

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

**Petition No. 22 of 2018  
Date of hearing: 08.08.2018  
Date of Order: 04.09.2018**

In the matter of: Clarification by PSPCL under provisions 4.1 and 4.5 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016 against the order dated 28.08.2017 whereby the Ld. CGRF, Patiala has held that amount charged vide notice bearing no. 719 dated 25.05.2017 is not chargeable in case of CG 157/2017 of CGRF Patiala decided on 28/08/2017 M/s Kay Jay Forging, C-3, C-4, Focal Point, Ludhiana.

AND

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

Present: Ms. Kusumjit Sidhu, Chairperson  
Sh. S.S. Sarna, Member  
Ms. Anjali Chandra, Member

For PSPCL: Sh. Vaibhav Narang, Advocate  
Sh. Iqbal Singh, CE/ARR&TR  
Sh. V.P.S. Kailay, ASE/TR-5  
Sh. Sukhjit Singh, ASE/FP, Ludhiana  
Sh. Kulvir Singh, Sr.Xen/ISB-4

**ORDER**

Punjab State Power Corporation Limited (PSPCL) has filed the present petition under Regulation 4.1 and 4.5 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016.

2. Submissions of PSPCL are summarized as under:

i) Regulations 4.1 and 4.5 of the said Regulations state as under:

*4.1 "The Commission may by order provide for or clarify any matter on which no provision is made in these Regulations or the provision made is insufficient."*

*4.5 "If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by an order, make such provision, not*

*being inconsistent with the Act and these Regulations, which appears to the Commission to be necessary for removal of the difficulties”.*

ii) That a perusal of the regulation 2.45 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016 shows that the right of appeal / representation against the order passed by the Consumer Grievance Redressal Forum (CGRF) has only been granted to the complainant / consumer. However, there is no provision, if PSPCL is aggrieved of the order passed by the CGRF. This in itself is violation of natural justice as no opportunity is granted to PSPCL, who is party to the litigation before the CGRF, to file an appeal. It is also against the fair trial and the fundamental right because appeal is continuation of the suit / complaint.

iii) That the order dated 28.08.2018 passed by the CGRF is manifestly illegal and has been passed in a hasty manner. The CGRF has relied upon a memo dated 11.02.2013, which according to the investigating agency of the PSPCL was never a part of official record. The investigating agency has also found this letter to be bogus and findings of the CGRF are based on this memo. Due to passing of such illegal order, PSPCL has suffered a loss to the tune of Rs. 40,09,142/-.

iv) There are various discrepancies in the impugned order which needs to be set aside. The order is non-speaking and has been passed without discussing and considering all the facts and circumstances judicially.

It is prayed that based upon the facts / difficulties, clarification is required from the Commission that if PSPCL cannot file an appeal, then what is alternative course of action PSPCL can adopt and it may also be clarified that as to whether PSPCL has any right of appeal / representation against the orders passed by the CGRF, Patiala. It is further prayed to decide the matter of M/s Kay Jay Forging, if the Commission finds it appropriate to hear PSPCL, in the interest of justice.

3. The petition was fixed for hearing on admission on 08.08.2018 and the counsel for PSPCL heard. The relevant provisions of the Electricity Act, 2003 and the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016 state as here under:

Sub-sections (5), (6), (7) and (8) of Section 42 of the Electricity Act, 2003

*“(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.*

*(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.*

*(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.*

*(8) The provisions of sub-sections (5), (6) and (7) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by those sub-sections.”*

Regulations 2.45, 4.1 and 4.5 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016

*2.45 “Any complainant aggrieved by orders of the Forum may prefer a representation before the Ombudsman appointed / designated by the Commission.”*

*4.1 “The Commission may by order provide for or clarify any matter on which no provision is made in these Regulations or the provision made is insufficient.”*

*4.5 “If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by an order, make such provision, not being inconsistent with the Act and these Regulations, which appears to the Commission to be necessary for removal of the difficulties”.*

4. On a perusal of sub-sections (5), (6), (7) and (8) of Section 42 of the Electricity Act, 2003, it is clear that the forum (CGRF) has been established by the distribution licensee (PSPCL) for redressal of the grievances of the consumers. The consumer has been conferred a right to prefer representation before the Ombudsman for the redressal of his grievance.

Section 181 of the Electricity Act, 2003 empowers the State Commissions to make Regulations consistent with the Act and Rules. Thus, no provision can



be made in any Regulation which is inconsistent with the provisions of the Act. The Act and the Regulations are clear and do not require any clarification as sought by the petitioner. PSPCL may seek recourse to avenues available under the law of the land. The prayer of the petitioner to decide the matter of Kay Jay Forging, Ludhiana is also untenable.

In view of the above, the petition is not admitted and stands dismissed.

Sd/-  
**(Anjali Chandra)**  
Member

Sd/-  
**(S.S. Sarna)**  
Member

Sd/-  
**(Kusumjit Sidhu)**  
Chairperson

Chandigarh  
Dated: 4.09.2018

