**CORPORATE CONSUMERS GRIEVANCES REDRESSAL FORUM**

**PUNJAB STATE POWER COPROPRATION LIMITED**

**220 KV S/Stn. Opp. Verka Milk Plant, Ferozepur Road, Ludhiana**

**Tel: 0161-2971912, email: secy.cgrfldh@gmail.com**

**CASE NO.: CF-107/2023**

**Date of Registration : 21.08.2023**

**Date of Closing : 12.09.2023**

**Date of Final Order : 19.09.2023**

**In the Matter of:**

 **M/S Five Star Estates,**

**Vill. - Puranpur, Jalandhar.**

**A/c No.: 3005107229.**

**Through:**

Sh. Varinder Kumar Gupta  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Cantt. Divn.,

PSPCL, Jalandhar. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-107/2023 has been filed in Forum as an appeal by the petitioner against the decision dated 31.10.2022 of Zonal Refund Committee, North Zone, Jalandhar in the matter related to A/c no. 3005107229, in the name of M/s Five Star Estates. Petitioner is having NRS connection with sanctioned Load of 300.00KW under DS Cantt. Division, PSPCL, Jalandhar. Petitioner in his petition pleaded that he is running a marriage palace and as per CC No. 24/2018 dated 24.04.2018, fixed charges @25% of his sanctioned CD of are to be charged whereas fixed charges @80% are being charged to him. Petitioner submitted application in the o/o SDO/DS East Commercial Sub Division-3, Jalandhar on 15.04.2021 for the refund of excess fixed charges. On the request of the Petitioner, site was checked by o/o the respondent and LCR no. 22/174 dated 25.05.2021 was prepared and reported that the electric supply is being used for marriage palace only. On the basis of this report, concerned office set the flag related to ‘Marriage Palace’ in the SAP system, and from then onwards, billing as per tariff of ‘Marriage Palaces’ started. The petitioner then requested for the refund of excess fixed charges deposited from the date of his connection and his refund case was prepared by the office. The Zonal Refund Committee, North Zone, Jalandhar, in its meeting held on 31.10.2022 decided to reject this refund case, charge back the already given refund and flag raised in SAP be deleted. Further, it was directed that ‘If the consumer is not satisfied with the above decision, he has right to approach CGRF, Ludhiana’.

In accordance with the above decision, AEE Comm., Unit-3, Sub-Division Barring, Jalandhar issued notice to petitioner vide Memo no. 247 dated 16.02.2023 to deposit an amount of Rs. 343107/- on account of fixed charges at 80% of sanctioned load instead of 25%. Petitioner then approached Corporate CGRF, Ludhiana for his appeal regarding the refund of excess fixed charges but the disputed amount being less than Rs. 5 Lac, he was advised to file his case in Zonal CGRF, North Zone, PSPCL, Jalandhar. Zonal CGRF, North Zone, PSPCL, Jalandhar decided the case in its hearing dated 18.05.2023 that after charging the refund already given by the concerned office, the total amount exceeds Rs. Five lacs, as such the case does not fall under their purview.

Not satisfied with the decision dated 31.10.2022 of Zonal Refund Committee, North Zone, PSPCL, Jalandhar; petitioner filed his appeal in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 22.08.2023, 29.08.2023, 05.09.2023 and finally on 12.09.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 22.08.2023***

*The petition has been placed before the Forum for admission. After considering the averments made in the petition, the petition is admitted. Notice be issued to ASE/Sr. Xen/Op. Cantt. Jalandhar (Respondent) along with copy of petition.*

*Respondent shall submit five copies of the following record/documents before the Forum on the next Date of hearing: -*

1. *Respondent shall confirm that there is no case pending before any Court/Forum or any other authority between PSPCL and Petitioner.*
2. *Respondent to confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
3. *Respondent to confirm that the complainant/applicant/petitioner is a competent/authorised person to file/defend the case on behalf of the consumer of the above a/c no.*
4. *Point-wise/Para-wise reply to the petition be submitted through hard copy & soft copy through email at* *secy.cgrfldh@gmail.com**.*
5. *Respondent shall also ensure the following action: -*
	1. *He will check/verify the amount of Rs. 728382/- charged to petitioner as fixed charges in energy bills for the period 10.07.2019 to 22.07.2023(amount details attached with petition).*
	2. *He will submit complete consumer case of Petitioner connection.*
	3. *He will submit copy of checking’s carried out previously.*
	4. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
	5. *It may also be certified that all the documents have been checked/verified & signed by ASE/Sr. XEN and shall remain responsible for the authenticity of the documents/information submitted before the Forum.*

*The case be put up on 29.08.2023.*

***Proceedings dated: 29.08.2023***

*Respondent submitted five copies of reply to the petition along-with the record/documents and the same has been taken on record. One copy thereof was handed over to the petitioner/PR. Petitioner requested for some time for filing rejoinder.*

*Respondent brought original consumer case which was seen and returned back to Respondent.*

*Petitioner submitted copy of letter dated 15.04.2021 addressed to SDO (Comm.)/East Sub-Division-3, PSPCL, Jalandhar for charging fixed charges @25% of contract demand. Copy given to Respondent for confirming its receipt and action taken thereupon.*

*The case is adjourned to 05.09.2023 for filing rejoinder.*

***Proceedings dated: 05.09.2023***

*Petitioner vide email dated 02.09.2023 requested another date for filing rejoinder due to demise of a close relative. The same is admitted.*

*The case is adjourned to 12.09.2023 for filing rejoinder.*

***Proceedings dated: 12.09.2023***

*Respondent submitted duly attested copy of letter dated 15.04.2021 submitted by Petitioner for charging fixed charges @25% of contract demand and stated that the letter was received in concerned sub divisional office. Thereafter, site was got checked up for verification and flag of Marriage Palace was set in SAP system.*

*Petitioner submitted rejoinder which is taken on record. Copy given to Respondent.*

*Petitioner stated that the petition/rejoinder and other documents already submitted may also be considered as part of oral discussion.*

 *Respondent stated that the reply to the petition and other documents already submitted may be considered as oral discussion.*

*Both the parties have nothing more to say and submit.*

*The case is closed for passing speaking orders.*

1. **FACTS OF THE CASE AND OBSERVATIONS OF THE FORUM: -**
2. The Petitioner bearing A/c no. 3005107229, is having NRS connection with sanctioned Load of 300.00 KW, in the name of M/S Five Star Estates, under Op. Cantt. Division, Jalandhar.
3. The Petitioner in his Petition prayed that: -

*We have an electric connection under NRS category which is being used for MARRIAGE PALACE purpose only under the name & style M/S FIVE STAR ESTATES. The sanctioned load & contract demand of the connection is 300 KW/250 KW respectively & the date of connection is 10.07.2019.*

*We submitted an application to SDO, Commercial Cantt. Sub Division, Jalandhar to levy tariff to our Account No. 3005107229 as per Commercial Circular No. 23/2018 dated 24.04.2018 as connection is being used for MARRIAGE PALACE from the date of release of connection. After checking the connection SDO, Commercial Cantt. Sub Division, Jalandhar levied the tariff as per commercial circular No. 23/2018 (Copy of report of SDO is enclosed). We also submitted the application for refund of wrongly charged excess paid fixed charges of Rs. 2,82,673/-. This refund case was forwarded by the SDO to Dy. CE/Operations, Jalandhar Circle for further placed before refund committee.*

*The refund committee North Zone, Jalandhar decided the case with the direction that case of refund is disapproved and the rebate of Rs. 3,43,107/- in fixed charges already given be recovered from us. (Copy of decision enclosed). The refund committee also added that: -*

*"If consumer is not satisfied with the above decision, he has the right to approach CGRF, Ludhiana within stipulated period of 60 days."*

*As the refund amount was less than Rs. 5 Lacs, So We submitted an application in your office with the request to issue directions to allow us to file appeal against the order vide memo No. 247 dated 16.02.23 of Refund Committee, North Zone, PSPCL, Jalandhar (Copy enclosed).*

*Your office allowed us to file appeal in this case with Zonal CGRF, Jalandhar (Copy enclosed).*

*The appeal was filed with Zonal CGRF Jalandhar on 3rd March 2023. In the meantime, the refund amount swelled to more than Rs. 5 Lacs, as the full amount fixed charges were being charged from us regularly.*

*The Zonal CGRF Jalandhar decided the case & we were informed through their No. 4371/73 dated 19.6.2023 that as the amount of refund has become more than Rs. 5 Lacs, so this case do not fall in their competency (Copy of decision enclosed). The refund committee also added that: -*

*"If the Consumer is not satisfied with the above decision, he has the right to approach CGRF, Ludhiana within stipulated period of 60 days."*

*So We are placing the case before you.*

*As we are operating this Marriage Palace since 2007 & the NRS connection was installed on 10.07.2019 for the working of Marriage Palace only. This fact was also verified by the SDO, Commercial Cantt. Sub Division, Jalandhar.*

*So, it is requested that the case be decided on merits & issue directions to: -*

*1) levy fixed charges & as per commercial circular No. 3/2018.*

*2) Refund the entire excess amount of fixed charges already billed to us & deposited by us.*

1. The Petitioner in 2nd part of his Petition prayed that: -

*In this respect we may clarify that a collective sum of Rs. 3,98,268/- Have already been paid excess by us to PSPCL as fixed charges, as the tariff set of fixed charges is set in our account is 80% instead of 25%. (Tariff plan of fixed charges for Marriage Palaces is 25% as per Electricity Supply Instructions Manual). The detail is as under: -*

* + - 1. *We applied for electric connection for Marriage Palace & the connection was installed on 10.07.2019. The sanctioned load is 300 KW & contract demand is 250 KW. This connection was sanctioned & installed after due verification of our marriage palace by The PSPCL officials.*
			2. *In our premises no other activity other than Marriage Palace is being carried out since the construction & commissioning of Marriage Palace. (This fact was verified by The Sub Divisional Officer T-2 suburban, who checked our premises on instructions of Assistant Executive Engineer, Commercial unit No. 3) (Copy of his report is enclosed).*
			3. *After installation of connection, from starting bill No. 50806233985 dated 8.8.2019, we were being levied fixed charges @ 80% instead of 25% of CD.*
			4. *When we noticed this excess billing, we represented the case to SDO East Commercial Sub Division No. 3, PSPCL Birring Jalandhar Cantt.*
			5. *On instructions of Asstt. Executive Engineer & checking the purpose for which this connection is being used, rectified the mistake & our Tariff was set @ 25% (Applicable for Marriage Palaces) w.e.f. 27.5.2021. In the meanwhile, sum of Rs. 2,82,673/-we were excess charged from us in running bills in the shape of fixed charges.*
			6. *So, we requested for the refund/adjustment of fixed charges excess charged.*
			7. *The C.G.R.F. PSPCL Ltd. Jalandhar rejected our case in the meeting dated 31.10.2022 & the tariff of fixed charges was again set to 80% w.e.f.23.12.2022 & S.D.E. Commercial unit No. 3, Birring, Jalandhar raised the demand of Rs. 3,43,107/- through letter No. 247 dated 16,02.2023 being difference of fixed charges from 27.5.2021 to 22.12.2022.*
			8. *We represented our case to your forum.*
			9. *Your Forum issued instructions that as the dispute case is of less than Rs. 5 Lacs, so we should again approach CGRG Jalandhar.*
			10. *In the meanwhile, with the passage of time, the amount of dispute swelled to more than Rs. 5 Lacs.*
			11. *CGRF Jalandhar again asked us to approach your Forum, as now the amount of dispute is more than Rs. 5 Lacs. (Total difference of fixed charges w.e.f. 10.7.2019). Out of which, we have already deposited Rs. 3,98,268/- as excess fixed charges levied & deposited by us.*

*So, from above explanation it is clear that out of the disputed amount, Rs. 3,98,268/- have already been paid by us.*

*So, it is requested that being Marriage Palace Tariff of fixed charges be set at 25% of CD w.e.f. 10.7.2019 i.e., from the date of installation of connection & the excess amount paid by us be refunded/adjusted in next bills. We shall be thankful to you.*

1. The Respondent in his reply stated that: -

*ਖਪਤਕਾਰ M/S Five Star Estate ਵਲੋਂ ਕਿਸੇ ਵੀ ਹੋਰ ਫੋਰਮ ਵਿੱਚ ਕੇਸ ਜਾ ਅਪੀਲ ਦਾਇਰ ਨਹੀਂ ਕੀਤੀ ਗਈ ਹੈ।*

*ਖਪਤਕਾਰ ਸਮੇਂ ਸਮੇਂ ਤੇ ਆਪਣੇ ਮੌਜੂਦਾ ਬਿਜਲੀ ਬਿਲ ਜਮਾ ਕਰਵਾ ਰਿਹਾ ਹੈ ਜੀ । ਇਸ ਤੋਂ ਇਲਾਵਾ ਖਪਤਕਾਰ ਨੂੰ ਜੋਨਲ ਸੀ.ਜੀ.ਆਰ.ਐਫ ਜੀ ਦੇ ਫੈਸਲੇ ਅਨੁਸਾਰ ਰਕਮ 7,28,382/-ਚਾਰਜ ਕੀਤੀ ਗਈ ਹੈ।*

*M/S Five Star Estate ਵਲੋਂ ਸ਼੍ਰੀ ਵਰਿੰਦਰ ਕੁਮਾਰ ਗੁਪਤਾ ਜੀ ਨੂੰ ਆਪਣਾ AUTHORIZED SIGNATORY ਨਿਯੁਕਤ ਕੀਤਾ ਗਿਆ ਹੈ। ਜਿਸਦਾ RESOLUTION ਨਾਲ ਨੱਥੀ ਹੈ ਜੀ।*

*PETITION ਦਾ PARA WISE/POINT WISE REPLY ਹੇਠ ਅਨੁਸਾਰ ਹੈ ਜੀ-*

*ਖਪਤਕਾਰ ਨੂੰ ਮਿਤੀ 27.05.2021 ਤੋ MARRIAGE PALACE ਦਾ FLAG ਇਸ ਦਫਤਰ ਵਲੋਂ ਲਗਾਇਆ ਗਿਆ । ਇਹ FLAG ਟੈਕਨੀਕਲ ਦਫਤਰ ਦੀ ਰਿਪੋਰਟ LCR-22/174 ਮੁਤਾਬਕ ਲਗਾਇਆ ਗਿਆ । ਇਸ ਉਪਰੰਤ ਖਪਤਕਾਰ ਵਲੋਂ ਕੁਨੈਕਸ਼ਨ ਜਾਰੀ ਹੋਣ ਦੀ ਮਿਤੀ-10.07.2019 ਤੋਂ ਰਿਫੰਡ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਜਿਸ ਸਬੰਧੀ ਕੇਸ ਤਿਆਰ ਕਰਨ ਉਪਰੰਤ ਜੋਨਲ ਰਿਫੰਡ ਕਮੇਟੀ ਵਿੱਚ ਪੇਸ਼ ਕੀਤਾ ਗਿਆ। ਜੋਨਲ ਕਮੇਟੀ ਖਪਤਕਾਰ ਕੋਲੋਂ ਕੁਝ ਮਹੱਤਵਪੂਰਨ ਦਸਤਾਵੇਜ ਜਿਵੇਂ ਕਿ ਸਰਕਾਰੀ ਅਦਾਰੇ ਵਿੱਚ ਕਰਵਾਈ ਗਈ ਰਜਿਸਟਰੀ, ਸੀ.ਐਲ.ਯੂ., ਪੁੱਡਾ ਤੋਂ ਪ੍ਰਾਪਤ ਐਨ.ਓ.ਸੀ., ਨਗਰ ਨਿਗਮ ਵਿੱਚ ਜਮਾ ਕਰਵਾਏ ਪ੍ਰਾਪਰਟੀ ਟੈਕਸ ਦੀ ਰਸੀਦ, ਪੁੱਡਾ ਜਾਂ ਨਗਰ ਨਿਗਮ ਤੋਂ ਰੋਗੁਲਾਇਜ ਕਰਵਾਏ ਗਏ ਮੈਰਿਜ ਪੈਲੇਸ ਦੀ ਰੈਗੂਲਾਈਜੇਸ਼ਨ ਦੀ ਕਾਪੀ, ITR ਆਦਿ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਸੀ । ਜਿਨਾਂ ਵਿਚੋਂ ਕੁਝ ਦਸਤਾਵੇਜ ਖਪਤਕਾਰ ਵਲੋਂ ਜਮਾਂ ਕਰਵਾਏ ਗਏ । ਜੋਨਲ ਕਮੇਟੀ ਦੇ ਮਿਤੀ-31.10.2022 ਦੇ ਫੈਸਲੇ ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਨੂੰ ਰਕਮ-7,28,382/-ਰੁ: ਚਾਰਜ ਕੀਤੀ ਗਈ ਹੈ ਜੀ।*

*A. ਖਪਤਕਾਰ ਨੂੰ ਮਾਣਯੋਗ ਜੋਨਲ ਸੀ.ਜੀ.ਆਰ.ਐਫ ਜੀ ਦੇ ਫੈਸਲੇ ਅਨੁਸਾਰ ਰਕਮ-7,28,382/- ਚਾਰਜ ਕੀਤੀ ਗਈ ਹੈ ।*

*B. ਖਪਤਕਾਰ ਦਾ CONSUMER CASE ਨਾਲ ਨੱਥੀ ਹੈ ਜੀ*

*C. LCR-22/174 ਮਿਤੀ-24.05.2021 ਦੀ ਕਾਪੀ ਨਾਲ ਨੱਥੀ ਹੈ ਜੀ।*

*D. ਖਪਤਕਾਰ ਨੂੰ ਫਿਕਸਡ ਚਾਰਜਸ ਦੀ ਰਕਮ GENERAL CONDITIONS OF TARIFF ਅਧੀਨ ਚਾਰਜ ਕੀਤੀ ਗਈ ਹੋ ਜੀ।*

1. Petitioner in his rejoinder stated that: -

*Questions was raised that while applying for electric connection, we did not mentioned the purpose for which this electric connection is to be used: -*

***REPLY: -*** *There is no separate category for marriage palaces in supply of power by PSPCL. So, there is no column in the application form while applying for electric connection, Similarly, there is no column in the test report specifying the purpose for which this electric energy is to be used. So this connection falls in NRS category.*

*At the time of sanction/Installation of connection, Officials of the department visited our premises twice. Official from chief electric Inspector's office also visited our premises for checking installations & transformers.*

*A copy of Fard Zamabandi 2016-17 of our land in V. Puranpur on which marriage palace is in existence is enclosed herewith.*

*A certificate from Excise officer, Jalandhar (E) is enclosed herewith, which shows that we hold license in form L-5D (for Allowing Consumption of liquor on special occasion in marriage palace or banquet hall.)*

*Copies of the annual License fees paid by us for the concerned period from the year 2019-20 to 2023-24 are enclosed herewith.*

*Fire Safety Certificates from Punjab Fire Services, (Jalandhar MC) from the concerned period 2019-20 to 2023-24 are enclosed herewith.*

*So, you are requested that being marriage palace, Tariff of fixed charges be set at 25% of CD w.e.f 10.07.2019 i.e. from the installation of connection & the excess amount charged to be adjusted in our next bills.*

*We shall be thankful to you.*

1. Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. The issue that requires adjudication in the present dispute is to decide the legitimacy of amount of Rs. 677189/- on account of fixed charges levied to the petitioner on 80% of sanctioned CD instead of 25% of sanctioned CD along-with notice no. 247 dated 16.02.2023 issued in compliance with the decision dated 31.10.2022 of Zonal Refund Committee, North Zone, Jalandhar vide which claim of Petitioner has been rejected for Refund of excess fixed charges w.e.f. 03.01.2019 and application of the tariff of Marriage Palace to him.
2. Forum observed that petitioner in his petition pleaded that he is running a marriage palace and as per CC No. 24/2018 dated 24.04.2018, fixed charges @25% of his sanctioned CD of are to be charged whereas fixed charges @80% are being charged to him. Petitioner submitted application in the o/o SDO/DS East Commercial Sub Division-3, Jalandhar on 15.04.2021 for the refund of excess fixed charges. On the request of the Petitioner, site was checked by o/o the respondent and LCR no. 22/174 dated 25.05.2021 was prepared and following remarks were recorded:

*“ਇਹ ਪੈਲਸ ਸਿਰਫ ਮੈਰਿਜ ਪੈਲਸ ਵਾਸਤੇ ਹੀ ਵਰਤਿਆ ਜਾਂਦਾ ਹੈ। ਬਿਜਲੀ ਦੀ ਵਰਤੋਂ ਪੈਲਸ ਲਈ ਹੀ ਵਰਤੀ ਜਾਂਦੀ ਹੈ। ਪੈਲਸ ਤੋਂ ਇਲਾਵਾ ਹੋਰ ਕਿਸੇ ਪਰਪਜ ਲਈ ਨਹੀਂ ਵਰਤੀ ਜਾਂਦੀ ਜੀ।”*

On the basis of this report, concerned office set the flag related to ‘Marriage Palace’ in the SAP system, and from then onwards, billing as per tariff of ‘Marriage Palaces’ started. The petitioner then requested for the refund of excess fixed charges deposited from the date of his connection and his refund case was prepared by the office.

The refund case was presented before the Zonal Refund Committee, North Zone, Jalandhar where the case was decided on 31.10.2022 as under: -

*“ਪੇਸ਼ ਕਰਤਾ ਅਫਸਰ ਵਲੋਂ ਕਮੇਟੀ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਕਿ ਮਿਤੀ 12.09.2022 ਦੀ ਮੀਟਿੰਗ ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਵਲੋਂ ਸਬੰਧਤ ਦਸਤਾਵੇਜ ਜਮਾਂ ਨਹੀ ਕਰਵਾਏ ਗਏ ਜਿਸ ਕਰਕੇ ਇਸ ਖਪਤਕਾਰ ਦੇ ਕੇਸ ਦਾ ਰਿਫੰਡ ਨਾ ਮੰਜ਼ੂਰ ਕੀਤਾ ਜਾਵੇ। ਕਮੇਟੀ ਵਲੋਂ ਪੇਸ਼ ਕਰਤਾ ਅਫਸਰ ਦੀ ਸਿਫਾਰਸ਼ ਤੇ ਸਹਿਮਤੀ ਨਾਲ ਇਸ ਖਪਤਕਾਰ ਦੇ ਫਿਕਸਡ ਚਾਰਜਜ਼ ਦੇ ਰਿਫੰਡ ਦਾ ਕੇਸ ਨਾ-ਮੰਜ਼ੂਰ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਅਤੇ ਕੇਸ ਖਤਮ ਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਇਸ ਕੇਸ ਵਿਚ ਜੋ ਰਿਫੰਡ ਉਪ ਮੰਡਲ ਦਫਤਰ ਵਲੋਂ ਦਿਤਾ ਗਿਆ ਹੈ ਉਸ ਨੂੰ ਚਾਰਜ ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਸੈਪ ਵਿਚ ਇਸ ਬਾਰੇ ਜੋ ਫਲੈਗ raise ਕੀਤਾ ਗਿਆ ਹੈ, ਉਸ ਨੂੰ ਹਟਾਇਆ ਜਾਵੇ।”*

Further, it was directed that ‘If the consumer is not satisfied with the above decision, he has right to approach CGRF, Ludhiana’. In accordance with the above decision, AEE Comm., Unit-3, Sub-Division Barring, Jalandhar issued notice to petitioner vide Memo no. 247 dated 16.02.2023 to deposit an amount of Rs. 343107/- on account of fixed charges at 80% of sanctioned load instead of 25%. Petitioner then approached Corporate CGRF, Ludhiana for his appeal regarding the refund of excess fixed charges but the disputed amount being less than Rs. 5 Lac, he was advised to file his case in Zonal CGRF, North Zone, PSPCL, Jalandhar. Zonal CGRF, North Zone, PSPCL, Jalandhar decided the case in its hearing dated 18.05.2023 as under: -

*“ਇਸ ਖਪਤਕਾਰ ਦਾ ਰਿਫੰਡ ਕੇਸ ਰਿਜੈਕਟ ਹੋਣ ਉਪਰੰਤ ਸਬੰਧਤ ਦਫਤਰ ਵਲੋਂ ਉਸ ਨੂੰ ਪਹਿਲਾਂ ਦਿਤੀ ਫਿਕਸਡ ਚਾਰਜਜ ਦੀ ਰਕਮ ਚਾਰਜ ਕਰਨ ਉਪਰੰਤ ਕੇਸ 5.00 ਲੱਖ ਤੋਂ ਜ਼ਿਆਦਾ ਦਾ ਬਣ ਜਾਂਦਾ ਹੈ। ਇਸ ਲਈ ਫੋਰਮ ਵਲੋਂ ਸਹਿਮਤੀ ਨਾਲ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਕਿ ਕੇਸ ਦੀ ਰਕਮ 5.00 ਲੱਖ ਤੋਂ ਵੱਧ ਜਾਣ ਕਰਕੇ ਇਹ ਕੇਸ ਜ਼ੋਨਲ ਸੀਜੀਆਰਐਫ ਦੀ ਸਮਰੱਥਾ ਅਧੀਨ ਨਹੀਂ ਆਉਂਦਾ ਅਤੇ ਕੇਸ ਬੰਦ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।”*

Not satisfied with the decision dated 31.10.2022 of Zonal Refund Committee, North Zone, PSPCL, Jalandhar; petitioner filed his appeal in Corporate CGRF, Ludhiana.

Forum observed that the Petitioner had applied for a new connection under NRS category. Application and Agreement was signed for release of an electric connection for NRS purpose in the Petitioner’s premises. The tariff of NRS category as approved by the Commission from time to time was and is being charged. The petitioner submitted that as per tariff approved by the Hon’ble PSERC and circulated by the PSPCL vide Commercial Circular No. 24/2018 dated 24.04.2018, Fixed Charges for Marriage Palaces were to be charged @ 25% (of sanctioned CD) w.e.f. 01.04.2018. Petitioner submitted various documents like Fard Zamabandi 2017-18, certificate from Excise Officer, Jalandhar (W) certifying that petitioner is L-5D License holder (for allowing consumption of liquor on Special Occasion in a marriage palace or a banquet hall); map of year 2001 passed by Municipal Corporation, Jalandhar wherein premises of the petitioner is recognized as marriage palace; copy of marriage palace bills for the period 2016 to 2023 and Jalandhar Municipal Corporation’s Property Tax Payment Receipt in support of his claim that there is a marriage palace where his connection is installed. Forum observed that documents submitted by the Petitioner from these departments are not the basis/criteria for determining the tariff as these were for purpose of determining the categorization under respective Acts/Laws of the department(s) concerned. Tariff applicability is determined by the Respondent based on the Sales Regulations/ESIM and Tariff Orders approved by PSERC depending upon purpose of use of electricity. Forum called for the consumer case and it was observed that the Petitioner never mentioned the Category i.e., ‘Marriage Palace’ in any of the documents submitted by him for obtaining new electricity connection, as attached in the consumer case. Further, the Petitioner had never challenged the electricity bills issued to him during the period of dispute. Forum further observed that the petitioner being a consumer with sanctioned load of 300.00 KW, should be wide-awake about his rights. The Petitioner, being a Large NRS Category consumer, was expected to go through and study the Energy Bills carefully and intelligently and bring the discrepancy, if any, to the notice of the Respondent immediately on noticing it on receipt of the energy bills. Petitioner himself failed to approach the office of the Respondent at an appropriate time for changing of billing category. Fixed charges were invariably shown on each monthly electricity bills served to him from the date of connection upto the date of request for change in tariff category. Thus, claim of the Petitioner for allowing rebate from date of connection to 24.05.2021, is not sustainable.

As regards to the billing of the petitioner from 25.05.2021 onwards is concerned, it is observed that the Respondent changed the Tariff type of the petitioner in the billing system & applied the Flag of ‘Marriage Palaces’ in its account w.e.f. 25.05.2021. This was done on the basis of findings of AEE vide LCR No. 22/174 dated 25.05.2021, admittedly which was conducted at the written request of the petitioner. Forum observed that petitioner submitted his request for charging fixed charges @25% to the office of Respondent on 15.04.2021. Connection of the petitioner was checked vide LCR no. 21/174 dated 25.05.2021 wherein it was reported as under: -

*“ਇਹ ਪੈਲਸ ਸਿਰਫ ਮੈਰਿਜ ਪੈਲਸ ਵਾਸਤੇ ਹੀ ਵਰਤਿਆ ਜਾਂਦਾ ਹੈ। ਬਿਜਲੀ ਦੀ ਵਰਤੋਂ ਪੈਲਸ ਲਈ ਹੀ ਵਰਤੀ ਜਾਂਦੀ ਹੈ। ਪੈਲਸ ਤੋਂ ਇਲਾਵਾ ਹੋਰ ਕਿਸੇ ਪਰਪਜ ਲਈ ਨਹੀਂ ਵਰਤੀ ਜਾਂਦੀ ਜੀ।”*

Further as per Note (iv) under Clause SV3 of Commercial Circular 24/2018 which reads as under: -

*“Consumer running marriage palaces shall pay Fixed Charges on 25% of Sanctioned Load/Contract Demand. In case, the consumer exceeds is Sanctioned Load/Contract Demand during a billing cycle/month, he shall also be liable to pay applicable load/demand surcharge.”*

On the perusal of the above, it is implied that the inspection of the site of the petitioner by the competent official of the Respondent was enough for the change of Tariff to ‘Marriage Palace’.

In this regard, Forum observed that Hon’ble Ombudsman decided a similar-nature case titled M/S Sunshine Hotels versus ASE/DS Cantt. Division, PSPCL, Jalandhar in Appeal no. 21/2023 as under: -

*I am of the opinion that the Appellant being a consumer with sanctioned CD of 498 kVA should be vigilant about its rights. The Appellant itself failed to approach the Respondent at an appropriate time for change of billing category. The fixed charges were invariably shown on the monthly electricity bills served to the Appellant during the disputed period from 01.04.2018 to 01.10.2021 but the Appellant had never represented in the office of the Respondent for correction of fixed charges being levied on 80% of the sanctioned CD instead of 25%. The bills were not challenged for rectification at an appropriate time. Delay is on the part of the Appellant to file the representation for correction/ challenge of bills. Therefore, this Court is of the view that the Appellant did not take appropriate remedy at an appropriate time. The Appellant had not applied for release of connection to it as a Marriage Palace rather it had applied the connection as M/s. Sunshine Hotel. Further, before conducting of checking of the premises by AEE/ T-2, Suburban S/D under DS Cantt Divn., Jalandhar, it is not possible to ascertain whether the premises were being used only for the purpose of Marriage Palace between the period 01.04.2018 to 01.10.2021. As such, the claim of the Appellant for refund of alleged excess billing from 01.04.2018 to 01.10.2021 on account of fixed charges levied to it on 80% of the sanctioned CD instead of 25% of the sanctioned CD, amounting to ₹ 8,37,641/- with interest is decided against the Appellant after due consideration.*

*As regards to the billing of the Appellant from 01.10.2021 onwards is concerned, it is observed that the Respondent changed the Tariff type of the Appellant in the billing system & applied the Flag of ‘Marriage Palaces’ in its account w.e.f. 01.10.2021. This was done on the basis of findings of AEE/ T-2, Suburban S/D under DS Cantt. Divn., Jalandhar during checking of the premises of the Appellant vide LCR No. 69/174 dated 09.10.2021, admittedly which was conducted at the verbal request of the Appellant, wherein it was reported as under: -*

*“ਇਹ ਕੁਨੈਕਸ਼ਨ ਦੀ ਸਪਲਾਈ ਸਿਰਫ ਮੈਰਿਜ ਪੈਲੇਸ ਲਈ ਹੀ ਵਰਤੀ ਜਾਂਦੀ ਹੈ। ਪੈਲੇਸ ਤੋਂ ਇਲਾਵਾ ਕਿਸੇ ਹੋਰ ਪਰਪਸ ਲਈ ਨਹੀਂ ਵਰਤੀ ਜਾਂਦੀ ਜੀ।”*

*But in compliance of the decision dated 31.10.2022 of the Zonal Refund Committee, Jalandhar, this Flag of ‘Marriage Palaces’ was removed w.e.f. 22.11.2022 from the account of the Appellant in the billing system & the Appellant was charged ₹ 5,08,755/- vide Notice No. 246 dated 16.02.2023, on account of fixed charges levied @ 25% instead of 80% for the period from 01.10.2021 to 22.11.2022. ………..*

 *.……….*

 *………..*

*Decision: -*

*As a sequel of above discussions, the order dated 14.07.2023 of the CCGRF, Ludhiana in Case No. CF-069/2023 is amended to the extent that the Notice No. 246 dated 16.02.2023 for ₹ 5,08,755/-, on account of difference of fixed charges levied @ 25% instead of 80% for the period from 01.10.2021 to 22.11.2022, is quashed. The Appellant be allowed the Tariff of ‘Marriage Palaces’ w.e.f. from 01.10.2021 onwards. However, no interest be allowed to the Appellant in this regard.”*

Forum further observed that petitioner in his rejoinder has mentioned that there is no separate category for marriage palace in supply of power by PSPCL and there is no column in the application form while applying for electric connection, Similarly, there is no column in the test report specifying the purpose for which this electric energy is to be used. So, this connection falls in NRS category. In this regard, Forum also gone through the on-line procedure for applying a new connection for ‘Marriage Palace’ under NRS category and observed that there is no separate sub-category under NRS category namely ‘Marriage Palace’. As such the new applicant cannot apply a connection under ‘Marriage Palace’ category. As the category ‘Marriage Palaces’ has a different tariff structure under overall NRS tariff, therefore there must be a separate sub-category for Marriage Palaces under NRS category. CE/IT, PSPCL, Patiala, must look into the matter and needful is required to be done accordingly.

Member Finance is of the opinion that the Tarriff of ‘Marriage Palaces’ was applied in the account of the petitioner w.e.f. 25.05.2021 and the petitioner also did not object to it. This means, although A&A/Agreement was not modified at the time of changing the Tarriff w.e.f. 25.05.2021, but in effect, both the parties were in agreement to it verbally. The remaining members agreed this, except that modification of A&A was required as till date no such sub-category under NRS category has been made by the PSPCL, for which CE/IT, PSPCL, Patiala is being asked to look into the matter.

Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. In view the above discussion, Forum is of the opinion that decision dated 31.10.2022 of Zonal Refund Committee, North Zone, PSPCL, Jalandhar is liable to be set-aside and notice no. 247 dated 16.02.2023 amounting to Rs. 343107/- is liable to be quashed. Petitioner is required to be allowed the Tariff of ‘Marriage Palaces’ w.e.f. 25.05.2021 onwards on the basis of checking report of AEE vide LCR no. 22/174 dated 25.05.2021. However, the request of the petitioner to allow the said refund from date of connection to 24.05.2021, is not maintainable and hence liable to be rejected.

Keeping in view the above, Forum, came to the unanimous conclusion that decision dated 31.10.2022 of Zonal Refund Committee, North Zone, PSPCL, Jalandhar be set-aside and notice no. 247 dated 16.02.2023 amounting to Rs. 343107/- be quashed. Petitioner be allowed the Tariff of ‘Marriage Palaces’ w.e.f. 25.05.2021 onwards on the basis of checking report of AEE vide LCR no. 22/174 dated 25.05.2021. The request of the petitioner to allow the said refund from date of connection to 24.05.2021, be disallowed. Further, CE/IT, PSPCL, Patiala, is directed to look into the matter and do the needful accordingly.

1. **DECISION:**

Keeping in view the petition, reply, oral discussion, after hearing both the parties, perusal of the record produced by them & observations of Forum, Forum decides that: -

1. **Decision dated 31.10.2022 of Zonal Refund Committee, North Zone, PSPCL, Jalandhar is set-aside and notice no. 247 dated 16.02.2023 amounting to Rs. 343107/- is quashed. Petitioner is allowed the Tariff of ‘Marriage Palaces’ w.e.f. 25.05.2021 onwards.** **The request of the petitioner to allow the said refund from date of connection to 23.05.2021, is disallowed.**
2. **CE/IT, PSPCL, Patiala, is directed to look into the matter and to do the needful accordingly.**
3. **As required under Regulation 2.33 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021 the compliance of this decision shall be made within 21 days from the date of receipt of this order.**
4. **If the Petitioner is not satisfied with the decision of Corporate CGRF, he is at liberty to file a representation before the Ombudsman appointed / designated by the Punjab State Electricity Regulatory Commission within 30 days from the date of receipt of the order of the Forum, as required under Regulation 2.39 read with Regulation 2.37 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021.**

**(CA. Baneet Kumar Singla) (Er. Himat Singh Dhillon)**

**Member (Finance) Independent Member**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE/Commercial, PSPCL**

**Place: Ludhiana**

**Date: 19.09.2023**