

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

Petition No. 24 of 2023  
Date of Order: 17.10.2023

Petition under conduct of business Regulations 2005 of PSERC under Electricity Act -2003 seeking compliance of regulations issued by PSERC and Electricity Act 2003 and suitable action against respondents U/s 142 and 146 of EA2003 for not complying with the regulations.

AND

In the Matter of: Sarita Sharma 600/14, Kundan Puri, Civil Lines, Ludhiana  
.....Petitioner

Versus

Punjab State Power Corporation Limited, the Mall, Patiala & Anr.  
.....Respondents

Commission: Sh. Viswajeet Khanna, Chairperson  
Sh. Paramjeet Singh, Member

Petitioner: Sh. Jatinder Singh Dua, Advocate

PSPCL: Ms. Harmohan Kaur, CE&ARR/TR  
Sh. Jiwan Kumar Jindal, Sr.Xen  
Sh. Baljinder Singh, AE/TR-5  
Sh. Rajesh Kumar, Sr.Xen City

**ORDER**

The Petitioner has filed this petition seeking direction against the respondents to refund the amount due to the Petitioner alongwith interest and to take suitable action against PSPCL under Section 142 and 146 of the Electricity Act, 2003 for willful contravention of the regulations framed by the Commission. The Petitioner was booked for unauthorized use of electricity under Section 126 of the Electricity Act, 2003 vide notice dated 12.04.2021 for Rs. 24,45,090/-, who after depositing the penalty/charges as per the final assessment order, got her electricity connection permanently disconnected. The Petitioner filed an appeal against the final order of assessment under Section 127 of the Electricity Act, 2003, which was decided in her favour vide order dated 13.04.2022 and Ld. Appellate Authority ordered refund of the

amount deposited by the Petitioner. The grievance of the Petitioner is that despite passing of the order by the Appellate Authority and her repeated requests for refund of amount, PSPCL has failed to refund the same.

2. The petition was admitted vide order dated 07.08.2023 and notice was issued to PSPCL. PSPCL filed its reply to the petition submitting that the petition has become infructuous as in compliance of order dated 13.04.2022, Rs.14,05,495/- has been refunded in the Petitioner's electricity connection A/c No. 3002812070 after adjusting the account. Later, on permanent disconnection of the connection, the said amount was remitted to the bank account no. provided by the Petitioner. After passing of the order dated 13.04.2022 by the Appellate Authority, the documents of the Petitioner alongwith order dated 13.04.2022 were sent to their legal department at Patiala for legal opinion, which took some time, therefore, they are not liable for the alleged delay in refund. Thus, there is no violation on the part of the respondents as alleged by the Petitioner in this petition and the present petition is liable to be dismissed being infructuous.

3. The Petitioner has submitted rejoinder vide email dated 26.09.2023 wherein she has refuted the contentions of PSPCL. The Petitioner has stated that vide order dated 13.04.2022 passed by the Appellate Authority, PSPCL was directed to refund the amount within 30 days but it was only after her repeated requests that the amount was credited to her account on 25.08.2022 which was after 04 months and 12 days. Thereafter, vide letter dated 10.02.2023, she requested PSPCL to refund the amount to her bank account. She has also sent several reminders to PSPCL via telephonic calls as well as emails, requesting PSPCL to remit the amount in her bank account. The Petitioner has claimed interest on the amount deposited by her from the date of deposit to the date of actual refund as per Regulations 36.3.4 of the Supply Code, 2014.

4. After hearing the parties, Order was reserved vide order dated 29.09.2023.

### **Observations & Decision of the Commission**

5. The Commission has carefully gone through the submissions made in the petition, reply of PSPCL, rejoinders and arguments made during the hearings. The findings and decision of the Commission are as here under:

The petitioner challenged the final order of assessment by way of filing an Appeal under Section 127 of the Electricity Act, 2003 before the Appellate Authority. The Appellate Authority vide Order dated 13.04.2022 has decided the appeal in favour of the petitioner.

In this regard, Regulation 36.3.4 of the Supply Code, 2014 specifies as under:

*“In case the Appellate Authority holds that no case of unauthorized use of electricity is established, no further proceedings shall be initiated by the distribution licensee and the amount deposited by the appellant refunded along with interest for the period from the date of deposit to the date of refund, at the SBI's Base Rate prevalent on first of April of the relevant year plus 2% through cheque or adjustment in the electricity bills of immediately succeeding months, consumer/person. as per the discretion of the consumer/person.”*

Vide order dated 28.04.2023 in Petition No. 55 of 2022 and order dated 02.08.2023 in Petition No. 38 of 2023, the Commission has unambiguously directed that in the absence of any stay order, PSPCL is bound to implement the order passed by the Appellate Authority and comply with Regulation 36.3.4 of the Supply Code, 2014. Thus, PSPCL is liable to comply with the order dated 13.04.2022 passed by the Appellate Authority and to refund the amount along with interest due to the petitioner as per the Supply Code, 2014

regulations. PSPCL shall comply with the order dated 13.04.2022 passed by the Appellate Authority without any delay and submit compliance report within 15 days. The internal procedural delays in the implementing the order cited by PSPCL are certainly not tenable.

Further, the Commission observes that the delay in compliance with the order passed by the Appellate Authority under Section 127 of the Act without any valid reason has become endemic to PSPCL. A number of such petitions are being received from aggrieved consumers. To preclude such harassment to the consumers, PSPCL is directed to ensure meticulous action as per Regulation 36.3.4 of the Supply Code, 2014 and to conduct a thorough internal check to identify such pending cases and to ensure strict compliance with ibid regulations failing which the Commission shall be constrained to consider imposing penalties U/s 142 of the Electricity Act 2003 in such cases.

Sd/-  
(Paramjeet Singh)  
Member

Sd/-  
(Viswajeet Khanna)  
Chairperson

Chandigarh

Dated: **17.10.2023**