

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

Petition No. 38 of 2020
Date of Hearing: 10.11.2020
Date of Order: 03.12.2020

Petition under Section 142 of E.A 2003 read with Reg 2.41 of (Forum and Ombudsman) Regulations 2016 in the matter of Non compliance of the orders of CGR Forum PSPCL Patiala in the case nos. GCP-224/2019 and CGP 225/2019 of the petitioner.

AND

In the matter of: M/s VN Sharma Builders Pvt. Ltd and its Sister Concern M/s NK Sharma Enterprises Pvt. Ltd Zirakpur through its authorized signatory Parminder Kumar.

...Petitioner

V/s

Punjab State Power Corporation Limited.

...Respondent

Present: Ms. Kusumjit Sidhu, Chairperson
Ms. Anjuli Chandra, Member

ORDER

The petition was taken up for hearing on admission. The representative appearing on behalf of the petitioners submitted that V.N Sharma Builders Pvt. Ltd. and its sister concern N.K Sharma Enterprises Pvt. Ltd. are developers and builders of residential colonies and commercial complexes. They have obtained Single Point supply connections under DS category for which Distribution Franchisee Agreements (DFA) with PSPCL have been signed. In August, 2019, PSPCL stopped allowing 12% rebate admissible under clause 15 of DFA and also issued notices for recovery of excess rebate already allowed on account of non fulfillment of some conditions of the DFA. The petitioners raised their grievances before the CGRF/ Patiala. CGRF vide orders dated 25.10.2019 disposed of the petitions holding that the franchisee has not fulfilled all the conditions of the agreement and that the franchisee rebate could be given once all the terms and conditions of the Distribution Franchisee Agreement are complied with by the petitioner. The CGRF also allowed the excess rebate already given to be recovered/adjusted once the account for the same is submitted by the petitioners.

The petitioners admitted that they could not comply with the conditions of DFA, as PSPCL did not provide the format for furnishing the billing data. However, as per the claim of the petitioners, the conditions have now been fulfilled after the decision of the CGRF but still the mandatory rebate has not been restored and instead sundry charges for recovery of rebate already allowed have been added in bills. It has been prayed to proceed against PSPCL under section 142 of the Electricity Act 2003 read with Regulation 2.41 of (Forum and Ombudsman) Regulations 2016 for non-compliance of the orders of CGRF/ Patiala.

The officers of PSPCL submitted that the petitioners have not yet fulfilled the terms and conditions of the DFA and petitioners have been duly informed in writing on 27.10.2020.

The Order dated 25.10.2019 passed by the CGRF/Patiala mandates that the Franchisee Rebate be given to the petitioner once the compliance of all the terms and conditions of the Distribution Franchisee Agreement is made by the petitioner and the excess rebate already given to the petitioner be also recovered/adjusted once the account for the same is submitted by the petitioner. The present dispute is about whether the petitioners have fulfilled the terms and conditions of the DFA or not. There is no issue of non-compliance of the orders of CGRF which warrant proceedings under section 142 of the Act. The jurisdiction of the Commission is not attracted in this case. The petition does not merit to be admitted and is disposed of accordingly.

Sd/-
(Anjuli Chandra)
Member

Sd/-
(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: 03.12.2020