**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-136/2023**

**Date of Registration : 17.10.2023**

**Date of Closing : 07.11.2023**

**Date of Final Order : 17.11.2023**

**In the Matter of:**

 **M/S Narinder Kaur,**

**P. No. 87, Sherpur Khurd,**

**Ludhiana.**

**A/c No.: 3002955576.**

**Through:**

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

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Focal Point (Spl.) Division,

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

1. **BRIEF HISTORY:**

Petition against case No.: CF-136/2023 has been filed directly in this Forum by the petitioner through Sh. Parvesh Chadha, in the matter related to A/c no. 3002955576, in the name of M/S Narinder Kaur. Petitioner is having MS connection with Sanctioned Load of 70.00 KW under DS Focal Point (spl.) Division, PSPCL, Ludhiana. During Joint Mass Raid on 28.06.2023, connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-5, Ludhiana and ECR no. 30/5029 dated 28.06.2023 was prepared. As per ECR, voltage readings on the meter were displayed as R=2.86 V; Y=241.32 V; B=4.74 V while readings on LTERS meter were recorded as R=240 V; Y=241 V; B=241 and when accuracy of the meter was checked, it was found running 53.75% slow. Leads of the cables of all three phases were refixed/tightened and voltage readings on the meter were displayed as R=240 V; Y=242 V; B=241 V. ASE/Enf. cum EA & MMTS-5, Ludhiana issued speaking orders vide his office memo no. 183 dated 14.07.2023 and directed account of the petitioner be overhauled as per prevailing instructions of the department considering the meter slow as 53.75%.

In accordance with the above speaking orders, AEE/Commercial, DS Division Focal Point, Ludhiana issued notice to petitioner vide his memo no. 2929 dated 17.08.2023 to deposit amount of Rs. 2004992/- on account of 53.75% slowness of his meter. Petitioner did not agree to the amount charged to him and filed his case in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 19.10.2023, 26.10.2023, 31.10.2023 and finally on 07.11.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 19.10.2023***

*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. Focal Point, Ludhiana (Respondent) along with copy of petition.*

*Respondent shall submit five copies of the following record/documents to 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: -*
	1. *He will submit point-wise/para-wise reply to the petition in form of hard copy & soft copy through email at* *secy.cgrfldh@gmail.com**.*
	2. *He will check/verify the amount of Rs. 2004992/- charged vide notice memo no. 2929 dated 17.08.2023 on account of slowness of meter by 53.75% detected as per ECR no. 30/5029 dated 28.06.2023 on the basis of speaking orders of ASE Enf. Cum EA & MMTS-5, Ludhiana issued vide memo no. 183 dated 14.07.2023.*
	3. *He will submit legible copies of ECR no. 30/5029 and speaking orders along with DDL taken at site.*
	4. *He will certify that while charging the amount, related features of the metering equipment as per its PO/Technical specification have been taken care of, duly.*
	5. *He will confirm whether the petitioner connection is in the name of a Firm or an individual.*
	6. *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.*
	7. *He will submit copies of checking carried out by various authorities previously.*
	8. *Relevant instruction of Supply Code, 2014 according to which the account of the Petitioner has been overhauled and amount charged.*
	9. *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 26.10.2023.*

***Proceedings dated: 26.10.2023***

*Respondent submitted five sets of reply to the petition and the same is taken on record. One copy handed over to the petitioner. Petitioner requested another date for filing rejoinder.*

*Respondent is directed to submit reply of point no. 4(d) of proceeding dated 19.10.2023*

*The case is adjourned to 31.10.2023 for filing rejoinder.*

***Proceedings dated: 31.10.2023***

*Respondent vide email dated 30.10.2023 requested another date as reply from XEN PO Metering is still pending. The same is admitted.*

*Respondent is directed to submit DDL report taken in ME lab on next date of hearing.*

*Petitioner also vide email dated 31.10.2023 requested another date due to a case in Civil Court.*

*The case is adjourned to 07.11.2023 for oral discussion.*

***Proceedings dated: 07.11.2023***

*Respondent submitted reply of point no. 4(d) of proceeding dated 19.10.2023, the same is taken on record. Copy given to Petitioner. Respondent submitted DDL report vide email dated 03.11.2023, which is taken on record.*

*Petitioner submitted rejoinder which is taken on record, copy given to Respondent.*

*DDL forwarded to Petitioner vide email dated 07.11.2023.*

*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. 3002955576, is having MS connection with Sanctioned Load of 70.00 KW, in the name of M/S Narinder Kaur, under DS Focal Point (spl.) Division, PSPCL, Ludhiana.
3. The Petitioner in his Petition prayed that: -

*With due request, it is submitted that the petitioner is a consumer of PSPCL and account no.3002955576. The connection is my name "Narinder Kaur" at Plot no.87, Sherpur Khurd, Sherpur Ludhiana. The connection was obtained for the 70 KW & CD-70Kva under U-I, Focal Point Division PSPCL Ludhiana under Sr. XEN Focal Point Division PSPCL Ludhiana. The supply is used for Hosiery purpose. The petition is as below:*

* + - 1. *That the petitioner received a notice issued by AEE/com. Focal Point Division PSPCL Ludhiana vide no.2929 dt.17-08-2023 to deposit Rs.20,04,942/- within 15 days. And letter charged in the bill dt. 01.09.2023 payable date is 11.09.2023 amounting to Rs.27,65,130/-.*
			2. *That as per notice it is mentioned that my connection was checked by Sr. XEN Enforcement-5 PSPCL Ludhiana vide ECR no.30/5029 dt.28.06.2023 and detected meter running slow by 53.75%. The account has been overhauled for the period 31.07.2022 to 28.06.2023 i.e., 336 days. The ECR dt.28.06.2023 shows that RED & blue phased are not contributing voltage due to Oxidation on PT leads of Red & Blue Phases as per results taken on LTERS meter as Red=2.86V, Yellow =241.32 V & Blue=4.74 V. After removing the defects, the results were ok and accuracy was within limit. The DDL was recorded.*
			3. *That the account has been charged as per direction by Enforcement speaking order issued vide memo no.183 dt.14.07.2023 after go through the DDL and order to charge slowness factor 53.75% for the period 31.07,2022 to 28.06.2023 i.e., 336 days.*
			4. *That the charges levied are not correct and not admitted as this is the violation of Supply Code 2014 Reg. 21.5.1 and ESIM-2018 Inst. No.57 in which it is restricted to charge for the maximum period of 180 days but in my case, it is charged for 336 days. The reg. is reproduced as below:*

*21.5 Overhauling of Consumer Accounts*

*21.5.1 Inaccurate Meters*

*If a consumer meter on testing is found to be beyond the limits of accuracy as prescribed hereunder, the account of the consumer shall be overhauled and the electricity charges for all categories of consumers shall be computed in accordance with the said test results for a period not exceeding six months immediately preceding the:*

*a) date of test in case the meter has been tested at site to the satisfaction of the consumer or replacement of inaccurate meter whichever is later; or*

*b) date the inaccurate meter is removed for testing in the laboratory of the distribution licensee*

* + - 1. *That the account charged needs to be review in the light of Reg. 21.5.1 of Supply Code-2014 for maximum up to 180 days instead of 336 days.*
			2. *That 20% payment of Disputed notice as Rs. 4,00,998/- has been deposited vide R-197464235 dt. 05.09.2023 (copy attached} to kindly registered and hearing of my case in the interest of justice.*
1. The Respondent in his reply stated that: -

*That there is no case pending before any Court/Forum or any other authority between PSPCL and Petitioner.*

*The consumer has paid his current bills.*

*As per authority letter.*

*a. Reply to the petition:*

1. *Admitted.*
2. *Admitted.*
3. *Admitted.*
4. *Amount has been charged as per speaking orders issued by the Sr. Xen Enforcement, Enforcement-Cum-EA and MMTS-5, Ludhiana.*
5. *To be decided by CGRF.*
6. *Admitted.*

*b. Copy of ECR30/5029 dt. 28.06.2023*

*c. Copy of Calculation*

*d. Copy of ECR and DDL*

*e. Copy of Reading Record*

*f. Consumption data.*

1. Petitioner submitted his rejoinder as under: -

*With due request, it is submitted that the rejoinder to reply vide memo no. 3448 dt. 26-10-2023 is as below:*

1. *That the reply vide Para 4 (iv) is not admitted, the speaking orders passed by XEN Enforcement-com-EA & MMTS PSPCL Ludhiana vide memo no.183 dt.14.07.2023 are not correct. The copy of DDL taken at site on dt.28.06.2023 has not been provided, even not given with reply. Please provide.*
2. *That the account has been charged of slowness by -53.76% for the period 31.07.2022 to 28.06.2023 for 336 days is against the instructions of ESIM-2018 & Supply code-2014 in which it is restricted to Max. 180 days. The same has already placed with the petition in Para 4.*
3. *That the in the speaking order, it is ordered to respondent to charge the account after going through the DDL and instruction of PSPCL. Please call for the respondent to provide the copy of instructions/commercial circular vide which the PSPCL can charge the account more than 180 days.*
4. Forum has 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 amount of Rs. 2004992/- charged to petitioner vide Memo no. 2929 dated 17.08.2023 on account of 53.75% slowness.
5. Forum observed that during Joint Mass Raid on 28.06.2023, connection of the petitioner was checked by ASE/Enf. cum EA & MMTS-5, Ludhiana and ECR no. 30/5029 dated 28.06.2023 was prepared. As per ECR, voltage readings on the meter were displayed as R=2.86 V; Y=241.32 V; B=4.74 V while readings on LTERS meter were recorded as R=240 V; Y=241 V; B=241 and when accuracy of the meter was checked, it was found running 53.75% slow. Leads of the cables of all three phases were refixed/tightened and voltage readings on the meter were displayed as R=240 V; Y=242 V; B=241 V. ASE/Enf. cum EA & MMTS-5, Ludhiana issued speaking orders vide his office memo no. 183 dated 14.07.2023. Relevant part of the speaking orders is reproduced below: -

*“PT ਦੀਆਂ Red Phase ਅਤੇ Blue Phase Leads ਤੇ Oxidation ਹੋਣ ਕਾਰਨ ਸੰਪਰਕ ਨਹੀਂ ਬਣ ਰਿਹਾ ਸੀ ਭਾਵ ਕਿ Red Phase ਅਤੇ Blue Phase ਦੀ ਵੋਲਟੇਜ ਕੰਟਰੀਬਿਊਸਨ ਬਹੁਤ ਘੱਟ ਹੋ ਰਹੀ ਸੀ। (Red=2.86V, Yellow=241.32V & Blue=4,74V), ਮੌਕੇ ਤੇ LTERS ਨਾਲ ਮੀਟਰ ਦੀ Accuracy ਚੈਕ ਕੀਤੀ ਗਈ ਜੋ ਕਿ (-53.75%) ਸਲੋਅ ਪਾਇਆ ਗਿਆ। ਮੌਕੇ ਤੇ ਤਿੰਨੇ ਫੇਸਾਂ ਦੀਆਂ ਕੇਬਲ Leads ਨੂੰ ਸਾਫ ਕਰਕੇ ਦੁਬਾਰਾ Reconnect ਕੀਤਾ ਗਿਆ ਅਤੇ ਮੀਟਰ ਤੇ ਤਿੰਨੇ ਫੇਸਾਂ ਤੇ ਵੋਲਟੇਜ ਸਹੀਂ ਪਾਈ ਗਈ ਅਤੇ ਦੁਬਾਰਾ Accuracy ਚੈਕ ਕਰਨ ਤੇ within limit ਪਾਈ ਗਈ। ਮੌਕੇ ਤੇ DDL ਲੈ ਲਿਆ ਗਿਆ ਸੀ। ਖਪਤਕਾਰ ਦੇ ਮੀਟਰ ਦਾ DDL ਘੋਖਣ ਤੇ ਪਾਇਆ ਗਿਆ ਕਿ ਮਿਤੀ 31.07.2022 ਤੋਂ ਮਿਤੀ 28.06.2023 ਤੱਕ Red Phase ਅਤੇ Blue Phase ਤੇ Voltage ਦੀ Contribution ਬਹੁਤ ਘੱਟ ਹੋ ਰਹੀ ਸੀ। ਇਸ ਲਈ ਖਪਤਕਾਰ ਦਾ ਖਾਤਾ ਮੀਟਰ ਨੂੰ (-53.75%) ਸਲੋਅ ਮੰਨਦੇ ਹੋਏ ਮਹਿਕਮੇ ਦੀਆਂ ਚਲੰਤ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਸੋਧਿਆ ਜਾਵੇ।”*

In accordance with the above speaking orders, AEE/Commercial, DS Division Focal Point, Ludhiana issued notice to petitioner vide his memo no. 2929 dated 17.08.2023 to deposit amount of Rs. 2004992/- on account of 53.75% slowness of his meter. Petitioner did not agree to the amount charged to him and filed his case in Corporate CGRF, Ludhiana. Forum observed the consumption data supplied by the Respondent as under:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Year | 2019 | 2020 | 2021 | 2022 | 2023 |
| Month | Cons | Code | Cons | Code | Cons | Code | Cons | Code | Cons | Code |
| Jan | 754 | O | 659 | O | 6668 | O | 23733 | O | 26527 | O |
| Feb | 556 | O | 561 | O | 634 | O | 26404 | O | 21206 | O |
| Mar | 321 | O | 872 | O | 7794 | O | 16134 | O | 23629 | O |
| April | 241 | O | 131 | O | 16563 | O | 33266 | O | 18597 | O |
| May | 677 | O | 89 | O | 13508 | O | 19594 | O | 17620 | O |
| June | 713 | O | 465 | O | 15860 | O | 27156 | O | 23890 | O |
| July | 1113 | O |  |  | 18320 | O | 23514 | O | 26818 | O |
| Aug | 796 | O | 9 | O | 17795 | O | 26613 | O | 32443 | O |
| Sept | 665 | O | 208 | O | 18249 | O | 30205 | O | 31208 | O |
| Oct | 1574 | O | 1836 | O | 19280 | O | 30165 | O |  |  |
| Nov | 1716 | O | 4048 | O | 17400 | O | 328501784 | OO |  |  |
| Dec | 845 | O | 9430 | O | 21466 | O | 29473 | O |  |  |
| **Total** | **9971** |  | **18308** |  | **173537** |  | **320891** |  | **221938** |  |

From the above data it is observed that the consumption of the petitioner is continuously increasing from 2019 to 2022, but the same during 2023 is almost comparable to that in the corresponding period of 2022. As per the speaking order of the checking officer, the voltage on R & B phases had reduced from 31.07.2022 till his checking on dated 28.06.2023 but while going through the consumption data no such impact is visible in the consumption as well as in MDI during this period.

Forum had inkling from the documents/data made available to it, right from the initiation of this petition that this meter might be having capability of recording energy at Vref in case of missing potential of two phases as in this case, hence, had asked the Respondent vide point no. 4(d) of Initial Proceeding dated 19.10.2023 to certify that while charging the amount, related features of the metering equipment as per its PO/Tech. Spec., have been duly taken care of. He was again directed during proceedings dated 26.10.2023 to submit reply to para 4(d) of proceedings dated 19.10.2023.

Respondent submitted his reply vide Memo no. 3636 dated 07.11.2023 as per which meter of ‘SECURE’ Make are capable of recording occurrences of missing one/two potentials which can happen due to disconnection of potential leads. It means meter in dispute had already recorded the actual consumption despite the fact that it had not been getting proper voltage on two phases. He also submitted necessary clarification furnished by Dy. CE/HMC, PSPCL, Patiala vide memo No. 7119/F/3002/PO(M) dated 06.11.2023 as under: -

“*Ref: Your office letter no., 2144 dated 27.09.2023.*

*In regards to your office letter for the subject cited above, clause no. 17.(iv) "Missing Potential" of technical specification of tender enquiry no. MQP-125A against which Inbuilt CT meters were procured from M/s Secure Meters Ltd is reproduced as under:*

*The offered meters will be capable of recording occurrence of missing One/two. Potentials which can happen due to intentional/ accidental disconnection of potential leads with suitable indication on display. All such Occurrences and restorations or duration will be recorded with date and time.*

***Meter shall record energy according to Vref under this condition for the corresponding Phase.***”

It is evident from the above clarification that although meter did not get voltage on Red & Blue phases during the disputed period, it recorded energy taking voltage of these two phases equal to reference voltage meaning thereby that it recorded energy correctly during the disputed period. Thus, overhauling the account of the petitioner treating the meter slow by 53.57% is not justified.

Respondent in his letter further mentioned that during checking done vide ECR no. 30/5029 dated 28.06.2023, meter of the petitioner was checked by LTERS meter and it was found running 53.57% slow. Forum observed that the so-called slowness of the meter might have been worked out through pulse test although the ECR is silent about it. Based upon the stipulations in the Technical Specifications of the disputed meter that it will record energy according to Vref under themissing one/two phases for the corresponding phases, its accuracy must have been found within limits, had it been checked up through the Dial Test. Therefore, the so-called slowness of 53.57% was actually not there and the meter had been recording energy correctly. Therefore, submission of the Respondent that slowness of 53.57% recorded by LTERS meter should be considered, is not acceptable.

Forum further perused the DDL report of the meter submitted by the Respondent and checked up two random entries to cross-check and confirm about the behavior of the meter under missing potential as under: -

Readings of the voltage and current on all three phases on 07.05.2023 for time slot 16:00-16:30 Hrs. are as under: -

V1= 2.15 V; V2= 244.18 V; V3= 3.32 V

C1= 86.20 A; C2= 84.10 A; C3=87.30 A

KVAH consumption during this half hourly time slot as per above absolute readings becomes 10.505 KVAH as calculated below: -

(V1 C1 + V2 C2 + V3 C3)/1000 x 2 = 10.505 KVAH; whereas the meter has recorded energy as 29.81 KVAH during the same slot.

Readings of the voltage and current on all three phases on 30.05.2023 for time slot 16:00-16:30 Hrs. are as under: -

V1= 2.00 V; V2= 241.20 V; V3= 3.23 V

C1= 82.60 A; C2= 81.70 A; C3=88.70 A

KVAH consumption during this half hourly time slot as per above absolute readings becomes 10.079 KVAH whereas the meter has recorded 29.27 KVAH.

Now if we replace values of V1 & V3 with Vref i.e., 240 Volts then KVAH consumption becomes 31.088 KVAH and 30.41 KVAH respectively in case (i) & (ii) which are comparable to the actual KVAH recorded by the meter in the same half hourly time slot.

It is evident from the facts, discussion and calculations above that the meter has recorded energy taking voltages of red and blue phase as reference voltage i.e., 240 V and recorded energy correctly in spite of the fact that it did not get proper voltage on both of these phases.

Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent as well as other material brought on record. Keeping in view the above facts, Forum is of the opinion that the so-called slowness of 53.57% declared by ASE/Enf. cum EA & MMTS-5, Ludhiana was actually not there and the meter had recorded energy correctly by virtue of its technical specifications. Accordingly, notice issued to the petitioner vide Memo no. 2929 dated 17.08.2023 on account of this non-existent slowness and amounting to Rs. 2004992/-, is not justified and required to be quashed.

Keeping in view the above, Forum came to the unanimous conclusion that notice issued to the petitioner vide Memo no. 2929 dated 17.08.2023 on account of 53.57% slowness amounting to Rs. 2004992/- be quashed.

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. **Notice** **issued to the petitioner vide Memo no. 2929 dated 17.08.2023 on account of 53.57% slowness amounting to Rs. 2004992/-, is quashed.**
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: 17.11.2023**