**COURT OF THE LOKPAL (OMBUDSMAN),**

**ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 34/2019**

**Date of Registration : 25.06.2019**

**Date of Hearing : 22.08.2019**

**Date of Order : 02.09.2019**

**Before:**

 **Er. Virinder Singh, Lokpal (Ombudsman), Electricity**

**In the Matter of:**

 Jagdish Rice Mills,

 Mohkam Arian Road,

 Jalalabad (W), Distt. Fazilka.

 ...Petitioner

 Versus

 Addl. Superintending Engineer,

DS, Division,

PSPCL, Jalalabad

 ...Respondent

**Present For:**

Petitioner : 1. Sh. Budh Ram Jindal ,

 Petitioner’s Representative (PR)

 2. Sh. Davinder Singh

 Petitioner’s Representative (PR)

 3. Sh. Ashok kumar

Petitioner’s Representative (PR)

Respondent : Er. Kuldeep Verma,

 Addl. Superintending Engineer,

DS Division, PSPCL, Jalalabad.

 Before me for consideration is an Appeal preferred by the Petitioner against the decision dated 30.05.2019 in Case No. CGP-65 of 2019 of the Consumers Grievances Redressal Forum (Forum), Patiala stating as under:

 *“(a) Amount of Rs 46,229/- charged by Audit Party vide Half Margin No.54 is chargeable and recoverable.*

 *(b) Amount of Rs.4,01,965/- vide Half Margin No.56 dated 06/16 is chargeable and recoverable.”*

**2. Facts of the Case:**

 The relevant facts of the Case are that:

1. The Petitioner was having a Large Supply (LS) Category connection

w.e.f. 08.03.2010 with sanctioned load of 999 kW and contract demand (CD) of 990 kVA for Rice Sheller (Seasonal Industry).

1. As per Instruction No. 18.2 of the ESIM, the seasonal period of Rice

Sheller Industry was from 1st September to 31st May next year and later on amended from 1st October to 30th June next year. The Petitioner’s industry observed the specified seasonal period.

1. The Petitioner’s industry had obtained Peak Load Exemption (PLE)

at 461 kW, in terms of provisions contained in PR Circular Nos. 2/1998, 11/1998, 7/2011, 4/2012 and 5/2012, vide Memo No. 7460 dated 01.10.2012, from the Chief Engineer/PPR for the period from 01.10.2012 to 31.05.2013 against the payment of PLE charges.

1. The PSPCL, in its energy bills for the period from 06/2013 to

08/2013, charged PLE charges (PLEC) which were paid by the Petitioner.

1. Internal Audit Party, vide Half Margin (HM) No. 54 of 06/2016,

charged a sum of Rs 46,229/- for the excess refund erroneously given for PLV charges during Peak Load Hours for the period from 20.04.2015 to 30.06.2015 and 26.08.2015 to 30.09.2015.

1. After issuance of PR Circular No. 36/2013 dated 06.10.2013 by the

PSPCL, the Petitioner was given a refund of Rs 4,01,965/- which was objected to by the Internal Audit Party, vide HM No. 56 of 06/2016, on the plea that the procedure, laid down in the said PR circular was not followed by the Consumer and the refund was more than two years old i.e. prior to Audit period. So, Internal Audit Party observed that amount of Rs 4,01,965/- was recoverable from the Petitioner.

1. Based on the Internal Audit Observation ibid, a Notice bearing

No. 3779 dated 25.11.2016, was issued to the Petitioner to deposit the amounts charged but the Petitioner did not do so. Thereafter, the Respondent charged the above amount in the Energy Bill dated 09.04.2018 issued for the period from 28.02.2018 to 31.03.2018.

1. The Petitioner challenged the amount charged in the said bill by

depositing Rs 950/- on 19.04.2018. But there was nothing on record to know the action taken, if any, in this regard.

1. Aggrieved with the demand raised by the Respondent, the Petitioner

filed a Petition dated 07.03.2019 before the CGRF, Patiala who, after hearing, passed order dated 30.05.2019 (Page 2, para1).

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

preferred an Appeal in this Court and prayed to set aside the demand of Rs 46,229/- and also of Rs 4,01,965/- raised by Internal Audit Party Half Margin No. 54 of 06/2016 and 56 of 06/2016 respectively and also the order dated 30.05.2019 of the Forum.

**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 Representative of the Petitioner and the Respondents 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 a Large Supply Category consumer with

sanctioned load of 999 kW and contract demand (CD) as

990 kVA for running a Rice Sheller (Seasonal industry). As per Instruction No. 18.2 of ESIM, the seasonal period for the Rice Sheller Industry shall be from 1st September to 31st May & later on amended as 1st October to 30th June. The Petitioner’s industry observed the specified seasonal period.

1. The Petitioner’s industry had obtained peak load exemption (PLE)

under PR Circular Nos. 2/1998, 11/1998, 7/2011, 4/2012 & 5/2012 vide Memo No. 7460 dated 01.10.2012 from the Chief Engineer/ PPR for the period 01.10.2012 to 31.05.2013 against payment of Peak Load Exemption Charges. This Memo stipulated that the said peak load exemption could not be reduced/increased/withdrawn before one month from the date of issue of letter ibid. The Petitioner’s industry used PLE for the period 01.10.1012 to 31.05.2013 and PLE charges as per grant of PLE at 461 kW, charged in the relevant bills, were paid.

1. The Consumer applied for refund of PLE charges (in its bills)

 amounting to Rs. 4,01,965/- and was given the Refund accordingly.

1. The Audit party, vide Half Margin No. 56 of 06/2016, observed

that as per PR circular 36/2013 dated 04.10.2013, it was clarified that *“Seasonal Industries which have been charged PLEC during off season (as per the provision of PR circular 5/12 or 11/12) but were actually not operating may apply for withdrawal of peak load exemption charges to this office alongwith a certificate from concerned AEE/Sr. XEN/DS after verification of the energy consumption data for the relevant period.”* On the basis of this observation, the Internal Audit Party had raised a demand of Rs. 4,01,965/- which was earlier refunded to the consumer. The Petitioner was not convinced with the Audit observation, it filed a Petition in the CGRF, Patiala, who, confirmed/upheld the demand raised.

1. The forum also observed that an amount of Rs. 46,229/- was

wrongly refunded to the Petitioner and was recoverable. The same was refunded to the Petitioner, vide Sundry Charges Adjustment (SCA) No. 38/51/127. The Respondent did not provide any details of the calculation error on the basis of which, Rs 46,229/- was charged as per Internal Audit observations vide Half Margin No.54 of 06/2016.

1. The Petitioner had submitted before the Forum that the conditions

laid down in Regulation 32.2 of the Supply Code -2014 were not fulfilled in this respect and being a time barred case, a sum of Rs. 46,229/- was not chargeable. Besides, neither any separate bill nor any detailed notice was served as per Instruction No.93.1 of ESIM. The amount was charged in 06/2016 by the Internal Audit Party without providing calculations of this amount becoming recoverable. The error should be specific and as per record. Thus, the amount of Rs. 46,229/- was not chargeable and was against the principles of natural justice.

1. The Forum also erred in its finding with regard to Half Margin (HM)

No.56 of 06/2016 charging Rs. 4,01,965/- by stating that during Off Seasonal period, the Petitioner’s Industry had violated the provisions of PR Circular No. 36/2013 and operated their plant during off Seasonal period , as such, the amount was rightly charged by the Internal Audit Party.

1. The Forum wrongly considered Instruction No. ESIM i.e . Clause

for use of load during peak load hour restriction (PLHR) and not for the off season period. Neither any relevant Circular nor any relevant Regulation, which defined the use of load during off Season, was properly quoted by the Forum.

1. The use of light load including A.C., fans, flood lights for outer

boundary wall, use of street light, load for use of water supply and repair of all kinds of plants and testing of plants was included . Use of load during off season had been well defined in the Regulation 82.5.2. of ESR 2005 that the off seasonal load shall include the load for general/factory lighting, street lighting, colony lighting, water supply and for repair and testing etc. The Petitioner submitted that the industry did not run during the Off Seasonal period i.e. during 06/2013 to 08/2013 and only light load, repair works, water supply, testing of plants were done but not used for shelling of Rice or any manufacturing work done.

1. Consumption data of Seasonal months vis-a-vis non-seasonal

 months was tabulated as under:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| SeasonalMonth | Consumption(kVAh) | Non-SeasonalMonth | Consumption(kVAh) |  %age consumption |
| 10/2012 | 1,88,970 | 06/2013 | 16,868 | 8.92 |
| 11/2012 | 2,29,365 | 07/2013 | 13,878 | 6.09 |
| 12/2012 | 2,05,766 | 08/2013 | 13,356 | 6.19 |

Cumulative Consumption for maximum three months i.e. 10/2012 to 12/2012 came to 6,24,101 kVAh whereas, cumulative consumption of three non-Seasonal months 6/2013 to 8/2013 was at 44,202 kVAh which was 7.08% say 7%. It was not possible to run the full industry with just 7% of total consumption. The Maximum Demand during seasonal period recorded was 478.2 kVA during the month of February, 2013 which indicated of highest consumption during the half an hour period during the month. Maximum Demand once recorded could only be reset by the concerned official at the time of taking or recording of monthly consumption data.

Consumption/load during off-seasonal defined in ESR (Electricity Supply Regulation)-2005, Regulation 82.5.2, shall include the load for general lighting, street lighting, colony lighting, water supply and testing. Therefore, recording of Maximum Demand did not indicate the running of plant for production purpose. Further consumption during 06/2013=16,868 kVAh, 07/2013=13,878 kVAh and having 08/2013=13,356 kVAh is only for testing of plant, use of street light, office light, ACs etc.

1. As per condition laid down in PR Circular No. 36/2013,

consumption data should have been certified by the Sr. XEN/ASE. Therefore, as per order of the Forum, consumptions data as supplied by the ASE, MMTS, Moga and certified by ASE, Operation, Jalalabad was as given under:

|  |  |  |
| --- | --- | --- |
| ਮਹੀਨਾ | ਐਮ.ਡੀ.ਆਈ | ਖਪਤ (kVAh) |
| 06/2013 | 92.4 ਕੇਵੀਏ | 16,866 |
| 07/2013 | 57.6 ਕੇਵੀਏ | 13,878 |
| 08/2013 | 40.2 ਕੇਵੀਏ | 13,356 |

ਮਹਿਨਾਂ 06/2013, 07/2013 ਅਤੇ 08/2013 ਪੀਕ ਲੋਡ ਦੋਰਾਨ ਐਮ.ਡੀ.ਆਈ ਹੇਠ ਲਿਖੇ ਅਨੂਸਾਰ ਹੈ।

|  |  |  |
| --- | --- | --- |
| ਮਿਤੀ | ਐਮ.ਡੀ.ਆਈ | ਸਮਾਂ |
| 21.06.2013 | 86.4 ਕੇਵੀਏ | 18:00 ਤੋ 19:00 |
| 23.06.2013 | 86.4 ਕੇਵੀਏ | 18:30 ਤੋ 19:30 |
| 24.06.2013 | 72.0 ਕੇਵੀਏ | 18:00 ਤੋ 18:30 |
| 26.06.2013 | 57.6 ਕੇਵੀਏ | 18:00 ਤੋ 18:30 |

“ਉਪਰੋਕਤ ਡਾਟੇ ਅਨੁਸਾਰ ਇਹ ਪਾਇਆ ਗਿਆ ਹੈ ਕਿ ਮਹੀਨਾਂ 06/2013, 07/2013 ਅਤੇ 08/2013 ਦੀ ਪੀਕ ਲੋਡ ਦੋਰਾਨ ਉਪਰੋਕਤ ਚਾਰ ਦਿਨਾਂ ਨੂੰ ਛੱਡ ਕੇ ਬਾਕੀ ਦਿਨਾਂ ਦੀ ਐਮ.ਡੀ.ਆਈ 50 ਕੇ.ਵੀ.ਏ ਤੋਂ ਘੱਟ ਹੈ ਅਤੇ ਖਪਤ ਵੀ ਘੱਟ ਹੈ। ਜਦ ਕਿ ਇਸ ਕੁਨੈਕਸ਼ਨ ਦੀ ਐਮ.ਡੀ.ਆਈ ਫੈਕਟਰੀ ਚੱਲਣ ਦੋਰਾਨ ਮਹੀਨਾ 04/2013 ਵਿੱਚ 333 ਕੇ.ਵੀ.ਏ ਤੇ ਖਪਤ 1,55,364 ਯੂਨਿਟ ਹੈ, ਮਹੀਨਾਂ 05/2013 ਵਿੱਚ 328.6 ਕੇ.ਵੀ.ਏ ਅਤੇ ਖਪਤ 47,694 ਯੂਨਿਟ ਹੈ, 09/2013 ਵਿੱਚ 394 ਕੇ.ਵੀ.ਏ ਅਤੇ ਖਪਤ 36,303 ਯੂਨਿਟ ਹੈ ਅਤੇ 10/2013 ਵਿੱਚ 388 ਕੇ.ਵੀ.ਏ ਅਤੇ ਖਪਤ 1,99,784 ਯੂਨਿਟ ਹੈ। ਜਿਸ ਤੋਂ ਪਤਾ ਲੱਗਦਾ ਹੈ ਕਿ ਇਹ ਫੈਕਟਰੀ ਮਹੀਨਾਂ 06/2013, 07/2013 ਅਤੇ 08/2013 ਦੌਰਾਨ ਨਹੀਂ ਚੱਲੀ ਹੈ।”

 Thus, as per report of ASE DS Division, Jalalabad, it was clearly certified that factory did not work during the months of 06/2013 to 08/2013.

1. The reason to charge said amount i.e. Rs 4,01,965/- by the Internal

Audit was not of wrong refund, rather, it was just that the consumption data was not got certified from the ASE DS Division, Jalalabad. Since the same had now been certified by the ASE/DS Division, Jalalabad that the factory/plant did not work, hence, the amount was not chargeable.

It was evidently established that the industry did not run during the Off Seasonal Period. Further, copies of the production register were also enclosed, which showed NIL production during 06/2013, 07/2013 and 08/2013. Thus, the industry did not violate the provisions of PR Circular No. 36/2013 and did not operate the plant during the Off Seasonal Period, So, the amount was wrongly charged by the Internal Audit Party vide HM No. 56 of 06/2016 and was not recoverable.

1. In view of the above ,the Appeal may be allowed by quashing t he

observation of Audit vide Half Margin 54 of 06/2016 to charge Rs. 46,229/- and HM 56 of 6/2016 to charge Rs. 4,01,965/- and also the decision of the Forum upholding the chargeability of these amounts.

(**b) Submissions of the Respondent:**

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

1. The Petitioner was having Large Supply (LS) Category

connection for Rice Sheller (Seasonal Industry) with load of 999 kW and CD as 990 kVA.

1. The Petitioner was granted Peak Load Exemption for 461 kW

by the Chief Engineer /PPR, PSPCL, Patiala vide Memo No. 7460 dated 01.10.2012 for the period from 01.10.2012 to 31.05.2013 against payment of Peak Load Exemption Charges.

1. The PLE charges was charged in energy bills for the period

06/2013 to 08/2013 which was granted to the Petitioner and the same was deposited by Petitioner. Thereafter, PSPCL issued a PR Circular No. 36/2013 dated 04.10.2013 on the basis of which, the Sub divisional office gave a refund of Rs. 4,01,965/- wrongly without adopting the proper procedure as the consumer did not apply for refund to the Competent Authority as mentioned in PR Circular No. 36/2013.

1. During the month of 06/2016, Internal Auditor pointed out

that the amount refunded was chargeable to the Consumer because the procedure mentioned on above said PR Circular 36/2013 was not followed by the Consumer and the refund being two years old, the amount of Rs 4,01,965/- was correctly chargeable and was recoverable from the Consumer. As a result, a Notice, bearing No. 3779 dated 25.11.2016, was issued to the Petitioner to deposit the amount but it did not deposit the same.

1. In addition, a sum of Rs. 46,229/- was charged by Internal

Audit Party, vide Half Margin No 54 of 06/2016, for the difference of excess refund given for peak load violation charges pertaining to the period from 20.04.2015 to 30.06.2015 and 26.08.2015 to 30.09.2015. Detailed calculation for the same was given in the copy of Half Margin ibid. Earlier excess refund was given due to calculation mistake and the amount was correctly pointed out by the Audit, as such, same was rightly charged and was recoverable.

1. The Forum rightly decided that the demand of Rs 46,229/- was

correctly pointed out by Internal Audit through Half Margin no 54 of 06/2016. This amount was charged well within the period of occurrence and Notice for the same was served to the
Petitioner by the office of the AE/City sub-division, Jalalabad vide Memo No. 3779 dated 25.11.2016. Hence the amount charges, was correct and recoverable.

1. Peak load exemption charges (for the months of 6/2013 to

08/2013) were to be refunded only to those consumers, who did not run their plants during off season. This was clearly mentioned in PR Circular No 36/2013.

 As per DDL Report of MMTS, Moga, it was evident that plant of the Petitioner was running from 6/2013, as per details given below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date** | **Maximum Demand****In kVA** | **Time** | **Month** | **Consumption in kVAh** |
| 23.06.2013 | 92.4 | 11.00 AM | 06/2013 | 16,866 |
| 03.07.2013 | 57.66  | 10.30 AM | 07/2013 | 13,878 |
| 30.08.2013 | 40.2  |  9.00 PM | 08/2013 | 13,356 |

 Besides, MDI of the connection recorded, when the factory was in operation was under:-

|  |  |  |
| --- | --- | --- |
| **Month** | **Maximum Demand** | **Consumption (kVAh)** |
| 04/2013 | 333kVA | 1,55,364 |
| 05/2013 | 328.6 kVA | 47,694 |
| 10/2013 | 388 kVA | 1,99,784 |

It was clearly evident from the analysis of consumption data that both consumption as well Maximum Demand beyond reasonable limits have been recorded during the off seasonal period 06/2013 to 08/2013. The Petitioner should have used only 10% of sanctioned load subject to a maximum of 50 kW as allowed during Peak Load hours as per Clause 131 of ESIM for lighting purposes and minor repairs during the off seasonal period but the above data indicates that the Petitioner have consumed much beyond the said limit during this period. So the Petitioner had violated the provision of the PR in Circular No 36/2013.

In the view of above the Petition was liable to be quashed amount is chargeable and recoverable from the Petitioner.

**4. Analysis:**

The issues requiring adjudication are the legitimacy of the following amounts charged to the Petitioner by the Internal Audit Party and held recoverable by the CGRF, Patiala:-

(i) Rs 46,229/- vide Half Margin No. 54 of 06/2016.

1. Rs 4,01,965/- vide Half Margin No. 56 of 06/2016.

*The issues emerging in the present dispute are deliberated and analysed as under:*

**Issue No. (i)- Rs 46,229/-**

 Internal Audit Party, vide HM No. 54 of 06/2016, charged a sum of Rs. 46,229/- for the excess/erroneous refund given to the Petitioner for PLV charges relating to the period from 20.04.2015 to 30.06.2015 and 26.08.2015 to 30.09.2015.

 I observe that a refund of Rs 4,71,740/- was given to the Petitioner, on dated 05.10.2016. Earlier, an amount of Rs 8,47,143/- was charged to the Petitioner in the monthly bills on account of availing Peak Load Exemption of 461 kW for the period from 20.04.2015 to 30.06.2015 and 26.08.2015 to 30.09.2015. However an amount of Rs 4,21,632/- only was to be charged and a refund of Rs 4,25,511/- was to be allowed to the Petitioner. But a refund of Rs 4,71,740/- was allowed to the Petitioner on dated 05.10.2016. As such, amount of Rs 46,229/-(Rs 4,71,740-Rs 4,25,511) was refunded in excess to the Petitioner in the first instance and has correctly been charged to the Petitioner and the same is recoverable. I also observe that the Petitioner pleaded that this amount should have been charged within a period of 2 years as per Section 56(2) of the Electricity Act-2003, but not objected to the amount itself, which was charged due to correction of calculation mistake.

***I find that the said amount was refunded to the Petitioner in 10/2016 and was charged in 04/2018 which is well within 2 years. Accordingly, the decision of the Forum upholding the recovery of the amount of Rs 46,229/- is not in contravention of the provisions of Section 56(2) of the Electricity Act-2003***.

**Issue No.(ii)**

 The Audit Party charged a sum of Rs 4,01,965/- to the Petitioner, for the period from 06/2013 to 08/2013, vide Half Margin No 56 of 06/2016.

I find that the Respondent-PSPCL issued Power Regulation Circular (PR) No 11/2012 which provided that:

***“****All existing Industrial Consumers (including seasonal) availing Peak Load Exemption as on 31.05.2012/09.06.2012 are hereby granted the said exemption on regular basis. Only such consumers are required to put in their application who have to seek enhancement/reduction/surrender of any quantum of Peak Load.”*

 After issuance of the said instructions, Peak Load Exemption of 461 kW granted to the Petitioner stood automatically extended as the Petitioner had not applied for any enhancement/ reduction/ surrender of any quantum of Peak Load. As such, PLEC charges were charged in bills for 06/2013 to 08/2013. The said amount charged to the Petitioner initially was refunded by the Respondent in terms of provisions contained in PR No 36/2013, which read as under:-

*“Seasonal industries covered under clause 18.1 of ESIM 2010, which have been charged PLEC during the off season (As per the provision of PR circular 05/12 or 11/12) but were actually not operating may apply for withdrawal of peak load exemption charges to this office along with a certificate from the concerned ASE/Sr. XEN/DS after verification of energy consumption data for the relevant period”.*

 From the above, it is clear that seasonal consumers, who did not run the plant during off season period, had to apply for withdrawal of Peak Load Exemption Charges with a certificate from the concerned ASE/Sr. XEN, DS Division after verification of consumption data of relevant period. I have perused the consumption data provided by the Respondent and found that Maximum Demand and consumption during 06/2013, 07/2013 and 08/2013 was as under:-

|  |  |  |
| --- | --- | --- |
|  Month | Maximum Demand in kVA | Consumption in kVAh |
| 06/2013 | 92.4 | 16,866 |
| 07/2013 | 57.6 | 13,878 |
| 08/2013 | 40.2 | 13,356 |
|  |  |  |

From the record, it is observed that Sr.XEN/MMTS, downloaded the data of Energy Meter and reported the following details:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date | Maximum Demand in kVA | Time | Month | Consumption (in kVAh) |
| 23.06.2013 | 92.4 | 11 AM | 06/2013 | 16,866 |
| 03.07.2013 | 57.6 | 10.30 AM | 07/2013 | 13,878 |
| 30.08.2013 | 40.2 | 9.00 PM | 08/2013 | 13,356 |

 Besides, Maximum Demand recorded during Peak Load Hours during the month of 06/2013 is as under:-

|  |  |  |
| --- | --- | --- |
|  Date | Maximum Demand (in kVA) | Time |
| 21.06.2013 | 86.4 | 18.00 Hrs to 19.00 Hrs |
| 23.06.2013 | 86.4 | 18.30 Hrs to 19.30 Hrs |
| 24.06.2013 | 72.0 | 18.00 Hrs to 18.30 Hrs |
| 26.06.2013 | 57.6 | 18.00 Hrs to 18.30 Hrs |
|  |  |  |

A study of the above table, reveals that both the consumption and Maximum Demand were beyond reasonable limits. The Petitioner should have used only 10% of the sanctioned load subject to maximum of 50 kW as allowed during Peak Load Hours as per instruction No 131 of ESIM for lighting purpose and minor repair during the off seasonal period.

I find that the Respondent, in its reply to the Petition filed before the CGRF, Patiala, stated as under (Reference Page 13 of decision in CGP- 65 of 2019):

*“From the above, it is viewed that the factory was not running in the month of 06/2013, 07/2013 and 08/2013.”*

I agree with the above submission of the Respondent that factory did not run during off Season period but also observe that the Petitioner’s industry committed Peak Load Violations on 21.06.2013, 23.06.2013, 24,06.2013 and 26.06.2013 as tabulated at Page 18.

 ***In view of above, while the Petitioner cannot be made liable to pay PLE charges charged by the Internal Audit Party vide HM No. 56 of 06/2016. However, the Petitioner is liable to be charged for Peak Load Violations committed on 21.06.2013, 23.06.2013, 24.06.2013 and 26.06.2013 as per rules of the PSPCL***.

**5. Conclusion:**

From the above analysis, it is concluded that:

1. The amount of Rs 46,229/-, charged by the Internal Audit Party,

vide Half Margin No. 54 of 06/2016 and held recoverable by the CGRF, Patiala vide order dated 30.05.20219, is correct and recoverable from the Petitioner.

1. The amount of Rs 4,01,965/-, charged by the Internal Audit Party,

vide Half Margin No. 56 of 6/2016 and held recoverable by the CGRF, Patiala, vide order dated 30.05.2019, is not recoverable from the Petitioner as discussed in Para 4 (Issue no ii) above. However, the Petitioner is liable to be charged for the Peak Load Violations committed on 21.06.2016, 23.06.2016, 24.06.2016 and 26.06.2016 as per rules of the PSPCL, as per details given in the Para 4(Page 18).

**6. Decision:**

As a sequel of above discussions, the order dated 30.05.2019 of the CGRF, Patiala in Case No. CGP-65 of 2019 is modified in terms of conclusion arrived at in Para 5 above. Accordingly, the Respondent is directed to recalculatethe demand and refund/recover the amount found excess/short, if any, after adjustment without interest.

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

 September 02, 2019 Lok pal (Ombudsman)

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