**Before**

**Corporate Consumer Grievances Redressal Forum,**

**Punjab State Power Corporation Limited, Ludhiana**

**CF-139/23 (T- 158/2023)**

**M/S RB Rice Industries V/s Op’ Fazilka**

**Account no. Y52FS0100023**

**PROCEEDINGS cum ORDER (Dated: 26.10.2023)**

**Petitioner/Consumer Side** : Sh. Ashok Dhawan

**Respondent / PSPCL Side** : Er. Ramesh Kumar /AEE, DS Divn., Fazilka

Petitioner raised the following issues in his petition:

1. Details of security deposited is as under:
* ACD amounting Rs. 360000/- and meter security of Rs. 35000/- deposited on 11.10.2001.
* AACD amounting Rs. 340060/- deposited on 21.04.2011.
* AACD amounting Rs. 156788/- deposited on 21.04.2013.
* Total amount of security deposited is Rs. 891848/- which is lying with Respondent and had not been refunded even after PDCO. Petitioner claimed that as per Regulation 33.2 of Supply Code-2014 the amount of security is refundable with interest as per Regulation 33.3.
1. Amount of security updated on bill was Rs. 260000/- as ACD and Rs. 35000/- as Meter Security whereas amount of Rs. 891848/- was deposited. Interest as per Regulation 17 w.e.f. 01.01.2008 to till date is payable along-with penal interest as per Regulation 17.3 & 17.4 of Supply Code-2014.

Respondent in his reply stated as under: -

1. Details of security deposited is as under:
* ACD amounting Rs. 260000/- vide BA 16 no. 27/45047 dated 02.07.2001 and meter security of Rs. 35000/- deposited on 11.10.2001.
* ACD amounting to Rs. 129800/- on account of extension of load from 260 KW/290 KVA to 359.64 KW/400 KVA.
* AACD amounting Rs. 340060/- vide BA 16 no. 91/90678 dated 21.04.2011.
* AACD amounting Rs. 150187/- deposited vide BA 16 no. 118/90680 on 26.02.2013.
* Total amount of security deposited is Rs. 915047/- (ACD/AACD Rs. 880047/- + Meter Security Rs. 35000/-) was deposited by the Petitioner.

The case was fixed for deciding about its admissibility on pre-hearing on dated 17.10.2023 in which both the parties were directed to submit their comments whether or not the case be considered as time barred.

Respondent in his comments submitted that the amount of ACD/AACD and Meter Security deposited by the consumer is lying in unclaimed deposits in his office. He requested the Forum to issue directions to the petitioner to submit request for refund of security along-with requisite documents. He further stated that refund of security is not time barred. However, Respondent further stated that interest claimed on ACD/AACD/Meter Security is older than 14 years and from date of PDCO till date is 4 years old; therefore, this is considered as time barred.

Petitioner submitted his comments that as per Regulation 33.2 of Supply Code-2014 it is nowhere mentioned that security will be refunded 7 days after the receipt of the application. This is automatic and do not require the receipt of the application. He further mentioned that interest is also payable as per Regulation 33.3 of Supply Code. He further, in support of his claim, quoted various cases decided by Hon’ble Court of Lokpal, Ombudsman, Mohali and Corporate CGRF, Ludhiana.

Member Finance expressed his opinion as under: -

The connection of the petitioner was disconnected permanently on dated 06.03.2019 and petitioner filed his case in 09/2023 in Corporate Forum. More than 2 years has been elapsed from the date of cause of action i.e. date of PDCO 06.03.2019. Relevant regulation 2.9.1 of PSERC (Forum & Ombudsman) (2nd Amendment) Regulation 2021 is reproduced under: -

*“2.9.1 Corporate Forum (i) The Corporate Forum shall have the jurisdiction to dispose of all the monetary disputes of an amount exceeding Rs. Five lakh (Rs.5,00,000/-) in each case. Provided that the complaint/representation is made within two years from the date of cause of action.”*

In view of the proviso to the ibid regulation I am of the view that the case is not fit for registration being time barred. Corporate Forum is not competent to hear the case irrespective of the fact that security deposited is refundable.

Other Members of the Forum, however, are of the opinion that as per Regulation 33 of Supply Code-2014 it was the duty of Respondent to initiate the process of refund of security amount of the petitioner without waiting for their request, which was not done. In the Supply Code it has not been mentioned anywhere that consumer is required to apply for the refund of his security after permanent disconnection of his connection. Although petitioner has also submitted request for refund of his security which is duly marked by the concerned officer to RA on 24.05.2019, though not admitted by the Respondent, majority of the Members are of the opinion that no such request was necessary as per Regulation no. 33 of Supply Code and Respondent was required to initiate the process of refund of security at his own. Further, in the ibid regulation it is clearly mentioned that if the refund is delayed beyond the prescribed limit of termination of agreement, the distribution licensee shall without prejudice to other rights of the consumer, pay interest on such period of delay, prescribed in ibid regulation amended from time to time. As such distribution licensee is to pay the interest for the entire period of delay till the security is refunded. Accordingly, ‘*cause of action*’ is non-existent in this case, so far as the petitioner is concerned, hence, it would be unfair to treat the case for refund of security and interest thereupon, as time barred.

Keeping in view the above, Forum with a majority view decided to register the case and closed it for passing speaking orders.

**Observations**:-

Forum observed that security amount should have been updated timely and interest thereupon should have been credited accordingly from time to time. Further, the amount of security should have been refunded to the petitioner within the time specified in the relevant Regulation of Supply Code without waiting for any request from the petitioner. As Respondent has failed to refund the security on termination of agreement/effecting PDCO, therefore, petitioner is entitled to interest on the security as per prevailing instructions. Therefore, Forum with majority is of the opinion that interest on security (Consumption/Meter) updated from time to time should be allowed as per Regulation no. 17 of Supply Code 2007/2014 (as applicable) as amended from time to time up to the date of effect of PDCO. Interest as per Regulation nos. 17.3 & 17.4 of relevant Supply Codes is disallowed. Further amount of security (Consumption/Meter) as per petitioner is Rs. 891848/- whereas security amount as per respondent is Rs. 915047/- which needs to be rechecked and security amount lying credited in the account of the petitioner is required to be refunded along-with interest for the period starting from the expiryoftime limits from date of effect of PDCO, as per Regulation no. 33 of Supply Code-2014 amended from time to time, to the date of refund of security.

**ORDER**

Forum with majority view decided as under: -

1. **Interest on security (Consumption/Meter) updated from time to time is allowed as per Regulation no. 17 of Supply Code 2007/2014 (as applicable) as amended from time to time up to the date of effect of PDCO. Interest as per Regulation nos. 17.3 & 17.4 of relevant Supply Codes is disallowed.**
2. **Amount of security (Consumption/Meter) lying credited in the account of the petitioner be refunded along-with interest for the period starting from the expiry of time limits from date of effect of PDCO, as per Regulation no. 33 of Supply Code-2014 amended from time to time, to the date of refund of security.**
3. **As required under Regulation 2.33 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021 the compliance of this decision shall be made within 21 days from the date of receipt of this order.**
4. **If the Petitioner is not satisfied with the decision of Corporate CGRF, he is at liberty to file a representation before the Ombudsman appointed / designated by the Punjab State Electricity Regulatory Commission within 30 days from the date of receipt of the order of the Forum, as required under Regulation 2.39 read with Regulation 2.37 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021.**

**(CA. Baneet Kumar Singla) (Er. Himat Singh Dhillon)**

**Member (Finance) Independent Member**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/O CE/Commercial, PSPCL**

**Place: - Ludhiana**

**Date : - 26.10.2023**

**Before**

**Corporate Consumer Grievances Redressal Forum,**

**Punjab State Power Corporation Limited, Ludhiana**

**T- 158/2023**

**M/S RB Industries V/s Op’ Fazilka**

**PROCEEDINGS (Dated: 10.10.2023)**

**Petitioner/Consumer Side** : No one appear

**Respondent / PSPCL Side** : No one appear

Respondent vide email dated 09.10.2023 intimated that due to visit of Hon’ble Governer of Punjab on 11.10.2023 in Fazilka and due to fixing of duty by district administration he cannot appear in today’s hearing. The same is admitted.

The case is adjourned to 17.10.2023 for Pre-hearing.

**(CA. Baneet Kumar Singla) (Er. Himat Singh Dhillon)**

**Member (Finance) Independent Member**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE. Commercial, PSPCL**