

**COURT OF THE LOK PAL (OMBUDSMAN),  
ELECTRICITY, PUNJAB,  
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,  
S.A.S. NAGAR (MOHALI).**

**APPEAL No. 31/2021**

**Date of Registration : 22.03.2021**  
**Date of Hearing : 16.04.2021 and 19.05.2021**  
**Date of Order : 19.05.2021**

**Before:**

**Er. Gurinder Jit Singh,  
Lokpal (Ombudsman), Electricity, Punjab.**

**In the Matter of:**

M/s. D. K. Industries,  
Village Gehri Butter,  
Bathinda-Dabwali Road,  
Tehsil:-Sangat, Distt.: -Bathinda.

**Contract Account Number: B-15/SG-010007**

...Appellant

Versus

Additional Superintending Engineer,  
DS Division, PSPCL,  
Bathinda.

...Respondent

**Present For:**

Appellant: Sh. S. R. Jindal,  
Appellant's Representative.

Respondent : 1. Er. Hardeep Singh,  
Addl. Superintending Engineer,  
DS Division, PSPCL,  
Bathinda.

2. Sh. Varinder Singla,  
Upper Division Clerk (A/c).

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 24.02.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-60 of 2021, deciding that:

*“The interest on the amount of PLE charges deposited by the petitioner during the period 10/2013 to 06/2016 for the period 07/2016 to 03/2020 is not payable & the decision of ZLDSC, Bathinda dated 02.12.20 is in order and is upheld. Further an amount of Rs. 15,061/- as left over amount out of total PLE Charges deposited by the petitioner now be refunded to him.”*

## **2. Registration of the Appeal**

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 22.03.2021 i.e. within stipulated period of thirty days of receipt of the decision dated 24.02.2021 of the CGRF, Patiala in Case No. CGP-60 of 2021 by the Appellant on 03.03.2021. The Appellant was not required to deposit the requisite 40% of the disputed amount, which was on account of payment of interest on the refunded amount of PLE charges. Therefore, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/ DS Division, PSPCL, Bathinda for sending written reply/ parawise comments with a copy to the office of the

CGRF, Patiala under intimation to the Appellant vide letter nos. 383-385/OEP/A-31/2021 dated 22.03.2021.

### **3. Proceedings**

- (i) With a view to adjudicate the dispute, a hearing was fixed in this Court on 16.04.2021 at 11.45 AM and an intimation to this effect was sent to both the parties vide letter nos. 526-527/OEP/A-31/2021 dated 07.04.2021. On 12.04.2021, an e-mail was received from the Appellant's Representative intimating that he had been vaccinated and was advised rest. He requested for adjournment of hearing by 10-15 days. However, the hearing was held as scheduled on 16.04.2021 and was attended by the Respondent. The request of the Appellant's Representative was allowed and he was given another opportunity to defend this case on 28.04.2021. Copies of proceedings were sent to both the parties vide letter nos. 617-618/OEP/A-31 dated 16.04.2021.
- (ii) The Appellant's Representative sent another e-mail on 26.04.2021 that his wife and daughter-in-law were reported Covid positive and requested for adjournment of the hearing due to his inability to attend the same. The said request was accepted and hearing was adjourned to 12.05.2021 under

intimation to both the parties vide letter nos. 708-09/OEP/A-31/2021 dated 29.04.2021.

- (iii) The Appellant's Representative sent another e-mail dated 07.05.2021 intimating that his wife had expired on 01.05.2021 and Bhog ceremony was fixed for 12.05.2021. Accordingly, the hearing should be adjourned till his position improved. Therefore, the hearing was rescheduled for 19.05.2021 and intimation to this effect was sent to both the parties vide letter nos. 772-73/OEP/A-31/2021 dated 12.05.2021.
- (iv) As rescheduled, hearing was held on 19.05.2021 in this Court and was attended by Representative of both the parties. Arguments were heard of both parties.

#### **4. Submissions made by the Appellant and the Respondent**

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral submissions made by the Appellant's Representative and the Respondent alongwith material brought on record by both parties.

##### **(A) Submissions of the Appellant**

###### **(a) Submissions made in the Appeal**

The Appellant made the following submissions in its Appeal for consideration of this Court:

- (i) The Appellant was having a Large Supply Category Connection bearing Account No. B-15/SG-010007 with sanctioned load of 261.680 kW/ CD as 290.750 kVA with effect from 17.09.2013 (extended from MS connection) for its Plywood Factory being fed from Phullo Mithi UPS feeder (24 hrs.).
- (ii) The Appellant had filed an Appeal in the Forum on 12.12.2020 against the decision dated 02.12.20 of ZLDSC, Bathinda in which it was mentioned that refund on account of PLE charges had already been given to the Appellant and interest of the same had not been allowed to the Appellant.
- (iii) The Forum, in its decision dated 24.02.2021, had upheld the decision of the ZLDSC, Bathinda without investigating the issue in detail/ without calling the Appellant on the date of decision. Further, an amount of ₹ 15,061/- as left over out of total PLE charges deposited by the Appellant was allowed to be refunded whereas interest claimed on the illegal/ wrong imposing of PLHR beyond rules had not been allowed.
- (iv) The interest on the recovery of illegal PLE charges was right under the provision of PSPCL rules as per ESIM Clause 115 and Supply Code Regulation 35.1.3. The claim for refund of



PLE charges was first lodged by the Appellant from 10/2013 to 06/2016.

- (v) The Respondent had got noted from the Appellant to observe PLHR in the evening as per the provisions of rules and if the Appellant wanted to avail exemption from the same, then it can apply for the same. On being asked for detail, the Respondent handed over a copy of PR Circular No. 05/2013 dated 11.04.2013.
- (vi) As per directions of the Respondent, PLE for 100 kW was applied and the same was sanctioned by Dy. CE/ DS Circle, Bathinda as per provisions of rules vide Memo No. 29859/LD dated 30.09.2013 whereas, the same was exempted in respect of the feeder from which the connection was released being UPS feeder (24 hours) vide PR circular No. 03/2005 dated 20.10.2005.
- (vii) The PLE charges were charged by the Respondent regularly in bills issued from 10/2013 to 06/2016 and amount of ₹ 4,88,167/- was got deposited as PLE + Peak Load Violation charges beyond 100 kW exemption levied by ASE/MMTS, Bathinda while checking the connection. The MMTS had recorded periodical data of Peak Load Hours on 27.12.2013, 06.03.2014, 04.06.2014, 08.09.2014, 30.06.2015, 20.01.2016,

25.03.2016, 03.06.2016, 15.09.2017 and 22.05.2018 to penalize the Appellant for using power beyond exemption during Peak Load restrictions and ₹ 49,630/- were got deposited on 15.06.2016 for violation of PLHR against checking on 21.01.2016 vide memo no. 223 dated 06.03.2016.

- (viii) Other consumers on the same feeder (UPS) were also penalized by the Respondent such as M/s. Bala ji Rice (LS-4) was charged an amount of ₹ 31,71,950/- against the checking dated 20.01.2016. It was purely blackmailing of the innocent consumers by the Respondent.
- (ix) The Appellant was billed from 10/2013 to 06/2016 for ₹ 4,88,167/- + ₹ 15,061/- through bills which were allowed to be refunded by the ZLDSC, Bathinda in 02/2020 and now by the Forum. Balance amount of ₹ 15,061/- was allowed to be refunded by the Forum through the decision dated 24.02.2021 in CGP-60/2021.
- (x) The Appellant had put its claim before the Respondent in 2016 (27.10.2016) in writing whereas it was pursuing its case verbally for the last six months when they did not care for the same, then written correspondence was made with the Respondent from time to time. When nobody bothered to settle

the long pending issue, the Appellant filed a petition in the Forum on 10.09.2019 for justice.

- (xi) Instruction No. 93.5 of ESIM and CC No. 48/2019 dated 05.09.2019 were very much clear to obtain approval of competent authority as per regulation but nobody cared to follow up the procedure as it was the duty of the Respondent to get approval of competent authority to allow refund with interest as per provisions of the rules of PSPCL.
- (xii) As per directions of this Court in Appeal No. 53/2020 decided on 23.11.2020, the Appellant had filed an application before CE/ DS West, Bathinda duly acknowledged on 25.11.2020 but strange to get a copy of decision dated 02.12.2020 taken/made by them in the absence of the Appellant who was not aware of the same. Nobody from the Respondent side informed the Appellant regarding the meeting to be held on 02.12.2020. Hence, the decision of the Respondent was contradictory and controversial.
- (xiii) The decision of the Forum regarding upholding the decision of ZLDSC, Bathinda was erring and biased because the facts/ merits of the case were not examined properly. The feeder at which, the connection was released was exempted from PLHR and the Respondent was well aware of the same prior to the



release of the connection. The Appellant was misled and victimized by the Respondent for not granting permission to avail full load during peak load hours without any charges beyond rules, where heavy power cuts and interruption in supply was very much due to rural feeder and that is why the facility of exemption in PLHR was granted by the Respondent.

- (xiv) The Appellant had suffered heavy losses due to unnecessary restrictions imposed on its connection to avail full load (261.680 kW) during peak load hours without any restrictions because the feeder at which, its connection was located, was exempted from PLHR by the Respondent. The PSPCL had provision to refund the excess billing with interest in view of Regulation 35.1.3 of Supply Code-2014 and Instruction No. 115 of ESIM but the Appellant had not been allowed the interest by the ZLDSC/ Forum without any solid ground and the same should be allowed now with compensation.
- (xv) The Appellant was first time granted a large supply connection having 261.680 kW load w.e.f. 17.09.2013 and the Appellant was not familiar with the rules and regulations of the Respondent. It was the duty of the Respondent to advise regarding its rules/ instructions. The rules pertaining to PLHR at UPS feeder issued in 2005 (03/2005 dated 20.01.2005) were

not even in the knowledge of the officials of the Respondent and how they could guide the innocent consumer. Moreover, these rules pertaining to 2005 were not updated on website of the Respondent. The Respondent had cheated and penalized the innocent consumers by imposing unnecessary/beyond rules PLHR restrictions and to use 100 kW load with charges without any rules and regulations. They must be penalized for their misconduct.

(xvi) The Appellant had borne loss of production from 10/2013 to 06/2016 by using 100 kW load during Peak Load Hours with payment & for the deficiency of the same, the Respondent was fully responsible. Other industries on the same feeder were imposed PLHR and checked by MMTS periodically to levy penalty for using supply during peak load hours beyond rules when these were exempted. The Appellant and other consumers got the illegal/ wrong penalty without any protest being imposed without rules in good faith.

(xvii) The Appellant, at the time of filling the PLE performa, clearly indicated the data that the connection existed at 11kV UPS feeder Phullo Mithi. The deficiency and responsibility of wrongly granting PLE lies on the Respondent who got it

sanctioned and allowed the Appellant to use 100 kW load instead of full load with payments beyond rules.

(xviii) The Appellant, on becoming aware, rushed to the Respondent to allow the refund verbally and in written but all in vain. The Respondent had made unnecessary correspondence with the field offices whereas, the deficiency of services was clearly on its part for long time from 2016 to 2020 while the instructions were very much clear to allow refund to the Appellant.

(xix) The Respondent had failed to file the case of the Appellant for refund before the Competent Authority in view of Instruction 93.5 and CC No. 48/2019 to get the approval for refund from Review Committee and after waiting for a long time, referred the matter to the Forum and then to this Court to get justice but in vain.

(xx) The Respondent had allowed refund of PLE charges but the interest on the illegal/ wrongly recovered amount had not been allowed by any authority. The Appellant had suffered loss of lac of rupees on account of restricted production during PLHR because it was allowed restricted power supply during the period 10/2013 to 06/2016 with payment. The Appellant had spent money on pursuing the case before the various authorities to get justice but in vain.

(xxi) The Appellant had prayed to allow interest in view of Regulation 35.1.3 of Supply Code-2014 and Instruction No. 115 of ESIM as already allowed in Appeal Case No. A-36/2019 decided on 06.09.2019, A-37/2019 decided on 17.09.2019 and A-14/2020 decided on 08.06.2020.

(xxii) PSPCL had allowed interest on advance payment/ deposit of bills vide its CC No. 17/2020 dated 18.04.2020. Every segment of population and every individual had right to expect a fair deal from his Government.

(xxiii) The Appellant had been victimized by the Respondent without any fault. Moreover, debarring of any right of the consumer beyond rules was an offence in eyes of law and natural justice. Interest on illegal recovery alongwith compensation of production and harassment of ₹ 10.00 lac and litigation fees + other charges be allowed to the extent of ₹ 50,000/- .

**(b) Submissions made in Rejoinder to Written Reply**

The Appellant's Representative vide e-mail dated 16.05.2021, submitted the following rejoinder to written reply of the Respondent:-



- (i) Nothing new had been provided by Respondent in this i.e. action on the correspondence made by Appellant with the Respondent for illegal recovery of refund alongwith interest.
- (ii) The first claim of ₹ 73,81,167/- was made before the Forum, Patiala on 10.09.2019 which was rejected on flimsy ground that is time barred.
- (iii) The Respondent in reply to the Petition (09.04.2021) had agreed to provide circular No. PR 05/2013 dated 11.04.2013 for getting PLE at prescribed rates at feeder (UPS) where the supply/PLHR were not applicable and were exempted fully as per PR 03/2005.
- (iv) The Appellant got connection w.e.f. 17.09.2013 for load of 261.680 kW and being a new consumer was not aware of the PSEB (Now PSPCL) instructions of 03/2005 as the same were not in the notice of SDO/Xen/SE/Sr. Xen, MMTS, Bhatinda who checked the connection periodically treating supply as non-exemption PLHR feeder. The Appellant was victimized by the Respondent. As how the exemption at UPS feeder (24 hrs.) was allowed, when the feeder at which connection was released was clearly mentioned in the Performa filled by the Respondent (Sr. No. 15).

- (v) The Appellant was misled and misappropriated by the Respondent since 30.09.2013 and faced production loss being restricted supply of 100 kW during peak load hour with charges. The Appellant was charged penalty for using supply beyond 100 kW, which was illegally recovered from the innocent consumer for which the Respondent is fully responsible for recovery of PLE charges from 09/2013 and now demand interest from the date of deposit (09/2013) to date.
- (vi) There is no doubt that refund of PLE charges had been allowed without interest of ₹ 4,88,167/- on 07.01.2020, but the Appellant was pursuing the case before various authorities of the Respondent for allowing of interest from the date of deposit of amount from 09/2013 to date with compensation of production loss + litigation expenses.
- (vii) The fault lies on the part of Respondent for misleading the Appellant for wrong implementation of PLHR beyond rules and regulations of the PSPCL, hence the Appellant suffered irreparable loss & must be compensated with imposition of heavy penalty so that such type of mistakes may not be repeated with others. The Respondent failed to give justice to the Appellant since 2016, that is why the consumer was

approaching various authorities since 2019 to get justice which was not granted by the Respondent.

**(b) Submission during hearing**

- (i) The Appellant's Representative did not attend the hearing on 16.04.2021 and informed the Court, vide e-mail dated 15.04.2021 stating that:

“I and my wife had Covid-19 vaccination (1<sup>st</sup> dose) at Max Hospital patporganj East Delhi on 10-4-2021 (Batch No. 41212037) and Doctor has advised for 15-20 days rest to avoid any complication side effect of Medicine.

Kindly adjourn the above cases for atleast 15 days (1<sup>st</sup> week of May any date) as in the meantime, we will be back to Punjab completing the checkup of my wife knees problem.”

However, the Respondent attended the Court on that day and participated in the proceedings. With a view to give an opportunity to the Appellant to participate in the proceedings, another hearing was fixed for 28.04.2021. Copy of proceedings dated 16.04.2021 was sent to the Appellant as well as the Respondent vide letter nos. 617-18/OEP/A-31/2021 dated 16.04.2021.

- (ii) Another e-mail was received from the Appellant's Representative on 26.04.2021 stating that:

“That my wife and daughter-in-law had been declared Corona +ve, hence we rushed from Delhi to Punjab as there no proper Hospital/rooms etc. were available.

Now both are admitted in Delhi Heart and Research Institute in Bhatinda for medical treatment on 23-4-2021 (FRI) and other member of family had been quarantined at home as precaution measure, hence the case be adjourned as I am unable to attend the same.”

The said request was accepted and hearing was adjourned to 12.05.2021 under intimation to both the parties vide letter nos. 708-09/OEP/A-31/2021 dated 29.04.2021.

- (iii) The Appellant's Representative sent another e-mail dated 07.05.2021 intimating that his wife had expired on 01.05.2021 and Bhog ceremony was fixed for 12.05.2021. Accordingly, the hearing may be adjourned till his position improved. Therefore, the hearing was rescheduled for 19.05.2021 and intimation to this effect was sent to both the parties vide letter nos. 772-73/OEP/A-31/2021 dated 12.05.2021.



- (iv) The Appellant Representative attended this Court for hearing on 19.05.2021 and reiterated the submissions made in the Appeal/ Rejoinder to written reply. He also prayed to allow the Appeal.

**(B) Submissions of the Respondent**

**(a) Submissions in written reply**

The Respondent, in its defence, submitted the following for consideration of this Court:

- (i) The Appellant got load extension from MS to LS (from 62 kW to 261.68 kW & CD 290.75 kVA) with effect from 17.09.2013 for plywood factory at Phullo Mithi UPS feeder.
- (ii) It is correct that this office handed over the copy of PR Circular No. 05/2013 dated 11.04.2013.
- (iii) It was correct that on the request of consumer, it was exempted from PLEC by Dy. CE, DS Circle, Bathinda vide letter no. 29589/67/LD dated 30.09.2013.
- (iv) A sum of ₹ 4,88,167/- as PLE charges was levied to the consumer in the bills from 10/2013 to 06/2016 and the above amount was deposited by the consumer.
- (v) The order dated 24.02.2021 of the Forum had been implemented vide SCA No. 449/140/27 dated 24.03.2021.
- (vi) It was correct that the Appellant made request in office of the Respondent on 27.10.2016 to discontinue the PLE and to refund

the amount of ₹ 4,88,167/- as recovered through the bills. The above request was granted by the Dy. CE, DS Circle, Bathinda vide memo no. 14562/71/LD dated 04.07.2018. It was further clarified that Dy. CE, DS Circle, Bathinda had granted the same vide memo no. 29589/67/LD dated 30.09.2013 on the request made by the consumer.

- (vii) The Respondent issued refund of ₹ 4,88,167/- as per decision of ZDSC, Bathinda dated 07.01.2020 vide SCA no. 386/114/27. In the decision of ZDSC, Bathinda; nothing pertaining to the interest was mentioned.
- (viii) In reference to the decision of the Court of the Ombudsman against Appeal No. 53/2020, meeting was held at ZDSC, Bathinda on 02.12.2020 through video conferencing due to COVID-19. As per decision of ZDSC, Bathinda dated 02.12.2020, the interest on amount of ₹ 4,88,167/- was not payable to the consumer.
- (ix) A sum of ₹ 4,88,167/- as PLE charges was levied to the consumer in the bills from 10/2013 to 06/2016. These charges were refunded as per decision of ZDSC, Bathinda on 07.01.2020 vide SCA no. 386/114/27.

**(b) Submissions to Rejoinder of the Appellant**

The Respondent, vide Memo No. 6643/D. K. Industries-A-31 of 2021 dated 18.05.2021, reiterated the submissions already made in its written reply in response to rejoinder of the Appellant's Representative dated 16.05.2021.

**(c) Submission during hearing**

- (i) During hearing on 16.04.2021, the Respondent reiterated the submission made in its written reply.
- (ii) During hearing on 19.05.2021, the Respondent contested the averments of the Appellant's Representative in the Appeal/rejoinder to written reply. The Respondent also prayed to dismiss the Appeal.

**5. Analysis and Findings**

The issue requiring adjudication is the legitimacy of the prayer of the Appellant for allowing

- (i) Interest on the amount of PLE charges wrongly recovered from the Appellant during the period 10/2013 to 06/2016.
- (ii) Compensation of ₹ 10 lac for loss of production & harassment and ₹ 50,000/- towards litigation fees & other charges.

*My findings on the issues emerged, deliberated and analyzed are as under:*

**Issue (i)**

- a) The Appellant submitted that the claim for interest on the recovery of illegal PLE charges was correct as per Instruction No. 115 of ESIM-2018 and Regulation 35.1.3 of Supply Code-2014. The Appellant was billed from 10/2013 to 06/2016 for ₹ 4,88,167/- + ₹ 15,061/- and this amount was allowed to be refunded by the ZLDSC, Bathinda in 02/2020 and now by the Forum through its decision dated 24.02.2021 in CGP-60/2021. The Appellant had submitted its claim in writing for refund of Peak Load Exemption Charges relating to the period 10/2013 to 06/2016 before the Respondent in the year 2016 (27.10.2016). Whereas the Appellant had pleaded that it was pursuing its case verbally before submitting its claim in writing which was followed up with reminders but the Respondent did not care for the same. When nobody bothered to settle the long pending issue, the Appellant filed a petition in the Forum for justice. The decision of the Forum regarding upholding the decision of ZLDSC, Bathinda was erring and biased because the facts/merits of the case were not examined properly. The feeder from which the connection was released was exempted from PLHR



and the Respondent was well aware of the same prior to the release of the connection. The Appellant was misled and victimized by the Respondent by not granting permission to avail full load during peak load hours without any charges. Heavy power cuts and interruption in power supply was very much on the rural feeder that is why the facility of exemption in PLHR was granted by the Respondent.

- b) The Respondent, on being directed vide letter no. 580/OEP/A-31/2021 dated 12.04.2021, sent (vide letter no. 5589/D.K. Industries-A-31 of 2021 dated 26.04.2021) copies of representations of the Appellant dated 27.10.2016 and 24.05.2017 requesting for refund of PLE charges wrongly recovered from its bills. The Respondent also supplied a copy of memo no. 14562/71/ਐਲ.ਡੀ.1 dated 04.07.2018 from the Dy. CE/ DS Circle, Bathinda addressed to Senior Xen, DS Division, Bathinda stating that the exemption of Peak load upto 100 kW (granted vide memo no. 29859/67/ ਐਲ.ਡੀ.1 dated 30.09.2013) had been withdrawn w.e.f. 04.07.2018.
- c) After going through the submissions made by the Appellant and the Respondent in the Appeal & Rejoinder/written reply alongwith material brought on record by both the parties, it is observed that the Forum erred in deciding that “The interest on

the amount of PLE charges deposited by the petitioner during the period 10/2013 to 06/2016 for the period 07/2016 to 03/2020 is not payable & the decision of ZLDSC, Bathinda dated 02.12.20 is in order and is upheld.” There is no denial of the fact that recovery of PLE charges during the disputed period was made wrongly from the Appellant against the instructions of the Respondent. The Respondent was fully aware in 07/2016 that PLE charges had been wrongly recovered from the Appellant through electricity bills from 10/2013 to 06/2016. The excess amount of ₹ 4,88,167/- plus ₹ 15,061/- recovered from the Appellant was refunded as below:-

- i) ₹ 4,88,167/- on 06.02.2020 vide SCA No. 386/114/27.
- ii) ₹ 15,061/- on 24.03.2021 vide SCA No. 449/140/27.

It is evident that the Respondent took a very long time to refund the excess/wrong charged amount inspite of submission of representation by the Appellant on 27.10.2016. The above said amount should have been refunded in a very short period. The Respondent should evolve mechanism to settle such cases on top priority basis so as to meet the ends of justice and prove its bonafides. Keeping in view the facts of the case and in the interest of justice, this Court is inclined to allow interest after

due consideration as per provisions of Regulation 35.1.3 of Supply Code-2014 as applicable from time to time on the PLE charges relating to the period from 10/2013 to 06/2016 already refunded to the Appellant. The interest shall be payable from the date of representation submitted by the Appellant in the office of the Respondent i.e. 27.10.2016 till the date preceding the date of refund through Sundries.

- d) The request of the Appellant's Representative in its rejoinder dated 16.05.2021 for payment of up to date interest is not justified and hence is rejected after due consideration. The interest shall be payable up to the dates preceding the dates of refund through Sundries. This issue is disposed of accordingly.

**Issue (ii)**

- a) The Appellant stated that it had borne loss of production from 10/2013 to 06/2016 by using only 100 kW load during Peak Load Hours with payment. The Respondent was fully responsible for this lapse. Other industries on the same feeder were also imposed PLHR and were checked by MMTS periodically to levy penalty for using supply during peak load hours beyond rules. However, these industries were exempted from PLHR. The Appellant and other consumers got the illegal/wrong penalty against the rules without any protest in good

faith. The Appellant pleaded that it had been victimized by the Respondent without any fault. Moreover, debarring of any right of the consumer beyond rules was an offence in eyes of law and natural justice. The Appellant prayed that compensation of ₹ 10.00 lac for the loss of production & harassment and ₹ 50,000/- towards litigation fees + other charges should be allowed.

- b) It is observed that the Appellant did not point out or represent to the Respondent the issue of levying of PLE charges in the electricity bills at relevant point of time. The Appellant brought the issue of recovery of wrong PLE charges in writing for the first time to the Respondent on 27.10.2016. The Appellant, being a LS Category consumer should have remained vigilant and aware of the instructions issued by PSPCL from time to time which were uploaded on its website also. As such, the onus for not taking appropriate remedy at the appropriate time rests on the Appellant as well. Instead of finding lacunae in the working of the Licensee, the Appellant should have discharged its duties and obligations sincerely and intelligently which was not done in this case. Had the Appellant taken timely remedy, the present litigation could have been avoided.



- c) The Appellant had not submitted any documentary evidence regarding loss of production during the period of dispute. The prayer of the Appellant for grant of compensation and payment of litigation expenses is hereby rejected after due consideration. This issue is disposed of accordingly.

## 6. Decision

As a sequel of above discussions, the order dated 24.02.2021 of the CGRF, Patiala relating to interest portion in Case No. CGP-60 of 2021 is set-aside. It is held that:

- (i) The Appellant shall be allowed interest as per provisions of Regulation 35.1.3 of Supply Code-2014 (applicable from time to time) on the PLE charges recovered wrongly during the period from 10/2013 to 06/2016 which already stands refunded to the Appellant through Sundries. The interest shall be payable from the date of representation (27.10.2016) submitted by the Appellant in the office of the Respondent till the date preceding the date of refunds through Sundries.
- (ii) No compensation and litigation expenses shall be payable to the Appellant as prayed for.

7. The Appeal is disposed of accordingly.



8. As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016, the Licensee will comply with the award/order within 21 days of the date of its receipt.
9. In case, the Appellant or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016.

May 19, 2021  
S.A.S. Nagar (Mohali)

(GURINDER JIT SINGH)  
Lokpal (Ombudsman)  
Electricity, Punjab.