

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

Petition No. 20 of 2020
Date of Hearing: 19.08.2020
Date of Order: 10.09.2020

Petition under Regulation 71 (power to remove difficulty) of PSERC (Conduct of Business) Regulations, 2005 for Clarification regarding criterion for allowing reduced rate for consumption above threshold limit in case of change in category from General Industry to Power Intensive Industry- Tariff order for FY 2016-17 & FY 2017-18.

In the matter of: Punjab State Power Corporation Limited, The Mall Patiala.

...Petitioner

Present: Ms. Kusumjit Sidhu, Chairperson
Sh. S.S. Sarna, Member
Ms. Anjali Chandra, Member

PSPCL: Sh. Bhupinder Sharma CE/ARR&TR
Sh. Bhuvnesh Nauhria, SE/TR-2
Sh. Lovleen Gupta, AEE/TR-5
Sh. N.K.Jindal, SE/Sales-2
Sh. Gurdeep Singh, ASE/Sales-3

Order

PSPCL has filed the present petition for clarification regarding criteria for allowing reduced rate for consumption above threshold limit in case of change in category from General Industry to Power Intensive Industry. PSPCL has referred to a case filed by M/s Arora Iron and Steel, Ludhiana, before the Consumer Grievance Redressal Forum (CGRF) Ludhiana for refund as per commercial circular No. 31/2016 issued by PSPCL wherein the consumer enhanced the Contract Demand

(CD) from 2495 KVA to 30995 KVA and also changed its category from general to power intensive unit and the CGRF in its decision dated 16.09.2019 has decided that threshold rebate for FY 2016-17 is admissible to the petitioner. PSPCL has submitted that there is no instruction in para 7.4 of the tariff order for FY 2016-17 or in subsequent tariff orders upto date or clarification issued vide memo dated 07.03.2018 that in case a consumer change its category from General Industry to power intensive unit, whether such a consumer is to be treated as a new consumer from the date of change of category while checking the criterion for allowing reduced rates for consumption above threshold limit, since the demand factor for General Industry is 60% while that of Power Intensive Unit (PIU) it is 75% for assessing the electricity charges in case of theft and UUE. PSPCL has therefore requested that such consumer should be treated as a new consumer from the date of change of category and should not be allowed reduced rate for consumption above threshold limit.

The petition was taken up for hearing on admission on 19.08.2020 and after hearing representative of PSPCL the Order was reserved. The Commission has heard the representative appearing on behalf of PSPCL. The Commission approved a base tariff rate of Rs. 4.99 per KVAh as per para 7.4.3 of the tariff order for FY 2016-17 for large supply Industrial category consumers, who consume power above threshold limit. The Commission in its tariff Order for FY 2017-18 decided to have reduced energy charges for FY 2017-18 @ Rs 4.45 per Kwh for small power and Rs. 4.23 per KVAh for large supply/medium supply consumers for all categories of Industrial Consumers who consume power above the threshold limit. Clarification was issued by the Commission

vide memo No. 2388 dated 07.03.2018 regarding adjustment of consumption on pro-rata basis in case of reduction or extension of load. PSPCL has requested for interpretation of para No. 7.4.3 of the tariff Order for PSPCL for FY 2016-17 and para No. 6.1.3 of the tariff Order for FY 2017-18.

The provisions of the tariff Order read with clarification issued by the Commission vide memo No. 2388 dated 02.03.2018 are clear and unambiguous. Having lost its case in the CGRF, PSPCL's request for interpretation of said provisions of the Tariff Order appears to be an afterthought. As per prevailing Regulations, PSPCL has no remedy to invoke the jurisdiction of the Commission against the Order of CGRF, Ludhiana by asking for the said clarification. Therefore, jurisdiction of the Commission is not attracted to entertain the issue raised in the present petition. The petition is not fit to be admitted for hearing and is dismissed accordingly.

Sd/-
(Anjuli Chandra)
Member

Sd/-
(S.S. Sarna)
Member

Sd/-
(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: **10.09.2020**