

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

**Petition No.46 of 2014
Date of Order: 31.10.2014**

In the matter of : Petition under clause 23 (Interpretation of Tariff) of General Conditions of Tariff issued by the Commission read with regulation 5.8 of the Supply Code for modification of the General Conditions of Tariff and Schedule of Tariff to charge lowest tariff applicable to any category from the petitioner.

AND

In the matter of: Regional Spinal Injuries Centre (RSIC), (A society registered under Societies Registration Act, 1860) through its Project Director, Dr. Raj Bahadur, Sector 70, Sahibzada Ajit Singh Nagar

Versus

Punjab State Power Corporation Limited, through its Chairman-cum-Managing Director, The Mall, Patiala

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

ORDER

Regional Spinal Injuries Centre (RSIC) filed this petition under clause 23 (Interpretation of Tariff) of 'General Conditions of Tariff' read with Regulation 5.8 of the Punjab State Electricity Regulatory Commission (Electricity Supply Code and Related Matters) Regulations, 2007, for modification of the General Conditions of Tariff and Schedule of Tariff to charge lowest tariff applicable to any category from the petitioner. The petitioner has submitted as under:-

- (a) The petitioner is a Charitable Society registered under Societies Registration Act, 1860 and running a hospital set up under Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (herein after mentioned

as PWD Act, 1995). Hospital is being run as a Rehabilitation Centre under a centrally sponsored scheme, for persons with spinal injuries, at Mohali.

- (b) The Society was constituted by the State Government as per the directions of Government of India as an autonomous Society under Societies Registration Act, 1860, on 27.04.2001 under the chairmanship of Minister of Social Security, Women & Child Development, with Secretary/Social Security as Member and Director/Social Security as Member Secretary apart from others as ex-officio Vice Chairman and Members.
- (c) Aims and objects of the Society show that the petitioner Society is a Charitable Society.
- (d) The donations made to the Society are eligible for the tax relief under section 80 (G) of the Income Tax, 1961. The copy of the Order dated 06.11.2009 issued by office of the Commissioner of Income Tax-II, Chandigarh is annexed with the petition.
- (e) The petitioner Society is having electricity connection No.3000244169 with sanctioned CD of 301.167 kVA with connected load of 271.050 kW and is paying bills regularly at tariff rates applicable to NRS category consumers. The average monthly bill for electricity is ₹2 Lac to ₹3 Lac approximately. The centre is a centrally air-conditioned building which is necessary because of poor condition of skin in case of disability.
- (f) Any surgical care would not cost less than ₹One Lac, but the petitioner Society is providing surgery and rehabilitation within ₹30,000/- only.
- (g) The main source of income/funds of the Society is donations and grant-in-aid from the Government.
- (h) At present the expenses are outstripping the receipts. It will become difficult to operate the centre thereby affecting hundreds of needy patients. Electricity Bill is one of the main expenses borne by the Society.

The prayer of the petitioner is that lowest tariff applicable to any category may be charged to the petitioner's hospital and 'General Conditions of Tariff' and 'Schedule of' Tariff may be suitably modified. The alternate prayer of the petitioner, is that a separate tariff be created for the petitioner. The petitioner has also prayed for refund of the extra amount of tariff charged from the petitioner alongwith 12% interest.

The petition was admitted vide Order dated 07.08.2014. PSPCL was directed to file reply by 26.08.2014. PSPCL filed reply dated 27.08.2014. The counsel of the petitioner sought time during hearing on 02.09.2014 to file rejoinder. The Commission directed the petitioner to do so by 05.09.2014 with copy to PSPCL. The rejoinder was filed by the petitioner on 16.09.2014. After hearing the arguments of the parties on 21.10.2014, the hearing of the petition was closed. Order was reserved.

The Commission has gone through the petition, reply of PSPCL and rejoinder filed by the petitioner. The Commission has also considered the arguments put before it by the petitioner and PSPCL.

The main prayer of the petitioner is that lowest tariff applicable to any category may be charged for the charitable hospital being run by the petitioner under PWD Act, 1995, for which a separate tariff category may be created. During the course of proceedings, it was also brought out by the petitioner that although the hospitals run by charitable institutions approved under Section 80G of the Income Tax Act are covered under Schedule of DS Tariff but PSPCL has been charging NRS tariff from the petitioner.

The Commission in the Tariff Order for FY 2009-10, which was effective from 01.04.2009, included the supply to Govt. Hospitals, Dispensaries and Hospitals run by charitable institutions approved under Section 80G of the Income Tax Act under Schedule of Domestic Supply Tariff. Thus, the consumers covered under these categories and those charitable institutions which are covered under Section 80G of the Income Tax were required to be charged DS Tariff from the date of applicability of the Tariff Order for FY 2009-2010 i.e 01.04.2009 or from the date of issue of certificate by the competent authority to cover the hospital under Section 80G of the Income Tax Act, whichever is later. Accordingly, PSPCL is directed to revise the energy bills of the petitioner and refund the excess

amount through adjustment in the energy bills for succeeding months. However, no interest shall be payable for any excess amount deposited by the petitioner on this account.

Regarding prayer of the petitioner to charge the lowest tariff applicable to any category due to the reasons brought out in the petition, the Commission observes that it will require creation of a new Tariff category for which due process has to be followed. A public notice shall be issued inviting comments/objections from the public and other stake holders on this proposal, separately.

The petition is disposed of in above terms.

Sd/-
(Gurinder Jit Singh)
Member

Sd/-
(Virinder Singh)
Member

Sd/-
(Romila Dubey)
Chairperson

Chandigarh
Dated: 31.10.2014