

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

**(Constituted under Sub Section (6) of Section 42 of
Electricity Act, 2003)**

APPEAL No. 89/2021

Date of Registration : 17.11.2021

Date of Hearing : 03.12.2021

Date of Order : 03.12.2021

Before:

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

In the Matter of:

M/s. Parshotam Lal &Co.,
Faridkot Road, Guruharsahai,
Distt. Ferozepur.

Contract Account Number:M53CG0100001(LS)

...Appellant

Versus

Additional Superintending Engineer,
DS Division,
PSPCL, Jalalabad.

...Respondent

Present For:

Appellant: Sh. Ashok Dhawan,
Appellant's Representative.

Respondent : 1. Er. Navdeep Singh, AEE
DS Division, PSPCL, Jalalabad.
2. Sh. Gian Chand, UDC

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 22.10.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-220 of 2021, deciding that:

“Rebate on account of consumption of electricity above threshold units claimed by the Petitioner during the years 2015-16 & 2016-17 and interest thereon, is not considerable for decision now being time barred in view of clause no. 2.25 & 2.27 of PSERC (Forum & Ombudsman) Regulation, 2016. However, as per direction of Hon’ble Supreme Court, regarding extension of period of limitation from 15.03.2020, rebate on account of consumption of electricity above Threshold Units by the Petitioner during the years 2017-18 is payable in accordance with prevailing instructions on this issue for year 2017-18.

- *SMCC be calculated as per clause 18.5.2 of Annexure-II (General Conditions of Tariff) of tariff order 2018-19 further clarified by office of CE/Commercial vide memo no. 1083 dated 09.09.2021 and refund be given accordingly for excess charged Fixed Charges for period 1/2019 to 02/2019.*
- *Respondent has agreed to pay the interest of Rs. 24,615/- on amount of ACD of Rs.3,51,640/- deposited by petitioner on 01.09.2014 at prevailing rates from 01.9.2014 to 31.3.2015 and during proceedings, petitioner has agreed to it, so no interference is required by Forum on this issue.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 17.11.2021 i.e within thirty days of receipt of copy of decision dated 22.10.2021. Since the Appeal of the Appellant relates to refund so the Appellant was not required to deposit 40% of the disputed amount. Therefore, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/ DS Division, PSPCL, Jalalabad for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 1616-18/OEP/A-89/2021 dated 17.11.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 03.12.2021 at 01.00 PM and an intimation to this effect was sent to both the parties vide letter nos. 1675/1676/OEP/A-89/2021 dated 29.11.2021. As scheduled, the hearing was held on 03.12.2021 in this Court and 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 the 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. M53-CG01-00001 with sanctioned load of 600.036 kW and 498 kVA as Contract Demand under DS City Sub-Division, Guru Harsahai in the name of the Appellant for Rice Sheller Industry.
- (ii) The following amounts were refundable to the Appellant: -
 - a) A sum of ₹ 2,75,453/- was refundable as these were charged in excess and were not in line with the instructions and guidelines as provided by PSPCL vide its Commercial Circular Nos. 23/2018 & 24/2018. This issue was decided in favour of the Appellant.

b) The threshold rebate was allowed vide Commercial Circular No. 49/14 for the year 2014-15 which was extended to the year 2015-16 vide tariff order dated 05.05.2015, as per CC No. 31/2016 for the year 2016-17 and as per CC No. 49/2017 for the year 2017-18.

The following amounts had not been adjusted as threshold rebate in the Appellant's bills:-

- a) 2015-16 for ₹ 2,04,942/-.
- b) 2016-17 for ₹ 2,60,686/-.
- c) 2017-18 for ₹ 40,250/-.

The Forum had allowed the refund of ₹ 40,250/- in favour of the Appellant, hence ₹ 4,65,628/- refund for threshold for the years 2015-16 & 2016-17 had been denied to the Appellant.

- (iii) A sum of ₹ 3,53,545/- on account of interest against the above-mentioned adjustment i.e ₹ 5,05,878/- + ₹ 2,75,453/- = ₹ 7,81,331/-, which had already been paid by the Appellant were liable to payment of interest as per Regulation 35.1.3 of the Supply Code-2014.
- (iv) A sum of ₹ 24,615/- on account of interest for the period 01.09.2014 to 31.03.2015 was due and the same had been allowed to be refunded by the Forum. However, interest on interest for ₹ 23,590/- as per Regulation 17.3 of the Supply Code-2014 was declined to the Appellant. Therefore, the

Appellant had requested to consider the above claim for ₹ 8,42,763/- and oblige.

- (v) The Forum had decided the Petition of the Appellant in a biased manner. It was decided without giving any consideration to the merits of the case. Now, the case had been decided by giving reference of the Regulation 2.25 of PSERC (Forum & Ombudsman) Regulations, 2016 which was reproduced as under-

“In case where the grievances have been submitted two years after the date on which the cause of action has arisen or after 2 months from the date of receipt of order of DSC.”

The Forum had not taken due care on the merits of the case and had decided only on the 2 points as detailed under-

- a) The case where the grievances had been submitted two years after the date on which the cause of action had arisen or after 2 months from the date of receipt of order of DSC.

But as per law of Limitation Act, 1963 of the Constitution of India, clause no. 17 – “The period of limitation shall not begin to run until the plaintiff or applicant has discovered it, or in the case of a concealed document, until the plaintiff or the applicant first had the means of producing the concealed document or compelling its production.”

- b) In the present case, the Appellant had discovered it on 09.03.2021 when the Appellant got its audit of electricity accounts and found that he was not given the benefit of threshold rebate for the years 2015-16, 2016-17 & 2017-18, despite clear cut instructions issued by the O/o Chief Engineer, Commercial, Patiala, vide Commercial Circular No. 49/2014. The Appellant served a notice on the same date i.e. 09.03.2021 for adjustment of threshold rebate for the years 2015-16, 2016-17 & 2017-18, which was duly received in the office of AE/ DS City Sub-Division, Guru Harsahai. Hence two years period if made applicable becomes 09.03.2021 to 08.03.2023. Thus, as per Limitation Act, 1963 case was well within the said period of 2 years and cannot be considered as a case for time barred period. Therefore, it was not fair and legal to declare the claim of adjustment of threshold as a time barred claim. However, threshold rebate for the year 2017-18 had been allowed by the Forum, Patiala.
- (vi) The case was related to non-adjustment of rebate on account of threshold for the years 2015-16 and 2016-17, which was to be adjusted in the account for account no. M53-CG01-00001 and the account was running till date. Therefore, it cannot be

considered as time barred as it was not a recovery suit rather it was adjustment and correction of accounts only.

- (vii) Further, the version of the Forum that Appellant being a large Supply Consumer was expected to be remain vigilant was without any logic, merit and legal status. Because, as per Agreement of Supply, no such clause exists in the Agreement that all circulars and instructions will have to be known to the Appellant being a consumer of the Respondent. The Appellant was in no way responsible for the non-compliance of instructions of the Chief Engineer/ Commercial nor it was a fundamental duty rather the Respondent was duty bound to implement the instructions contained in Circular No. 49/2014 etc. The Appellant being less educated cannot understand the complicated circulars of the Respondent which were usually in English.
- (viii) It was further pleaded that the Appellant was not given copy of the Commercial Circular No. 49/2014 etc., as the instructions regarding peak load/ change of tariff etc. were got noted from the Appellant in the past. The Respondent have battery of experts for checking/ audit of bills, in the Department right from the IT Cell, CBC Department which contains ASE/ AE/ AAE, AAO and UDC and further at the Sub Division level AE/

AEE/ RA and UDC. These large number of experts could not check the irregularities in the bills and nobody among them was able to detect that instructions of the CE/ Commercial as laid down from time to time, were not being complied with, however, the same was expected from an ordinary man that it should detect the defects, was not justified.

- (ix) It was further added that no details of causes were given on the bill regarding sundry charges/ allowances nor it was possible for an ordinary person to study the tedious Circulars of the Respondent and nowhere such instructions exist that a large supply consumer should be well educated and capable to understand each and every instruction of the defendants rather the defendants are responsible and duty bound to comply with the instructions of higher authorities.
- (x) It is pertinent to add that the Case No. CGP-343/2019 was filed in the month of December, 2019 and the case was related on the same issue regarding non-compliance and adjustment of Threshold Rebate for the year 2015-16 which was allowed by the same Forum. The same case was also filed and decided by the Forum after more than 2 years of cause of action.
- (xi) It was wrong to deny the Petition under Regulation 2.27 of the PSERC (Forum and Ombudsman) Regulations, 2016 as the

petition was filed within 2 years of the cause of action which was due upto 16.12.2022.

- (xii) The Appellant was also entitled for the payment of interest for ₹ 3,53,545/- as claimed in the petition and as admissible under Regulation 35.1.3 of the Supply code-2014.
- (xiii) It was not a case for recovery suit rather it was correction of accounts, because the connection was running till date.
- (xiv) Moreover, ESIM Instruction No. 93.5 empowers the Refund Committees to deal with the old period refund without any time limit, as under-

“93.5 After submission of audit note by the Audit Party in the sub division regarding arrears to be debited to the consumer accounts and amount pertaining to the audit period, AEE/AE may or may not accept it after discussions with the Audit Officer. In case of any divergent view between the Audit and the field officers, the Committees as under shall decide such cases (whether the amount as worked out by Audit was chargeable or not) as per the financial powers to the Committees as under. These Committees shall also decide refund cases pertaining to the Audit period.

<i>Sr. No.</i>	<i>Authority to approve</i>	<i>Amount Involved</i>
<i>a)</i>	<i>Committee consisting of Add. SE/ Sr. Xen / DS concerned as Chairman alongwith AO/ Field and concerned Xen/ AEE/ AE/ DS</i>	<i>up to ₹ 25,000/</i>
<i>b)</i>	<i>Committee consisting of Dy. CE/ SE/ DS concerned as Chairman along with</i>	<i>Above ₹ 25,000/- and up</i>

	<i>Dy. CAO/ Dy. CA and Addl. SE/ Sr. Xen/ Sales dealing with concerned Circle</i>	<i>to ₹ 1,00,000/-</i>
c)	<i>Committee consisting of EIC / CE/ DS concerned alongwith CAO/ CA of Finance and Dy. CE/ Sales of Commercial Wing</i>	<i>Above ₹ 1,00,000/-</i>

After decision of disputed cases “Pertaining to Audit period” by the above Committees and debiting the consumer accounts, if challenged by the consumer shall be dealt by the Dispute Settlement Committees.”

Thus, analysis of the regulation shows that above Committees deals with the refund of old period cases and nowhere any limitation of period is prescribed nor any matter regarding the period how old it may be, was mentioned. When the Respondent was served with the notice dated 09.03.2021, it should have referred the case to the Refund Committee concerned instead of adopting Regulation No. 2.25/2.27 of the ESIM declaring the claim as time barred. This showed that the Respondent did not act in a justified manner. No time period had been fixed by PSPCL in dealing with such cases.

- (xv) It was further added that PSPCL is a Government Public Welfare Department and cannot dislodge the most genuine claim of the Appellant with mere excuses of ESIM Regulation 2.25/2.27.

(b) Submission during hearing

During hearing on 03.12.2021, the Appellant's Representative reiterated the submissions made in the Appeal and prayed to allow the relief claimed.

(B) Submissions of the Respondent

(a) Submissions in written reply

The Respondent submitted the following written reply for consideration of this Court:

- (i) The Appellant was having Large Supply Category connection bearing Account No. M53-CG01-00001 with sanctioned load of 600.036 kW and CD as 498 kVA under City Sub Division, Guru Harsahai in the name of M/s. Parshotam Lal & Company.
- (ii) The Appellant had filed a Petition in the Forum bearing Case No. CGP-220 against some issues and all the issues had been rightly decided by the Forum except the issues regarding threshold rebate of period 2015-16 for ₹ 2,04,942/- and for the period 2016-17 for ₹ 2,60,686/- and interest on this amount. The claims for threshold rebate, for the period 2017-18 for ₹ 40,250/- was decided in the favour of the Appellant. The claims for threshold rebate for the period 2015-16 and 2016-17 was more than two years old became time barred under Regulation

2.25 & 2.27 of PSERC (Forum and Ombudsman) Regulations, 2016. The Appellant had not requested for threshold rebate during the period 2015-16 and 2016-17. Therefore, a sum of ₹ 3,53,545/- on account of interest against the above mentioned amount were not liable to be paid as claimed by the Appellant.

- (iii) The Appellant had not given any request to the Respondent .So a sum of ₹ 23,590/- was not payable to the Appellant on account of interest on interest on ACD/ Security (Consumption) and Security (Meter). However, the interest on ACD/ Security (Consumption) and Security (Meter) (₹ 3,51,640/-) amounting to ₹ 24,615/- had already been rightly decided by the Forum in the favour of the Appellant.
- (iv) It was further added that the Appellant had not given any request for threshold rebate in the office of AE/ DS City Sub Division, Guru Harsahai during the years 2015-16 & 2016-17. So, the Forum rightly decided that the threshold rebate alongwith interest could not be given to the Appellant. However, the threshold rebate for the period 2017-18 had already been decided in the favour of the Appellant.
- (v) It was prayed that the Appeal of the Appellant may kindly be dismissed.

(b) Submission during hearing

During hearing on 03.12.2021, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal. The Respondent informed that the Appellant had never applied/ represented for threshold rebate prior to 09.03.2021.

5. Analysis and Findings

The issues requiring adjudication are the legitimacy of claim of the Appellant;

- i) for grant of Threshold Rebate for the financial years 2015-16 and 2016-17 at this stage after a lapse of period of more than 5-6 years;
- ii) payment of interest on the amount of threshold rebate for the period 2015-16 and 2016-17;
- iii) payment of interest on interest on the amount of ACD/ Security (Consumption) and Security (Meter) .

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

- (i) The Appellant's Representative (AR) reiterated the submissions made in the Appeal and pleaded that the Appellant was having a Large Supply Category Connection with sanctioned load of

600.036 kW and 498 kVA as Contract Demand. The Forum had decided the Petition of the Appellant in a biased manner. It was decided without giving any consideration to the merits of the case.

- (ii) The refund for threshold rebate for the years 2015-16 and 2016-17 had been denied to the Appellant by the Forum by giving reference to Regulation No. 2.25 of PSERC (Forum & Ombudsman) Regulations, 2016. Further, interest on interest as per Regulation 17.3 of the Supply Code-2014 was declined to the Appellant by the Forum.
- (iii) As per law of Limitation Act, 1963; the period of limitation shall not begin to run until the Appellant had discovered it or in the case of a concealed document, until the Appellant first had the means of producing the concealed document or compelling its production. The Appellant had discovered it on 09.03.2021 when the Appellant got its audit of electricity accounts and found that he was not given the benefit of threshold rebate for the years 2015-16, 2016-17 & 2017-18, despite clear-cut instructions issued by the O/o Chief Engineer/ Commercial, Patiala, vide Commercial Circular No. 49/2014. The Appellant served a notice on the same date i.e. 09.03.2021 for adjustment of threshold rebate for the years 2015-16, 2016-17 & 2017-18,

which was duly received by the Respondent. Therefore, two years period, if made applicable, becomes 09.03.2021 to 08.03.2023. Thus, the case was well within the said period of 2 years and cannot be considered as a case for time barred period. Therefore, it was not fair and legal to declare the claim of adjustment of threshold rebate for the period 2015-16 and 2016-17 as a time barred claim.

- (iv) Similarly, the Appellant was also entitled for the payment of interest as claimed in the petition and as admissible under Regulation 35.1.3 of the Supply Code-2014.
- (v) Further, ESIM Instruction No. 93.5 empowers the Refund Committees to deal with the old period refund without any time limit. The analysis of the regulation shows that above Committees deals with the refund of old period cases and nowhere any limitation period is prescribed nor any matter regarding the period how old it may be, was mentioned. When the Respondent was served with the notice dated 09.03.2021, it should have referred the case to the Refund Committee concerned instead of adopting Regulation No. 2.25/ 2.27 of PSERC (Forum& Ombudsman) Regulations, 2016 for declaring the claim as time barred. This showed that the Respondent did not act in a justified manner. No time period

had been fixed by PSPCL in dealing with such cases. PSPCL is a Government Public Welfare Department and cannot dislodge the most genuine claim of the Appellant with mere excuses.

- (vi) The Appellant's Representative also requested for grant of interest on the said amount of threshold rebate and also payment of interest on interest on the amount of ACD/ Security (Consumption) and Security (Meter).
- (vii) The Respondent controverted the pleas raised by the Appellant in its Appeal and pleaded that the Appellant had filed a Petition in the Forum bearing Case No. CGP-220 of 2021 against some issues and all the issues had been rightly decided by the Forum except the issues regarding threshold rebate of period 2015-16 for ₹ 2,04,942/- and for the period 2016-17 for ₹ 2,60,686/- and interest on this amount. The claims for threshold rebate, for the period 2017-18 for ₹ 40,250/- was decided in the favour of the Appellant. The claims for threshold rebate for the period 2015-16 and 2016-17 was more than two years old and became time barred under Regulation 2.25 & 2.27 of PSERC (Forum and Ombudsman) Regulations, 2016. The Appellant had not requested for threshold rebate during the period 2015-16 and 2016-17 at the relevant time. Therefore, a sum of ₹ 3,53,545/-

on account of interest against the above mentioned amount was not liable to be paid as claimed by the Appellant.

(viii) The Appellant had not given any request to the Respondent so a sum of ₹ 23,590/- was not payable to the Appellant on account of interest on interest on ACD/ Security (Consumption) and Security (Meter). However, the interest on ACD/ Security (Consumption) and Security (Meter) (₹ 3,51,640/-) amounting to ₹ 24,615/- had already been rightly decided by the Forum in the favour of the Appellant.

(ix) He further stated that since the Appellant had not given any request to the Respondent during the years 2015-16 & 2016-17 so the Forum rightly decided that the threshold rebate alongwith interest could not be given to the Appellant. However, the threshold rebate for the period 2017-18 had already been decided in the favour of the Appellant. The Respondent prayed for the dismissal of the Appeal of the Appellant on the ground of being time barred and further reiterated the submissions already made in its reply.

(x) From the above, it is concluded that the Appellant is a Large Supply Category Industrial Consumer and he is supposed to know all the regulations, tariff orders and instructions of the Distribution Licensee (PSPCL) relating to its connection. All the regulations

and tariff orders are available on the websites of PSERC and PSPCL. Commercial Circulars and important instructions are also available on the website of PSPCL. PSPCL cannot get all the regulations/ tariff orders/ instructions noted from the Consumers. As per A&A forms, the Appellant had to follow the regulations and tariff orders. All the electricity bills served to the Appellant invariably depicted rebates allowed. In case of missing rebates in the monthly bills, the Appellant was supposed to avail the facility of challenging the bills as per Supply Code Regulations. The Appellant had not challenged the bills relating to the FYs 2015-16 & 2016-17. He did not file any representation in the office of the Respondent for Threshold Rebate at the relevant time. There was no concealment of any document/ instructions relating to Threshold Rebate by the Respondent. The Appellant failed to scrutinize the monthly electricity bills in time and it failed to take timely action to get the mistake rectified as per Regulations. Now, the claim of the Appellant for threshold rebate for FYs 2015-16& 2016-17 cannot be considered as per PSERC (Forum & Ombudsman) Regulations, 2016. Cause of action was 5/6 years old and it was not 09.03.2021 as pleaded by the Appellant.

- (xi) The Appeal Case is to be decided as per PSERC Regulations and Tariff orders. The decision of the Forum in Case No. 343/2019 is

not binding on this Court. Further, this case does not fall in the purview of the Refund Committees. Instruction No. 93.5 of ESIM is not applicable on this case.

- (xii) In this connection, it is worthwhile to peruse the observations of the Forum on this issue, which reads as under: -

“After considering all written and verbal submissions by the petitioner and the respondent and scrutiny of record produced, Forum is of the unanimous conclusion that rebate on account of consumption of electricity above threshold units claimed by the Petitioner during the years 2015-16 & 2016-17 is not considerable for decision now being time barred in view of clause no. 2.25 of PSERC (Forum & Ombudsman) Regulations, 2016. However, as per direction of H’nable Supreme Court, regarding extension of period of limitation from 15.03.2020, rebate on account of consumption of electricity above Threshold Units by the Petitioner during the year 2017-18 is payable in accordance with prevailing instructions on this issue for year 2017-18., but forum is not inclined to allow any interest. SMCC are to be calculated as per clause 18.5.2 of Annexure-II (General Conditions of Tariff) of tariff order 2018-19 further clarified by office of CE/Commercial vide memo no. 1083 dated 09.09.2021 and refund need to be given accordingly for excess charged Fixed Charges for period 1/2019 to 02/2019. Further, respondent has agreed to pay the interest of Rs. 24,508/- from period 01.09.2014 to 31.08.2015 on amount of ACD of Rs.3,51,640/- deposited by petitioner on 01.09.2014 without any interest on it and during proceedings, petitioner has agreed to it, so no interference is required by Forum on this issue ”.

- (xiii) The Appellant failed to represent about threshold rebate within two years of cause of action. Any rebate on account of consumption of electricity above Threshold Units by the Appellant during the years 2015-16 & 2016-17 is not considerable for decision now because the issue is more than two years old from the date of cause of action.
- (xiv) The Forum had rightly decided that the issue of rebate for consumption of electricity above the threshold limits for FY 2015-16 and FY 2016-17 was not considerable for decision as the same was not considerable in terms of provisions contained in Regulations 2.25 & 2.27 of PSERC (Forum and Ombudsman) Regulations, 2016.
- (xv) I observe that adjudication of any dispute must stand scrutiny of law/ regulations and any unlawful reasoning by the Appellant for a decision in its favour is not just and fair. Instead of finding lacunae in the working of the Licensee, the Appellant must be reasonable and try its utmost to fulfill its obligations. As such, this Court is inclined not to interfere with the order of the Forum on this issue. Both the issues (i) and (ii) mentioned supra are interconnected/ interlinked and the same are decided against the Appellant after due consideration.
- (xvi) So far as issue (iii) regarding payment of interest on interest on

the amount of Security (Consumption) and Security (Meter)/ ACD deposited by the Appellant is concerned; it is a Large Supply Category Consumer and had been receiving regularly the energy bills issued by PSPCL from time to time. In all these bills issued by the Respondent, amount of ACD/ Security (Consumption) and Security (Meter) was invariably depicted. The Appellant paid these bills regularly on receipt thereof but did not point out or filed claim/ representation to the Respondent about not crediting/ adjusting the interest amount on the total Security (Consumption) and the Security (Meter) for the disputed period. Thus, the Appellant did not take appropriate remedy at an appropriate time despite the fact that provisions for allowing interest on Security (Consumption) and Security (Meter) were made in the Supply Code-2007 and 2014. Instead of finding lacunae in the working of the Respondent, the Appellant was expected to be vigilant, update and prompt in discharging its obligation. Had the Appellant exercised necessary prudence/ vigilance, the present litigation could have been avoided? The Appellant cannot take benefit of its own wrongs, delays and latches. Further, it is common saying that ignorance of law is no excuse. Thus, it is evident that the Appellant had not been updating himself about the rules/

regulations and benefits available to him. The rules/ regulations framed by PSERC vis a vis by the PSPCL are in public domain and are available on the Website of PSPCL. The Appellant should be prompt to follow them and failure to follow them on the part of the Appellant cannot be attributed to the Respondent. It is also observed that the Appellant willfully avoided to represent/ file a claim to the Respondent so that in the event of delay, it would get interest at comparatively higher rates from PSPCL than that admissible for deposits in the Banking Institutions.

(xvii) The Forum observed in its order dated 22.10.2021 that the *Respondent has agreed to pay the interest of Rs. 24,508/-for period 01.09.2014 to 31.08.2015 on amount of ACD of Rs.3,51,640/- deposited by petitioner on 01.09.2014 without any interest on it and during proceedings, petitioner has agreed to it, so no interference is required by Forum on this issue. Since the Appellant had already got the relief under this issue with its consent so the Appellant is not entitled to anything more than that already granted to it by the Forum. This Court is inclined to agree with the findings of the Forum on this issue. The Appellant did not take appropriate remedy at appropriate time despite the fact that provisions for allowing interest on Security*

(Consumption) and Security (Meter) were made in the Supply Code-2007 (applicable from 01.01.2008 to 31.12.2014) amended vide Supply Code-2014 (effective from 01.01.2015).

(xviii) In view of the above, the issue of allowing penal interest under Regulation 17.4 of Supply Code, 2007 and Regulation 17.3 of Supply Code, 2014 and interest on interest on the Security (Consumption) and Security (Meter) for the disputed period is decided against the Appellant after due consideration.

(xix) All the three issues are decided against the Appellant after due consideration.

6. Decision

As a sequel of above discussions, the Appeal of the Appellant is hereby dismissed.

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.

December 03, 2021
S.A.S. Nagar (Mohali)

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

