IN THE COURT OF THE LOKPAL (OMBUDSMAN),

 ELECTRICITY, PUNJAB,

66 KV GRID SUB-STATION, PLOT NO. A-2,

INDUSTRIAL AREA, PHASE-1, S.A.S NAGAR (MOHALI)

Appeal No. 54 / 2017 Date of Order : 24.01.2018

Account No. 3002809198

Singhania International Ltd,

C-25, Phase-1, Focal Point,

Dhandari Kalan,

District Ludhiana.

*Through:*

Shri Sukhminder Singh, Petitioner’s Representative (PR)

….Petitioner

Versus

Punjab State Power Corporation Limited ...Respondent

*Through*

Er. Kanwal Preet Singh Sidhu,

Additional Superintending Engineer,

DS Focal Point Division (Special),

PSPCL, Ludhiana.

Petition No. 54/2017 dated 01.09.2017 was filed against order dated 11.08.2017 in case no. CG-158 of 2017 of the Consumer Grievances Redressel Forum (Forum) which decided that:

*‘The amount of Rs. 1,40,183/- charged to the Petitioner by ASE/OP Focal Point Division (Special), Ludhiana vide memo No. 568 dated 22.02.2017 is correct and recoverable”.*

2. Arguments, discussions and evidence on record were held on 18.01.2018 and 24.01.2018

3. Shri Sukhminder Singh (PR) attended the Court proceedings on behalf of the Petitioner, Er. Kanwal Preet Singh Sidhu, Addl. S.E/DS Focal Point Division (Special), PSPCL, Ludhiana alongwith Sh. Gursatinder Singh, AAO (Revenue) appeared on behalf of the Respondent – Punjab State Power Corporation Limited (PSPCL).

 4. Presenting the case on behalf of the Petitioner, Shri. Sukhminder Singh, Petitioner’s Representative (PR) stated that the Petitioner was having a Large Supply category connection with Sanctioned Load Contract Demand as 1190kW/1190kVA, under DS Focal Point Division (Special), PSPCL, Ludhiana. The Petitioner applied on 21.01.2015 for extension in Load/Contract Demand by 700kW/700kVA to its already existing Sanctioned Load/Contract Demand as 490kW/490kVA, making the extended load as 1190kW/1190kVA. The demand notice was issued, vide memo no. 678 dated 16.3.2015, asking the consumer to deposit the cost of sanctioned estimate of Rs. 9,37,233/- which was deposited on 30.3.2015. The extension in load was sanctioned/released on 19.09.2015. However, after a lapse of about 1½ years, AEE/Commercial, vide notice bearing memo no. 568 dated 22.02.2017 asked the Petitioner to deposit an additional amount of Rs. 1,40,183/- as difference of cost of 11KV outgoing breaker, on the basis of memo no. 5 dated 4.1.2017 of AAO, Revenue Audit Party, PSPCL, Ludhiana. The amount was deposited on 22.3.2017, under protest, to avoid disconnection.

 PR stated that the amount of difference of cost of 11KV outgoing breaker, as raised by the Respondent, was unjustified, as the Petitioner had already deposited actual estimated cost at the time of release of extension in load from 89.85kW to 490kW and from 490kW/490kVA to 1190kW/1190kVA. Further, the Petitioner had also deposited cost of estimate at the time of conversion of existing independent category-2 to category-4 feeder, for grant of continuous process status.

 PR also stated that the amount was raised without providing copy of estimates prepared at the time of release of extension in load from 89.85kW to 490kW and from 490kW/490kVA to1190kW/1190kVA. It was apprehended that entire material was not used against the estimated cost deposited by the Petitioner. Therefore, a Petition for refund was filed in the Forum (CG-158 of 2017) with the request to look into all the merits of the case, set aside the demand of Rs. 1,40,183/- which was raised by the Respondent and was deposited by the Petitioner. Further, the Forum was also requested to direct the Respondent to provide:

1. *Copy of each estimate and revised estimate (if any) as prepared by the Respondent from time to time for release of extension in load and for grant of continuous process status.*
2. *Copy of all the relevant IWR and SRW, so that further submission could be made for consideration of the Forum.*

 PR further stated that during proceeding in the case in the Forum, the Respondent provided only the copy of estimate and copy of IWR depicting details/actual cost of material used and measured as per IWR. After verification of the estimate and IWR, it was noticed that an amount of Rs. 3,78,173/-, deposited in excess, was also refundable to the Petitioner apart from additional amount of Rs.1,40,183/- deposited, under protest, by the Petitioner, as difference of cost of 11KV outgoing breaker, on the basis of memo no. 5 dated 04.01.2017 of AAO/Revenue Audit Party, Ludhiana. However, the Forum did not consider the genuine pleadings of the Petitioner and decided that:

 *“The disputed cost of the difference of rates of VCB is not contested anywhere. Moreover, it is mentioned that the difference of rates regarding various items depicted in above contention by the PR is not part of this dispute case; only the difference of cost of VCB is there. As the amount charged is on account of the CC No.60/2014 dated 30.12.2014 depicting various rates of different items has been followed. Therefore, the amount charged is correct and recoverable”.*

PR stated that the contents of the above decision itself showed that it was contradictory, non-speaking and biased. The Forum did not issue any separate judgment (which was issued in every case), and only copy of final proceeding dated 11.8.2017, vide which the case of the Petitioner (CG-158 of 2017) had been decided, was delivered to the PR on 11.8.2017 itself. The Petitioner was not satisfied with the decision of the Forum, therefore, the present appeal was filed.

 PR submitted that :

 (a) As per copy of the sectioned estimate IWR provided by the Respondent, it was evident that 3 MS Rail Poles, 4 PCC Poles (taken in the estimate) were not used for release of extension in Load/CD by 700kW/700kVA, to the Petitioner. Similarly, 3/C XLPE cable of 509 Metres was used against cost of 520 metres taken in the said estimate. Further, an amount of Rs. 41,802/- had been taken in the estimate as cost of metering equipment, whereas the Petitioner had deposited security against metering equipment.

 (b) As per standard cost data approved by Hon’ble PSERC and circulated by the PSPCL vide CC No. 60/2014 dated 30.12.2014, *the cost of outgoing breaker of 5000kVA was Rs. 3,94,126/-* i.e. Rs.3,17,312+ Rs.76,814/- (other charges such as contingency, storage, labour, transportation, T&P etc). The cost per kVA, as mentioned in standard cost data was Rs.79 per kVA (Rs. 3,94,126/5000kVA = Rs.78.83 say Rs.79/-). The proportionate cost for extension in load of 700kVA came to only Rs. 55,300/- (Rs.79x Rs.700 per kVA), whereas an amount of Rs. 2,01,935/- had been taken in the sanctioned estimate. Thus, an amount of Rs. 1,46,635/- had been taken excess in the estimate as the cost of outgoing breaker. The Petitioner had also deposited the proportionate cost of breaker for release of connection with 490kW/490kVA load but the copy of the estimate had not been made available to ascertain the exact amount required to be deposited. Similarly, the copy of the estimate for conversion of supply from existing independent category-2 to category-4 feeder, for grant of continuous process status to the Petitioner, was also not made available to verify the cost of breaker deposited with the PSPCL.

 (c) As per record made available to the Petitioner and in view of the position explained at (a) and (b) above, the amounts deposited in excess were refundable to the Petitioner on account of :

1. Cost of 3 No. MS Rail Pole Rs. 89,424/-
2. Cost of 4 No. PCC Pole Rs. 27,452/-
3. Cost of metering equipment Rs. 41,802/-
4. Cost 3/C XLPE cable Rs.7,227/-
5. Excess cost of breaker Rs.1,46,635/-

 Rs.3,12,540/-

 Thus an amount of Rs.3,12,540 + 21% (other charges such as contingency and storage, labour, transportation, T&P etc) = Rs. 3,78,173/- deposited in excess by the consumer were refundable apart from Rs. 1,40,183/- i.e. disputed amount deposited under protest. The total refundable amount, as per record made available by the Respondent, came to Rs. 5,18,356/- (Rs. 3,78,173+ Rs. 1,40,183.

PR prayed to set aside the decision of the Forum, allow the appeal and order the refund of excess amount of Rs.3,78,173/- and Rs.1,40,183/- alongwith applicable interest in the interest of natural justice and fairness.

5. Defending the case on behalf of the Respondent – PSPCL, Er. Kanwal Preet Singh Sidhu, Addl. S.E/DS Focal Point Division (Special), PSPCL, Ludhiana, stated that the connection of the Petitioner was running under Unit-1 of Focal Point Division (Special), PSPCL, Ludhiana, in the name of Singhania International Ltd., bearing Account No. E31FP08/0880 (old), 3002809198 (New). The present Sanctioned Load of the connection was 1190kW with Contract Demand 1190kVA.

The Respondent also stated that the Petitioner applied for extension of load/Contract Demand from 490 kW/490kVA to 1190kW/1190kVA vide application RID no.14440 dated 21.01.2015. Estimate no. 43704/14-15 was prepared and sanctioned for Rs.9,73,456/- for providing extension of load/CD to the Petitioner. A&A Form of Extension of load from 490 kW/490kVA to 1190 kW/1190kVA were approved by the Deputy Chief Engineer/DS, City East Circle, PSPCL, Ludhiana vide memo no. 1854 dated 12.03.2015. Demand Notice no. 678 dated 16.03.2015 was issued to the Petitioner who deposited Rs. 9,37,233/- on 30.03.2015 as per demand raised. Load/Contract Demand of Petitioner was extended from 490kW/490kVA to 1190 kW/1190 kVA on 19.09.2015 vide Job order no. 100001191983 dated 31.08.2015. In the estimate no. 43704/14-15, the cost of outgoing breaker (VCB Cost) was charged as Rs. 2,01,935/- but as per CC. no. 60/2014, the cost of 11kV outgoing breaker Rs. 3,17,312/- was chargeable. The AAO, Revenue Audit Party, Focal Point, Ludhiana, vide HM No. 5 dated 04.01.2017 charged the difference of cost i.e Rs.1,15,377/- ( Rs. 3,17,312 -2,01,935) and Rs. 24,806/- (2% + 2.5% + 1% + 16% = 21.5%) for charges of contingencies, transportation, T&P and supervision charges respectively. The total amount of Rs. 1,40,183/- (1,15,377 + 24,806) was charged to the consumer vide HM no. 5 dated 04.01.2017 and notice no. 568 dated 22.02.2017 was issued to the Petitioner for depositing the same.

The Respondent further stated that the Petitioner was not satisfied with the amount charged as per notice no. 568 dated 22.02.2017 and filed the Petition no. CG-158/2017 before the Forum which decided the case on 11.08.2017 with the order that amount of Rs.1,40,183/- charged to the Petitioner by Addl. S.E/DS Focal Point Division (Special), PSPCL, Ludhiana, vide memo no. 568 dated 22.02.2017 was correct and recoverable. Accordingly, the Notice bearing no. 2009 dated 25.08.2017 was issued in compliance to the order dated 11.08.2017 of the Forum. But the Petitioner was not satisfied by the said decision and filed the Appeal before this Court.

The Respondent added that the Petitioner’s plea of difference of rates regarding various items depicted in the Petition was not part of the disputed case and was thus, not maintainable. The present case related to only the difference of cost of VCB.

The Respondent also stated that the Petitioner did not contest the disputed cost of difference of the rates before it (i.e. Respondent) as required. The Respondent also stated that the office of the Chief Engineer, Commercial, PSPCL, Patiala, vide CC no. 60/2014 dated 30.12.2014 applicable w.e.f. 01.01.2015, circulated Standard Cost Data, as approved by the Hon’ble PSERC, providing as **u**nder:

*“…. However, in case due to non receipt of this circular or due to some other reasons, demand notices with service connection charges at unrevised/old rates is issued to any applicant on or after 01.01.2015, a notice/revised Demand notice for depositing SCC at revised rates must be issued immediately to the applicant/consumer and it must be ensured that service connection charges at revised rates and recovered from the applicant consumer before release of connection.”*

The Respondent further stated that in the said circular no. 60/2014, the cost of 11kv outgoing breaker to be recovered from the consumer had been mentioned as Rs. 3,17,312/-. In addition to the cost, 2% contingency and storage charges + 2.5% transportation charges + 1% T&P charges + 16% establishment charges shall also be recoverable from the consumer. As demand notice was issued to the Petitioner in 3/2015 i.e after the date of issue of CC no. 60/2014 dated 30.12.2014, so, the Petitioner was required to be charged as per rates mentioned in the said circular. But, in the estimate prepared at the time of extension of load, the cost of VCB was charged Rs. 2,01,935/- instead of Rs. 3,17,312/- chargeable as per CC no. 60/2014 apart from other charges recoverable from the Petitioner. So far as the contention of the Petitioner for charging the proportionate cost of VCB was concerned, there was no such provision as per the circular ibid for recovering the proportionate cost of VCB and the full cost was recoverable. So, the amount of Rs. 1,40,183/- was correct and recoverable.

The Respondent added that the Petition filed by the Petitioner before the Forum, in case no. CG 158/2017 was dismissed on 11.08.2017 due to which, Appeal had been preferred n this Court for disputed amount of Rs. 1,40,183/-. The Petitioner’s contention for payment of difference of rates regarding various items, depicted in the Petition was not part of the disputed case and thus not maintainable. Only the difference of cost of VCB was disputed and required to be adjudicated.

The Respondent prayed to dismiss the Appeal in view of the above submissions.

**Decision**

6. The relevant facts of the case are that the connection of the Petitioner was running under Unit-1 of DS Focal Point Division (Special), PSPCL, Ludhiana, in the name of Singhania International Ltd., bearing Account number 3002809198. The Petitioner applied for extension of load/Contract Demand from 490 kW/490kVA to 1190kW/1190kVA vide application RID no.14440 dated 21.01.2015. Estimate no. 43704/14-15 was prepared and sanctioned for Rs.9,73,456/- for providing extension of load/CD to the Petitioner. A&A Form of Extension of Load/CD from 490 kW/490kVA to 1190 kW/1190kVA was approved by the Deputy Chief Engineer/DS, City East Circle, PSPCL, Ludhiana vide memo no. 1854 dated 12.03.2015. Demand Notice bearing no. 678 dated 16.03.2015, asking to deposit a sum of Rs. 9,37,233/- was issued to the Petitioner who deposited the same on 30.03.2015. Load/Contract Demand of the Petitioner was thus extended from 490kW/490kVA to 1190 kW/1190 kVA on 19.09.2015 vide Job order no. 100001191983 dated 31.08.2015. In the estimate no. 43704/14-15, the cost of the outgoing breaker (VCB Cost) was charged as Rs. 2,01,935/- but as per CC. no. 60/2014 dated 30.12.2014 (applicable from 01.01.2015), the cost of 11kv outgoing breaker for Rs. 3,17,312/- was chargeable as per observation raised during internal audit, by the AAO/Revenue Audit Party, Focal Point, Ludhiana, vide HM No. 5 dated 04.01.2017 as per which, the Petitioner was also required to pay the difference of cost i.e Rs. 1,15,377/- (Rs. 3,17,312 -2,01,935) and Rs. 24,806/- (2% + 2.5% + 1% + 16% = 21.5% for charges of contingencies, transportation, T&P and supervision charges respectively). Thus, a sum of Rs. 1,40,183/- (1,15,377 + 24,806) was charged to the consumer vide Half Margin ibid. Accordingly, AEE/Commercial issued notice no. 568 dated 22.02.2017 to the Petitioner for depositing the same. The Petitioner deposited this account on 22.03.2017 under protest to avoid disconnection and filed the Petition no. CG-158/2017 before the Forum which decided the case on 11.08.2017 with the order:

*“The disputed cost of the difference of rates of VCB is not contested anywhere. Moreover, it is mentioned that the difference of rates regarding various items depicted in above contention by the PR is not part of this dispute case; only the difference of cost of VCB is there. As the amount charged is on account of the CC No.60/2014 dated 30.12.2014 depicting various rates of different items has been followed. therefore, the amount charged is correct and recoverable”.*

In compliance to the said decision of the Forum, a Notice bearing no. 2009 dated 25.08.2017 was issued by the Respondent. Not satisfied with the said decision, the Petitioner has filed an Appeal before this Court praying for allowing refund of Rs. 5,18,356/- with interest as applicable as per the following details:

 Cost of 3 No. MS Rail Pole = Rs. 89,424/-

 Cost of 4 No. PCC Pole = Rs. 27,452/-

 Cost of metering equipment = Rs. 41,802/-

 Cost 3/C XLPE cable = Rs.7,227/-

Excess cost of breaker = Rs.1,46,635/-

 Rs.3,12,540/-

 Addl. Other charges @ 21% (contingency,

 Storage, labour, transportation and T&P) Rs. 65,633/-

 Rs.3,78,173/-

 Disputed amount deposited under protest Rs. 1,40,183/-

 Rs. 5,18,356/-

The Respondent has, in its reply, stated that the Petitioner’s contention of difference of rates regarding various items, depicted in the Petition, is not part of disputed case and thus, not maintainable as the Petitioner did not raise and contest the issue before the Respondent as required. According to the Respondent, the present dispute relates to only the difference of cost of VCB.

I have gone through the written submissions made in the Petition by the Petitioner and written reply of the Respondent as well as oral arguments of the Representatives of both the Petitioner and the Respondent alongwith material brought on record by both the sides.

The issue requiring adjudication is the legitimacy of the claim for refund of Rs.5,18,356/- (Rs.3,78,173/- deposited in excess plus Rs.1,40,183/- deposited under protest) on account of extension of Load/CD, with interest as applicable.

 The points emerged during the oral discussions are discussed as under:

1. PR contended that the Petitioner deposited a sum of Rs. 9,37,233/- as estimated cost for extension of Load/Contract Demand from 490kW/490kVA to 1190kW/1190kVA against the Demand Notice issued by the Respondent vide memo no. 678 dated 16.03.2015. The extension, as applied, was released on 19.09.2015. PR further stated that after a lapse of about 1½ years, AEE/Commercial, vide notice bearing Half Margin (HM) no. 568 dated 22.02.2017, asked the Petitioner to deposit an additional amount of Rs. 1,40,183/- as difference of cost of 11kV outgoing breaker, on the basis of memo no. 5 dated 4.1.2017 of AAO/Revenue Audit Party, Focal Point, PSPCL, Ludhiana. The amount was deposited on 22.3.2017, under protest to avoid disconnection.

PR also stated that the amount of difference of cost of 11kV outgoing breaker, as raised by the Respondent, was unjustified, as the Petitioner had already deposited actual estimated cost at the time of release of extension in load from 89.85kW to 490kW and from 490kW/490kVA to 1190kW/1190kVA. Further, the Petitioner had also deposited the cost of estimate at the time of conversion of existing independent category-2 to category-4 feeder, for grant of continuous process status.

PR further argued that the amount was raised without providing copy of estimates prepared at the time of release of extension in load from 89.85kW to 490kW and from 490kW/490kVA to 1190kW/1190kVA. It was apprehended that the entire material was not used against the estimated cost deposited by it.

 The Respondent, in its defence, stated that the office of the Chief Engineer/Commercial, PSPCL, vide CC no. 60/2014 dated 30.12.2014 applicable w.e.f. 01.01.2015 circulated Standard Cost Data, as approved by the Hon’ble PSERC, providing as under:

*“…. However, in case due to non receipt of this circular or due to some other reasons, demand notice with service connection charges at unrevised/old rates is issued to any applicant on or after 01.01.2015, a notice/revised demand notice for depositing Service Connection Charges (SCC) at revised rates must be issued immediately to the applicant/consumer and it must be ensured that service connection charges at revised rates are recovered from the applicant/ consumer before release of connection.”*

The Respondent further argued that as per the said CC no. 60/2014 dated 30.12.2014, the cost of 11kV outgoing breaker, to be recovered from the consumer had been mentioned as Rs. 3,17,312/-. In addition to the cost, 2% contingency and storage charges + 2.5% transportation charges + 1% T&P charges + 16% establishment charges shall also be recoverable from the consumer. As demand notice was issued to the Petitioner in 3/2015 i.e after the date of issue of CC no. 60/2014 dated 30.12.2014, so, the Petitioner was required to be charged as per rates mentioned in the said circular. But, in the estimate prepared at the time of extension of load, the cost of VCB was charged Rs. 2,01,935/- instead of Rs. 3,17,312/-, chargeable as per CC no. 60/2014, apart from other charges recoverable from the Petitioner. So far as the contention of the Petitioner for charging the proportionate cost of VCB was concerned, there was no such provision as per the circular ibid for recovering the proportionate cost of VCB and the full cost was recoverable. So, the amount of Rs.1,40,183/- was correct and recoverable.

1. PR next contended that during the course of hearing of the case in the Forum, the Petitioner requested the Forum to arranged following documents:
* Copy of each estimate and revised estimate (if any) as prepared by the Respondent from time to time for release of extension in load and for grant of continuous process status.
* Copy of all the relevant IWR and SRW, so that further submission could be made for consideration of the Forum.

 PR further stated that, during proceeding in the case, the Respondent provided only the copy of estimate and copy of IWR depicting detailed/actual cost of material used and measured as per IWR. After verification of estimate and IWR, it was noticed that an amount of Rs. 3,78,173/-, excess deposited, was also refundable to the Petitioner apart from additional amount of Rs.1,40,183/- deposited, under protest, by the Petitioner, as difference of cost of 11kV outgoing breaker, on the basis of HM no. 5 dated 04.01.2017 of AAO/Revenue Audit Party, Ludhiana. However, the Forum did not consider the genuine pleadings of the Petitioner and decided that:

 *“The disputed cost of the difference of rates of VCB is not contested anywhere****.*** *Moreover, it is mentioned that the difference of rates regarding various items depicted in above contention by the PR is not part of this dispute case; only the difference of cost of VCB is there. As the amount charged is on account of the CC No.60/2014 dated 30.12.2014 depicting various rates of different items has been followed. Therefore, the amount charged is correct and recoverable”.*

PR stated that the contents of the decision itself showed that it was contradictory, non-speaking and biased. The Forum did not issue any separate judgment (which was issued in every case), and only copy of final proceeding dated 11.8.2017, vide which the case of the Petitioner (CG-158 of 2017) had been decided, was delivered to the PR on 11.8.2017 itself. The Petitioner was not satisfied with the decision of the Forum, therefore, the present appeal was filed.

 PR argued that :

 (a) As per copy of the estimate and IWR provided by the Respondent it was evident that 3 MS Rail Pole, 4 PCC Poles (taken in the estimate) were not used for release of extension in load/CD by 700kW/700kVA, to the Petitioner. Similarly, 3/C, XLPE cable of 509 Metres was used against cost of 520 Metres taken in the estimate. Further, an amount of Rs. 41,802/- had been taken in the estimate as cost of the metering equipment, whereas the Petitioner had deposited security against metering equipment.

 (b) As per Standard Cost Data approved by the Hon’ble PSERC and circulated by PSPCL vide CC No. 60/2014 dated 30.12.2014, *the cost of outgoing breaker of 5000kVA was Rs. 3,94,126/-* i.e. Rs.3,17,312+ Rs.76,814/- (other charges such as contingency, storage, labour, transportation, T&P etc). The cost per kVA, as mentioned in standard cost data was Rs.79 per kVA (Rs. 3,94,126/5000kVA = Rs.78.83 say Rs.79/-). The proportionate cost for extension in load of 700kVA came to only Rs. 55,300/- (Rs.79 x Rs.700 per kVA), whereas an amount of Rs. 2,01,935/- had been taken in the estimate. Thus, an amount of Rs. 1,46,635/- had been taken excess in the estimate as the cost of outgoing breaker. The Petitioner had also deposited proportionate cost of breaker for release of connection with 490kW/490kVA load but the copy of estimate had not been made available to ascertain the exact amount of estimated cost deposited. Similarly, the copy of estimate for conversion of supply from existing independent category-2 to category-4 feeder, for grant of continuous process status to the Petitioner, was also not made available to verify the cost of breaker deposited with PSPCL.

 (c) As per record made available by the Respondent and in view of position explained at (a) and (b) above, the amounts deposited in excess were refundable to the Petitioner as detailed below:

 Cost of 3 No. MS Rail Pole Rs. 89,424/-

1. Cost of 4 No. PCC Pole Rs. 27,452/-
2. Cost of metering equipment Rs. 41,802/-
3. Cost 3/C XLPE cable Rs.7,227/-
4. Excess cost of breaker Rs.1,46,635/-

 Rs.3,12,540/-

 Other charges @ 21% (contingency,

 Storage, labour, transportation and T&P) Rs. 65,633/-

 Rs.3,78,173/-

 Disputed amount deposited under protest Rs. 1,40,183/-

 Rs. 5,18,356/-

 The Respondent contested the contention of the PR regarding the claim for refund of Rs. 3,78,173/- on account of difference in rates of different items depicted in the Petition was not justified as the Petitioner did not raise this grievance at any time before the Respondent and took up this issue only in the Forum which observed, in its order dated 11.08.2017, that this issue was not part of the disputed case.

 After hearing both the sides on 18.01.2018, the Respondent was directed by this Court to submit the audited figures, by 19.01.2018, of the actual cost incurred for sanctioning the extension of Load/CD to the Petitioner but the Respondent, sent, vide e-mail dated 19.01.2018, received at 15:35 hours, the details of actual expenditure incurred without getting the same audited. Therefore, the Respondent was again directed to send the audited figures by 22.01.2018 positively. However, the Respondent submitted the audited figures vide e-mail. dated 24.01.2018 received at 16:59 hours, as under:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.No. | Detail of Material | Cost As per Estimate | Actual Cost | Difference |
| 1 | 3/c 150mm2 XLPE cable | 341640 | 333514 | -8126 |
| 2 | M.S. Rail Pole(9/4) | 89424 | 89424 | 0 |
| 3 | PCC pole 11 mtrs (11/3) | 27452 | 27452 | 0 |
| 4 | MS Channel Iron(75\*40) | 8000 | 3102 | -4898 |
| 5 | MS Flat (40\*6) | 1380 | 1405 | 25 |
| 6 | MS Nut Bolts off size | 1440 | 1381 | -59 |
| 7 | 11 kv Disc Insulator T&C | 3961 | 2489 | -1472 |
| 8 | ACSR conductor 50/80 m2 | 30000 | 21798 | -8202 |
| 9 | Cable Termination Kit O/D | 9456 | 2901 | -6555 |
| 10 | Cable Termination Kit I/D | 1332 | 1276 | -56 |
| 11 | Add 5% | 25750 | 24237 | -1513 |
| 12 | Cost of VCB | 201935 | 339764 | 137829 |
| 14 | Cost of metering | 41802 | 41802 | 0 |
| 15 | Labour Charges | 54699 | 52392 | -2307 |
| 16 | Add16% | 134270 | 150870 | 16600 |
|  | **Grand Total** | **972541** | **1093807** | **121266** |

*I have perused the details of actual expenditure incurred including the cost of 11kV outgoing breaker while releasing the load. I find that the actual cost incurred is Rs.10,93,807/- against the sanctioned estimate of Rs. 9,72,541/-. Hence, the difference, between the said two figures, amounting to Rs. 1,21,266/- was required to be deposited by the Petitioner. But, as per record available, the Petitioner has deposited Rs. 9,37,233/- on 30.03.2015 against the actual expenditure of Rs. 10,93,807/-. Therefore, the Petitioner, is liable to pay the difference of cost, actually spent for release of extension in Load/CD which comes to Rs. 1,56,574/-(Rs. 10,93,807-Rs. 9,37,233).*

**As a sequel of above discussions, it is held that a sum of Rs. 1,56,574/- on account of difference of actual cost incurred for granting extension in Load/Contract Demand (Rs. 10,93,807/- ) and amount already deposited by the Petitioner (Rs. 9,37,233/-), is recoverable, without any interest.**

7. The Appeal is disposed off accordingly.

8. In case, the Petitioner or the Respondent (Licensee) is not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate Bodies in accordance with Regulation 3.28 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations – 2016.

 (VIRINDER SINGH)

 LokPal (Ombudsman)

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