken the accuracy on Pulse Mode only and

Energy Meter was found to be slow by 86.39%. The Checking Officer should have taken the Dial Test for checking the correctness of the above results. The higher values showed that Yellow Phase CT was saturated and these results could not be taken as correct.

1. The DDL placed on the record showed that non-contribution of

Yellow Phase CT started on 18.02.2017 at 19.11:35 hrs.

1. A study of the consumption data of the Petitioner’s connection

brought on record showed that consumption pattern for the year 2016-17 and 2017-18 showed that consumption of 1,08,058 kVAh units had been recorded during 2016-17 (11/2016 to 04/2017) whereas, energy consumption of 79,484 kVAh units had been recorded during the corresponding period of the year 2017-18 i.e. the disputed period. Thus the energy consumption during the said disputed period (of 2017-18) was less by 26.44% as compared to the corresponding period of the previous year (2016-17) which would have been almost same if one CT had not contributed towards consumption.

I find that the Petitioner, in its Appeal, stated that this decrease in consumption was due to less milling of Paddy i.e. during 2016-17( 01.12.2016 to 17.03.2017), 49,100 bags of paddy with quantity of rice delivered to F.C.I as 24,504.40 quintals while during 2017-18 (23.12.2017 to 27.03.2018) 26,530 bags of paddy with quantity of rice delivered to F.C.I as 13,235.67 quintals were milled.

1. While making oral submissions, the Petitioner’s Representative

(PR) submitted the details of milling of paddy done during 2016-17 and 2017-18. However, it was directed to get the same sent duly authenticated from the competent authority of Food Corporation of India. In compliance, the Petitioner sent the same duly authenticated by the Manager, FCI, CWC BD, Nabha, vide e-mail dated 04.07.2019. Subsequently, the Senior Executive Engineer, DS Division, PSPCL, Nabha was directed on phone to confirm the genuineness of the certification from the Food Corporation of India (FCI), Nabha submitted by the Petitioner. In response, the said Senior Executive Engineer, vide letter no.7006 dated 04.07.2019, (sent through e-mail of the same date), intimated as under:

“*ਓਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਫੂਡ ਕਾਰਪੋਰੇਸ਼ਨ ਆਫ ਇੰਡੀਆ ਦੇ ਨਾਭਾ ਦਫ਼ਤਰ ਵਿਖੇ ਕਿਸ਼ਨਾ ਐਗਰੋ ਇੰਡ:ਪਿੰਡ ਪਹਾੜਪੁਰ ਨਾਭਾ ਵੱਲੋਂ ਜੋ ਚੋਲਾਂ ਨਾਲ ਸਬੰਧਤ ਰਿਕਾਰਡ ਪੇਸ਼ ਕੀਤਾ ਗਿਆ ਸੀ ਉਸ ਸਬੰਧੀ ਐਫ.ਸੀ. ਆਈ. ਦੇ ਦਫ਼ਤਰ ਸਰਕੂਲਰ ਰੋਡ ਨਾਭਾ ਵਿਖੇ ਜਾ ਕੇ ਨਿੱਜੀ ਤੌਰ ਤੇ ਪੁੱਛ ਪੜਤਾਲ ਕੀਤੀ ਉਹਨਾਂ ਵੱਲੋਂ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਕਿ ਇਹ ਸਬੰਧਤ ਰਿਕਾਰਡ ਉਹਨਾਂ ਦੇ ਦਫਤਰ ਵੱਲੋਂ ਹੀ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਹੈ । ਇਸ 2016-17 ਨਾਲ ਸਬੰਧਤ ਰਿਕਾਰਡ ਉੱਤੇ ਸ੍ਰੀ ਬਿਮਲ ਕੁਮਾਰ ਗਾਬਾਂ ਮੈਨੇਜਰ ਐਫ.ਸੀ.ਆਈ, ਐਫ.ਐਸ.ਡੀ. ਨਾਭਾ (ਮੋ:ਨੰ. 98154-34345) ਅਤੇ ਸਾਲ 2017-18 ਨਾਲ ਸਬੰਧਤ ਰਿਕਾਰਡ ਉੱਤੇ ਸ੍ਰੀ ਅਵਤਾਰ ਸਿੰਘ ਮੈਨੇਜਰ ਐਫ.ਸੀ.ਆਈ, ਬੀ.ਡੀ.ਨਾਭਾ (ਮੋ:ਨੰ. 94172-56447) ਵਲੋਂ ਤਸਦੀਕ ਕੀਤਾ ਗਿਆ ਹੈ ।”*

 I have perused the details given by the Petitioner and certified by the F.C.I. that during 2017-18, the Petitioner received 49,100 bags of paddy and quantity delivered to Food Corporation of India was 24504.40 quintals of milled paddy whereas during 2017-18, it had received 26,530 bags of paddy out of which, it had delivered 13235.67 quintals of milled paddy. It implied that 46% less milled paddy was delivered during 2017-18 (as compared to 2016-17) to Food Corporation of India (FCI) meaning thereby that consumption of electricity should also be less during 2017-18 as compared to 2016-17. Hence, there is merit in the contention of the PR that the consumption of the connection during the disputed period of 2017-18 should be reduced by 46% as compared to the consumption of the corresponding period of previous year in view of evidence brought on record as per provisions contained in Regulation 21.5.3 of the Supply Code-2014 for a period of six months immediately preceding the date of replacement of metering equipment i.e. 13.04.2018.

**Issue No.(ii) Recovery of cost of burnt Metering Equipment:**

As per material available on record, it is observed that the Respondent had charged cost of CT/PT Unit, as Rs.34,080/- as the same was declared damaged/burnt in the M.E Laboratory as per provisions contained in Instruction No.17.1.7 of ESIM-2017 **(**of General Schedule of Charges**)** assuming the new CT/PT unit of accuracy Class 0.5S whereas, the Energy Meter was replaced with DLMS type Meter which was of accuracy Class 0.2S, hence, CT/PT Unit of accuracy class 0.2S was also required to be installed.

 The Respondent, in its defence, stated that new 11 kV/110 V, CT/PT unit installed against damaged one was of accuracy class 0.2S, hence, actual charges, as circulated by the Sr.Xen, M.E Division, PSPCL, Ludhiana on dated 20.09.2018 were required to be charged as per provisions contained in Instruction No. 17.1.9 of ESIM-2017.

 I find that the Petitioner, in its Appeal, stated that Respondent had not intimated the reasons for damage of CT/PT Unit as required under Commercial Circular (CC) No.55/2017 dated 29.11.2017, hence, it could not charge the cost of the CT/PT Unit to the Petitioner. The Sr.Xen/DS Division, informed this Court, vide letter No.5687 dated 25.06.2019, that the connection of the Petitioner was running from 11 kV Industrial Feeder, emanating from 66 KV Sub-Station, Gurditpura, category-1 feeder and 221 connections were running on the feeder of different categories. No complaint from any consumer was received on the day of damage/burning of 11 kV/110 V, CT/PT unit. The Respondent also stated that the room in which metering equipment was installed was not properly ventilated and no exhaust Fan have been installed.

 I have noted the averments of the Respondent in its reply to the Appeal and also written submissions mentioning that the CT/PT Unit installed at the premises of the Petitioner on 11.05.2010 ( date of release of the connection) was healthy one and got damaged on 24.01.2018 **due to negligence of the Petitioner** who did not ensure observance of precautions/ creating conducive environment for its smooth/safe running.There is, thus, merit in the submission of the Respondent that no complaint from any other Category of consumers regarding supply voltage fluctuation or any other supply matter from the 11 kV feeder which also fed the Petitioner’s connection, had been registered when the CT/PT unit of the Petitioner was statedly burnt out/damaged.

I also observe that PSPCL, vide Commercial Circular (CC) No.55/2017, amended vide ESIM Instruction Nos.56.2 and 57.5 in-consonance with the Regulation 21.4.1 of the Supply Code-2014, which reads as under :

**Clause 56 Consumer's responsibility for loss or damage of Meter:**

***"56.2*** *If 11 kV CT/PT unit is damaged/burnt, procedure as per Reg- 21.4.1 of Supply Code- 2014 be followed for replacement i.e. if the CT/PT unit gets damaged/burnt, the new CT/PT unit shall be installed within the time period prescribed in Standards of Performance (Presently five days) on receipt of complaint. If the CT/PT unit is burnt due to reasons attributable to the consumer, the PSPCL shall debit the cost of the CT/PT unit to the consumer who shall also be informed about his liability to bear the cost. In such cases the investigation report regarding reasons for damage to the CT/PT unit must be supplied to the consumer within 30 days. The cost to be recovered shall be as per cost of CT/PT unit circulated from time to time. However, supply of electricity to the premises shall be immediately restored even if direct supply is to be restored to, till such time another tested CT/PT unit is installed.*

*The direct supply for various categories other than DS such as LS, MS, SP, NRS, BS etc. shall be allowed as per instruction 57.5 i.e. it can be allowed in dire emergencies by load sanctioning authority till the replacement of CT/PT unit and within time period specified in Standards of Performance and if circumstances still persist, then direct supply be given beyond this time period with the written approval of load sanctioning authority."*

 In view of the above, it proves beyond doubt that the Petitioner is required to bear the cost of replacement of burnt/damaged CT/PT Unit in terms of provisions ibid. A perusal of the General Schedule of Charges, approved by the Hon’ble PSERC reveals that the cost of 11 kV Metering Panels housed with CT/PT unit, is Rs.34,080/- for 0.5S accuracy class. Since the new CT/PT Unit of accuracy class 0.2S was installed in the present case, hence total cost of the CT/PT unit is chargeable as per Clause 17.1.9 of General Schedule of Charges which were circulated by the Sr.Xen, M.E. Division, PSPCL, Ludhiana on 20.09.2018. As such, the Petitioner is required to be charged accordingly the cost of the CT/PT unit installed at its premises by the Respondent.

**5. Conclusion**:

From the above analysis, it is concluded that :

1. The account of the Petitioner is required to be overhauled for a period not exceeding six months immediately preceding the date of replacement of CT/PT unit i.e. 13.04.2018 by considering the energy consumption for the said period (13.10.2017 to 12.04.2018) as 46% less than that of the corresponding period of previous year.
2. The Petitioner is required to be charged the cost of CT/PT unit of Accuracy Class 0.2S installed at its premises on 07.12.2018 in terms of provisions contained in Clause 17.1.9 of General Schedule of Charges as also circulated by the Sr.Xen, ME Division, PSPCL, Ludhiana on 23.09.2018

**6. Decision:**

As a sequel of above discussions, the order dated 10.04.2019 of the CGRF, Patiala in Case No. CGP- 039 of 2019 is set aside. It is held that:

1. The account of the Petitioner shall be overhauled for a period not exceeding six months immediately preceding the date of replacement of CT/PT unit i.e. 13.04.2018 by considering the energy consumption for the said period (13.10.2017 to 12.04.2018) as 46% less than that of the corresponding period of previous year.
2. The Petitioner shall be charged the cost of CT/PT unit of Accuracy Class 0.2S installed at its premises in terms of provisions contained in Clause 17.1.9 of General Schedule of Charges as also circulated by the Sr.Xen, ME Division, PSPCL, Ludhiana on 23.09.2018

 Accordingly, the Respondent is directed to recalculate the

 demand and refund/recover the amount found excess/short after

 adjustment, if any, without interest

**7**. The Appeal is disposed of accordingly.

8. Chief Engineer/Commercial, PSPCL, Patiala shall issue a Commercial Circular directing all the Engineers-in-Chief/Chief Engineers, DS Zones for information and compliance by all the Addl. Superintending Engineers/Sr.Executive Engineers/DS Divisions of the instructions regarding recovery of the cost of CT/PT unit of accuracy class 0.2S in terms of provisions contained in Clause 17.1.9 of General Schedule of Charges circulated by the Sr.Executive Engineer, ME Division, PSPCL, Ludhiana on 23.09.2018. All such connections shall be checked by 31.12.2019 to ensure that actual cost of 0.2S accuracy class CT/PT unit, is recovered.

**9**. 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)

July 09, 2019 Lok Pal (Ombudsman)

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