

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

**Petition No. 48 of 2020 along
IA No. 07 of 2021 & IA No. 08 of 2021
Date of hearing: 03.03.2021
Date of Order: 15.03.2021**

Petition under Section 43 of Electricity Act 2003 read with Supply Code (2014) Reg 5.1 in the matter of refusal by the Licensee to release electricity connections to the residents of Gulmohar Residency Sector 116 Mohali.

AND

In the matter of: Residents of Gulmohar Residency Sector 116 Mohali through their authorised representative Sh. Harbans Dhiman S/o Sh. Bansari Dass.

...Petitioner

V/s

1. Punjab State Power Corporation Ltd. (PSPCL), the Mall, Patiala,
2. M/s Shivalik Site Planners Pvt. Ltd. House No. 57 Phase-2 Mohali.
3. Greater Mohali Area Development Authority, Sector 62 S.A.S Nagar Mohali, through its Chief Administrator.

...Respondent

Present: Ms. Kusumjit Sidhu, Chairperson
Ms. Anjali Chandra, Member
Sh. Paramjeet Singh, Member

Gulmohar Residency:
Sh. Aditya Grover, Advocate
Sh. R.S. Dhiman
Sh. C.S Rayat
Sh. Amrit Dhindsa
Sh. Harbans Dhiman
Sh. Varinder Singh
Sh. Rajiv Kashyap
Sh. Mandhir Singh Jamwal
Sh. Ravinder Singh Sambyal
Sh. Navneet Sharma
Ms. Bandana Devi

For PSPCL: Sh. Gurchain Singh Banga, CE/ARR&TR
Sh. Deepak Gupta, SE/TR-2
Sh. Mukesh Kumar, ASE/TR-5
Sh. Amandeep Singh, ASE/Kharar
Sh. Satpreet Singh, AE, Kharar-2

M/s Shivalik: None

GMADA: None

ORDER

The present IA No. 07 of 2021 has been filed by the petitioners to grant immediate/early hearing and for directing PSPCL to render connectivity to their residences as an interim measure. The learned counsel representing the residents of Gulmohar Residency pleaded that the condition of the residents of the colony is miserable due to denial of electricity connections by PSPCL and they are constrained to meet their essential requirements with costly diesel generated power. The counsel requested that pending the final outcome of the petition, the Commission may grant interim relief by directing PSPCL to release electricity connections to the residents by recovering Service Connection Charges/other applicable charges as has been allowed by the Commission to the residents of Shivalik City Kharar in P.No. 22 of 2020. The counsel presented photographs to substantiate the claim that the LD system in the colony is available and connections can be released to the residents. The officer representing PSPCL submitted that the few distribution transformers were installed in the colony to release temporary connections to the developer and to some individual residents.

GMADA in its reply dated 10.02.2021 has informed that a licence no.13/2013 dated 27.05.2013 was issued to M/s Shivalik Site Planners Pvt. Ltd. to develop a colony named "Gulmohar Residency" and the licence was valid till 17.05.2018. GMADA submitted that the following condition was laid down in the licence;

vii) The Licensee shall obtain a final/confirmed No objection Certificate from the PSPCL within 90 days from the issue of this License, failing which penal action shall be initiated against the Licensee under the relevant provisions of PAPR Act, 1995 and rules made there under:

From the above, it is evident that the developer was required to obtain NOC from PSPCL within 90 days from the issue of the licence but never approached PSPCL to submit electrification plan and obtain NOC. Govt. of Punjab, Department of Housing and Urban Development issued a notification dated 06.05.2008 which provides that the concerned departments including PSPCL shall ensure that no development work is started by the promoter before getting No Objection/Clearance Certificate, if required from the concerned Departments/Agency. The para 3 & 4 of the said notification is reproduced as follows ;

- “3. *No objection Certification from the different departments shall not be a precondition for issuance of licence for development of colonies, but **the promoter shall be liable to get No Objection Certificate from the concerned departments** e.g. Punjab Pollution Control Board, **Punjab State Electricity Board**, P.W.D. (Drainage Department), Forest Department or the concerned Municipal Corporations/Committees as the case may be **before start of development works of the colony at site.***
4. *A copy of the license shall be endorsed to the concerned Department by the concerned Competent Authority asking the said Department to **ensure that the Development works shall not be started by the promoter before getting No. Objection/Clearance Certificate if required from the concerned Departments/Agency.*** [Emphasis Added]

The Commission observes that the developer never approached PSPCL to obtain NOC, however PSPCL not only released temporary connections to the developer to carry out construction/development works but also to some individual residents despite clear instructions of GOP and the conditions of licence by GMADA. It appears that PSPCL and the licensing authority never bothered to enforce the above mentioned provisions of GOP notification read with Conditions of the licence mentioned above, resulting in not only financial loss to the licensee but also avoidable inconvenience to the residents.

Electricity is an essential service and residents cannot be denied electricity connections merely because the developer has not fulfilled the conditions of license and the distribution licensee has failed to get the conditions of the licence implemented by the developer. Depriving the residents of Gulmohar Residency of electricity connections shall be against the principle of natural justice. As per section 43 of the Electricity Act, 2003, a distribution licensee has the universal service obligation in his area of supply, subject to the rules/regulations framed under the Act.

After hearing the counsel and the officers of PSPCL, the Commission directs PSPCL to release electricity connections to the residents of Gulmohar Residency after recovery of Service Connection Charges/ other applicable chargers as per the Cost Data approved by the Commission within the time limits specified in Regulation 8 of the Supply Code, 2014 subject to the final order in the instant petition. A separate account of the expenditure incurred by PSPCL on release of these connections may be kept and the amount may be recovered from

the developer or the delinquent officials/officers as per applicable law. It is reiterated that the above interim directions to PSPCL have been issued keeping in view the peculiar facts and circumstances of the present case and are not necessarily applicable to other cases. IA No. 07 of 2021 stands disposed of accordingly.

Further, during hearing on 10.02.2021, some residents of Gulmohar Residency had presented themselves before the Commission and pleaded for release of permanent electricity connections. The Commission had advised them to get themselves impleaded as respondents by submitting an application to the effect. Accordingly some residents of Gulmohar residency have now filed I.A No.08 of 2021 for impleading them as a party in the instant Petition. It has been submitted that the facts , grievances and submissions of the applicants are the same as those of the petitioners and therefore the applicants may be impleaded in the petition. The IA No. 08 of 2021 is allowed and the applicants are impleaded as petitioners.

The petition shall be taken up for hearing on 28.04.2021 at 11.00 AM.

Sd/-

(Paramjeet Singh)
Member

Sd/-

(Anjali Chandra)
Member

Sd/-

(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: **15.03.2021**