

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION

SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

Petition No. 62 of 2021
Alongwith IA No. 25 of 2022
Date of Order: 04.11.2024

Petition for clarification regarding applicability of PIU tariff to Electroplating Industries and some other type of industries under Regulation 69, 70, 71 & 72 of Chapter XIII of the Conduct of Business Regulations 2005.

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

.....Petitioner

And

Petition No. 70 of 2022

Petition for clarification regarding applicability of PIU tariff to M/s Stelco Industries Pvt. Ltd., RampuraPhul using a combination of Hardening and Tempering process under Regulation 69, 70, 71 & 72 of Chapter XIII of the Conduct of Business Regulation, 2005.

In the Matter of: Punjab State Power Corporation Limited, The Mall, Patiala

.....Petitioner

Versus

M/s Stelco Industries Pvt. Ltd, National Highway NH-7 Bathinda Road, RampuraPhul, Distt. Bathinda Punjab-151103.

.....Respondent

And

Review Petition No. 01 of 2023
in Petition No. 38 of 2022.

Review petition under Regulation 64 read with Regulation 69 of PSERC (Conduct of Business), Regulations 2005 praying for review of the order dated

30.11.2022 rendered by this Hon'ble Commission in the main petition.

In the Matter of: Kanin Industries Pvt. Ltd., Registered Office: Block-A, Plot No. 46, Mathura road, Mohan Cooperative Industrial Estate Ltd. New Delhi.

.....Petitioner

Versus

1. Punjab State Power Corporation Limited, PSEB Head Office, The Mall, Baradari, Patiala, Pb. 147001.
2. Chief Engineer (Commercial), PSPCL, The Mall, Patiala, Punjab.
3. SE, Doraha Sub-station, PSPCL, Khanna, Punjab.

....Respondents

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

PSPCL: Sh. Akash Yadav, Advocate for Sh. Naveen Bhardwaj, Advocate
Ms. Harmohan Kaur, CE/ARR&TR
Sh. Rajiv Kapur, Dy.CE/Regulations

Stelco: Ms. Rupali Verma, Advocate (through VC)

Kanin Industries: Ms. Rupali Verma, Advocate (through VC)
Sh. Pawan Dhiwan, GM

ORDER:

Punjab State Power Corporation Limited (PSPCL) filed petition No. 62 of 2021 for clarification regarding applicability of PIU Tariff to Electroplating Industries and some other type of Industries. PSPCL further filed petition No. 70 of 2022 that load of Hardening and Tempering process used by M/s Stelco Industries Pvt. Ltd. be also included in the power intensive units category. Kanin Industries Pvt. Ltd. filed Review Petition No. 01 of 2023 against the order dated 30.11.2022 passed by the Commission in Petition No. 38 of 2022. The issue involved in these petitions is similar and these petitions are being

disposed of through this common order.

2. PSPCL has submitted in Petition No. 62 of 2021 that the Commission vide order dated 26.06.2019 in Petition No. 49 of 2017 directed PSPCL not to charge any industry as PIU which is not included in the list of declared PIU Industries and as the technology is changing fast, there may be some new/existing Large Supply Industrial connection applicants/consumers whose process/technology may be similar to PIU but with different name than that declared as PIU by the Commission, the Licensee may file petition to include such processes under PIU category. Such industries shall be charged general tariff with the undertaking from the applicant that it will be charged applicable tariff from the date of release of connection/extension in load as per the decision of the Commission in this regard. PSPCL has submitted that the Induction Furnace, Chloro-alkaline units, Billet heaters having total installed/connected kVA rating more than 100 kVA where rating in kVA is not available, rated load in kW shall be converted into kVA considering unity power factor, Surface hardening machines., Electrolytes process industries, Electric Bell Furnaces for annealing and Arc furnaces (including Electro-Slag Refining /Re-melting) have been declared as power intensive units.

2.1 That some consumers have installed PIUs in due course of time without intimation to PSPCL and they have been booked under UUE. Further, representations from various industries and industrial associations were received wherein it is mentioned that some of their units are involved in operation of electroplating work and accordingly it was requested to clarify regarding applicability of PIU tariff to Electroplating Industries. Further, the Commission has declared

Electrolytes process industries as PIU industries through its Tariff Order. However, it is nowhere mentioned that Electroplating Industries is to be covered under PIU tariff and there is confusion among field offices of PSPCL and industries on the issue of applicability of PIU tariff to Electroplating Industry. Similarly, the Pathankot Road Manufacturers Association, Jalandhar vide their representation to CE/DS, North Zone, PSPCL, Jalandhar has also enclosed a list of doubtful process/machines which require clarification regarding applicability of PIU tariff which includes Hardening Furnaces, Tempering Furnaces, Metal Gathering Machines, Welding Machines/Butt Welding Machines and Power coating equipments. The Pathankot Road Manufacturers Association, Jalandhar has requested PSPCL to carry out inspection/study of doubtful process/machines so that it may be clarified that whether such process/machines are covered under PIU industries or not. PSPCL after submitting the points of difference between electrolysis and electroplating has requested to clarify whether PIU tariff is applicable to following industries:

- i. Electroplating industries.*
- ii. Hardening Furnaces.*
- iii. Tempering Furnaces.*
- iv. Metal Gathering Machines.*
- v. Welding Machines/Butt Welding Machines.*
- vi. Power coating equipments.*

And in case of applicability of PIU tariff on above mentioned industries, what will be the date of applicability of PIU tariff on these industries.

3. PSPCL has filed petition No. 70 of 2022 stating that M/s Stelco Industries Pvt. Ltd. Rampura, Account No. 3002309378 was checked

jointly by ASE,EA & MMTS-II, Bathinda and Sr. Xen, DS Division Rampura Phool on 22.06.2021 and it has been observed during checking that the production process being used in this industry has hardening and tempering processes which seem similar to the surface hardening process which is declared as a power intensive industry. The consumer was intimated to submit an undertaking that this process shall be charged as per applicable tariff from the date of release of connection/extension in load as per the decision of the Commission. However, the consumer has submitted that the heating process used in his industry is not similar to surface hardening because hardening of the steel strips is done throughout its mass and not through surface hardening. There are approximately 8 zones in heat treatment line and all the zones do not run at the same time and at any given point of time three or four zones run and the total load does not exceed 75 to 80 KW and therefore their unit does not fall under the PIU category. Further, the process of surface hardening is the treatment of steel by heat or mechanical means to increase the hardness of the outer surface while the core remains relatively soft. This is done by heating the steel upto austenizing temperature while keeping the core below that temperature and quenching the surface immediately. As per the representation of the consumer, during the hardening process the whole mass is hardened, which means that the mass is heated up from surface to the core and followed by quenching of the mass. Therefore, though the process is not surface hardening, it is similar to it and the hardening and tempering process used in M/s Stelco Industries Pvt. Ltd. may be included in the PIU category.

4. Kanin Industries Pvt. Ltd. filed a Review Petition No. 01 of 2023 against the order dated 30.11.2022 passed by the Commission in

Petition No. 38 of 2022. It has been submitted by Kanin Industries that the electro-galvanizing process is used in its manufacturing facilities at the finishing stage of its products to prevent rusting and the process is somewhat similar to the electroplating process but it is completely distinguishable from the electrolysis process. The petitioner submits that the prayer clause/relief in the main petition has been duly considered in para No. 1(x) of the order but no finding on the prayer clause (b) (c) (d) and (e) has been given in the final order. It is only the Commission which has the power to grant relief prayed for in clause (b) and (c) of the main petition and relief prayed for in clause (d) and (e) of the petition is consequential relief. The petitioner is entitled for adjudication of the issues on merits by the Commission and there is no other remedy available to the petitioner for the relief. The observations/findings of the Commission constitute an error apparent on record and is a sufficient reason for review of the order dated 30.11.2022. PSPCL has itself carved out a distinction in the electroplating and electrolytic process in petition no. 62 of 2021 and has sought clarification from the Commission for applicability of PIU tariff on the electroplating process. PSPCL also filed an IA No. 25 of 2022 for an interim measure to treat electroplating process industries under PIU tariff category during the pendency of the Petition No. 62 of 2021. The understanding of PSPCL with regard to difference in the electrolysis and electroplating process is the same as that of the petitioner on record in petition No. 62 of 2021. However, PSPCL has taken a completely contradictory stand which is at variance to the stand taken by PSPCL in its petition No. 62 of 2021.

5. PSPCL filed their reply to the review petition no. 01 of 2023 and has submitted that the scope of an application for review is restricted

and can be exercised only within the limits prescribed under Regulation 64 of the PSERC (Conduct of Business) Regulations 2005. All the contentions raised by the petitioner in the petition have been considered by the Commission and no ground for review of the order dated 30.11.2022 is made out. The Commission, while passing the above order has categorically recorded that electrolytic process is already included in the list of power intensive units. It is an admitted case that the petitioner's industrial operation involves electroplating which is an electrolytic process and the same has been classified under PIU tariff category and in the absence of any cogent material or evidence to prove that electroplating is not an electrolyte process industry, the review petitioner cannot seek exemption from its liability to pay PIU tariff. When a categorical finding has been reached with respect to prayer A of the petition, prayer clause B,C,D &E of the petition are dependent upon and consequential to the finding in prayer clause A and the prayer Clause B,C,D & E stand answered accordingly. Further, the dispute being sought to be agitated is with respect to recovery of charges by the licensee which falls within the meaning of 'consumer grievance' as defined under Regulation 1.5 (g) of the PSERC (Forum and Ombudsman) Regulations 2016 therefore, the appropriate alternative remedy is available to the petitioner to approach Consumer Grievance Redressal Forum and the Review Petition is an abuse of the process of law.

6. The Commission decided to get a study conducted from an expert body to decide whether the said industries are covered under the PIU category or not through a transparent bidding process. Request for Proposal (RFP) was invited from expert consultants/institutes of National repute for study of determining the PIU status of the said

industries. Only two bids were received, even though the RFP date was extended twice and on appraisal it was found that neither of the two bidders qualified the technical criteria. The Commission decided to drop the RFP enquires and directed PSPCL vide order dated 23.08.2022 to submit its recommendations after doing a technical study of the processes of these industries alongwith details of provisions prevailing in other states for these types of industries. As the Petition No. 62 of 2021 involved Public interest, vide order dated 21.10.2022, PSPCL was directed to publish a public notice inviting objections/suggestions from the persons/organizations having interest in the matter. Public notice was published on 10.12.2022. The petition was taken up for hearing as well as public hearing on 21.12.2022 and Sh. Chander Parkash Sabharwal, Sh. Rajan Gupta, President, Vice President and Secretary respectively of the Ludhiana Electroplating Association appeared in the public hearing and objected to the relief sought by PSPCL.

7. The Ludhiana Electroplaters Association submitted objections in response to the public notice submitting that:

- a) PSPCL is unnecessarily proposing these types of industries under PIU Tariff just to raise revenue without providing any facility to the consumers. The Applicant and its members will be aggrieved if any adverse order against Electroplating Industry & Some Other types of industries mentioned in this petition or order in favour of petitioner is passed. Majority of the Electroplating Industry & some other type of industries mentioned in the petition are working on job work basis and are in the unorganized sector. Majority of the units have sanctioned load below 100 KW (MS Category) and few of

them fall under LS Category, which use load of more than 100 KW and less than 200 KW load within LS Category for this process of Electroplating. Apart from that, major sectors such as Bicycle, Sewing machines, Hand Tools, Automotive Components and units in many more sectors in Engineering have also installed Electroplating plants, machinery, equipment to complete one of the processes in-house in the entire production process. Majority of the enterprises in Electroplating Industry & some other types of industries mentioned in this petition are skilled and self-employed foreman giving employment to themselves as well as to many more people. We vehemently oppose this move and like to inform you that Electroplating Industry & some other types of industries mentioned in this petition will suffer huge losses and face harassment which is already passing through grave crisis due to heavy recession, in case this move of PSPCL succeeds.

- b) All Electroplating Industry & some other type of industries mentioned in this petition should not be brought under PIU category as the industry is operating from the last more than 50 years in general category. Many of the consumers have submitted the list of load through Test Report while applying for sanction of Electricity connection. If at all, Electroplating Industry/process is included under PIU Tariff, Exemption to units upto 200 KW for Electroplating process exclusively should be given. Some other types of industry mentioned in this petition should also be given exemption upto 200 KW for each process/industry separately.

- c) There is serious doubt as to how the billing/invoicing of PIU consumption in absence of Special/Smart/Quality Power Meters will be done, how they will calculate connected/contract Demand Load and how they decide UUE.
- d) In case the demand of PSPCL is accepted by PSERC, it will prove to be a retrograde step for the industry which is passing through crisis due to recession and shall also be against the spirit of policy of State Government of providing "EASE OF DOING BUSINESS". Industrial units having sanctioned load of more than 200 KW (LS Category) should be granted Exemption upto 200 KW load exclusively for Electroplating process.
8. PSPCL vide memo no. 6340 dated 04.07.2023 and 6873 dated 21.08.2023 filed its report in compliance of the order dated 23.08.2022 and 13.04.2023 and submitted that:
- a) Electroplating falls under the category of Electrolytic process industry, which is already included in the list of designated consumers for the purpose of applicability of PIU tariff category. Further, the rectification process (conversion from AC to DC) involved in the electrolytic process generates a non linear Current waveform. Thus, it is conclusive evidence that Electroplating industry should be categorized under PIU category
- b) From the various methods of heating used in a Hardening Furnace, furnace using only induction heating method should be categorized as designated consumer for the purpose of applicability of PIU tariff. Further, it is clarified that the mere

mention of Hardening Furnace may not entitle the industrial process for applicability of PIU tariff.

- c) Tempering furnace may deploy different methods for producing heat, however a tempering furnace using only induction heating method should be categorized as designated consumer for the purpose of applicability of PIU tariff
- d) Metal Gathering process uses resistive heating (I^2R) only thus it does not qualify as a designated consumer for the purpose of applicability of PIU tariff.
- e) Electric arc welding process generates non-linear current waveform. Moreover, welding process also uses the principle of arc furnace which is already specified as designated consumer for the applicability of PIU tariff. Therefore, Electric Arc Welding process including Butt welding machines should be categorized as a designated consumer for applicability of PIU tariff.
- f) Powder coating process using principle of corona discharge for charging spray particles should be considered for applicability of PIU tariff

PSPCL further submitted that PSERC has recently introduced Power Quality (PQ) Regulations, 2023 vide notification dated 21.03.2023. As per the said regulations, main characteristics of power quality of electrical supply at point of common coupling (PCC) or at supply terminals of the Consumer in the distribution system have been specified. Further, provision of Compensation Mechanism for distribution licensee and penalty for designated

consumer has been incorporated in the new regulations. The Power Quality Regulations, 2023 also envisage the installation of Power Quality Meters for all designated consumers as specified in Reg. 13.4. Further in this regard, Reg. 13.5 defines the penalties in case the designated consumer fails to install power quality meter within the stipulated time limits as specified in Reg. 13.4.

Thereafter, 12th Amendment to the Supply Code was notified by the Commission on 29.03.2023 according to which the Reg. 24 of the Principal Regulations has been deleted. The said regulation relates to Harmonics including limits for the same. Now in the Supply Code, there is no provision related to Harmonics as Power Quality Regulations have been notified by the Commission.

However, after the installation of PQ Meters on such industrial consumers, the real time PQ data from the process industry needs to be studied. If the Current Harmonics exceed the prescribed limits as per PQ Regulations, 2023 then penalty shall be charged on such consumers.

- g) For gathering the data, document released by Central Electricity Authority (CEA) titled “Electricity Tariff & Duty & Average Rates of Electricity Supply in India, March, 2021” was studied. As per this document, list of States and UTs where separate tariff for Power Intensive Industries has been defined in their respective tariff orders has been prepared and the same is given as under:-

| S.No | State / UT | Nomenclature used in the respective Tariff Schedule | Tariff declared for voltage category |
|------|----------------|---|--------------------------------------|
| 1 | Andhra Pradesh | Energy Intensive Industries | 11kV/33kV/132kV & above |
| 2 | Bihar | Induction furnace having CD 300 kVA or more | 11kV/33kV |

| S.No | State / UT | Nomenclature used in the respective Tariff Schedule | Tariff declared for voltage category |
|------|------------------|--|--------------------------------------|
| 3 | Daman & Diu | Ferro Metallurgical/ Steel Melting / Steel Rerolling Power Intensive Industries | 11kV/66kV |
| 4 | Goa | Industrial (Ferro Metallurgical/ Steel Melting/ Power Intensive & Steel Rerolling) | HT |
| 5 | J & K and Ladakh | Power Intensive Industries | 11kV/33kV |
| 6 | Madhya Pradesh | Power Intensive Industries | 11kV/132kV/220kV |
| 7 | Odissa | Power Intensive Industry | HT |

From the above data, it is evident that besides Punjab, PIU tariff is applicable in many other states/UTs

- h) As per the Tariff Order for FY 2023-24 issued by PSERC, Electrolytic process industry is included for the applicability of PIU tariff. Further, the process of electroplating is a type of Electrolytic process as it is based on similar principles. The final decision to include more industrial processes including electroplating under the ambit of PIU industries falls under the purview of the Commission.
- i) As per PSERC's tariff order for FY 2023-24, PIU category applies only to industries having PIU loads with installed / connected kVA rating more than 100kVA. Any further exemption in load falls under the purview of the Commission.
- j) With respect to the billing of PIU consumption, PSERC has already issued detailed guidelines vide notification on 21.03.2023 regarding Power Quality (PQ) Regulations, 2023.
- k) The Contract Demand (CD) for any industrial consumer is always declared by the consumer at the time of seeking electricity connection. PSPCL does not check the connected load of industrial consumers except in the case of any

complaint / theft case detected against an industrial consumer.

l) As per the prevalent instructions, UUE is assessed as per the provisions of Section-126 of EA-2003. Further, the detailed procedure for working out assessment for UUE cases has been enshrined in Reg. 36 of Electricity Supply Code- 2014 (amended upto date).

m) It has been made clear vide notification of PQ Regulations, 2023 on 21.03.2023, that from the date of its implementation, all industries presently falling under PIU tariff shall be billed under the general industry category only. However, in case of violation of PQ Regulations, 2023 (w.r.t. injection of current harmonics beyond permissible limits) by the industrial consumer, penalty as per said regulations shall be imposed on such a consumer.

n) Replying to objections/ suggestions filed by M/s Stelco vide letter dated 10.06.2023 in Pet. No. 70/2022, PSPCL submitted that in case of M/s Stelco a combination of hardening and tempering process is involved..

9. Vide order dated 19.07.2023, PSPCL was directed to submit a comprehensive report and power quality harmonic data of industries. PSPCL submitted its reply vide memo no. 6936 dated 29.08.2023, submitting that out of total 391 consumers falling in six types of industries, 10% consumers were selected based upon category wise highest contract demand and attached a list of 43 selected consumers including M/s Stelco and M/s Kanin. PSPCL further submitted that as per the latest information, 13 PQ meters

have already been installed which includes M/s Stelco Industries Pvt. Ltd. also.

10. Vide order dated 01.09.2023, PSPCL was directed to submit the power quality harmonics data of the industries within three weeks and PSPCL was further directed to expeditiously empanel more vendors for supply of power quality meters. PSPCL submitted its reply vide memo no. 7638 dated 05.12.2023, submitting the data of 17 sample industries and the latest position of 36 sample meters. The information submitted by PSPCL was found to be partial and PSPCL submitted further information vide memo no. 5170 dated 02.02.2024 submitting PQ harmonic data for 37 sample consumers out of a total of 43 sample consumers selected for collection of sample PQ harmonic data. PSPCL further submitted that PQ meters could not be installed for 6 sample consumers due to various reasons. Vide order dated 12.02.2024, PSPCL was further directed to submit information as under:

- i) Category of each consumer covered under sample study i.e. whether PIU of mixed or general industry with corresponding load details along with the sanctioned contract demand of each load.
- ii) The 95th and 99th percentile TDD values of all the consumers are the same which is not correct. PSPCL should submit the actual 95th and 99th percentile TDD values (i.e. for the already submitted data of 3 weeks).
- iii) The excess TDD values over the prescribed TDD limits have been incorrectly calculated. The same may be recalculated (i.e. for the already submitted data of 3 weeks).
- iv) The captured harmonic data appears to be for three weeks i.e. from 01.01.2024 to 21.01.2024. The data of two more weeks may

be submitted (i.e. for the period from 22.01.24 to 04.02.24). Thereafter, PSPCL is at liberty to remove the meters installed for the sample study. PSPCL submitted the information vide memo no. 5423 dated 21.03.2024. PSPCL further submitted vide memo no. 5450 dated 28.03.2024 that the PQ meter data has been shared with M/s Kanin Industries Pvt. Ltd and M/s Stelco Ltd. on 26.03.2024 and 24.03.2024 respectively.

11. Vide order dated 09.04.2024, PSPCL was directed to publish a public notice inviting suggestions/objections of the public/stakeholders on the power quality harmonic data of the industries under reference. Public notice was published on 12.06.2024 in different newspapers and Chamber of Industrial & Commercial undertaking Ludhiana filed suggestions/objections which were taken on record. PSPCL was directed to submit its comments to the objections and to submit its interpretation and submissions regarding its plea on the PIU status of the industries under reference on the basis of PQ Harmonic data collected by it. PSPCL was further directed to submit the procurement status/ plan of power quality meters alongwith the number of power quality meters procured and installed till date.
12. The petition was taken up for hearing as well as public hearing on 03.07.2024, Chamber of Industrial & Commercial undertaking Ludhiana filed suggestions/objections which were taken on the record. Kanin Industries filed its objections to the report dated 26.03.2024 submitted by PSPCL and PSPCL was directed to file its comments. PSPCL was further directed to submit its interpretations and submissions regarding its plea on the PIU status of the industries under reference on the basis of PQ Harmonic data collected. PSPCL was further directed to submit the

procurement status/plan of power quality meters alongwith number of power quality meters procured and installed till date. PSPCL submitted its reply to the objections. With respect to objections/ suggestions raised by Sh. US Ahuja, president CICU regarding implementation and execution of PQM regulations PSPCL submitted as under:

| Suggestions/ Objections | Response of PSPCL |
|---|--|
| The complete data is not available to concerned industries and associations in easy format to understand. | Empanelled vendors are submitting the TDD data and IEEE519 report of harmonic data to Industries. |
| Some data which is available at the website is difficult to understand. | As per requests of designated consumers, PSPCL in cooperation with its empanelled vendors has conducted a seminar on Power Quality on 08.08.2024 at Ludhiana, wherein various issues and queries related to PQ meter i.e. understanding of PQ data, its analysis and remedies/solutions to control the PQ within limits etc. were addressed. |
| It should be made available in easy to read/understand for analysis. | |
| The complete data should be supplied to the concerned consumers in hard copies along with the consumer's monthly bills. | Mobile APP for PQ meters has been developed which is in trial mode, same will be made available to Designated consumers shortly, wherein consumers can download their PQ meters reports. |
| PSPCL should immediately organized awareness /training camps with the industries to make them read, understand and analyse the data for giving the suggestions/objections on the subject matter. | PSPCL in cooperation with its empanelled vendors has conducted a seminar on Power Quality on 08.08.2024 at Ludhiana, wherein various issues and queries related to PQ meter i.e. understanding of PQ data, its analysis and remedies/solutions to control the PQ within limits etc. were addressed. |
| Detail guidelines should be made available to concerned consumers to improve/maintain the best use of PQM. | |
| The PSPCL Experts should discuss case wise/ category wise of industries for variation of the meter readings and data collected by PQM visa-vis non PQM presently installed and running in the industries. | |
| It is requested that till the subject matter is cleared by PSPCL to Industrial consumers the petition should be conceded as null & void by Punjab State Regulating Commission (PSERC). | Request raised by consumer is in purview of the Commission. |

1) The following interpretation has been concluded in regard to PIU status of industries on the basis of PQ Harmonic data for 3 weeks (i.e. 01.01.2024 to 21.01.2024):

i) Electroplating Industries:

The sample meters were installed on 10 no. electroplating industries. Out of 10 no. industries, 7 no. generated harmonics more than the permissible level, thus categorized as failed. Since a majority of Sample industries are in the FAIL category, therefore this industry should be considered under PIU category.

ii) Hardening Furnaces:

The sample meters were installed on 17 no. Hardening process industries. Out of 17 no. Industries, 13 no. passed and 4 no. failed as per PQ harmonic data. For this category, Hon'ble Commission may take appropriate decision.

iii) Tempering Furnaces:

The sample meters were installed on 3 no. tempering process industries. All 3 no. failed as per PQ Harmonic data. Therefore this industry should be considered under PIU category.

iv) Metal Gathering Machines:

The sample meters were installed on 2 no. metal gathering process industries. Both failed as per PQ Harmonic data. Therefore this industry should be considered under PIU category.

v) Welding machines / Butt Welding Machines:

The sample meters were installed on 3 no. industries. All 3 no. failed as per PQ Harmonic data. Therefore this industry should be considered under PIU category.

vi) Powder coating equipments:

The sample meters were installed on 2 no. Powder coating industries. Both passed as per PQ Harmonic data. For this category, the Commission may take an appropriate decision.

- 2) With respect to the Procurement status/ plan of Power Quality Meters alongwith number of Power Quality Meters process and installed till date PSPCL submitted as under:

" PO has been issued to L-1 firm ie. M/S Energy Electrical, Panchkula for procurement of 114 no. of Power quality meters against Tender Enquiry no. MQP-194 which have been received in various ME labs of PSPCL. Out of 114 no. PQ meters, 83 no. meters have been installed on PSPCL feeders and 23 no. at consumer premises for sample study. Data of 23 no. PQ meters has also been submitted to Hon'ble Commission and Commission in its order dated 12.02.2024 has given PSPCL liberty to remove these 23 no. meters installed for sample study. In view of which, ME labs has been intimated to remove these 23 no. meters installed for study purpose and same may be got installed on PSPCL feeders as per mandate of Hon'ble PSERC.

PSPCL has empaneled two no. firms i.e. M/s Energy Electricals, Panchkula and M/s Kconnect Engineers Hyderabad for private sale for Supply, Installation, Testing, Commissioning, Reading, Analysis and 1 year O&M of Power Quality Meters complying to IEC 61000-4-30 class A against T.E. No. MQP194/PO(M) to consumers/prospective consumers of PSPCL as per terms and conditions of tender enquiry MQP-194. As per the report of M/s Kconnect Engineers Hyderabad total 175 no. PQ meters have been installed till 10.07.2024.

Further, tender enquiries MQP-204 & MQP-219 were floated to empanel more vendors for PQ Meters. The Part I & II of tender enquiries were opened but sample of firm got failed during testing by Data Assessment Committee(DAC). Therefore, T.Es were dropped.

Subsequently, a tender enquiry MQP-233/2023-24/PO(M) has been floated for the procurement of 1000 no. Power Quality Meters. The Part-I & II of tender enquiry has been opened and Data Assessment Committee (DAC) has been constituted to assess the data of Power Quality sample meters and the same is expected to be completed till July end and subsequently the price bids shall be opened."

13. Vide order dated 20.08.2024, PSPCL was directed to submit its plan within two weeks for implementation of power quality regulations within the timelines specified the Commission alongwith the meter supply position and meter supply status on the designated consumers specified in the PQ Regulations. PSPCL submitted its reply vide memo no. 6623 dated 07.10.2024 as under:

- I. That PSPCL is making all out efforts to procure Power Quality meters for the designated consumers who have given option for installation of PQ meter through PSPCL by paying monthly meter rental. However this being a new technology based system for which not many vendors are available, processing of tender along with sample testing of new vendors is taking time. PSPCL requires at least another six months time period for completion of procurement process and delivery of Power Quality meters. In this regard, PSPCL has recently filed Petition no. 46 of 2024 for extension in various timelines in PQ Regulations.
- II. PSPCL has floated a tender enquiry no. MQP-233 for procurement of 1000 no. of PQ meters. Four bidders i.e. M/s Yokogawa India Ltd. Bangalore, M/s Sastinadha EPC Solution India Pvt. Ltd. Chennai, M/s BGA Electrical & Services Pvt. Ltd. Kolkata and M/s Josts Engineering Company Ltd. had participated in the same. Thereafter Data Assessment Committee was constituted to check the Sample PQ meters as per PSPCL specification. As per latest report received from Data Assessment Committee, it has been submitted that all the sample Power Quality meters of M/s Yokogawa, M/s Sastinadha, M/s BGA and M/s Josts (without even installation of sample meter of M/s Josts) do not conform to the PSPCL specification MQP-233" and the tender enquiry no. MQP-233 has been dropped.
- III. Further a new short term tender enquiry for 1000 no PQ meters has been floated with changes in procedure of Data

Assessment Committee, with due date of opening of Part - I & II as 08.10.2024.

- IV. Previously PSPCL had procured 114 no. of PQ meters from M/s Energy Electricals against PO No M-182/MQP-194/PQM dated 05.08.2022 for installation on its own Feeders. Further PSPCL has empaneled the firms i.e. M/s. Energy Electricals and M/s Kannect Engineers Private Limited for private sale of PQ meters for Supply, Installation, Testing, Commissioning, Reading, Analysis and 1 year O&M of Power Quality Meters complying to IEC 61000-4-30 class A against T.E. No. MQP-194. Till date about 250 number of PQ meters have been installed by empanelled vendors.
- V. That, some new firms i.e. M/s Powerside and M/s Eimeasure have shown interest to supply PQ meters to PSPCL and have stated that they meet the requirements of PSPCL specifications. One of the previous empanelled vendor M/s Kannect has also given its request for providing chance to participate in tender enquiry for PQ meters. Further, firms who participated in tender enquiry no. MQP-233 i.e. M/s Yokogawa, M/s Sastinadha, M/s BGA and M/s Jost may also participate in new tender enquiry after modifications in their samples. Accordingly a new short term tender enquiry of 1000 PQ meters has been floated with due date of opening of Part-1&Part-II as 08.10.2024.
- VI. That Power Quality Meter is a new concept and is to be proceeded as per international standards. Being a new concept for PSPCL and linked up with harmonics penalty/ Compensation as per PSERC (PQ) regulations 2023, its procurement cannot be categorized as a routine procurement

item. However PSPCL is leaving no stone unturned and every possible course of action is taken for timely availability of PQ Meters.

14. Kanin Industries filed objections to the harmonic data collected/noticed by PQ Meters installed by PSPCL to claim that electroplating process in the unit of the petitioner is PIU. Kanin Industries relied on the Power Quality Analysis Report dated 27.05.2024 prepared by Northern Technologies and submitted that:-
- a) Kanin Industries hired the services of "Northern Technologies", which is a certified entity for energy audit. Northern Technologies" studied all the divisions/units of the factory premises of the Applicant-Petitioner which are broadly classified as under: -
 - I. Press Department (Staple production)
 - II. Dry Drawing Machine
 - III. Wet Wire
 - IV. Electro Galvanization Plant.
 - b) That during the observation period, the aforesaid expert body did not notice harmonics being generated at Electro Galvanization Plant but at all other three places mentioned hereinabove.
 - c) That in order to further clear the issue in hand, the expert body installed harmonic filters at Press Department (Staple Production), Dry Drawing Machine and Wet Wire units and it noticed harmonics being generated at these machines.

- d) That however, Electro Galvanization Plant was studied separately and the expert body did not notice generation of harmonics even without installation of harmonic filters. Therefore, it has been concluded by the expert body that the allegation of Electro Galvanization process being PIU is incorrect.
- e) That in the report dated 26.03.2024 submitted by PSPCL, the industrial processes involving the same process have been arbitrarily declared PIU or non-PIU. Therefore, from this angle also, the report submitted by the expert body in the case of the Applicant-Petitioner stands vindicated.
- f) That the flaw in the approach of PSPCL is that notwithstanding the fact that in a particular industrial process, various processes are involved and without understanding and analysing the processes individually, a general report of the entire industrial process as one has been studied for the purpose of collecting data of Harmonics. The issue in hand is whether Electro Galvanizing Process is a PIU or not and the expert body has given a report that it is not PIU.
- g) That after installation of Harmonic Filters at the aforesaid 03 places, the cumulative report of the entire factory, insofar as, harmonics are concerned has been noticed to be in the normal range despite having not installed the harmonics at the Electro Galvanizing process/machinery.
- h) That the harmonic filters are still in place and PSPCL may be directed to verify the claim of the Applicant-Petitioner as the expert body has indicated to the Applicant-Petitioner that the

Harmonics Data collected by PQ meters must be in the normal range now.

- i) The report dated 26.03.2024 submitted by the PSPCL is inconclusive/incorrect and it may be quashed qua the Applicant-Petitioner;

15. PSPCL vide memo no. 6098 dated 25.07.2024 filed its reply to the IA/objection filed by Kanin Industries and submitted as under:

- I. That the Kanin Industries has tried to confuse the matter at hand basing its claim for the first time on an alleged expert report submitted by “Northern Technologies”. The scope of review is limited to the record available and the reliance on the said report dated 27.05.2024 amounts to widening the purview of review proceedings which is impermissible in law. Further, classification done for the fiscal purposes cannot be said to be arbitrary unless the same is manifestly shown to be as such. Merely, the presence of some material which can lead to a different conclusion cannot be the basis for undoing the classification which is based on cogent material.
- II. That the said alleged audit report was made without intimating PSPCL and the alleged audit was done behind PSPCL’s back. The Petitioner cannot rely on the findings of such a report which was not made or an audit done in the presence of all the parties concerned.
- III. The alleged report dated 27.05.2024 has been drafted by the firm, “Northern Technologies” wherein the lead auditor stated to have carried out the audit has been shown to be one “Devang Chawla” who as per the information available with the PSPCL is not a certified Energy Auditor under the Energy

Conservation Act, 2001. As such, the entire alleged audit report ought to be disbelieved on the said score alone. The said "Devang Chawla" nowhere appears on the list of the accredited energy auditors which is available on the website of the Bureau of Energy Efficiency.

- IV. That notwithstanding that the said report is obviated on account of the fact that the same was not prepared by an accredited energy auditor, the methodology of the audit is also flawed. The Petitioner's unit was audited after breaking the entire unit of the Petitioner into three parts. Harmonic data was studied and collected not from the point of supply but from the individual points where certain machineries were installed. Hence, the data collected on the basis of such an audit would be unreliable even on merits.
- V. That on the other hand, the data collected by PSPCL has been collected from the Power Quality Meter (PQM) which has been installed at the point of supply. Hence, the data for harmonics study collected would be more reliable and would show the entire picture. The Review Petitioner cannot be allowed to adopt a pick and choose policy of isolating only certain points in his units and collect the harmonics data as per his wish and will.
- VI. That even when taken on face value, the said report cannot be of any help to the Petitioner since whether or not the unit of the Petitioner is producing harmonics or not does not impact the issue of classification of the Petitioner's unit as a Power Intensive Unit as on date.
- VII. That the Petitioner in the main Petition bearing No. 08 of 2022 had impugned the proceedings initiated against it for

unauthorized use of electricity as the Petitioner was found to be a Power Intensive Unit whereas he was paying the tariff under the General Industry category.

VIII. That as on date, the tariff is broadly classified into general industry and power intensive units. Although, power intensive units are considered to be more prone in producing harmonics, the presence or absence of harmonics cannot be conclusive with regard to the nature of the tariff to be charged. Whether or not a particular unit has to be classified under the PIU category depends solely upon the nature of process involved in the industry.

IX. That in fact, there is no supposition that a power intensive unit would always produce harmonics as per the regulations which is also discernible from the Directive 6.15 of the PSEERC Tariff Order for PSPCL which shows that the Commission itself is conscious of the fact that while there is a higher incidence of harmonics generation by PIU industries, it is not contemplated therein that the generation of harmonics is *ipso facto* a condition precedent for being classified as a PIU. If that were so, the above said directive would be redundant.

X. That in fact, whether or not a consumer is to be charged PIU tariff is a process-oriented question insofar as it is to be seen what process is used in the unit. Thereafter, it is to be seen as to whether the said process is classifiable under the list of PIU industries.

XI. That while it was contemplated by the Commission to switch from the regime of distinguishing tariff in the categories of General Industry and Power Intensive Unit to one for charging the same tariff with additional levy for industries producing

harmonics, the same was to be done by separate instructions. In this regard, the relevant extract of Para 5.4 of the Commission's Tariff Order for 2020-21 is as under:

"5.4 Power Intensive Unit (PIU) Tariff

5.4.1 In response to the suggestion made by some of the members of the State Advisory Committee and various consumers /stakeholders in their suggestions submitted on the ARR petition, to shift from a regime of separate tariff for Power Intensive Units and General Industry to the same Tariff with additional levy for harmonics producing units.

5.4.2 The Commission agrees with the objector's view that PIUs which are putting in efforts/investment to maintain their harmonics within the permissible levels need to be treated differently from the consumers who continue to inject harmonics in the system. But for this to happen, designated consumers have to install power quality meters. The requisite infrastructure and manpower training for collection and analysis of data captured from Power Quality meters/analyzers is also required to be put in place by PSPCL. The Commission is already in the process of specifying harmonic limits including its measurement after following the due process. *The Commission also arranged a workshop on Power Quality, attended by PSPCL officers, where the concept of harmonics including the methodology of its measurement etc was discussed in detail. The PSPCL has submitted that, it requires at least six to eight months to procure, install and training of personnel after the approval of proposal and formulation of Regulations on Power Quality."*

- XII. That from a reading of the above said tariff orders, it is borne out that the present system of classifying units under PIU or General Industry Tariff is not based on the harmonics generated. Further, while this Commission may be considering changing the tariff system from a regime of separate tariff for Power Intensive Units and General Industry to the same Tariff with additional levy for harmonics producing units, the same can only be done prospectively. *Therefore, assessments already made or to be made for the fiscal years prior to such a decision to be taken, would be governed by the existing system of segregating Industrial consumers into General Industry and PIU.*
- XIII. That even on taking the alleged report on face value, it is the admitted case of the Petitioner that two out of the three units of the Petitioner were found to generate harmonics. The Petitioner has further stated that after the installation of harmonic filters, no harmonics were found to be generated. That being such, it stands to reason that even on the admitted case of the Petitioner, his unit was generating harmonics prior to the so-called expert report.
- XIV. That the falsity in the Petitioner's case is borne out of the fact that whatever decision this Commission may take, the action against the Petitioner for unauthorized use of electricity cannot be faulted as, if the Commission decides to continue with the system of segregation of general industry and power intensive tariff, then the process of the Petitioner's unit being Electrolytic in nature would mean that the Petitioner's unit is to be rightly charged under the PIU tariff category. Further, if the Commission decides to adopt a new regime of same Tariff for

General Industry and PIUs with additional levy for harmonics producing units, even then there would be additional levy on account for the admitted harmonics being produced by the Petitioner's unit prior to the installation of the Harmonic Filters.

XV. That the report is further flawed insofar as the same states that after the installation of harmonics filters, no harmonics were found to be generated. The installation of harmonics filters can be taken as a consideration for charging additional levy or classification of the unit as PIU only when this Commission directs the same to be installed mandatorily at the point of supply.

XVI. That the installation of harmonics filters at the unit of the Petitioner can at best ensure that no harmonics are generated as on date. There is no guarantee that after the harmonics study is done, the harmonics filters would still remain installed at the premises once the PQM is removed. As such the generation or non-generation of harmonics cannot be the sole consideration for classification of the units into general industry or PIU.

16. Kanin Industries filed rejoinder to the reply dated 25.07.2024 filed by PSPCL submitting that:

I. The submissions of PSPCL are incorrect and the audit dated 27.05.2024 has been verified to be correct by Sh. M.N Sarvanan, who is an authorized Energy Manager, BEE certified EM -10379 and his particulars are mentioned at Page No. 3 of the report. There is no widening of the purview of review proceedings and the necessity to obtain a report from an independent person arose only after PSPCL submitted an incorrect report. Kanin Industries

has no objection in case another audit is conducted by an Energy Manager/Auditor to be appointed by the Commission. The Power quality analysis report dated 27.05.2024 has been prepared during the time when PQ meters installed by PSPCL were functional and the said meter are still functional in the factory premises.

- II. That the scope of the main petition is that PSPCL is yet to seek a declaration from this Hon'ble Tribunal regarding categorization of electroplating as a PIU and it could not have proceeded against the Petitioner. PSPCL is taking completely confused and contradictory stand before the Commission. PSPCL is approbating and reprobating at the same time and is contradicting its report. PSPCL has failed to render any evidence or such material to show that the electro galvanizing process adopted by the Applicant-Petitioner is a PIU. It is PSPCL which has taken the base classification of generation of harmonics to declare the Applicant as a PIU and now it has taken a somersault by stating that presence and absence of harmonic cannot be a conclusive to declare a process as a PIU category.
- III. That a perusal of the records would show that PSPCL did not follow directive 6.15 of PSERC tariff order for PSPCL for the year 2019-2020. The proceedings under Section 126 of the Electricity Act, 2003 were initiated without giving an opportunity to the Applicant- Petitioner for rectifying the alleged harmonic distortion. The process involved in the industrial process of the Applicant-Petitioner has so far not been declared as PIU by the Commission. The submissions made on behalf PSPCL are in fact helping the cause of the Applicant-Petitioner. The records would show that

PSPCL is in default and is acting in violation of the directives issued by the Commission.

- IV. That the entire penal action has been initiated against the Applicant-Petitioner for electro galvanizing process allegedly being PIU. No harmonic filters were installed on electro galvanizing industrial process and despite this, the harmonics were recorded to be within permissible limits. The harmonics filters had been installed at three places/ industrial process, which are not under dispute. No harmonic filters were installed on electro galvanizing industrial process and despite this, the harmonics were recorded to be within permissible limits.

Observations and Decision of the Commission

17. The Commission has examined the submissions made by PSPCL in the main petition 62 of 2021, M/s Stelco Industries Pvt. Ltd in petition 70 of 2022, M/s Kanin Industries Pvt. Ltd. & PSPCL in Review petition No. 01 of 2023 in Petition No. 38 of 2022. Ludhiana Electroplating Association appeared from the public in the public hearing dated 21.12.2022, Chamber of Industrial & Commercial Undertaking Ludhiana appeared from the public in the public hearing dated 14.08.2024. The Commission has reviewed the subsequent rejoinders and information submitted by the parties during the course of hearings and has heard the respective counsel. The prayers of the above-mentioned petitioner / Review Petitioner have been examined. Accordingly, the Commission observes and decides as under:-
- a. The petition No. 62 of 2021 was filed by PSPCL for seeking clarification as to whether PIU tariff is applicable to Electroplating

Industries, Hardening Furnaces, Tempering Furnaces, Metal Gathering Machines, Welding Machines/Butt Welding Machines and Power Coating Equipment.

- b. The Commission decided to get a study conducted from an expert body in respect of these industries so as to ascertain whether the above mentioned industries are covered under the PIU category or not. The bids for the study were invited through a transparent bidding process but no expert consultant/institute of national repute qualified the technical criteria in the Commission's enquiry.
- c. The Commission dropped the RFP enquiry and directed PSPCL vide Order dated 23.08.2022 to do the technical study of these industries and submit its recommendations within one month before the Commission. Also, a notice dated 09.06.2022 was issued to the President Ludhiana Electroplating Materials Dealers Association seeking their response to the petition on 26.12.2022. President, Vice-President and Secretary of the Ludhiana Electroplating Association appeared during the public hearing and objected to the relief sought by PSPCL in the petition. PSPCL submitted its report on 04.07.2023 which was only theoretical in essence and not supported by Power Quality harmonic data. PSPCL was directed to submit the power quality harmonic data vide Order dated 01.09.2023. Also, in this order the Commission clubbed petition No. 70 of 2022 (Stelco) and Review Petition No. 01 of 2023 along with IA No. 03/2023 (in Petition No. 38 of 2022) with Petition 62 of 2021 vide Order dated 13.04.2023 and 17.07.2023 respectively and fixed the petitions for hearing on 30.08.2023.
- d. PSPCL submitted the Power quality harmonic data in respect of 37

sample consumers, covering the types of industries under reference in the petitions/review petition, vide letter dated 21.03.2024. PSPCL was also directed to share the data with the industries under reference and other stakeholders through a public notice.

- e. PSPCL vide letter dated 12.08.2024 submitted its interpretation in regard to PQ Harmonic data captured as under;

Out of 10 sample meters installed on electroplating industries, 7 injected current harmonics more than the permissible level. In case of tempering process industries, all 3 industries failed as per the harmonics data captured by the PQ meters. In the case of Metal Gathering Machines, the data captured by sample meters installed on 2 units shows that both industries failed and also all 3 Welding machines / Butt Welding Machines units failed as per PQ Harmonic data. Since a majority of the industries under this sample study are in the 'fail' category, therefore these industries should be considered under the PIU category.

Out of 17 sample meters installed on Hardening process industries, only 4 injected current harmonics more than the permissible level. In the case of Power coating equipment, the sample meters were installed on 2 units and both passed as per PQ Harmonic data. Accordingly, PSPCL submitted that the Commission may take an appropriate decision with respect to these industries.

18. **Commission's Decision**

- 18.1 From the perusal of the sample data submitted by PSPCL, it is observed that out of 37 industrial units selected for the study, 9

have already been running under the PIU category, 18 under mixed industry category and only 10 are covered under general industry. Also, while selecting the consumers of each category for the sample study, PSPCL shortlisted consumers with the highest sanctioned contract demand of a particular category instead of selecting consumers falling under various demand slabs. PSPCL should have exercised due diligence while selecting the industrial units to carry out studies as per the requirements of its prayer in the petition. The Commission also notes that out of 37 industries, 19 industries were found to be injecting harmonics above the specified limits during the measurement period between 01.01.2024 and 21.01.2024 whereas the remaining 18 industrial units were found to be within limits. The data between 22.01.2024 to 04.02.2024 shows that 18 industries were injecting harmonics above the specified limits and the other 19 were within limits. Thus, on the basis of the harmonics data captured by PSPCL during the measurement period, it has not been conclusively established that all the industrial units/processes under this study are power intensive units. However, it can be safely concluded that except power coating industry, the other industries i.e. Electroplating Industries, Hardening Furnaces, Tempering Furnaces, Metal Gathering Machines and Welding Machines/Butt Welding Machines are prone to injecting current harmonics above the specified limits in the supply system.

18.2 Regulation 2(10) of the PSERC (Power Quality) Regulations, 2023 defines designated consumers as under:

“2(10) ‘Designated Consumers’ means the consumers connected at a supply voltage of 11 kV and above and shall

interalia include the processes/industries such as Arc Furnaces, Induction furnaces, Chloro alkaline units, Billet heaters, Surface hardening Machines, Electrolytic process industries, Electric Bell furnaces for annealing, Electro-slag refining/melting processes, IT/ITES, Malls, Petro-Chemical units, Railway Traction, Pharmaceuticals or as may be specified by the Commission from time to time. The Full Open Access Consumers and deemed licensees covered under above processes/industries using the intra-state transmission and/or distribution system of other licensee to source power through open access shall also be treated as Designated Consumer under these regulations.”

The industries under reference in the petition are not covered under the definition of designated consumers. In view of the observations in para 18.1 above, the Commission decides to include Electroplating Industries, Hardening Furnaces, Tempering Furnaces, Metal Gathering Machines and Welding Machines/Butt Welding Machines under the category of designated consumers as specified in Regulation 2(10) of the PSERC (Power Quality) Regulations, 2023.

Further, as per Regulation 5 of the PSERC (Power Quality) Regulations, 2023 provides as under;

5. “Scope and extent of application

(1) These Regulations shall apply to Distribution Licensee(s) including Deemed Distribution Licensee(s), distribution franchisees and the Designated Consumers of electricity in the State as decided by the Commission from time to time including Full open access consumers, deemed licensee(s) using the intra-state transmission and/or distribution system of other

licensee to source power through open access.

Provided that the designated consumers (including Full Open Access consumers & deemed licensee sourcing power through open access) using or engaged in any of the following processes/industries, shall be governed by the provisions of these regulations from the date of the publication of these regulations in the Official Gazette:

Arc Furnaces, Induction furnaces, Chloro-alkaline units, Billet heaters, Surface hardening Machines, Electrolytic process industries, Electric Bell furnaces for annealing, Electro-slag refining/melting processes, Railway traction load connected at 11 kV and above.

Provided further that the designated consumers using and engaged in other processes/industries, as may be decided by the Commission from time to time, shall be governed by the provisions of these regulations from the date as may be notified by the Commission separately.

Provided also that in case of designated consumer using both PIU and General load (mixed load industry), such consumer shall be covered under these Regulations only if the total installed/connected kVA of the PIU load exceeds 100 kVA. Where rating in kVA is not available, the rated load in kW shall be converted in to kVA by using unity power factor.”

As per the second proviso to Regulation 5(1) of the Power Quality Regulations, it has been specified that the designated consumers using and engaged in other processes/industries (i.e not covered under the first proviso), as may be decided by the Commission

from time to time, shall be governed by the provisions of these regulations from the date as may be notified by the Commission separately. The Commission decides that as per the second proviso to Regulation 5(1), the industries included now in the list of designated consumers as per para 18.1 above i.e Electroplating Industries, Hardening Furnaces, Tempering Furnaces, Metal Gathering Machines and Welding Machines/Butt Welding Machines, shall be governed by the provisions of PSEER (Power Quality) Regulations, 2023 from the date as may be notified by the Commission separately.

18.3 Regarding the PSPCL's prayer of allowing levy of PIU tariff to M/s Stelco Industries Pvt Ltd as per the prayer in Petition No.70 of 2022, the Commission notes that the harmonic data of M/s Stelco Industries Pvt Ltd. captured during the measurement period was within specified limits. Further, PSPCL in its submissions described M/s Stelco Industries as an industry using a combination of hardening and tempering process. However, the respondent claimed that induction type heating is not used in the process. No further separate action is envisaged as the Commission has decided to include Electroplating Industries, Hardening Furnaces, Tempering Furnaces, Metal Gathering Machines and Welding Machines/Butt Welding Machines in the list of designated consumers and directions of the Commission contained in Para 18.2 of this order shall also apply to this industry.

18.4 Regarding the prayer of the review petitioner in review Petition No.01 of 2023 that Clause B, C, D, and E of the main petition had not been adjudicated in the order dated 30.11.2022 in Petition No. 38 of 2022, it is reiterated that the Commission does not exercise

jurisdiction to adjudicate the cases constituted by the licensee under Section 126 of the Act as already held in Commission's Order. The appeal against the findings of the order under Section 126 of the Electricity Act, 2003 lies with the Appellate Authority under Section 127 of the Act and is not within the purview of a Review of the Commission's Order in Petition No.38 of 2022. The review petitioner is at liberty to approach the competent authority/court as per law for the redressal of its grievance. The Review Petitioner will be governed in the future within the ambit of the power quality Regulations already notified. Whereas the clarifications sought by PSPCL in Petition No.62 of 2021, the Commission has recorded its findings and decision in Para 18.1 and 18.2 of this order.

Accordingly, the petitions/review petition and I.A. No. 25 of 2022 are disposed of.

Sd/-
(Paramjeet Singh)
Member

Sd/-
(Viswajeet Khanna)
Chairperson

Chandigarh

Dated: 04.11.2024