

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

Petition No. 18 of 2017
Date of hearing: 25.05.2022
Date of Order: 30.05.2022

Petition under Section 142 of Electricity Act, 2003 for taking action against the respondents for willful and intentional disobedience of Orders dated 03.11.2016 passed by this Hon'ble Commission in Petition No.36 of 2016 titled National Fertilizers Ltd. Nangal Unit, Naya Nangal District Rop Nagar Vs. Punjab State Power Corporation Ltd. through its Chairman.

In the matter of: **AND**
National Fertilizers Limited, Nangal Unit, Naya Nangal, District Ropnagar, through its authorized representative Shri Prem Prakash, Dy. General Manager (Electrical). **Petitioner**

Versus

1. The Chief Engineer, ARR/TR, Punjab State Power Corporation Limited, Shed No. F-4, Shakti Vihar Patiala
2. Chief Engineer/ARR & TR, PSPCL, Patiala
3. Dy. Deputy CE/OP Circle, PSPCL, Ropar.

Respondents

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

Petitioner: Sh. Randeep Singh, Advocate

PSPCL: Sh. Anand K Ganesan, Advocate
Sh. Paramjit Singh, CE/ARR&TRs
Sh. Ravi Luthra, SE/TR-2
Sh. Mukesh Kumar ASE/TR-5
Sh. Baljinder Pal Singh AE/TR-5
Sh. Satwinder Singh Sehmbi, Dy./CE, Ropar
Sh. Harinderjit Singh, ASE

Order

The petitioner filed petition No. 36 of 2016 challenging PR Circular No. 23/2009 dated 27.06.2009 issued by PSPCL and for refund of the amount of Rs. 4,45,92,364/- raised towards penalty for Peak Load Violations. The Commission vide order dated 03.11.2016 set aside PR circular no. 23/2009 dated 27.06.2009 and the subsequent communications issued by PSPCL in this regard and directed PSPCL to refund the total amount deposited by the petitioner. The petitioner has filed the present petition under section 142 of the Electricity Act, 2003 for taking action against the respondents for wilful

and intentional disobedience of the Order dated 03.11.2016 passed by the Commission in petition no. 36 of 2016.

PSPCL filed Appeal No. 215 of 2017 challenging the Order dated 03.11.2016 passed by the Commission in petition No. 36 of 2016 alongwith an IA No. 238 of 2017 for staying the impugned Order. The Hon'ble APTEL after hearing the parties passed the Order on IA No. 238 of 2017 as under:

“..By the impugned order, the State Commission has, inter alia, directed the appellant to refund an amount of Rs. 4,45,92,364/- to respondent No.2. Since the impugned order is in the nature of a money decree, we are of the opinion that the following order passed, without expressing any opinion on the merits of the case, will meet the ends of justice: The appellant shall deposit an amount of Rs. 4,45,92,364/- with the State Commission within three weeks from today. On such deposit being made, the State Commission shall invest the said amount in a nationalized bank in a short term fixed deposit. Needless to say that the said amount along with interest accrued thereon will abide by the final order that will be passed in this appeal. The said fixed deposit shall be renewed and kept alive till the disposal of this appeal. On such deposit being made, the impugned order shall remain stayed during the pendency of the appeal to the extent it directs the appellant to refund the amount of Rs.4,45,92,364/- to respondent No.2.....”

The petition was taken up for hearing. The learned counsel for the petitioner has submitted that on 24.05.2022 the Hon'ble APTEL has adjourned the hearing in the Appeal to some other date and requested that the present petition may be heard after 3 months or may be adjourned sine-die.

The Commission has examined the matter. PSPCL has already deposited the amount with the Commission in compliance of the Order dated 08.08.2017 passed by the Hon'ble APTEL and the said amount is invested in a nationalized bank in short term fixed deposit and is being renewed from time to time. The Hon'ble APTEL has specifically Ordered vide Order dated 08.08.2017 that the impugned Order shall remain stayed during the pendency of the Appeal to the extent it directs the Appellant to refund the amount of

Rs. 4,45,92,364/- to respondent No. 02. Keeping in view the above facts, that the amount has already been deposited by PSPCL and the Hon'ble APTEL has stayed the impugned Order during the pendency of the Appeal, no cause of action survives in favour of the petitioner at this stage. The petition is disposed of accordingly. However, petitioner is given liberty to file the petition again after the final decision of Appeal No. 215 of 2017 before APTEL if so required.

Sd/-
(Paramjeet Singh)
Member

Sd/-
(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: **30.05.2022**

