

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

IA No. 12 of 2021 in
Petition No. 05 of 2021
Date of Hearing: 05.05.2021
Date of Order: 07.05.2021

Application under regulation 68, 69, 71, 72 and 73 and other relevant provisions of Chapter XIII of the Conduct of Business Regulations 2005 as amended up to date and the provisions of the Electricity Act, 2003 for urgent listing and to extend the period of interim protection rendered by this Hon'ble Commission in terms of ibid order dated 11.02.2021 for a period of 45 days from the date of the order, till the application seeking interim relief is decided by the Sole Arbitrator to be appointed by the parties or /and any further period as deemed fit by this Hon'ble Commission beyond 45 days rendered by this Hon'ble Commission vide order dated 11.02.2021, whereby, the parties were directed to proceed as per clause 19 of the franchisee agreement and report compliance within 45 days of the date of issue of the order and in order to meet the ends of justice, PSPCL had been directed not to take any punitive action against the Petitioner on account of impugned demand raised by PSPCL, for a period of 45 days granted to the parties to submit compliance of this order.

And

In the matter of: M/s Globus Projects Pvt. Ltd having its offices at Plot No. 1, (Bestech Business Tower, Sector-66) Phase-9, Industrial Area, Mohali-160062, through its authorized Representative Sh. Syed Shamshad Akhtar.

V/s

Punjab State Power Corporation Ltd. (PSPCL) & Ors.

Present: Sh. Viswajeet Khanna, Chairperson
Ms. Anjali Chandra, Member
Sh. Paramjeet Singh, Member

M/s Globus
Projects
Pvt. Ltd: Sh. Aditya Grover, Advocate

PSPCL: Sh. Gurchain Singh Banga, CE/ARR&TR
Sh. Deepak Gupta, SE/TR-2
Sh. Mukesh Kumar, ASE/TR-5
Sh. Lovleen Gupta AEE/TR-5
Sh. Gurpreet Singh Sandhu

ORDER

Petition No. 05 of 2021 alongwith IA No. 03 of 2021 was disposed of by the Commission vide order dated 11.02.2021, observing that ***since there is specific provision in the franchisee agreement for the settlement of disputes between the distribution licensee and the franchisee therefore the Commission directs the parties to proceed as per clause 19 of the franchisee agreement and report compliance within 45 days of the date of issue of this order.*** Further, with regard to the request of the learned counsel for restraining the respondents against any coercive action on account of impugned demand raised by the PSPCL, the Commission directed PSPCL not to take any punitive action against the Petitioner on account of impugned demand raised by PSPCL, for a period of 45 days granted to the parties to submit compliance of this order.

The petitioner has filed the present I.A submitting that in terms of the Order dated 11.02.2021, the petitioner visited the concerned office of PSPCL with regard to appointment of the Sole Arbitrator in terms of the Franchise agreement dated 03.05.2018 entered between PSPCL and the petitioner and also proposed three names for the appointment of the Sole Arbitrator vide communication dated 10.03.2021. The petitioner has taken all the necessary steps in compliance of the Order dated 11.02.2021 but the action for the compliance of the Order is pending at the end of PSPCL. The protection granted in terms of the Order dated 11.02.2021 was for a period of 45 days which has lapsed on 28.03.2021 and has sought the indulgence of the Commission to extend the period of interim protection from the date of Order till the application seeking interim relief is decided by the Sole Arbitrator to be appointed by the parties.

The representative appearing on behalf of PSPCL has submitted that the proceedings for appointment of the Arbitrator as per clause 19 of the franchise agreement could not be finalized due to COVID -19 pandemic and the same shall be finalized within next two or three days.

The Commission vide Order dated 11.02.2021 directed the parties to proceed as per clause 19 of the franchisee agreement and report compliance within 45 days of the date of issue of the Order. PSPCL was further directed not to take any punitive action against the petitioner on account of impugned demand

raised by PSPCL for a period of 45 days. After hearing the parties, the time period of 45 days given vide Order dated 11.02.2021 is further extended for two weeks from the date of issue of this Order and during this period PSPCL is restrained from taking any punitive action against the petitioner on account of impugned demand raised by PSPCL.

The I.A No. 12 of 2021 stands disposed of accordingly.

Sd/-
(Paramjeet Singh)
Member

Sd/-
(Anjali Chandra)
Member

Sd/-
(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: **07.05.2021**

