

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

Petition No. 07 of 2021
alongwith IA No. 15 of 2021
Date of Hearing: 20.07.2021
Date of Order: 26.07.2021

Petition Under Regulation 6.7 & 47 of Supply Code-2014 and Regulation 69, 70, 71 & 72 of Chapter XIII of the Conduct of Business Regulations 2005 regarding erection of LD system by PSPCL and release of electricity connections in those licensed colonies where developers sold plots/flats without obtaining NOC from PSPCL OR where developers after obtaining NOC have abandoned the project without installing the LD system and other related matters.

AND

In the matter of: Punjab State Power Corporation Ltd. the Mall, Patiala

...Petitioner

Versus

M/s Confederation of Real Estate Developers Association of India- Punjab Chapter (CREDAI) having its registered office at SCO 198 1st Floor, Sector 7-C, Chandigarh 160019.

..Respondent

Present: Sh. Viswajeet Khanna, Chairperson
Ms. Anjali Chandra, Member
Sh. Paramjeet Singh, Member

For PSPCL: Sh. Gurchain Singh Banga, CE/ARR&TR
Sh. DPS Grewal, Director/Distribution
Sh. Deepak Gupta, SE/TR-2
Sh. Mukesh Kumar, ASE/TR-5
Sh. Satwinder Singh Sehmbi, SE/Ropar
Sh. Mohit Sood, SE, Mohali
Sh. G. Sandhu, ASE, Mohali
Sh. Sukhjot Sidhu, SE/ Regulation
Sh. Satwinder Singh Sehmbi, SE/Ropar

CREDAI: Sh. Mayank Malhotra, Advocate

GMADA: Sh. Gurdev Singh Atwal

PUDA Sh. Himmat Singh, Planning Officer

CTP: Ms. Mandeep Kaur
Ms. Ritika Arora
Sh. Yatharth Hans, Law Officer

Local Govt: Sh. Kuldeep Raj Verma, Superintending Engineer
Punjab Sh. Sangeet Kumar, Executive Officer

ORDER

The learned counsel appearing in petition No. 27 of 2021 has requested for time to seek instructions from CREDAI to file its reply in the present petition. CREDAI may file its reply to the petition within two weeks with a copy to PSPCL (through hard copy & soft copy). The learned counsel appearing for the applicants in IA No. 15 of 2021 has also requested for some more time to seek instructions from his clients with regard to the status of the CWP pending before the High Court. The applicants as well as PSPCL shall submit their written comments with regard to the impact of CWP No. 14927 of 2015 pending before the Hon'ble Punjab and Haryana High Court within two weeks with a copy to each other.

The officer's representing PSPCL further submitted that the licensing authorities such as GMADA do not initiate any action against developer even when developer's default in laying the LD system in the colonies is brought to their notice by PSPCL. The representative of GMADA i.e. DTP, GMADA submitted that LD system in the colony is to be laid by the developer after obtaining NOC from PSPCL, for which Bank Guarantee is also taken by PSPCL. The Commission observed that while issuing license, the licensing authority must comprehensively secure the interests of prospective residents who invest their life long savings in the plots/dwelling units on the basis of such license and must monitor & ensure the comprehensive compliance of the developer with the conditions of license issued by them including the development of electricity system in the colony.

The Commission directed GMADA, vide order dated 29.06.2021, to submit the information as mentioned in the Order. GMADA has submitted the information vide memo No. गमडा/डीटीपी/अ-2/ज 2021/ 1787 dated 13.07.2021. The information with regard to the name of the directors of the companies who have not furnished the required NOC from PSPCL, action taken against the defaulting developers and the details of bank guarantees/securities available with the licensing authority against the defaulting licencees/developers of the colonies has not been provided. The same be provided within two weeks, being last opportunity.

The Commission asked PSPCL as to why the LD system, stated to be complete in some colonies in the list of 71 nos. colonies submitted by PSPCL, has not been taken over. PSPCL officer submitted that such cases pertain to colonies developed in contiguous areas where the loads of such contiguous colonies should be clubbed for proper development of distribution system. To this effect, PSPCL referred to the judgment dated 07.04.2020 passed by the Hon'ble High Court of Punjab and Haryana in case of M/s Impact Projects Private Ltd. & Anr. Vs PSPCL & Ors. The Commission directed PSPCL and the learned counsel to file their response in this regard on affidavit within a week.

PSPCL has requested for some more time to submit the information as required vide order dated 29.06.2021. PSPCL shall submit the information within two weeks. The Director Local Bodies Govt. of Punjab submitted that the necessary instructions have been issued to the concerned authorities and copy of the same will be filed before the Commission. The Department of Local Bodies shall also file the details of the undertakings/bank guarantees on affidavit within a week.

The Commission directed PUDA to coordinate with all the licensing authorities in the state and to furnish, within two weeks, the details of BGs available against the colonies mentioned in the list of 71 nos. colonies submitted by PSPCL to facilitate completion of LD system in the colonies as well the action taken against the defaulting developers.

The petition shall be taken up for hearing on 25.08.2021 at 11.00 AM.

Sd/-

(Paramjeet Singh)
Member

Sd/-

(Anjuli Chandra)
Member

Sd/-

(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: 26.07.2021