

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SCO NO. 220-221, SECTOR 34-A, CHANDIGARH

Petition No.35 of 2014
Date of hearing:22.07.2014
Date of Order: 22.07.2014

In the matter of : Petition under Section 43 of the Electricity Act 2003 read with Regulation 5, 6, 7 and 49 of the Electricity Supply Code for directing PSPCL to release connection under NRS category and impose penalty as per Regulation 7 of the Supply Code for failure to supply electricity within the period specified in Regulation 6 of the Supply Code.

AND

In the matter of: Shri Rajesh Kumar S/o Shri Sobh Raj, owner of Shop No.14 in the Sardar Patel Enclave, Badungar Road, Complex of Improvement Trust, Patiala.

Versus

1. Punjab State Power Corporation Limited, Patiala, through Chief Engineer/Commercial
2. SE/Operation, DS Circle, PSPCL, Patiala.
3. Sr.XEN/Commercial, PSPCL, Patiala.

Present: Smt.Romila Dubey, Chairperson
Shri Virinder Singh, Member
Shri Gurinder Jit Singh, Member

For petitioner: Shri Rajesh Kumar

For PSPCL : Ms Harpreet Kaur, Dy.C.E./Regulation
Shri Sanjeev Gupta, Dy. C.E. /TR-2
Shri Surinder Loomba, Addl.SE/Comm.

For Improve- : Shri Narinder Kumar, Trust Engineer
ment Trust Shri Balwinder Singh, Asstt. Trust Engineer
Patiala

ORDER

The petitioner, owner of shop No.14 in Sardar Patel Enclave, Badungar Road Complex of Improvement Trust, Patiala, filed this petition under Section 43 of the Electricity Act 2003 read with Regulations 5, 6, 7 and 49 of the

Electricity Supply Code for directing PSPCL to release connection under NRS category and to impose penalty as per Regulation 7 of the Supply Code for failure to supply electricity within the period specified in Regulation 6 of the Supply Code.

The petitioner submitted that he obtained temporary connection under NRS category for a load of 5.846 KW on 15.10.2013 to construct his shop. After construction, he applied for regular connection with load of 6 KW on 04.06.2014 on A & A form alongwith ownership proof. The same was not accepted by Sr.Xen/Commercial PSPCL with the remarks "Electricity System not provided by Improvement Trust", as such connection can not be released. The refusal of PSPCL to release connection to the petitioner under NRS category on the grounds that the shop is situated in the Complex developed by the Improvement Trust, Patiala and developer has not laid down the LD system of the said complex, is violative of Section 43 of the Electricity Act, 2003 read with relevant regulations of the Supply Code. The petitioner prayed as under:-

1. To direct PSPCL to release permanent electricity connection under NRS Category to shop No.14, situated in Sardar Patel Enclave, Badungar Road, Patiala for load of 6.00 KW without imposing the condition of development of LD system by Improvement Trust, Patiala.
2. To impose penalty as envisaged in sub section 3 of Section 43 since PSPCL has violated Section 43 of the Act without any valid reasons resulting in huge loss due to blocking of investment and unnecessary mental harassment to the petitioner.
3. To pass any other appropriate order in the fact and circumstances of the case in the interest of justice.

The petition was admitted vide Order dated 18.06.2014 and Improvement Trust Patiala was also impleaded as a respondent. The respondents were directed to file reply by 01.07.2014. PSPCL filed reply dated 09.07.2014 and submitted that Improvement Trust Patiala has neither approached PSPCL for approval of layout nor has laid any Local Distribution System as required by developer/owner under clause 36.5 of Electricity Supply Instruction Manual and

clause 8.5 of 'Conditions of Supply' approved by the Commission. PSPCL further added that aim of clause 8.5 of Conditions of Supply is to develop the LD system in a planned manner ensuring reliable and quality supply. If one individual is given connection, others too shall follow and this will lead to haphazard distribution network, affecting the quality of supply. PSPCL further submitted that there is no violation under Section 43 (1) which would be applicable only in case the applicant including developer / owner fulfils all the conditions as per clause 36.5 of ESIM, clause 8.5 of Conditions of Supply and proviso to Section 43 (2) of the Act.

During hearing on 08.07.2014, the representative of the Improvement Trust, Patiala, submitted that reply by Improvement Trust shall be filed by 18.07.2014. Improvement Trust Patiala has filed reply vide memo No.2198 dated 21.07.2014 during hearing. As per reply of the Improvement Trust, Patiala, it has been decided that application for obtaining NOC from PSPCL shall be made and LD system shall be got laid down by PSPCL as a deposit work. The Improvement Trust is ready and willing to bear actual expenditure on account of construction of LD system through PSPCL and PSPCL shall be paid the same.

The above submissions were reiterated by the Trust Engineer during the hearing. The Commission after hearing the petitioner, PSPCL and Improvement Trust, Patiala decides as under:-

1. The Improvement Trust, Patiala, shall apply for approval of layout plan for LD system within Sardar Patel Enclave, Bandugar Road, Patiala and apply for obtaining NOC by 24.07.2014. The Improvement Trust, Patiala, as submitted by Shri Narinder Kumar, Trust Engineer, shall deposit Rs.5.00 Lac as first instalment towards cost of deposit work alongwith application for NOC. Thereafter, PSPCL shall release the regular connections to the applicants after observing the usual formalities within the time-frame specified in the Supply Code.
2. PSPCL shall issue the NOC and intimate the estimated amount of the deposit work to the Improvement Trust, Patiala, within 10 days after the receipt of request for NOC and layout plan for LD system.

3. Improvement Trust, Patiala shall deposit the balance estimated amount in three equal instalments within two months from date of receipt of NOC and Estimate. PSPCL shall lay the LD system accordingly.

PSPCL shall submit the status report after three months.

The petition is disposed of, accordingly.

Sd/-
(Gurinder Jit Singh)
Member

Sd/-
(Virinder Singh)
Member

Sd/-
(Romila Dubey)
Chairperson

Chandigarh
Dated: 22.07.2014