**CORPORATE CONSUMERS GRIEVANCES REDRESSAL FORUM**

**PUNJAB STATE POWER COPROPRATION LIMITED**

**220 KV S/Stn. Opp. Verka Milk Plant, Ferozepur Road, Ludhiana**

**Tel: 0161-2971912, email: secy.cgrfldh@gmail.com**

**CASE NO.: CF-101/2023**

**Date of Registration : 10.08.2023**

**Date of Closing : 29.08.2023**

**Date of Final Order : 05.09.2023**

**In the Matter of:**

 **M/S Subash Sharma,**

**Luxmi Gali, Near Bank, Shiv Puri,**

**Ludhiana.**

**A/c No.:3002800090.**

**Through:**

Sh. Parvesh Chadha  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. City Central Divn. (Spl.),

PSPCL, Ludhiana. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-101/2023 has been filed in this Forum as an appeal against the decision dated 20.06.2023 of Zonal CGRF, Central Zone, PSPCL, Ludhiana, in the matter related to A/c no. 3002800090, in the name of M/S Subash Sharma. The Petitioner is having MS connection with the sanctioned Load of 48.820 KW & CD Not indicated in bill under Op. City Central Division, PSPCL, Ludhiana. On the request vide letter no. 154 dated 08.12.2022 of SDO/Unit-1, City Central Division, Ludhiana that meter is getting less voltage on ‘Y’ phase, the connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-2, Ludhiana and ECR no. 38/2014 dated 30.12.2022 was prepared. In ECR it was reported that due to oxidation, PT link wire of yellow phase was contributing less voltage and on checking meter with LTERS meter, meter of the petitioner was found running 61.62% slow. As per the said checking, petitioner was charged an amount of Rs. 213899/- vide notice no. 66 dated 04.01.2023 of AEE (Comm.)/City Central Division, PSPCL, Ludhiana. Petitioner did not agree to this amount and filed his case in Zonal CGRF, Central Zone, PSPCL, Ludhiana where his case was decided on 20.06.2023 the amount charged to him is correct and recoverable.

Petitioner did not agree to the above decision of Zonal CGRF, Central Zone, PSPCL, Ludhiana and filed an appeal in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 11.08.2023, 16.08.2023, 22.08.2023 and finally on 29.08.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 11.08.2023***

*The petition has been placed before the Forum for admission. After considering the averments made in the petition, the petition is admitted. Notice be issued to ASE/Sr. Xen/Op. City Central, Ludhiana (Respondent) along with copy of petition.*

*Respondent shall submit five copies of the following record/documents before the Forum*

1. *Respondent shall confirm that there is no case pending before any Court/Forum or any other authority between PSPCL and Petitioner.*
2. *Respondent shall confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
3. *Respondent shall confirm that the complainant/applicant/petitioner is a competent/authorised person to file/defend the case on behalf of the consumer of the above a/c no.*
4. *Point-wise/Para-wise reply to the petition be submitted inform of hard copy & soft copy through email at* *secy.cgrfldh@gmail.com**.*
5. *Respondent shall also ensure the following action: -*
	1. *He will check/verify the amount of Rs. 213899/- charged vide notice no. 66 dated 04.01.2023 on account of slowness of meter detected vide ECR no. 38/2014 dated 30.12.2022 on basis of speaking orders of ASE Enf. Cum EA & MMTS-2, Ludhiana issued vide memo no. 138 dated 18.05.2023.*
	2. *He will submit copy of ECR no. 38/2014 dated 30.12.2022 and speaking orders issued vide memo no. 138 dated 18.05.2023 along with DDL report of meter taken at site.*
	3. *He will submit copy of decision of Zonal CGRF along with its case file.*
	4. *He will submit consumption data depicting readings, dates of reading (in KWH & KVAH, MDI, PF etc.) also indicating the meter status, MF etc. For previous 5 years along with SAP reading record.*
	5. *He will submit copies of checking carried out by various authorities previously.*
	6. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab report and DDL report of meter in dispute.*
	7. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
	8. *Ensure that all the documents have been checked/verified & signed by ASE/Sr. XEN and he will be responsible for the authenticity of the documents/information submitted to the Forum.*

*The case be put up on 16.08.2023*

***Proceedings dated: 16.08.2023***

*Respondent submitted five copies of reply to the petition along-with the record/documents and the same is has been taken on record. One copy thereof was handed over to the petitioner/PR. Petitioner requested some time for filing rejoinder.*

*The case is adjourned to 22.08.2023 for filing rejoinder.*

***Proceedings dated: 22.08.2023***

*Respondent vide email requested another date due to some unforeseen circumstances. The same is admitted.*

*Petitioner submitted four copies of rejoinder and same is taken on record. Copy of rejoinder emailed to Respondent for submission of comments.*

*The case is adjourned to 29.08.2023 for oral discussion.*

***Proceedings dated: 29.08.2023***

*Petitioner/PR stated that the petition, rejoinder and other documents already submitted may also be considered as part of oral discussion.*

*Respondent stated that the reply to the petition and other documents already submitted may be considered as oral discussion*

*Both the parties have nothing more to say and submit.*

*The case is closed for passing speaking orders.*

1. **FACTS OF THE CASE AND OBSERVATIONS OF THE FORUM: -**
2. The Petitioner bearing A/c no. 3002800090, is having MS connection with sanctioned Load of 48.82 KW, in the name of M/S Subash Sharma, under Op. City Central, Ludhiana.
3. The Petitioner in his Petition prayed that: -
	* + 1. *That the petitioner having MS connection in the name of Subhash Sharma R/O Luxmi Gali Shiv Puri Near Bank Shiv Puri Ludhiana and Having Hosiery unit at ShivPuri Ludhiana with connection account no.3002800090, and received a notice no.66 dt.4-01-2023 for depositing Rs.213899/-.*
			2. *That the MS connection is falls under U-1 City Centre spl. Division PSPCL Ludhiana under Sr. XEN op City Centre spl. Division PSPCL Ludhiana under City East Circle PSPCL Ludhiana. The Load of the connection is SL-48.820 kw CD-54.240. as per notice the ibid connection was checked by Enforcement vide ECR no.38/2014 dt.30-12-2022 against the letter no.154 dt.08-12-2022 issued by SDO U-1 city center sub Div. Ludhiana, as the low voltage receiving to meter on "Yellow" phase. The enforcement checked the meter on 30-12-2022 and pointed out the below noted observations.*
4. *As per site the display of meter segment no."2" phase is not shown out of segments "1,2,3". Parameters of voltage checked and found that voltage to meter are less receiving. Whereas voltage to consumer is receiving "258". As per checking the accuracy of meter with LTERS meter, the meter is running (-) 61.62% slow. Account be overhauled as per instruction on the basis of results and inform this office.*
5. *CT Chamber was opened and found that low voltage is due to Oxidize of the PT Link wire of "Y' phase. Accuracy was again checked after correcting and found within prescribed limit.*
6. *MCB box is of OLD version it should be replace with new MCB by fixing at appropriate place and inform this office.*
7. *As per checking by enforcement ECR, the results of voltage on LT ERS meter were as below:-*

*Voltage= R=258 Y=24 B=259*

*Current= R=1.9 Y=26.2 B=7.6*

1. *The DDL done.*

***Appeal***

* + - 1. *The respondent has not charged the account and the amount raised is not admitted as*
1. *No speaking orders were issued before charging the account.*
2. *No DDL report has been issued.*
3. *Petitioner was not called for before charging the amount.*
	* + 1. *The petitioner has obtained another connection in MS category vide account no.3007805488 on the name of Smt. Kamlesh Rani (wife) at B-3- 1137/5/13-A/1-A Luxmi Gali Shiv Puri Ludhiana on dt.04-08-2022 for. 49.760 kw & CD-50 kva and start hosiery work in that premises. The work from this unit was closed as such consumption was decrease but recorded in new connection. The Consumption Data to this effect is attached for reference. After checking of connection on 30-12-2022 next bill up to 10- 01-2023 recorded 1 unit on Kvah & 2 units on kwh.*
			2. *The account has been charged wrong as meter status was 'OK" code up to last month bill dt.10-12-2022, and no 'D" code was appears on bill but 5. SDO has written the letter on 8-12-2022, It is contradictorily to the letter & bill. It must be clarified in the interest of justice. There is no such Commercial Circular or instruction in ESIM /Supply Code to Charge slowness on Ok Code. If so, provide the copy.*
			3. *The DDL has clear the exact picture as on what dates the supply of voltage to YELLOW phase was off. As under: -*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Date |  | Red | YELLOW | BLUE | Time | Status |
| 30.12.2022 | voltage | 258 | 24 | 259 |  |  |
|  | current | 1.9 | 26.2 | 7.6 |  |  |
| -do- |  | 258.12 | 255.36 | 258.62 | 13.55 | ok |
| -do- |  | 258.59 | 0.28 | 258.68 | 13.50 |  |
| 26.12.2022 |  | 254.95 | 46.99 | 254.44 | 18.10 |  |
| -do- |  | 255.77 | 237.49 | 255.82 | 15.19 | ok |
| 19.12.2022 |  | 243.43 | 183.45 | 245.82 | 11.38 |  |
| -do- |  | 243.94 | 152.08 | 245.81 | 11.27 |  |

*The Meter was working on all phases on dt.26-12-2022 at 18.10 hrs and as such PSPCL can charge only from 26-12-2022 to 30-12-2022.*

* + - 1. *That as per instructions the checking authority /Enforcement has to issue a speaking order to this effect before ordered to overhauling of account but not provided. Kindly order to provide the copy of the same which was submitted during the proceeding vide memo no.138 d.......*
			2. *That during the proceeding of the case in Zonal CGRF, copy of the DDL was provide and as per copy of DDL it was of make & break of voltage and current which is as under, but the ZCGRF has ignored and issued the decision that charged amount is recoverable.*
			3. *The official who is recording reading have full knowledge that unit is not working since 08-2022.*
			4. *The 20% amount was deposited as per instruction contained in CCHP issued by PSERC Chandigarh to review the disputed amount Rs.42850/- vide R-191224887 dt.06.02.2023 copy attached.*
1. The Respondent submitted reply to the petition as under: -

*ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਦੇ Y Phase ਤੇ ਮੀਟਰ ਨੂੰ Voltage ਘੱਟ ਮਿਲਣ ਕਾਰਨ ਸੀਨੀਅਰ ਕਾ ਕਾ, ਇੰਜੀ. ਇੰਨਫੋ, ਕਮ. ਈ. ਏ ਅਤੇ ਐਮ.ਐਮ.ਟੀ.ਐਸ.2 ਦੁਆਰਾ ECR No 38/2014 ਮਿਤੀ 30/12/2022 ਰਾਹੀਂ ਖਪਤਕਾਰ ਦਾ ਮੀਟਰ ਚੈੱਕ ਕੀਤਾ ਗਿਆ ਅਤੇ ਰਿਪੋਰਟ ਕੀਤੀ ਗਈ ਕਿ 'ਮੀਟਰ ਡਿਸਪਲੇ ਤੇ 1,2,3 ਸੈਗਮੈਂਟ ਵਿਚੋਂ 2 Phase ਸੈਗਮੈਂਟ ਨਹੀਂ ਆ ਰਿਹਾ ਹੈ। Voltage ਪੈਰਾਮੀਟਰ ਚੈੱਕ ਕੀਤੇ ਤੇ ਮੀਟਰ ਨੂੰ voltage ਘੱਟ ਮਿਲ ਰਹੇ ਹਨ ਜਦ ਕਿ ਖਪਤਕਾਰ ਨੂੰ Voltage 258 ਮਿਲ ਰਹੀ ਹੈ । LTERS ਮੀਟਰ ਨਾਲ ਮੀਟਰ ਦੀ ਐਕਰੇਸੀ ਚੈੱਕ ਕਰਨ ਤੇ ਨਤੀਜਾ 61.62% ਦੀ slowness ਪਾਈ ਗਈ ਹੈ । C Chamber ਖੋਲ ਕੇ ਘੋਖਣ ਤੇ ਪਤਾ ਲਗਾ ਕਿ Y Phase ਤੇ Pl link wire oxidize ਹੋਣ ਕਾਰਣ voltage ਮੀਟਰ ਨੂੰ ਘੱਟ ਮਿਲ ਰਹੀ ਸੀ। ਠੀਕ ਕਰਕੇ ਐਕਰੇਸੀ ਕਰਨ ਤੇ ਨਤੀਜਾ ਸੀਮਾ ਵਿੱਚ ਪਾਇਆ ਗਿਆ । DDL ਲੈ ਲਿਆ ਹੈ । ਇੰਨਫੋਰਸਮੈਂਟ ਦੀ ਰਿਪੋਰਟ ਦੇ ਆਧਾਰ ਤੇ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਮਿਤੀ 01/7/22 ਤੋਂ ਮਿਤੀ 30/12/22 ਤੱਕ ਸੋਧਦੇ ਹੋਏ ਖਪਤਕਾਰ ਨੂੰ ਨੋਟਿਸ ਮੀਮੋਂ ਨੂੰ 66 ਮਿਤੀ-04/01/2023 ਰਾਹੀਂ 213899/- ਰੁ ਚਾਰਜ ਕੀਤੇ ਗਏ । ਖਪਤਕਾਰ ਨੇ ਚਾਰਜ ਕੀਤੀ ਰਕਮ ਤੋਂ ਸਹਿਮਤ ਨਾਂ ਹੁੰਦੇ ਹੋਏ ਆਪਣਾ ਕੇਸ ਮਾਣਯੋਗ ZCGRF ਵਿੱਚ ਲਗਾਇਆ। ਖਪਤਕਾਰ ਨੇ ਝਗੜੇ ਵਾਲੀ ਰਕਮ ਦਾ 20% ਰਸੀਦ ਨੰ 253720292833 ਮਿਤੀ 06/02/2023 ਰਾਹੀਂ ਜਮ੍ਹਾਂ ਕਰਵਾ ਦਿਤੀ ਹੈ । ਜਿਸ ਦੀ ਸੁਣਵਾਈ ਮਿਤੀ 20.06.2023 ਨੂੰ ਹੋਈ ਅਤੇ ਫੈਸਲਾ ਲਿਆ ਗਿਆ ਕਿ “ਚਾਰਜ ਹੋਈ ਰਕਮ ਸਹੀ ਅਤੇ ਵਸੂਲਣ ਯੋਗ ਹੈ” ਜਿਸ ਤੋਂ ਸਹਿਮਤ ਨਾ ਹੁੰਦੇ ਹੋਏ ਖਪਤਕਾਰ ਨੇ ਆਪਣਾ ਕੇਸ ਮਾਣਯੋਗ ਕੋਰਪੋਰੇਟ CGRF ਵਿੱਚ ਲਗਾਇਆ। ਖਪਤਕਾਰ ਦਾ ਕੇਸ ਲੋੜੀਂਦੇ ਦਸਤਾਵੇਜ਼ਾਂ ਸਮੇਤ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਤਿਆਰ ਕਰਕੇ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ ਜੀ।*

Respondent submitted point-wise reply to the petition as under: -

1. *As per record.*
2. *As per ECR No. 38/2014 Dated 30.12.2022 of ASE/ENFORCEMENT CUM MMTS-2, LUDHIANA.*
3. *(i) Amount is charged as per speaking order vide Memo No. 138 Dt 18-5-2023 of ASE/ENFORCEMENT CUM MMTS-2, LUDHIANA.*

*(ii). DDL Report is emailed to Corporate CGRF.*

*(iii) There are no instructions to call the consumer before charging the amount.*

1. *It is wrong and denied, Consumer had shifted the work to account No 3007805488 in the name of SMT Kamlesh Rani. Neither consumer has intimated regards to closure of unit of account no. 3002800090. There is no information on record to substantiate the claim of petitioner.*
2. *PT link wire on Y phase was oxidized due to which meter was getting less voltage as per ECR No. 38/2014 Dated 30.12.2022 of ASE/ENFORCEMENT CUM MMTS-2, LUDHIANA. As such amount is correct and recoverable as per regulation 21.5 of Supply Code 2014.*
3. *Amount is charged as per speaking order vide Memo No. 138 Dt 18-5-2023 of ASE/ENFORCEMENT CUM MMTS-2, LUDHIANA.*
4. *Speaking order passed vide Memo No. 138 Dt 18-5-2023 of ASE/ENFORCEMENT CUM MMTS-2, LUDHIANA.*
5. *Amount is charged as per speaking order passed vide Memo No. 138 Dt 18-5-2023 of ASE/ENFORCEMENT CUM MMTS-2, LUDHIANA.*
6. *The official while recording the reading only record KWH, KVAH & MDI. He does not check the accuracy of meter.*
7. *20% of the disputed amount Rs. 42850/- received vide receipt no.253720292833 dated 06.02.2023.*
8. The Petitioner in his rejoinder submitted as under: -
9. *That the ECR no. 38/2014 dt. 30.12.2022 is clearly declare that Meter is. not recording energy due to non-receiving Voltage on 'Yellow" phase which was found on opening CT Chamber & found that the PT LINK wire oxidize. This means that meter is slow by 1/3 and recordings 2/3 consumption only. The Enforcement LT-ERS meter shown slowness by 61.62% which is not relied upon. There might be chance of defect in LT-ERS meter.*
10. *That the speaking order of Enforcement vide memo no.138 dt.18-05-2023 was issued after the case hearing in ZLDSC and as per speaking orders admitted that Siigment-2 is not appears on display and voltage to meter is receiving LOW. As per results of LT ERS Meter the working of meter is slow by -61.62%. Account be overhauled as per Instructions of PSPCL after securitizing the DDL and instruction given in ECR. DDL already given.*
11. *That as per instruction of PSPCL vide Supply Code-2104 & ESIM-2018 the a/c is to be overhauled for 6 months prior to checking and up to removal of defect/meter. the Oxidization was removed on the day of checking i.e.30-. 12-2022 as such account need to be overhauled for 6 months by enhancing the recorded consumption by 3/2.*
12. *That the testing was inaccurate and METER was not sent to ME Lab to get authenticate of slowness as -61.62% instead of 33% (1/3 of yellow phase).*

*21.3.6 Testing of Inaccurate Meters*

*a) The distribution licensee shall have the right to test any consumer meter and related equipment, either at site or in the laboratory, if there is a reasonable doubt about its accuracy and the consumer shall co-operate with the distribution licensee in conducting the test. The consumer shall have the right to be present during such testing. A copy of the test results indicating the accuracy of the meter shall be provided to the consumer*

1. *Submitted for consideration with request that account be charged by increasing consumption by 1/3rd instead of -61.62% as already charged.*
2. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. The issue that requires adjudication in the present case is to decide the legitimacy of decision dated 20.06.2023 of Zonal CGRF, Central Zone, PSPCL, Ludhiana vide which notice no. 66 dated 04.01.2023 of AEE/(Comm.), City Central Divn., PSPCL, Ludhiana was held correct and recoverable.
3. Forum observed that on the request vide letter no. 154 dated 08.12.2022 of SDO/Unit-1, City Central Division, Ludhiana that meter is getting less voltage on ‘Y’ phase, the connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-2, Ludhiana and ECR no. 38/2014 dated 30.12.2022 was prepared. Relevant part of the observations recorded in the ECR is reproduced under: -

*“ਮੌਕੇ ਤੇ ਦੇਖਿਆ ਕਿ ਮੀਟਰ ਡਿਸਪਲੇ ਤੇ 1,2,3 ਸੈਗਮੈਂਟ ਵਿੱਚੋਂ ‘2’ phase ਸੈਗਮੈਂਟ ਨਹੀਂ ਆ ਰਿਹਾ ਹੈ। Voltage ਪੈਰਾਮੀਟਰ ਨੋਟ ਕੀਤੇ ਤੇ ਮੀਟਰ ਨੂੰ voltage ਘੱਟ ਮਿਲ ਰਹੇ ਹਨ। ਜਦ ਕਿ ਖਪਤਕਾਰ ਨੂੰ voltage ‘258’ ਮਿਲ ਰਹੀ ਹੈ। LTERS ਮੀਟਰ ਨਾਲ ਮੀਟਰ ਦੀ Accuracy ਚੈਕ ਕਰਨ ਤੇ Result- 61.62% ਦੀ slowness ਪਾਈ ਗਈ ਹੈ।*

*CT’s chamber ਖੋਲ ਕੋ ਘੋਖਣ ਤੇ ਪਤਾ ਲਗਾ ਕਿ ‘Y’ phase ਦੇ PT link wire ‘oxidize’ ਹੋਣ ਕਾਰਨ voltage ਮੀਟਰ ਨੂੰ ਘੱਟ ਮਿਲ ਰਹੀ ਸੀ। ਠੀਕ ਕਰਕੇ Accuracy ਕਰਨ ਤੇ Result ਸੀਮਾ ਵਿੱਚ ਪਾਏ ਗਏ।”*

As per the above checking, petitioner was charged an amount of Rs. 213899/- vide notice no. 66 dated 04.01.2023 of AEE (Comm.)/City Central Division, PSPCL, Ludhiana. Petitioner did not agree to this amount and filed his case in Zonal CGRF, Central Zone, PSPCL, Ludhiana where his case was decided on 20.06.2023 as under: -

*“As per calculation sheet the account had been overhauled only for six months. So, the Forum decides that the amount charged to the consumer is correct and recoverable.”*

Petitioner did not agree to the above decision of Zonal CGRF, Central Zone, PSPCL, Ludhiana and filed an appeal in Corporate CGRF, Ludhiana. Forum observed the consumption data submitted by the respondent, reproduced as under:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year | 2019 | 2020 | 2021 | 2022 |
| Month | Cons. | Code | Cons. | Code | Cons. | Code | Cons. | Code |
| Jan | 7539 | O | 3054 | O | 4547 | O | 4377 | O |
| Feb | 5182 | O | 2555 | O | 5052 | O | 7420 | O |
| Mar | 5803 | O | 2463 | O | 6026 | O | 5565 | O |
| April | 4987 | O | 2511 | O | 4760 | O | 5489 | O |
| May | 4788 | O |  |  | 5778 | O | 7365 | O |
| June | 9017 | O | 2202 | O | 4881 | O | 8299 | O |
| July | 7760 | O | 3863 | O | 7171 | O | 8209 | O |
| Aug | 4501 | O | 5145 | O | 7784 | O | 9046 | O |
| Sep | 5171 | O | 5394 | O | 9775 | O | 1338 | O |
| Oct | 4769 | O | 3490 | O | 9696 | O | 863 | O |
| Nov | 3929 | O | 3765 | O | 7329 | O | 305 | O |
| Dec | 3483 | O | 3513 | O | 6257 | O | 223201 | OO |
| **Total** | **66929** |  | **37955** |  | **79056** |  | **58700** |  |

Forum observed from the consumption data that has decreased considerably from 09/2022 onwards as compared to the same recorded in the corresponding period of previous year. This clearly shows that something went wrong with the metering equipment causing considerable decrease in the consumption.

Petitioner has contended in his petition and rejoinder that the meter was not recording energy on yellow phase only and it was hence recording energy on remaining two phases and accordingly it was recording 2/3rd energy correctly. This contention of the petitioner is not acceptable as his load is not balanced means it has not been divided equally on all the phases as depicted in ECR no. 38/2014 dated 30.12.2022. Current on Red phase is 1.9 Amp, Yellow phase 26.2 Amp and Red phase 7.6 Amp. So maximum load has been put on yellow phase, the potential connection of which was found oxidized and meter was found running slow by 61.62% when it was checked with LT ERS meter on 30.12.2022. At the same time, action of overhauling the account of the petitioner by 61.62% slowness by the Respondent is also not justified. The process of oxidation of potential connection is not sudden but it takes place slowly over a period of time. Normally the voltage starts diminishing once the oxidation process sets in and go on reducing slowly over a period of time. In some cases, the joint behaves erratically and cause wild fluctuations in voltage contribution of the concerned phase to the meter. This behavior is visible from the ‘voltage of Vy on different dates in DDL as tabulated below: -

|  |  |
| --- | --- |
| Date | Voltage (Vy) |
| 22.05.22 | 131.09 |
| 20.07.22 | 184.03 |
| 21.09.22 | 249.6 |
| 01.10.22 | 177.39 |
| 29.11.22 | 252.49 |
| 01.12.22 | 37.51 |
| 19.12.22 | 183.45 |
| 26.12.22 | 46.99 |
| 30.12.22 | 0.28 |

Hence slowness of 61.62% is the slowness at the instant of checking and it cannot be treated as a uniform slowness as it depends upon multiple variable factors like current being drawn from different phases, power factor of the loads put on different phases, voltages of different phases, particularly that of yellow phase; etc. Hence, in this case the meter is required to be treated as defective. The relevant regulation of Supply Code 2014 dealing with dead stop, burnt, defective meters is as under:

*Regulation 21.5.2 of Supply Code 2014 dealing with Defective (other than inaccurate)/Dead Stop/Burnt/Stolen Meters is as under: -*

*“The accounts of a consumer shall be overhauled/billed for the period meter remained defective/dead stop and in case of burnt/stolen meter for the period of direct supply subject to maximum period of six months as per procedure given below:*

*a) On the basis of energy consumption of corresponding period of previous year.*

*b) In case the consumption of corresponding period of the previous year as referred in para (a) above is not available, the average monthly consumption of previous six (6) months during which the meter was functional, shall be adopted for overhauling of accounts.*

*c) If neither the consumption of corresponding period of previous year (para-a) nor for the last six months (para-b) is available then average of the consumption for the period the meter worked correctly during the last 6 months shall be taken for overhauling the account of the consumer.*

*d) Where the consumption for the previous months/period as referred in para (a) to para (c) is not available, the consumer shall be tentatively billed on the basis of consumption assessed as per para-4 of Annexure-8 and subsequently adjusted on the basis of actual consumption recorded in the corresponding period of the succeeding year.*

*e) The energy consumption determined as per para (a) to (d) above shall be adjusted for the change of load/demand, if any, during the period of overhauling of accounts”.*

On the perusal of DDL report submitted by the Respondent on record, Forum observed that voltage fluctuation on yellow phase was first recorded on 22.05.2022. This means that voltage had been normal on all three phases before 22.05.2022, as such the consumption of corresponding period of previous year can be taken as basis for overhauling the account of the petitioner. However, the overhauling of the account of the petitioner has to be restricted to six months prior to the date of checking i.e., 30.12.2022 when potential connection of yellow phase was set right.

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. In view of the above discussion, Forum is of the opinion that the decision dated 20.06.2023 of Zonal CGRF, Central Zone, PSPCL, Ludhiana is required to be set-aside and notice no. 66 dated 04.01.2023 of AEE/(Comm.), City Central Divn., PSPCL, Ludhiana is liable to be quashed. Account of the petitioner is required to be overhauled for the period of six months prior to date of setting right of the potential connection of yellow phase i.e., 30.12.2022 on the basis of energy consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014.

Keeping in view the above, Forum came to unanimous conclusion that the decision dated 20.06.2023 of Zonal CGRF, Central Zone, PSPCL, Ludhiana be set-aside and notice no. 66 dated 04.01.2023 of AEE/(Comm.), City Central Divn., PSPCL, Ludhiana be quashed. Account of the petitioner be overhauled for the period of six months prior to date of setting right of the potential connection of yellow phase i.e., 30.12.2022, on the basis of energy consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014.

1. **DECISION:**

Keeping in view the petition, reply, oral discussion, after hearing both the parties, perusal of the record produced by them & observations of Forum,

Forum decides that: -

1. **The decision dated 20.06.2023 of Zonal CGRF, Central Zone, PSPCL, Ludhiana is set-aside and notice no. 66 dated 04.01.2023 of AEE/(Comm.), City Central Divn., PSPCL, Ludhiana is quashed. Account of the petitioner be overhauled for the period of six, months prior to date of setting right of the potential connection of yellow phase i.e., 30.12.2022, on the basis of energy consumption of corresponding period of previous year as per Regulation no. 21.5.2(a) of Electricity Supply Code and Related Regulations Matters-2014.**
2. **As required under Regulation 2.33 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021 the compliance of this decision shall be made within 21 days from the date of receipt of this order.**
3. **If the Petitioner is not satisfied with the decision of Corporate CGRF, he is at liberty to file a representation before the Ombudsman appointed / designated by the Punjab State Electricity Regulatory Commission within 30 days from the date of receipt of the order of the Forum, as required under Regulation 2.39 read with Regulation 2.37 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021.**

**(CA. Baneet Kumar Singla) (Er. Himat Singh Dhillon)**

**Member (Finance) Independent Member**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE/Commercial, PSPCL**

**Place: Ludhiana**

**Date: 05.09.2023**