

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

**Petition No. 04 of 2017
Date of Order: 24.04.2017**

Present: Shri D.S. Bains, Chairman
Shri S. S. Sarna, Member

In the matter of: Petition under Section 23 of the Electricity Act, 2003 seeking post facto approval of the regulatory measures imposed in emergent Grid operating conditions vide PR Circular 23 of 2009 dated 27.06.2009 and its subsequent communications/series of telephonic messages and circulars issued for reducing peak load exemptions during the year 2009-10.

AND

In the matter of: Punjab State Power Corporation Limited, The Mall, Patiala-147001.

....Petitioner

ORDER

The present petition has been filed by the Punjab State Power Corporation Limited, (PSPCL) under Section 23 of the Electricity Act, 2003 seeking post facto approval of the regulatory measures imposed in emergent Grid operating conditions vide PR Circular 23 of 2009 dated 27.06.2009 and its subsequent communications/series of telephonic messages and circulars issued for reducing peak load exemptions during the year 2009-10.

After hearing the representative of the petitioner, the petition was reserved for orders on the maintainability of the petition vide Commission's Order dated 16.03.2017.

The Commission has noted that, vide its order dated 03.11.2016 in petition no. 36 of 2016, the Commission has already set aside the above cited PR Circular 23 of 2009 dated 27.06.2009 and subsequent communications/series of telephonic messages and circulars, to the extent it was found violative of the sub-para (vi) of para 6 of the Commission's earlier order dated 27.05.2009 in petition no. 07 of 2009. Regularisation of the PR Circular 23 of 2009 dated 27.06.2009 will result in reversal of Commission's earlier order dated 03.11.2016 in petition no. 36 of 2016.

Since, the issue has already been decided on merit after detailed deliberations, it cannot be considered again. As such, the present petition is not maintainable.

PSPCL is directed to ensure implementation of Commission's order dated 03.11.2016 in petition no. 36 of 2016 reads as under:

- “ (i) PR Circular No. 23/2009 dated 27.06.2009 is set aside, to the above extent, along with subsequent communications/series of telephonic messages and circulars. The original letter/bill dated 05.02.2010 vide which demand for Rs.4,45,92,364/- was raised towards penalty for Peak Load Violations along with subsequent letters/bills dated 02.02.2015, 04.11.2015 and 21.04.2016 are also set aside.*
- (ii) To refund the total amount deposited by the Petitioner. The interest on this amount is not payable to the Petitioner as the delay is on the part of the Petitioner in approaching the appropriate judicial authority i.e. the Commission, as the Petitioner earlier pleaded its case before judicial bodies/authorities, under whose jurisdiction this matter did not fall.”*

The PSPCL is directed to take necessary action within seven working days from the date of this order, failing which they shall be liable to pay penal interest to the beneficiary, at the rate of 1.25% per month on pro-rata basis for each day's delay beyond seven working days.

The Petition is disposed of accordingly.

Sd/-
S .S. Sarna
(Member)

Sd/-
D.S. Bains
(Chairman)

Chandigarh
Dated: 24.04.2017