**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-109/2023**

**Date of Registration : 23.08.2023**

**Date of Closing : 19.09.2023**

**Date of Final Order : 26.09.2023**

**In the Matter of:**

 **Mr. Vinod Kumar C/o Late Sh. Ram Kishan,**

 **SCO 103, Urban Estate, Phase 1,**

**Dugri, Ludhiana.**

**A/c No.: 3005231422.**

**Through:**

Mr. Vinod Kumar  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. Divn., Model Town (Spl.),

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

1. **BRIEF HISTORY:**

Petition against case No.: CF-109/2023 has been filed as an appeal case in the Forum by Sh. Vinod Kumar, in the matter related to A/c no. 3005231422having NRS category with sanctioned load/CD of 60.000KW/21.000KVA, in the name of Sh. Vinod Kumar under DS Model Town Divn. PSPCL, Ludhiana. Petitioner contended that the connection was obtained for 60 KW and CD was not declared by him, but PSPCL itself sanctioned the CD to 66.677KVA. He applied for reduction in CD from 66.667KVA to 21KVA on 31.12.2020 and same was sanctioned on 02.02.2021. Thereafter petitioner applied for extension in CD from 21KVA to 60KVA and deposited the requisite service connection charges. Petitioner contended that amount of service connection charges, charged to him is contradiction to PSPCL instructions issued vide memo no. 684/88/S-4/Misc-12 dated 03.09.2020. Petitioner was also charged demand surcharge in the bills issued from 04/2022 to 06/2022. Petitioner did not agree to demand surcharge charged in his bills and service connection charges for getting extension in CD and filed his case in Circle CGRF. Circle CGRF, City West, Ludhiana in his decision dated 18.01.2023 decided that service connection charges charged is correct and recoverable and demand surcharge amounting to Rs. 32250/- be refunded and fixed charges be charged for extended CD from the date of deposit of service connection charges after getting authenticated date of deposit. Petitioner did not agree with the decision of Circle CGRF and filed his case in Corporate Forum. Forum heard the case in its proceedings dated 24.08.2023, 29.08.2023, 05.09.2023, 14.09.2023 and finally on 19.09.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 24.08.2023***

*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. Model town, 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. *Respondent shall also ensure the following action: -*
5. *He will intimate how and when the decision of Circle CGRF was conveyed to the petitioner and submit copy of the related notice and evidence confirming its delivery to the petitioner.*
6. *He will submit point-wise/para-wise reply to the petition be submitted in form of hard copy & soft copy (in word format) through email at* *secy.cgrfidh@gmail.com**.*
7. *He will check/verify the amount of Rs 32250/- charged as demand surcharge and Rs. 70200/-recovered on CD extension from 21KVA to 60KVA.*
8. *He will submit copy of consumer case of CD reduction and CD extension along with copy of job orders depicting date of effect thereof and details of amount charged on reduction and extension of CD with copy of relevant instructions dealing it.*
9. *He will submit copy of decision of Circle CGRF along with its case file.*
10. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
11. *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 he put up on 29.08.2023*

***Proceedings dated: 29.08.2023***

*Respondent submitted five copies of reply to petition alongwith other documents and the same is taken on record. One copy handed over to the petitioner. Petitioner requested some time to file the rejoinder.*

*The case is adjourned to 05.09.2023 for filing rejoinder.*

***Proceedings dated: 05.09.2023***

*Petitioner vide email dated 04.09.2023 requested another date for filing rejoinder due to some urgent problem. The same is admitted.*

*The case is adjourned to 12.09.2023 for filing rejoinder.*

***Proceedings dated: 05.09.2023***

*Petitioner vide email dated 13.09.2023 requested another date due to hearing of another case in the court of Hon’ble Ombudsman PSPCL, Mohali.*

*Forum observed that already an opportunity had been given but petitioner did not submit his rejoinder further even if petitioner had some engagements known to him the he could have emailed or submitted his rejoinder in office of Secretary Corporate CGRF. Last opportunity date is being given to the petitioner for filing rejoinder which case will be closed and deciding accordingly.*

*The case is adjourned to 19.09.2023 for filing rejoinder/ oral discussion.*

***Proceedings dated: 19.09.2023***

*Petitioner vide email dated 18.09.2023 submitted rejoinder which is taken on record and requested for another date due to some family function. Forum observed that final opportunity had already been given to petitioner and therefore no further date can be granted in the absence of satisfactory reason.*

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

*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. 3005231422, is having NRS connection with sanctioned Load/CD 60.000 KW/21.000 KVA, in the name of Mr. Vinod Kumar, under DS Model town Division, PSPCL West Ludhiana.
3. The Petitioner in his Petition prayed that: -

*With due respect it is requested that the petitioner is a consumer of PSPCL with NRS connection vice account no. 3005231422 in the name of Vinod Kumar at SCO no. 103 Urban Estate Phase-1 Dugri Ludhiana under Model Town Spl Division PSPCL Ludhiana and filling the appeal against the decision of CLDSC.*

1. *Case no. 113/2022-23.*
2. *Date of decision 18.01.2023*
3. *Date of receipt of decision Not delivered*

*History of appeal: -*

1. *The connection was obtained for 60 kw and later on dt. 1.08.2019 this Cd was shown on bill as 66.667 kva for billing purpose. The CD was not declared by me but PSPCL itself sanctioned 100% of load. Had PSPCL Issued any notice? Provide copy with its acknowledgement.*
2. *The fixed charges were on higher side thus reduction in CD was applied on 31.12.2020 vide application no. 100012076661 and it was reduced to 21 kva. It was sanctioned in Feb-2021. During the period of* ***Corona,*** *the work was not and shop was not opened. The consumption was very low. The petitioner was declared* ***corona positive*** *(medical test report dt. 18.01.22) is also attached.*
3. *The petitioner again enhanced the CD from 21 kva to 60 kva on dt. 23.02.2022 vide application no. 1001681280, the office issued DN no. 5227729 to deposit Rs. 70200/- [copy attached]. The petitioner protested but no one listen and ultimately amount was paid on 21.03.2022 after one month.*
4. *The PSPCL vide memo no. 684/88 /S-4/Misc-12 dt. 3-09-2020 issued instructions where after Reduction of CD and no security has been refunded and again wants to enhance the CD NO ACD be charged [ copy attached.]*
5. *The CD was extended 60-21=39 kva and amount as service connection charges has been charged @ Rs.1800/- per KVA. When as per above circular the security was not refunded and as such the connection charges are not applicable.*
6. *The respondent has not complied with their own instructions of Supply Code 2014 Slandered of Performance no. 4 where no physically change involves Within 7 days and in delay pay compensation of Rs. 200/- per day in each case.*
7. *That due to delay the petitioner suffer financial lose in the shape of Demand surcharge Rs. 32250/- + 20%= Rs. 38700/- {April-22 Rs. 3750/-, May-22 Rs. 9000/- & in June 22 Rs. 19500/-}.*
8. *That as per CLDSC decision the Demand charges Rs.32750/- has been refunded only but not implemented.*
9. *That petitioner be refunded Rs. 70200/-+Rs.38200/- with interest. A compensation as per Para 6 above may also be given.*
10. The Respondent in his reply to petition stated that:

*Kpqkwr dw gYr GrylU kYtwgrI dw kunYkSn hY, ijsdw mMnjUr Bwr 60 KW hY[ ies Kpqkwr ny kys ihstrI Anuswr AwpxI sI.fI. imqI 31.12.2022 lwgU imqI 18.01.2021 nUM 66.66 qoN Gtw ky 21.0 ky.vI.ey kIqI sI, jo ik aus v`loN imqI 23.02.2022 nUM dubwrw 21 ky.vI.ey qoN vDw ky 60 kyvIey krn leI nvW AYgrImyNt kIqw, ijs krky aus pwsoN sYp jnrytd ifmWf noits iv`c 70200/- rupey bqOr srivs kunYkSn cwrijz cwrj kIqy gey[ iehnW srivs kunYkSn cwrijz dw cwrj krn dw mu`K kwrn vxj srkUlr nM. 9/2019 Anuswr jykr koeI Kpqkwr ie`k swl qoN v`D smyN qoN bwAd Gtwey hoey lof/sI.fI. nUM vDwauNdw hY qW aus pwsoN bxdy cwrijz vsUlxXog huMdy hn[ ptISnr v`loN sI.fI. vwDy smyN cwrijz imqI 21.03.2022 nUM jmW krvwey gey sn Aqy iesdI sI.fI. dw vwDw imqI 25.06.2022 nUM jwb Awrfr nM. 39/1015 imqI 24.06.2022 dI pwlxw krdy kr id`qw igAw sI[ ikauNik Kpqkwr dI sI.fI. dw vwDw imqI 25.06.2022 nUM kIqw igAw sI[ ies krky iesdI mhInw 4/2022, 05/2022 Aqy 06/2022 iv`c sI.fI. vwDU irkwrf kIqy jwx krky ifmWf cwrijz dI rkm 3750/-, 9000/- Aqy 19500/- ku``lrkm 32250/- rupey cwrj kIqI geI[ ies rkm iv`coN 70200/- rupey srivs kunYkSn cwrijz hdwieqW Anuswr shI cwrj kIqy sn, pRMqU Kpqkwr ies nwl sihmq nhI hY [ Kpqkwr ny Awpxw kys mwxXog srkl sI.jI.Awr.AYP. iv`c ivcwrnw kIqw Aqy ausdy kys dw PYslw imqI 18.01.2023 nUM pwrtlI aus dy h`k iv`c krdy hoey mwxXog Porm ny Kpqkwr pwsoN lof vwDy smyN cwrj kIqy gey srivs kunYkSn cwrijz 70200/- rupey nUM cwrj krnw jwiez TihrwieAw[ pRMqU Kpqkwr dy ib`lW iv`c mhInwvwr cwrj hoey ifmWf cwrijz (3750/-, 9000/-, Aqy 19500/-) ku`l 32250/- vwips krn dy AwdyS id`qy Aqy mHInw 04/2022 qoN 06/2022 q`k Kpqkwr nUM vDwey gey lof Anuswr iPks cwrijz cwrj krn dy vI Awrfr kIqy[*

*mwxXog srkl sI.jI.Awr.AYP dw PYslw aunHW dy dPqr vloN mImo nM. 1122/29 imqI 02.02.2023 nwl Kpqkwr dy ies dPqr nUM ByijAw igAw sI[ ies PYsly Anuswr kwrvweI kridAW shw. kw.kw.ieMj:vxj v`loN kys dI kYlkulYSn bxw ky lyKw APsr Kyqr luiDAwxw nUM PYsly Anuswr pRI-Awift krn leI ByjI geI, jo ik mhInw 05/2023 iv`c Awift hox auprMq vxj SwKw nUM pRwpq hoeI[ AprUvf hoeI irPMf rkm 22710/- rupey nUM sMfrI rwhIN imqI 01.06.2023 nUM Kpqkwr dy Kwqy iv`c krYift kr id`qw igAw[ ies qrHW mwxXog srkl sI.jI.Awr.AYP dw PYslw pUrn rUp iv`c lwgU kIqw jw cu`ikAw hY Aqy ies iv` hux ku`J vI hor krnXog nhIN rihMdw[*

*Para wise reply of the appeal is as under*

* + - 1. *In reply to this para it is submitted that as the billing of the all consumers having load more than 20 KW and above is done on KVAH consumption and KVA demand basis. So, it is mandatory for all the applicants to submit their contract demand while applying for any load more than 20 KW.*
			2. *Para is correct to the extent that the Appellant has reduced his CD from 66.66 to 21 KVA as on 31.12.2020*
			3. *It is also admitted that the Appellant has enhanced his CD from 21 KVA to 60KVA on dated 23.02.2022 and as the difference of period of enhancement of CD and reduction of CD is more than 1 year (23.02.2022-31.12.2020). Therefore, Service connection charges were required to be charged to the appellant as per PSPCL instructions (CC No. 9/2019), Rs.70200/- has been charged to the Appellant in his demand notice as service connection charges which was deposited by him as on*
			4. *This para relates to instructions regarding charging of security amount which is not 03/21/2022 charged to the appellant while extending his CD.*
			5. *This para is wrong and denied as the instructions mentioned in para no-4 are dealt with charging of security amount and not service connection charges.*
			6. *This para is wrong and denied.*
			7. *It is admitted that demand charges are levied in Appellant bills from 04/2022 to06/2022 amounting to Rs. 32250/- No Taxes were charged on this amount as the same is not being part of SOP. This amount had already waived off by the Hon’ble Circle CGRF in its decision.*
			8. *Demand charges have already been waived off but service connection charges were genuinely charged as per instruction of PSPCL.*
1. Petitioner submitted his rejoinder/written arguments as under:

*With due respect, it is requested that the rejoinder to reply dt. 29.08.2023 is submitted as under: -*

*1. The PSPCL has not issued any notice to declare the CD as alleged to declare CD for the billing purpose. Had any notice issued? Provide the copy with its acknowledgement. The department has not clear in the reply and suppresses the matter. The CD was charged with 100% according to load itself by OSPCL and not declared by the petitioner.*

*2. The reply is admitted partly correct to the extent that reduction of CD from 66.66kva to 21kva but the date is 20.01.2021 against application dt. 31.12.2020. The document not provided with the reply dt. 29.08.2023. The copy of SAP is attached to authenticity of effect date on which actual reduced the CD to 21kva.*

*3. The reply is not admitted as the due date is 19.01.2021 for extension in CD within 1 year as per CC no. 09/2019 but the petitioner was CORONA effected and a certificate to this effect was issued on testing on dt. 18.01.2022 by SRL Diagnostics Ltd, 636-L Model Town Ludhiana [copy attached] and was not in a position to come out from home of corn tine, thus the application was filled later on 23.02.2022. The period needs to be condoning as the Govt. of India ban to move during corona and it was very much difficult to appear for filling the extension in CD formalities personally on 19.01.2021.*

*4. The service charges levied as Rs. 70200/- are wrong as explained above be refunded and pay compensation of Rs. 200/- per day in the delay as respondent has not complied with their own instructions of Supply Code 2014 Slandered of Performance no. 4 where no physically change involves Within 7 days and in this case "Fixed charges" are refunded but no interest has been paid.*

1. Forum have gone through the written submissions made the Petitioner in the petition, written reply of the Respondent, rejoinder as well as oral arguments made by the Petitioner and the Respondent along with the material brought on the record. The issue that requires adjudication in the present case is to decide the legitimacy of the Demand Surcharge of Rs. 32200/- in the bills from April/2022 to June/2022 and claim of refund of service connection charges amounting to Rs. 70,200/- deposited for extension in CD alongwith decision of Circle CGRF vide which service connection charges were held correct and recoverable and refund of demand surcharge treating sanctioned CD as 60 Kva after authenticating date of deposit of SCC & to charge Fixed charges accordingly.
2. Forum observed that Petitioner contended that the connection was obtained for 60 KW and CD was not declared by him, but PSPCL itself sanctioned the CD to 66.677KVA. He applied for reduction in CD from 66.667KVA to 21KVA on 31.12.2020 and same was sanctioned on 02.02.2021. Thereafter petitioner applied for extension in CD from 21KVA to 60KVA and deposited the requisite service connection charges. Petitioner contended that amount of service connection charges, charged to him is contradiction to PSPCL instructions issued vide memo no. 684/88/S-4/Misc-12 dated 03.09.2020. Petitioner was also charged demand surcharge in the bills issued from 04/2022 to 06/2022. Petitioner did not agree to demand surcharge charged in his bills and service connection charges for getting extension in CD and filed his case in Circle CGRF. Circle CGRF, City West, Ludhiana in his decision dated 18.01.2023 decided that service connection charges charged is correct and recoverable and demand surcharge amounting to Rs. 32250/- be refunded and fixed charges be charged for extended CD from the date of deposit of service connection charges after getting authenticated date of deposit. Petitioner did not agree with the decision of Circle CGRF and filed his case in Corporate Forum.

Forum observed that Petitioner in his petition pleaded that PSPCL vide memo no. 684/88 /S-4/Misc-12 dated 03.09.2020 issued instructions that if CD is enhanced within one year after same was reduced then the service connection charges are not applicable. He further pleaded in his rejoinder that the due date of extension in CD was 19.01.2021 but the petitioner became Corona positive on 18.01.2021 as such he could not apply for extension in CD and later applied on 23.02.2022.

Forum observed the relevant Reg. 8.1 of Supply Code-2014 of Time limits for release of new connection/additional load/ demand is reproduce as under*:*

*8.1 The distribution licensee shall provide supply of electricity to the premises pursuant to the application submitted under Regulation 6 within time limits mentioned hereunder:*

*a) Where no augmentation, erection and extension of distribution main, erection/augmentation of distribution transformer or power transformer is required for effecting such supply, the supply shall be provided within Seven (7) working days for DS/NRS category consumers and Fifteen (15) working days for other than DS/NRS consumers from the date of submission of application complete in all respects in case of consumers covered under regulation 6.2.1 and from the date of compliance of the Demand Notice in case of consumers not covered under regulation 6.2.1.*

Forum observed that petitioner had applied for reduction in CD from 66 KVA to 21 KVA on dated 31.12.2020 and same was sanctioned on 02.02.2021 by the respondent. As per above Regulation 8.5 of Supply Code-2014, the request for reduction in CD is required to be granted by the distribution licensee within a maximum period of fifteen (15) days from the date of its submission of revised A&A form and deposit of necessary charges, wherever applicable, failing which the demand/load shall be deemed to have been reduced as requested by the consumer. Therefore, as per the above regulation reduction in the CD shall deemed to have been reduced from 15.01.2021.

Further, the Reg 8.5 of Supply Code-2014, as mentioned by the petitioner, is reproduced as under:

***8.5******Reduction in Sanctioned Load/Demand***

*The request for reduction in sanctioned demand/ load by a consumer shall be submitted on A & A form prescribed by the distribution licensee along with processing fee and electrical contractor’s test report only in case there is change in connected load and/or electrical installation.*

*Provided that in case reduction in load/ demand results in reduction of supply voltage also, the supply may continue to be given at the existing higher supply voltage. However, in case the consumer opts for supply voltage corresponding to the reduced load/demand and it involves change in the licensee’s distribution system then such consumer shall be liable to pay actual expenditure incurred by the licensee to effect such changes in infrastructure.*

*The request shall be granted by the distribution licensee within a maximum period of fifteen (15) days from the date of its submission of revised A&A form and deposit of necessary charges, wherever applicable, failing which the demand/ load shall be deemed to have been reduced as requested by the consumer.*

*Provided further that in case a consumer (except seasonal industrial category) requests for increase in his sanctioned contract demand/load upto the original sanctioned demand/load within a period of one year from the date of approval in reduction in demand/ load, the same shall be allowed subject to technical feasibility, without recovery of any Service Connection Charges/Line Charges or proportionate cost of the common portion.*

*Provided also that such option shall be exercised by the consumer only once.*

Forum observed that petitioner had applied for extension in CD from 21 KVA to 60 KVA on 23.02.2022 and in compliance to the demand notice, he deposited service connection charges on 21.03.2022. As per proviso to regulation 8.5 of Supply Code, in case a consumer (except seasonal industrial category) requests for increase in his sanctioned contract demand/load upto the original sanctioned demand/load within a period of one year from the date of approval in reduction in demand/load, the same shall be allowed subject to technical feasibility, without recovery of any Service Connection Charges/Line Charges or proportionate cost of the common portion.But since the petitioner applied for extension in CD on 23.02.2022 after the expiry of a period of 1 year from the deemed date/actual date of approval in reduction in demand i.e., 15.01.2021/02.02.2021, therefore the claim of the petitioner regarding refund of service connection charges is not maintainable.

Forum further observed that petitioner had applied for increase in CD from 21KVA to 60KVA and made compliance of the demand notice by depositing service connection charges on 21.03.2022. As per regulation 8.1 (a) of Supply Code-2014 where no augmentation, erection and extension of distribution main, erection/augmentation of distribution transformer or power transformer is required for effecting such supply, the supply shall be provided within Seven (7) working days for DS/NRS category consumers. As such the extension in load was required to be released upto 28.03.2022. Therefore, petitioner is not liable for the demand surcharge levied for the period from 28.03.2022 to 25.06.2022 for CD upto 60 KVA.

Forum have gone through the written submissions made the Petitioner in the petition, written reply of the Respondent as well as oral arguments made by the Petitioner and the Respondent along with the material brought on the record. Keeping in view the above discussion, Forum is of the opinion that service connection charges charged to petitioner amounting to Rs. 70200/- are justified and recoverable. Demand surcharges for the period 28.03.2022 to 25.06.2022 for CD upto 60KVA is not chargeable, however fixed charges as per extended load/CD are applicable. The decision dated 18.01.2023 of Circle CGRF City West, PSPCL Ludhiana is required to be modified to that extent.

Keeping in view the above, Forum came to unanimous conclusion that service connection charges charged to petitioner amounting to Rs. 70200/- are recoverable. Demand surcharge charged for the period from 28.03.2022 to 25.06.2022 for CD upto 60KVA be refunded, however fixed charges as per extended load/CD be recovered. The decision dated 18.01.2023 of Circle CGRF, City West, PSPCL, Ludhiana, is modified to that extent.

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. **Service Connection Charges, charged to petitioner amounting to Rs. 70200/-, are recoverable. Demand Surcharge charged for the period from 28.03.2022 to 25.06.2022 for CD upto 60KVA, be refunded,** **however fixed charges as per extended load/CD, be recovered. The decision dated 18.01.2023 of Circle CGRF, City West, PSPCL, Ludhiana, is modified to that extent.**
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: 26.09.2023**