

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

**Petition No. 61 of 2013  
Date of Order: 17.04.2014**

In the matter of :                   Petition under Regulation No.16 of the Notification No.31 of PSERC (Electricity Supply Code) Regulations, 2007, in respect of Additional ACD charged in the electricity bill by Punjab State Power Corporation Limited.

AND

In the matter of:                   Derabassi Industries Association (Regd.), Derabassi, District Mohali (Punjab), Office: Plot No.665, Industrial Area-1, Chandigarh.

Versus

Punjab State Power Corporation Limited

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

**ORDER**

The petition has been filed by Derabassi Industries Association (Regd.) Derabassi, Punjab, through Shri Rakesh R. Aggarwal authorized representative of the petitioner, under Regulation 16 of Punjab State Electricity Regulatory Commission (Electricity Supply Code and related matters) Regulations, 2007. The petitioner has submitted that Punjab State Power Corporation Limited (PSPCL) has raised charge of Advanced Consumption Deposits (ACD) again for the second time as per the Orders of the Commission in the energy bill. ACD works out to be a huge amount, disturbing the cash flow of the industrial consumers. The demand for enhanced ACD has been made by PSPCL in the regular energy bills, giving no opportunity and chance to plead against this unjust action, which directly infringes upon the basic and fundamental right of the consumers to contest

for the justice. The petitioner has prayed to stay the action of PSPCL of charging the current ACD with immediate effect till the petition is heard and final decision is given, otherwise the consumers shall have no option but to pay the heavy amounts and also face the delayed payment penalty of 10% per month on recurring basis. The petitioner has further prayed to the Commission to revise its Order levying enhanced ACD, disallow the PSPCL to charge enhanced ACD and to refund the total ACD charged by PSPCL in next ensuing energy bills. The petitioner has also sought that directions be issued to PSPCL not to charge any extra amounts not related to energy consumption in the regular energy bills. In case the respondent company has any reservation for supplying electricity through advance payment only, then a viable commercial discount be approved by the Commission and should be put in place. The consumer be allowed to opt for either of the payment option. The petitioner has also prayed that penalty be levied on the petitioner for putting the consumers to unjust hardship and penalty amount be distributed among the consumers, on pro-rata basis, as compensation.

2. The petition was admitted vide Order dated 27.12.2013 and PSPCL was directed to file reply by 14.01.2014. PSPCL filed reply vide memo. No. 5075 dated 17.01.2014. The petitioner submitted during hearing on 21.01.2014 that it had not received the copy of the same. PSPCL was directed vide Order dated 23.01.2014 to supply a copy and the petitioner was directed to file rejoinder, if any, by 13.02.2014. No rejoinder was filed by the petitioner. None appeared for the petitioner on 18.02.2014. The petitioner however requested vide letter dated 18.02.2014 for another date for the hearing of the petition. Accordingly, next hearing was fixed for 18.03.2014 vide Order dated 19.02.2014. Neither any one appeared for the petitioner again on 18.03.2014, nor the petitioner filed any rejoinder. The perusal of the reply filed by PSPCL revealed that the PSPCL in its reply, had not touched the issue of inclusion of demand of enhanced ACD in the regular energy bills giving no opportunity and chance to the consumers to plead against the alleged unjust action.

PSPCL was directed vide order dated 19.03.2014 to file additional submissions by 28.03.2014 justifying the violation of Regulation no.. 16.2(c) of the PSERC (Electricity Supply Code and Related matters) Regulations,

2007, which specifies that the licensee will issue to the consumers demand notice specifying the amount payable alongwith supporting calculations.

PSPCL filed the additional submission dated 31.03.2014 in compliance with Order dated 19.03.2014 of the Commission. None appeared again during hearing of the petition on 01.04.2014 inspite of the intimation. The Commission noted that the petitioner was not appearing to persue the case for last three consecutive hearings. The Commission, therefore, decided to close the hearing of the petition vide order dated 02.04.2014. Order was reserved.

The Commission has gone through the petition, reply and additional submissions filed by PSPCL in compliance with orders of the Commission. The Commission observes that the demand of ACD from the petitioner by PSPCL now termed as Security (consumption), is as per regulations 15 &16 of the PSERC (Electricity Supply Code & Related Matters) Regulation, 2007, as amended from time to time and need no review by the Commission.

Regarding the prayer to issue direction to PSPCL not to charge any extra amount not related to energy consumption in the regular energy bills of the consumers, CE/ARR & TR, PSPCL vide Memo No. 5299/TR-5/610 dated 31.03.2014 has submitted that Regulations 16.2 (c) of the Supply Code is being followed by PSPCL in true spirit and additional Security (Consumption) charges are being raised through supplementary demand notices and are not included in regular energy bills. The statement of the PSPCL appears to be incorrect since number of consumers during public hearing held at various places w.r.t ARR filed by PSPCL for FY 2014-15, complained to the Commission regarding inclusion of demand for additional Security (Consumption) and other arrear charges through regular energy bills by PSPCL.

Sub regulations 16.2 (c) of the Supply Code clearly provides that “Where the consumers is required to pay the additional Security (Consumption), the Licensee will issue to the Consumer a demand notice specifying the amount payable along with supporting calculations”. Further sub Regulation 30.5 (b) of the Supply Code provide that “*The bill for arrears in the case of under assessment or the charges levied as a result of checking etc. will be initially tendered separately and will not be clubbed with the*

*current electricity bill. The arrear bill would briefly indicate the nature and period of the arrears.”* The Commission accordingly directs PSPCL to ensure strict compliance of the above mentioned provisions of the Supply Code.

The petition is disposed of accordingly.

**Sd/-**  
**(Gurinder Jit Singh)**  
**Member**

**Sd/-**  
**(Virinder Singh)**  
**Member**

**Sd/-**  
**(Romila Dubey)**  
**Chairperson**

**Chandigarh**

**Dated: 17.04.2014**

