

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

**Petition No. 01 of 2019**  
**Date of Hearing: 24.07.2019**  
**Date of Order: 09.08.2019**

In the matter of: Petition under Regulation 10 and 69 of the PSERC (Conduct of Business) Regulations, 2005 and other relevant Regulations framed by the Commission and sections of the Electricity Act, 2003 for determination of rate of voltage surcharge for the period starting from 01.10.2004.

AND

In the matter of: Paramount Steels Ltd., Phase-VII, Focal Point, Ludhiana through Shri Sudesh Kumar, Director and authorized Signatory

Petitioner

VERSUS

Punjab State Power Corporation Ltd., The Mall, Patiala.

Respondent

Present: Ms. Kusumjit Sidhu, Chairperson  
Sh. S.S. Sarna, Member  
Ms. Anjali Chandra, Member

For Paramount: Sh. Tajender Joshi, Advocate  
Steels Ltd.

For PSPCL: Sh. Bhupinder Sharma, CE/ARR&TR  
Sh. VPS Kailay, SE/TR-2  
Sh. Lovleen Gupta, AEE/TR-5

**ORDER**

The petitioner company has an Induction Furnace Unit with a large supply Industrial Connection with a Contract Demand of more than 2500 kVA. The present petition has prayed for determination of the rate of voltage surcharge for the period starting from 01.10.2004 by taking a holistic view of the issue as held by the Commission in its Order dated 17.09.2007 in petition 07 of 2007.

2. The petition was taken up for hearing on 10.04.2019 for admission. However, on the request of Ld. Counsel appearing on behalf of the petitioner the petition was adjourned to 03.07.2019.

The date of hearing was further postponed to 05.07.2019 on the request of Ld. Counsel of the petitioner. On 05.07.2019, the Ld. Counsel for the petitioner again requested for an adjournment as he was not prepared to argue the matter. Acceding to the request of the Ld. Counsel, the matter was fixed for hearing on admission on 24.07.2019 with the rider that no further adjournment shall be granted.

3. During the hearing on 24.07.2019, the Ld. Counsel appearing for the petitioner could not justify the admission of the instant petition when the issue raised in the petition has already attained finality with the judgment by the Hon'ble Supreme Court.

4. The Commission notes that:

4.1 The Hon'ble High Court vide Single Judge Order dated 27.04.2009 in CWP No. 8451 of 2007 filed by M/s Antarctic Industries & Ors, dismissed with costs a bunch of CWPs seeking quashing of the electricity consumption bills raised by the erstwhile PSEB (now PSPCL) from April, 2007 onwards wherein voltage surcharge @ 10% and 17.5% has been levied.

4.2 Thereafter, L.P.A. No. 605 of 2009 and 18 other LPAs filed against the said Order were disposed of as being without any merit by the Division bench of Hon'ble Punjab and Haryana High court vide Order dated 09.09.2011. However, it was opined that such surcharge can be claimed from the power intensive units such as the appellants from 01.10.2004 (the date from which Tariff Order for FY 2004-05 was made effective) alone in terms of the Tariff Order and not from any date earlier than the date notified by the Commission.

4.3 Subsequently, the Appeal No. 7856 of 2012 filed before the

Hon'ble Supreme Court challenging the Order dated 09.09.2011 passed by the Hon'ble Punjab and Haryana High Court in LPA No. 605 of 2009 was also dismissed by a common judgment dated 19.06.2017.

4.4 Further, in compliance of the Hon'ble APTEL Order dated 16.07.2010 in appeal no. 192 of 2009 filed by M/s Antarctic Industries Ltd. and 7 others (including M/s Paramount Steels Ltd., Ludhiana the petitioner in the instant petition), the Commission vide its Order dated 19.01.2011 has already re-determined the voltage surcharge as 7% and 10% in place of 10% and 17.5% respectively, for categories of consumers for which surcharge is applicable. The said Order of the Commission was also challenged by M/s Waryam Steel Castings (P) Ltd., Ludhiana before the Hon'ble APTEL vide appeal no. 198 of 2011 which was dismissed by the Hon'ble APTEL vide Order 27.07.2012. The Order dated 27.07.2012 passed by the Hon'ble APTEL was further challenged before the Hon'ble Supreme Court vide appeal no. 7856 of 2012 and the Hon'ble Supreme Court has dismissed the same along with other SLPs filed by the various consumers vide judgment dated 19.06.2017.

As the subject matter raised in the petition has already attained finality upto the level of highest Court of the land i.e. Hon'ble Supreme Court of India, the prayer of the petitioner to re-determine the rate of voltage surcharge w.e.f. 01.10.2004 is not fit for admission.

Sd/-  
**(Anjuli Chandra)**  
Member

Sd/-  
**(S.S. Sarna)**  
Member

Sd/-  
**(Kusumjit Sidhu)**  
Chairperson

Chandigarh  
Dated: 09.08.2019