

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

Petition No. 55 of 2022
Date of Hearing: 13.04.2023
Date of Order: 28.04.2023

Petition under (Conduct of Business) Regulation 2005 of PSERC issued under Electricity Act 2003, for seeking compliance of the Regulations issued by PSERC and suitable action against the Respondents for not complying with the provisions of Supply Code 2014 issued by the PSERC.

AND

In the matter of: M/s Hero Cycles Pvt. Ltd, Focal Point, Phase-VIII, Ludhiana. Petitioner

Versus

M/s Punjab State Power Corporation Limited, Patiala through its Managing Director. Respondents

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

Petitioner: Sh. PC Dawan, Advocate
 Sh. Ajay Sood Plant Head

PSPCL: Sh. Rupinderjit Randhawa, EIC/ARR&TR
 Sh. Ajay Bansal, DY.CE
 Sh. J.K. Jindal, Sr.Xen
 Sh. Jagdeep Singh, Sr.Xen

ORDER

1.0 The petitioner has filed the present petition under Section 142 of the Electricity Act, 2003 seeking compliance of the Regulation 36.3.4 PSERC (Electricity Supply Code and Related Matters) Regulations, 2014 and action against PSPCL for noncompliance of the said regulations. The brief facts of the case are that the respondent i.e. PSPCL made a case of unauthorized use of electricity (UUE) against the petitioner and issued final assessment order amounting to Rs. 1,87,64,552. The petitioner filed Appeal against this order and Director/Technical, PSTCL-cum the Appellate Authority, vide order dated 22.03.2022 held that Assessment order on account of UUE needs to be reviewed and that the petitioner is liable to pay difference of tariff applicable for PIU industrial load and General Industrial Load w.e.f. 27.05.2019 without any penalty. The appeal against the final assessment order for unauthorized use of electricity was decided with the directions to the PSPCL to revise the assessment as per the order passed by the Appellate Authority.

1.1 The petitioner stated that the order dated 22.03.2022 passed by the Appellate Authority, PSTCL under Section 127 of the Electricity Act, 2003 has already attained finality. As per Regulation 36.3.4 of the Supply Code, in case the Appellate Authority holds that no case of unauthorized use of electricity is established, no further proceedings shall be initiated by the distribution licensee and the amount deposited by the appellant should be refunded alongwith interest for the period from the date of deposit at the SBI's Base Rate prevalent on first of April of the relevant year plus 2% through cheque or adjustment in the electricity bills of immediately succeeding month, as per the discretion of the consumer/person. The petitioner approached the respondent several times for refund/adjustment in the bill of the amount in terms of the order dated 22.03.2022 passed by the Appellate Authority but no action has been taken by the respondent in this regard. The petitioner has prayed for refund of the amount due to the petitioner alongwith interest and for suitable action under Section 142/146 of the Electricity Act 2003 against the respondents for willful non-compliance of the Regulations of the Supply Code.

1.2 The petition was admitted vide order dated 31.01.2023. PSPCL was directed to file reply to the petition. Accordingly, PSPCL submitted its reply vide memo No. 5540 dated 20.02.2023 that since the high revenue is involved in this case, a CWP No. 25861 of 2022 was filed before the Hon'ble Punjab and Haryana High Court which has already been dismissed vide order dated 14.11.2022 and now it has been decided to file an LPA before the High Court against the order dated 14.11.2022. The petition was taken up for hearing on 22.02.2023 and it was observed by the Commission that there is no stay against the said order dated 22.03.2022 passed by the Appellate Authority and PSPCL has failed to give a satisfactory reply. Therefore, PSPCL was directed to submit the compliance report of the order dated 22.03.2022 passed by the Appellate Authority within two weeks failing which proceedings under Section 142 of the Electricity Act 2003 shall be initiated. Accordingly, PSPCL filed its compliance report vide memo No. 5751 dated No. 10.04.2023.

1.3 The petition was taken up for further hearing on 13.04.2023. The Ld. Counsel for the petitioner submitted that PSPCL has not refunded the amount as per the order passed by the Appellate Authority. PSPCL challenged the Order dated 22.03.2022 passed by the Appellate Authority before the Hon'ble Punjab and Haryana High Court. However, PSPCL could not show any order staying the operation of the said order dated 22.03.2022. PSPCL has submitted vide memo No. 5751 dated 10.04.2023 that WTDs in its meeting held on

24.03.2023, has taken a decision to implement the order of the Appellate Authority. The office of the Focal Point Division, PSPCL, Ludhiana has initiated the refund amounting to Rs. 2,20,15,759/- alongwith surcharge/interest charged in SAP vide CIM request no. 8011772183 and 8012188560.

The Commission has examined the submissions made by the petitioner, reply filed by the PSPCL as well as the compliance report submitted therein. The Commission is of the view that in the absence of any stay order, PSPCL is bound to implement the order dated 22.03.2022 passed by the Appellate Authority and comply with Regulation 36.3.4 of the Supply Code 2014. As PSPCL has submitted vide memo No. 5751 dated 10.04.2023 that compliance of the decision of Director/Technical, PSTCL, Patiala cum Appellate Authority has been made as per the directions given by the Commission in the earlier interim order(s), nothing further survives in the petition under Section 142 of the Act.

The petition is disposed of accordingly with liberty to the petitioner to approach the Commission if the disputed amount is not refunded by PSPCL.

Sd/-

(Paramjeet Singh)
Member

Sd/-

(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: **28.04.2023**