**Office/Court of the Ombudsman, Electricity Punjab,**

66 KV Grid Sub Station, Plot No: A-2,

Industrial Area Phase-I,S.A.S. Nagar (Mohali)

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**ORDER**

**IN APPEAL CASE OF M/S SHIVA ELECTRONICS,**

**E-15, PHASE-7, INDUSTRIAL AREA, SAS NAGWR (MOHALI)**

**(A/C NO. 3000159842)**

**Appeal No. 06 / 2017 Date of Order: 20-02-2017**

1. This order is against application dated 16.02.2017, received from M/s Shiva Electronics, SAS Nagar (Mohali) (A/C NO. 3000159842) with request to exempt to deposit 40% of disputed amount, as required under Reg. 3.18 (iii) of PSERC (Forum & Ombudsman) Regulation – 2016 for filing an Appeal in the Court of Ombudsman, Electricity Punjab, against the disputed amount assessed as per order dated 31.01.2017 of CGRF in Case no: CG-158 of 2016.
2. The brief facts of the case are that the Petitioner is having an MS category connection running under OP Division, PSPCL, SAS Nagar (Mohali). The Petitioner was charged an amount of Rs.65,07,094/- for the period 29.03.2008 to 10.09.2016 on account of application of wrong Multiplication Factor (MF). The petitioner filed an appeal with CGRF by depositing an amount of Rs. 9,76, 064/- i.e. 15% of the disputed amount against required 20% which seems to be allowed by CGRF exercising its powers conferred upon it vide provisions contained in Regulation 5 (2) (ii) (b) of PSERC (Forum & Ombudsman) Regulations – 2005 read with Regulation 2.26 of PSERC (Forum & Ombudsman) Regulations – 2016.
3. The CGRF after hearing the case, decided that the amount charged to the Petitioner due to billing with wrong Multiplying factor for the period 29.03.2008 to 10.09.2016 is in order and recoverable.

Being not satisfied with the decision of CGRF, the Petitioner filed an appeal with the court of Ombudsman with prayer for grant of exemption for depositing balance 25% amount of disputed amount of Rs. 65,07,094/- on the grounds that he is not in position to pay further more amount.

1. Before enlisting the Appeal filed by the Petitioner, his prayer for exemption to deposit the balance amount to make it to mandatory 40% of the disputed amount was considered.

In this connection the relevant applicable Regulation is 3.18 of PSERC (Forum & Ombudsman) Regulation- 2016, which mandates that:

*No representation to the Ombudsman shall lie unless:*

*(iii) The person filing the representation makes a deposit of 40% of the amount assessed by the Forum ( inclusive of amount already deposited on this account) with Licensee, in cash or through Demand Draft payable at Headquarter of concerned Sub Division and submit the documentary evidence of such deposit.*

The above Regulation is very clear and mandates a Petitioner to deposit atleast 40% of the disputed amount, as assessed in accordance with the decision of CGRF and there is no other Instruction of Provision empowering the Ombudsman to relax any such mandatory provision.

In view of the above facts and codal provisions, the prayer of the Petitioner for exemption to deposit the balance amount is not found as maintainable and accordingly is rejected.

While deciding the prayer of the Petitioner, I have observed that he has filed this prayer within the stipulated period of one month from the date of receipt of order of the Forum, as such, in the interest of natural justice, he is afforded another opportunity to file his fresh appeal, after depositing the requisite amount, within a period of 30 days from the date of receipt of this order.

Place: SAS Nagar (Mohali) (MOHINDER SINGH)

Dated: 20.02.2017 Ombudsman, Electricity Punjab,

SAS Nagar (Mohali)