

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

**Petition No. 10 of 2022**  
**Date of Hearing: 12.10.2022**  
**Date of Order: 19.10.2022**

Petition Under section 36 of the Electricity Act, 2003 seeking approval for maintenance charges w.r.t. private DTL 66 kV line for M/s Trident Group of Industries from its Dhaula unit to Sanghera unit, under P&M Circle, PSPCL, Patiala.

AND

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

.....Petitioner.

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

PSPCL: Sh. Naveen S. Bhardwaj, Advocate  
Sh. Rupinderjit Singh Randhawa, CE/ARR&TR  
Sh. Ravi Luthra, SE/TR-2  
Sh. Hardeep Singh, SE  
Sh. Harpreet Singh, Sr.Xen/S-3  
Sh. Gurvinder Singh, Sr.Xen/TR-5

**ORDER**

The petition was taken up for hearing on admission. The petitioner has filed the present petition under Section 36 of the Electricity Act, 2003 seeking approval of balance amount of Rs. 12 Lacs and maintenance charges with respect to private DTL 66 kV line for M/s Trident Group of Industries from Dhaula unit to Sanghera unit, under P&M Circle, PSPCL, Patiala for the period from 2006 to 2019.

Earlier, the petition was taken up for hearing on admission on 04.05.2022. However, PSPCL failed to justify how the petition was maintainable under Section 36 of the Electricity Act 2003. Vide order dated 04.05.2022, PSPCL was directed to file its reply and address arguments on the maintainability of the petition. PSPCL was granted several opportunities and then vide Order dated 12.08.2022 was given the last opportunity to file its reply on the query raised by the Commission and the maintainability of the petition under Section 36 of the Electricity Act, 2003. PSPCL filed its reply vide memo no. 7434 dated 03.10.2022 quoting two legal opinions sought by

PSPCL. The learned counsel for the petitioner further submitted that legal opinion was obtained on the maintainability of the present petition whereupon it had been advised that while the petition was not maintainable under Section 36 of the Electricity Act, 2003, and as per Section 17 of the Act, prior approval of the Commission was required before PSPCL could undertake certain actions. The learned counsel accordingly requested the Commission to take a decision.

The Commission has considered the matter, seen the reply of the petitioner on the maintainability of the petition and heard Ld. Counsel for the petitioner. Since the petitioner has not been able to justify the maintainability of the petition under Section 36 of the Electricity Act 2003, which deals with charges for intervening transmission facilities borne out of an Order under Section 35 between licensees, the petition is not sustainable under Section 36 of the Act. The reply filed by the petitioner containing legal opinions sought by it on this issue also unequivocally asserts this. The second legal opinion contained in the reply of the petitioner, highlights the restriction placed on the licensee from undertaking certain actions without the prior permission of the Commission under Section 17 of the Electricity Act, 2003.

While seeking legal opinion is the internal matter of the petitioner, it is obvious that the petition is not maintainable under Section 36 of the Electricity Act 2003. Thus the petition is dismissed in limine. The petitioner, however, is given the liberty to file another petition under the appropriate sections of the law, if it so desires, with full background details and justification.

The petition is disposed of accordingly.

Sd/-  
(Paramjeet Singh)  
Member

Sd/-  
(Viswajeet Khanna)  
Chairperson

Chandigarh  
Dated: **19.10.2022**