THE ELECTRICITY OMBUDSMAN

(For the State of Goa and Union Territories)

Under Section 42 (6) of the Electricity Act, 2003

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Appeal No-CHD/229 of 2024 **Date of Video Conferencing: 5.12.2024 & 16.12.2024**

Date of Order: 26.12.2024

In the matter of

Hospital Engineer (Electrical),
PGIMER, Chandigarh

.... Appellant

Versus

Executive Engineer,
Electricity Op-Division No 01,
Electricity Department, Chandigarh. **.... Respondent**

Parties present:

Appellant(s)	Mr Sandeep Yakhmi, Hospital Engineer, PGIMER, Chandigarh. Mr Hitesh Kumar, Assistant Engineer, PGIMER, Chandigarh.
Respondent(s)	Mr Vijay Kumar, Executive Engineer, Elecy. Op Divn No 1, Electricity Department, Chandigarh Mr Manoj Kumar MRT Division, Electricity Department, Chandigarh

<u>**ORDER**</u>

The Appellant has preferred an Appeal No- CHD/229 of 224 as the orders passed by the Ld. CGRF-Chandigarh in Complaint No D-131/2022 dated-16.12.2022 filed by **Hospital Engineer (Electrical), PGIMER, Chandigarh has not been implemented by the Electricity Department Chandigarh**. The Appeal was admitted on 21.11.2024, as Appeal No. CHD/229 of 2024. A Copy of the same, as received was forwarded to the Respondent with a direction to submit their remarks/ counter reply on each of the points. The Respondent Executive Engineer OP-1, Electricity Department, Chandigarh submitted their comments vide Memo No EE/OP1/JE(T)/2024/Ombudsman/1861530 dated 29.11.2024.

The undersigned has considered the appeal filed by the Appellant as the orders of Ld. CGRF Chandigarh has not been implemented inspite of the fact that Appellant has been following with the Electricity Department for almost Two years. The Appellant, even offered to bear the cost of equipment required for installation of Summation Metering but the department under the pretext that there is no provision for installation of Summation Metering in JERC Electricity Supply Code 2018 did not implement the order and preferred to challenge the order before Hon'ble High Court of Punjab and Haryana.

The first issue arises is regarding condonation of time lines specified in Regulation 36(f) of JERC CGRF and Ombudsman Regulations 2024.

As per the Regulation 36(f) of CGRF and Ombudsman Regulations 2024

Pre-conditions/ limitations for entertaining complainant's representation: -

1) The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied that: -

    (A) *the complainant has filed the representation before the Ombudsman within 30 days from the date of receipt of the decision of the Forum or the date of expiry of the period within which the Forum was required to take the decision or the date of expiry of the period within which the distribution licensee was required to implement Forum's order whichever is applicable:*

    Provided that the Ombudsman may entertain a representation after the expiry of the said period of thirty day.

The Appellant in present case has filed the appeal against the CGRF Chandigarh's order dated 16.12.2022 on 21.11.2024 i.e. after almost Two years. The Appellant has submitted that the delay was caused as they were taking up the matter with the Electricity Department for implementation of CGRF Chandigarh's orders.

Section 5 of the Limitation Act, 1963, provides that any appeal or application may be admitted after the prescribed period if the appellant or applicant satisfies the court that they had sufficient cause for not preferring the appeal or making the application within such period.

Upon perusal of the records and considering the submissions made by the Appellant, the Ombudsman finds that the reasons provided by the Appellant constitute sufficient cause for the delay in filing the Appel No CHD/229/2024. The Ombudsman is satisfied that the delay was neither intentional nor due to negligence on the part of the Appellant as such the appeal was accepted.

The other issue raised by the Respondent Electricity Department in their comments is that as per the provisions of Regulation 36(C) of the Joint Electricity Regulatory Commission (JERC) notification dated 16th August 2024, pertaining to Pre-conditions/Limitations for Entertaining a Complaint by the Ombudsman, it is clearly stated:

"The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied:

a) The representation by the complainant, in respect of the same grievances, is not pending in any proceedings before any court, tribunal, arbitrator, or any other authority; or a decree, award, or final order has not been passed by any such court, tribunal, arbitrator, or authority."

The present issue pertains to the applicability of Clause 36(f) & 36(c) of the JERC CGRF and Ombudsman Regulations 2024, which sets preconditions/limitations for filing a representation before the Ombudsman. According to Clause 36(c), a representation can be entertained by the Ombudsman only if the following conditions are satisfied:

a) The representation by the **complainant,** in respect of the same grievance, is not pending before any court, tribunal, arbitrator, or other authority; or

b) A decree, award, or final order has not been passed by any such court, tribunal, arbitrator, or authority in relation to the grievance.

I. The present appeal has been filed by the Hospital Engineer, PGIMER, Chandigarh (Appellant in case No D-131/2022) in connection with Case No. D-131/2022 before the CGRF Chandigarh, where the Electricity Department, Chandigarh was the Respondent.

II. Subsequently, the Electricity Department, Chandigarh (Respondent in Case No. D-131/2022), filed a writ petition challenging the CGRF order before the Hon'ble High Court of Punjab and Haryana in CWP No. 1763 of 2024 challenging the provisions of JERC Electricity Supply Code 2018 Regulations, wherein they have submitted that there is no provision of Summation Metering in JERC Electricity Supply Code 2018. However, the Electricity Department is not the complainant in Case No. D-131/2022, which forms the subject of this challenge.

III. The filing of the writ petition in CWP No. 1763 of 2024 before the Hon'ble High Court constitutes "pending proceedings before a court," as defined under Clause 36(c).

IV. Consequently, the representation filed by the Appellant before the Ombudsman, relating to the same grievance under challenged by the Respondent in case No D-131/20222 before the Hon'ble High Court, gives the scope for consideration of by the Ombudsman as the orders of CGRF Chandigarh has not been challenged by the **complainant of case No D-131/2022.**

V. The Respondent Electricity has failed to substantiate their argument by giving an example of Electricity Supply Code wherein the provision of Summation Metering and splitting of existing connection into Two Equal parts (for sanctioned as well as Contract Demand) has been mentioned.

VI. Furthermore, there is no **stay granted by Hon'ble High Court of Punjab and Haryana** on the operation of the order passed by CGRF Chandigarh.

VII. The Electricity Department, Chandigarh, has challenged the provisions of the JERC Electricity Supply Code 2018, in WP 1763 of 2024 before Hon'ble High Court of Punjab and Haryana, arguing that it does not explicitly provide for the installation of a Digital Summation Meter.

VIII. However, the Electricity Department has failed to substantiate its argument, particularly in explaining the basis for splitting an existing connection into two separate connections, each carrying 50% of the sanctioned load and 50% of the contract demand.

IX. Furthermore, there is no stay on the operation of the CGRF Chandigarh's order and Electricity Department, while challenging the provisions of the JERC Electricity Supply Code 2018, has failed to justify its claim regarding the absence of provisions for installing a Digital Summation Meter. It has also not addressed the lack of any explicit provisions permitting the splitting of an existing connection into two separate connections with 50% of the sanctioned load and 50% of contract demand allocated to each feeder.

X. In view of these circumstances, the Ombudsman has considered the appeal filed by the Appellant as they have not approached Hon'ble High Court of Punjab and Haryana being complainant in case No D-131/2022 with CGRF Chandigarh and the Appellant, Electricity Department Chandigarh in WP 1763 of 2024 before Hon'ble High Court of Punjab and Haryana is not a complainant before CGRF Chandigarh in case No D-131/2022.

Submissions by the Appellant

The Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh is a premium government hospital with critical healthcare facilities requiring an uninterrupted power supply. To meet its requirements, PGIMER has established its own 66 KV substation with supply from two independent 66 KV bus systems, each equipped with a separate transformer of 10/12.5MVA and metering system.

The Institute is a bulk consumer, sanctioned with 25,415.108 KW of load under a single-point supply arrangement since 2008.

Post-formation of the Joint Electricity Regulatory Commission (JERC), the UT Electricity Department (Respondent) requested PGIMER to apply for contract demand. Accordingly, PGIMER applied for a contract demand of 16,943.405 KVA (60% of the sanctioned load). The Electricity Department:

However, Respondent unilaterally bifurcated single point supply connection into two accounts as under: -

- Account No. 104/BL04/00010H
- Account No. 104/BL04/00024U

Further, Respondent fixed Contract Demand for each account as 8,471.7 KVA and sanctioned load as 12707 KW instead of allowing flexibility for the total applied contract demand of 16,943.405 KVA across both accounts.

Due to the nature of operations, any failure in one of the 66 KV buses or transformers requires the entire load to shift to the other bus/transformer temporarily. This leads to a temporary spike in the contract demand beyond the 8,471.7 KVA limit, resulting in penalties.

To avoid penalties, PGIMER has been forced to:

- Run standby diesel generator (DG) sets.
- Exercise load shedding, which is detrimental to Hospital Operations.

PGIMER approached Respondent on multiple occasions (e.g., Letter No. PGI/Engg/Elect/18/3651 dated 06.10.2018), to request consideration of the total contract demand of 16,943.405 KVA across both accounts or alternate solutions.

In response, Respondent (Memo No. 949 dated 13.02.2019) suggested either:

- Clubbing of both accounts.
- Enhancement of the contract demand on each account.

Both suggestions were deemed unfavorable to PGIMER as they:

- Compromise the availability of an alternate 66 KV bus during a failure.
- Increase fixed charges, causing a financial burden.

Instead, PGIMER proposed the installation of a Digital Summation Meter, a proven solution in other states (e.g., Andhra Pradesh and Maharashtra), to enable combined billing without compromising the availability of dual feeders or increased fixed charges due to imposition of penalties whenever the load exceeds the 8471.7 KVA.

After repeated correspondence with Respondent, PGIMER ultimately approached the Consumer Grievance Redressal Forum (CGRF) via Complaint No. D-131/2022. Wherein, the CGRF, after joint hearings and deliberations, passed an order on 16.12.2022, with key directions:

- PGIMER requires two feeders for uninterrupted power supply.
- The issue can be resolved through the installation of a Digital Summation Meter.

- PGIMER should apply for the clubbing of both connections to enable a single meter system for both feeders.
- Engineers from both sides should jointly inspect sites where the Summation Meter is operational for verification.

However, despite CGRF's directions, Respondent failed to facilitate the installation of the Summation Meter and instead expressed intent to challenge the order in the Hon'ble High Court of Punjab and Haryana, citing:

- Absence of provisions for a Summation Meter in the Electricity Supply Code 2018.
- Lack of calibration facilities for Summation Meters in Electricity Department Chandigarh.

Subsequently, Respondent filed a case in the Hon'ble Punjab & Haryana High Court vide WP No 1763/2024 challenging the CGRF order to avoid installation of summation meter causing further delays.

PGIMER continues to face Maximum Demand Penalties, despite the sum of maximum loads in both the feeders recorded being within permissible limits against the total declared contract demand of 16,943.405 KVA.

The lack of a resolution has forced the Institute to bear operational inefficiencies and financial burdens, adversely affecting hospital services.

In light of the above, it is humbly submitted by the Appellant that:

Directions be issued to Respondent to comply with the CGRF order dated 16.12.2022, including facilitating the installation of the Digital Summation Meter at PGIMER's substation.

Grant interim relief to PGIMER by suspending the imposition of Maximum Demand Penalties until a final resolution is reached.

Submissions by the Respondent:

The complaint filed by the Appellant was decided by the Hon'ble Consumer Grievance Redressal Forum (CGRF) vide its order dated 16.12.2022.

The Ld. CGRF directed the Engineers of both parties, i.e., the Engineers of PGIMER, Chandigarh (Appellant) and the Chandigarh Electricity Department (CED, Respondent No. 1), to jointly visit at least one site anywhere in the country where the summation metering has been implemented, within one month of receipt of the order to assess the performance of the "Summation Meter" proposed to be installed by PGIMER, Chandigarh.

The Chandigarh Electricity Department (CED) has already challenged the order of the Hon'ble CGRF dated 16.12.2022 before the Hon'ble Punjab & Haryana High Court, Chandigarh, by filing Civil Writ Petition No. 1763 of 2024.

The said Civil Writ Petition is pending adjudication before the Hon'ble High Court and the N.D.O.H is fixed for 02.04.2025.

As per Clause 36(C) of the Joint Electricity Regulatory Commission (JERC) Notification dated 16th August 2024, pertaining to Pre-conditions/Limitations for Entertaining a Complaint by the Ombudsman, it is clearly stated:

"The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied:

(a) The representation by the complainant, in respect of the same grievances, is not pending in any proceedings before any court, tribunal, arbitrator, or any other authority; or a decree, award, or final order has not been passed by any such court, tribunal, arbitrator, or authority."

Since the matter is sub-judice before the Hon'ble Punjab & Haryana High Court, Chandigarh, the present petition is not maintainable in law.

In view of the above submissions, it is submitted that:

The present petition may kindly be dismissed with costs, as it is not maintainable in the eyes of law.

Deliberation during e-hearing on 5.12.2024 & 16.12.2024:-

During the proceedings of the case on 5.12.2024 the Respondent Electricity Department seeked some time to file their reply and submit the commercial file, pertaining to the connection granted to PGIMER, on record. The Appellant submitted that they have applied for extension of load of 15138.178 KW to the existing load of 10276.93 KW thereby making a total load of 25415.108 KW on single delivery point. The Electricity Department Chandigarh had installed Two meters on Two Incoming feeders. The Appellant, further submitted that they had not applied for splitting of connected load on Two account Nos.

Prior to the implementation of billing on KVA bases, the billing was done on KW bases and hence there was no dispute on billing with Two meters. As such they never objected and continued paying the demand charges on regular basis. It is only after the implementation of billing on KVA bases in 2015 that they started facing problem due to penalty being imposed on PGIMER as the recorded MDI exceeded the fixed MDI of 8471.7 KVA by the Electricity Department on their own.

On these grounds Electricity Department Chandigarh approached Ld. CGRF in case No D-131/2022. Inspite of the fact that Ld. CGRF decided the case but the department did not implement the order and filed a Civil Writ Petition No 1763 of 2024 in Hon'ble Punjab and Haryana High Court.

Findings & Analysis: -

1. The Appellant filed the present petition felling aggrieved as the orders passed by the Ld. CGRF has not been implemented by the Electricity Department Chandigarh. The main crux of the complaint is as under: -

The Appellant submitted an application on 18.12.2008 (Application No. 41594 under the Bulk Supply Category) requesting an extension of the load by 15,138.178 KW to their existing load of 10,276.93 KW, resulting in a total load of 25,415.108 KW on a single delivery point.

The Chief Engineer, UT Chandigarh, approved the electricity connection with a sanctioned load of 25,415.108 KW, as per Memo No. G-1/08/11720 dated 21.11.2008, for a single-point supply at 66kV.

However, the Electricity Department installed two electricity meters on their own without any reason and approval of competent authority:

Meter No. CHPVT 10969 (Serial No. PBB01274) under Account No. 104/BL04/00010H, and Meter No. CHPVT 10970 (Serial No. PBB01275) under Account No. 104/BL04/00024U, on both the 66kV feeders connected to the 66kV Bus at the PGIMER Grid.

The sanctioned load of 25415.108 and the contract Demand of 16,943.405 has been equally divided on the Two 66kV Feeders connected to the PGIMER Bus at Grid substation. Upon splitting, each Feeder is having a sanctioned load of 12707.550 KW and Contract Demand of 8471.700KVA. In case anyone Feeder or Transformer is out of service for any reason the entire load of the other feeder is transferred to other feeder and by doing this the contract demand of that particular feeder exceeds the sanctioned contract demand of 8471.700 KVA and a penalty as per the Tariff provision is levied on that feeder. The bifurcation of sanctioned load and the contract demand has been done by the Electricity Department without taking any consent from the Registered Consumer (PGIMER).

2. In a letter dated 6.10.2018 (PGI/Engg/Elect/18/3651-54), the Hospital Engineer (Electrical) confirmed that the contract demand be fixed as 16,943.405 KVA, which is 60% of the total sanctioned load of 25,415.108 KW. The Electricity Department, however, allocated 50% of the contract demand (i.e. 8,471.70 KVA) to each of the two feeders connected to the 66kV Bus at the 66kV substation.
3. The installation of two separate connections with distinct connection numbers on each of the 66kV feeders (Two incoming feeders) by the Electricity Department was a unilateral decision of Electricity Department PGIMER had never requested for bifurcation of the single-point supply connection into two parts. Furthermore, the Electricity Department proceeded with the installation of two meters without seeking approval from the Chief Engineer, UT Chandigarh, or any other competent authority.
4. The Hospital Engineer objected to this unilateral decision, highlighting that, in the event of a failure in one of the incoming feeders or power transformers, the load would need to be transferred to the other feeder, resulting in the Maximum Demand on that feeder exceeding the sanctioned contract demand. This could lead to penalties

for Contract Demand violations. Accordingly, the Hospital Engineer requested that the unified contract demand of 16,943.405 KVA be applied to both connections.

5. In response, the Electricity Department issued Memo No. 949 on 13.02.2019, offering two options to PGIMER:

    Either combine both accounts, or

    Increase the contract demand on each account.

6. The Electricity Department further clarified that if both connections were merged, the supply arrangement would change to a single feeder, thereby eliminating the N-1 flexibility in the power supply.
7. According to the Central Electricity Authority's "Electricity Distribution Network Planning Criteria,

    "Critical loads should be supplied via separate dedicated feeders with an alternate path (N-1 redundancy), and (N-1-1) redundancy should be applied for highly critical loads."

8. In a letter dated 30.04.2019 (PGI/Engg/HE/Elect/2019/671), the Hospital Engineer expressed the following concerns:

    a) Combining the load and supplying it through a single radial feeder would tantamount to compromising of power supply reliability. PGI, being a prominent government institution that treats thousands of patients daily, including those in critical care such as ICUs and operation theaters, cannot afford power interruptions, which could severely impact patient care.

    b) Increasing the load would result in higher fixed charges, as PGI would need to bear the cost (Security Deposit and Fixed charges) of an increased sanctioned load and contract demand on both feeders.

9. Thereafter, a meeting was held on 19.06.2020, during which it was agreed that PGI would apply for the consolidation of the load from both 66kV meters into a single meter for both feeders. The Director of PGI approved this proposal on 21.07.2020, which involved installing a Digital Summation Meter to measure both 66kV feeders.
10. However, the Electricity Department Chandigarh did not give an ear to the same and as a result PGIMER continued to suffer.
11. Thereafter, the Appellant approached the Learned CGRF Chandigarh for relief in Case No. D-131 of 2022, and the CGRF passed an order on 16.12.2022 with key directions:
    - PGIMER requires two feeders for uninterrupted power supply.
    - The issue can be resolved through the installation of a Digital Summation Meter.
    - PGIMER should apply for the clubbing of both connections to enable a single meter system for both feeders.

- Engineers from both sides should jointly inspect sites where the Summation Meter is operational for verification.

However, the same could not be adhered to by the Electricity Department Chandigarh.

12. The undersigned feels that the reason for allocating two separate connection numbers for the two meters installed on both the 66kV incoming feeders was not explained during the hearings by the Electricity Department to either before the Ombudsman or before the CGRF.
13. Technically, the meters might have been installed to record the directional flow of electricity, and the energy summation was to be billed to PGIMER. While the Department followed this approach, allocating two separate connection numbers undermined the purpose, as it divided the sanctioned load and contract demand across the two connections.
14. Finally, in Memo No. 5044 dated 21.08.2023, the Assistant Engineer, Electrical Operations, Sub Division No. 4, informed the Hospital Engineer (Electrical) that the Electricity Department is challenging the orders of the Learned CGRF Chandigarh. The Department noted that the JERC Electricity Supply Code 2018 does not provide for the use of a summation meter and mentioned that there is no government laboratory in India for calibrating such meters.

Now the question arises as to

I. Is there any provision of summation meter available in JERC Electricity Supply Code 2018?

The JERC Electricity Supply Code 2018 has a provision on Metering in Chapter 6 which clearly mentions that all service connections shall be metered. However, which type of meter is to be used depends upon the Load sanctioned and Voltage, of supply connection. As far as non-provision of Summation metering in the JERC Electricity Supply Code 2018 is concerned, the same envisage that all meters and installation of meters shall confirm to requirements as laid down in the Central Electricity Authority (Installation & Operation of Meters) Regulations 2006 issued under Section 55 of the Act and as amended from time to time. Not only this, the JERC Electricity Supply Code 2018 also empowers the Distribution Licensees for installation of upgraded technology meter if it meets the requirements over and above the requirements of CEA (Installation & Operation of Meters) Regulations 2006. Further, the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 states as under:

Regulations, 2006, Chapter 3. Applicability of regulations. –

(1) ...

(2) ...

(3) These regulations provide for type, standards, ownership, location, accuracy class, installation, operation, testing and maintenance, access, sealing, safety, meter reading and recording, meter failure or discrepancies, anti-tampering features, quality assurance, calibration and periodical testing of meters, additional meters and **adoption of new technologies in respect of following meters for correct accounting, billing and audit of electricity:**

(i) Interface meter

(ii) Consumer meter

(iii) Energy accounting and audit Meter

II. **Under which provision of JERC Electricity Supply Code 2018 the single point supply connection with a sanctioned Load of 25415.108KW and Contract Demand of 16943.405 KW is split into Two Connections with equal load?**

There is no provision of splitting a Single Point Supply Connection into Two distinct connections in JERC Electricity Supply Code 2010 & 2018. The Electricity Department has split the existing Single Point Supply connection on 66kV into Two distinct connection on their own by applying unilateral decision without any consent of consumer.

III. **Is the summation meter, a different kind of meter?**

The summation meter is same type of meter as already used by the Electricity Department on 66kV Feeders. These are CT operated meter with 0.2S class accuracy.

IV. **Why a special Lab for calibration of summation meter is required by the department?**

There is no need of any special Lab for calibration of summation meter. The existing setup used for calibration and Testing of Energy meters can be easily used for testing of summation meter.

V. **Under what circumstances No Engineering solution is offered to the premium consumer like PGIMER when the established solutions are available in the open market?**

The Electricity Department unilaterally divided the sanctioned load and contract demand into two equal parts across the 66kV feeders (Two incoming feeders) without any request from the registered consumer. This action was taken without proper departmental approvals or authorization.

VI. **Is the conduct of Electricity Department amounts to consumer harassment?**

This is a clear case of consumer harassment by the Department. The department miserably failed to find out an Engineering Solution to the problem being highlighted by the Registered Consumer.

The two meters installed on both 66kV feeders are intended to give uninterrupted power supply recording the directional flow of energy whenever both the feeders are used for supplying Power. However, the Department has divided the sanctioned load and contract demand equally between the two 66kV feeders without the consent of the Registered Consumer, which has led to the core issue of imposition of penal provision against the demand recorded by the meters when One feeder is out of service and its load is transferred to the other feeder.

If the restricted contract demand (8471.70 KVA) had been correctly applied to either of the 66kV feeders and updated in the database, the problem could have been addressed from the outset.

Additionally, PGIMER had proposed the installation of a Digital Summation Meter, at their own cost, which has proven to be an effective solution in other states such as Andhra Pradesh and Maharashtra. This would facilitate combined billing without compromising the availability of dual feeders. PGIMER has also provided a detailed report from one of the leading manufacturers, M/s SECURE METERS. However, instead of working toward implementing this solution, the Electricity Department chose to disregard it.

The order passed by the Learned CGRF on [Date] has neither been implemented nor challenged by the Electricity Department until 04.01.2024, when a Writ Petition is filed in the Hon'ble High Court of Punjab & Haryana. In the interim, whenever the Maximum Demand Indicator (MDI) exceeded the contract demand, PGIMER has been penalized.

As such it is ordered as under: -

a. For the reasons discussed above, the appeal of the Appellant is partly allowed.
b. The Order in Complaint No- CC -27/2021/52 dated-24.06.2019, passed by Learned CGRF-Goa is upheld to the extent.
c. The Electricity Department/Licensee should submit a compliance report to the office of Electricity Ombudsman on the action taken in this regard within **30 days** from the issuance of this Order by email.
d. The appeal is disposed of accordingly.

Chandershekhar

(C M SHARMA)
Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated: 26.12.2024