**COURT OF THE LOK PAL (OMBUDSMAN),**

 **ELECTRICITY, PUNJAB,**

**PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,**

**S.A.S. NAGAR (MOHALI).**

**APPEAL NO. 62/2020**

**Date of Registration : 28.12.2020**

**Date of Hearing : ­­06.01.2021**

**Date of Order : 06.01.2021**

**Before:**

 **Er. Gurinder Jit Singh,**

**Lokpal (Ombudsman), Electricity, Punjab**.

**In the Matter of:**

 M/s. Madhuban Steel Industries,

 Badinpur Road, Opposite Raymond Steel,

 Alour, Khanna-141401.

 **Contract Account Number: 3000855797**

 ...Appellant

Versus

Addl. Superintending Engineer,

DS Division,

PSPCL, Khanna.

 ...Respondent

**Present For:**

 Appellant : Sh. G. S. Mittal,

 Appellant’s Representative (AR).

Respondent : Er. Sukhwinder Singh,

 Assistant Engineer,

 DS Sub Division,

 City-II, Khanna.

 The present Appeal was preferred by the Appellant against the order dated 11.11.2020 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-203 of 2020, deciding that:

*“ACD deposited at the time of extension of load amounting to Rs. 1,13,628/- be updated and upto date interest on this be given from date of deposit”.*

1. A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 28.12.2020 i.e. after more than 30 days of receipt of the decision dated 11.11.2020 of the CGRF, Patiala in Case No. CGP-203 of 2020. The above decision was sent by the Forum vide Memo No. 2506/CGP-203/2020 dated 11.11.2020 and delivered to the Appellant on 21.11.2020 as per documentary evidence provided by it. The Appeal of the Appellant relates to payment of upto date interest on ACD deposit {Security (Consumption) and Security (Meter)} and as such, the Appellant was not required to deposit any amount with the Respondent for filing the Appeal in this Court. Accordingly, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/ DS Division, PSPCL, Khanna for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 1261-63/OEP/A-62/2020 dated 28.12.2020.
2. The Appellant, in its Appeal, submitted that a Large Supply category electricity connection with sanctioned load of 600 kW was running in its name under DS Division, PSPCL, Khanna. The Forum, vide its order dated 11.11.2020, had granted partial relief of payment of interest on ACD/{Security (Consumption) and Security (Meter)} from the date of extension in load in the year 2017 and ignored the previous period as claimed by the Appellant and also admitted by the Respondent. The Forum had erred in giving the full relief as claimed by the Appellant and even the calculations of this interest had also been admitted as submitted by the Respondent and copy of these calculations were also attached duly signed by the Respondent. The calculation sheet was submitted by the Respondent through e-mail to the Appellant in compliance to the directions given by the Forum in proceedings dated 28.09.2020. In compliance of the above order, the Appellant‘s Representative had visited the office of the Respondent which, after rechecking of its record, supplied copy of revised calculation sheet of interest payable. As per this calculation sheet, total amount of interest payable from 01.01.2008 to 31.03.2020 was to the tune of ₹ 2,65,144/-, to which, the Appellant also agreed. The Respondent had also supplied copy of these calculations through e-mail to the Appellant and also submitted these calculations before the Forum as mentioned in proceedings dated 19.10.2020. Thus, as per above admitted calculations of interest by both the parties, an amount of ₹ 2,65,144/- on account of pending interest was payable by the Respondent to the Appellant but the Forum had allowed only partial relief of interest payable on the account of security deposit of ₹ 1,13,628/- from 2017 to date alongwith its updation. But, the legitimate relief which was admissible as per Regulation 17.1, 17.2, 17.3 and 17.4 of Supply Code-2007/2014 had been omitted in the order without any reason, rule, regulation and policy of the Respondent. The calculations as submitted by the Respondent before the Forum as per proceedings dated 19.10.2020 were required to be considered by the Forum and if there was any ground of rejection, the Forum should have rejected it quoting the reasons alongwith rules/ regulations. When there was no such denial, it clearly proved that the Appellant was eligible for this relief which had been omitted to be allowed by the Forum. Accordingly, the Appellant prayed to consider the legitimate claim of interest for which no rule/ regulation/ policy disallowed it specifically in the case when Respondent had also agreed for its payment before the Forum. The Appellant had prayed for updation of amount of Security (Consumption) and Security (Meter) and further payment of interest from the date of deposit of the amount.
3. After submission of the Appeal in this Court on 28.12.2020, the same was forwarded to the Respondent on the same day by e-mail. The Appellant sent e-mail dated 29.12.2020 stating as under:

“an appeal was filed before your Hon’ble Lokpal on 17.12.2020 against CGP case No. 203/2020, M/s Madhuban Steel Ind. Khanna vs Xen Op. Divn. Khanna which was under process in your good office. Since the respondent has sent a letter No. 1452 dated 16.12.2020 received on today (whatsapp) regarding allowing refund and the appellant is satisfied and do not want to file any appeal.”

1. On receipt of the said request of the Appellant vide e-mail dated 29.12.2020, letter nos. 1266-67/OEP/A-62/2020 dated 30.12.2020, were sent to both parties for hearing in this Court on 06.01.2021 at 11.00 AM. The Appellant was also directed to bring the letter no. 1452 dated 16.12.2020 sent by the Respondent allowing refund.
2. On 06.01.2021, the Representative of both the sides attended this Court. The Appellant’s Representative submitted a application from Sh. Ramesh Chander, authorized signatory/Partner of the Appellant’s Firm on its letter head stating as under:

“IT IS RESPECTUFULLY STATED THAT ABOVE APPEAL WAS FILED BY ME AGAINST HON’BLE CGRF PATIALA DECISION AS PER CASE NO. 203/2020.

IN THIS CONNECTION IT IS SUBMITTED THAT I DO NOT WANT TO PROCEED FURTHER AND WANT TO WITHDRAW THE APPEAL AS ALL THE ISSUES/CLAIMS HAVE NOW BEEN RESOLVED.”

At the same time, the Assistant Engineer, DS Sub Division, City-II, Khanna (authorized by Addl. S.E./DS, Khanna) submitted Memo No. 73 dated 01.01.2021 signed by Addl. S.E., DS Division, Khanna stating, inter-alia, as under:

“CGRF ਦੇ ਫੈਸਲੇ ਅਨੁਸਾਰ ਸਹਾਇਕ ਇੰਜ: ਸੰਚਾਲਨ ਉਪ ਮੰਡਲ ਸਿਟੀ-2 ਖੰਨਾ ਵੱਲੋ ਖਾਤਾ ਪ੍ਰੀ-ਆਡਿਟ ਕਰਵਾਉਣ ਉਪਰੰਤ 1,86,509/- ਰੁਪੈ ਵਿਆਜ ਦੀ ਰਕਮ ਰਿਫੰਡ ਕਰ ਦਿੱਤੀ ਗਈ ਹੈ। ਜਿਸ ਦੀ ਸੂਚਨਾ ਖਪਤਕਾਰ ਨੂੰ ਪੱਤਰ

ਨੰ: 1452 ਮਿਤੀ 16.12.2020 (ਪੱਤਰ ਦੀ ਕਾਪੀ ਨੱਥੀ ਹੈ) ਰਾਂਹੀ ਦੇ ਦਿੱਤੀ ਗਈ ਸੀ। ਉਕਤ ਰਕਮ ਖਪਤਕਾਰ ਦੇ Account No. 3000855797 ਵਿੱਚ ਅਡਜਸਟ ਕਰ ਦਿੱਤੀ ਗਈ ਸੀ (ਲੈਜਰ ਦੀ ਕਾਪੀ ਨੱਥੀ ਹੈ)। ਖਪਤਕਾਰ ਦੀ ਸਿਕਉਰਟੀ ਸਬੰਧੀ ਸ਼ਿਕਾਇਤ ਦਾ ਨਿਪਟਾਰਾ CGRF ਦੇ ਫੈਸਲੇ ਮੁਤਾਬਿਕ ਸਹਾਇਕ ਇੰਜੀਨੀਅਰ/ ਉਪ ਮੰਡਲ ਸਿਟੀ-2 ਖੰਨਾ ਵੱਲੋ ਖਪਤਕਾਰ ਦੇ ਖਾਤੇ ਵਿੱਚ ਸਿਕਉਰਟੀ 11,96,375/- ਰੁਪੈ ਅੱਪਡੇਟ ਕਰ ਦਿੱਤੀ ਗਈ ਹੈ। ਇਹ ਆਪ ਜੀ ਜਾਣਕਾਰੀ ਲਈ ਅਤੇ ਅਗਲੀ ਕਾਰਵਾਈ ਹਿੱਤ ਹੈ ਜੀ।”

1. On being asked during hearing, the Representatives of both the sides agreed that the present Appeal may be disposed off as withdrawn since the issues raised by the Appellant stood resolved to the satisfaction of the Appellant.
2. From the above, it is evident that the Representative of the Appellant has requested this Court (by appearing in person) for withdrawal of the present Appeal. At the same time, the Respondent did not raise any objection to the withdrawal of the Appeal filed by the Appellant in this Court. Accordingly, the request of the Appellant and its Representative has been accepted and the case is disposed off as withdrawn.

 (GURINDER JIT SINGH)

January 06, 2020 Lokpal (Ombudsman)

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