

**PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SCO NO.220-221, SECTOR 34-A, CHANDIGARH**

**Petition No.36 of 2018
Date of hearing: 14.11.2018
Date of Order: 27.11.2018**

In the matter of: Petition to initiate proceedings under Section 142 of the Electricity Act 2003 against PSPCL officials for violating regulation 2.41 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) Regulations.

AND

In the matter of: Mitul Steel Industries C/o Vishwanath Steel Rolling Mills, G.T. Road Sirhind Side, Mandi Gobindgarh-147 301.

.....Petitioner

Versus

Punjab State Power Corporation Ltd., The Mall, Patiala.

.....Respondent

Present: Sh.S.S.Sarna, Member
Ms. Anjuli Chandra, Member

For Petitioner: Sh. Rakesh K.Shahi, Advocate.
Sh. Ritin Shahi, Advocate.

For PSPCL: Sh. Sanjeev Prabhakar, SE/TR-2.
Sh.Y.P.S. Kailey, ASE/TR-5
Sh. Davinder Singh, ASE/DS, Sirhind.

ORDER

The present petition has been filed under Section 142 of the Electricity Act, 2003 for initiating action against PSPCL officials

for violating regulation 2.41 of the PSERC (Forum & Ombudsman) Regulations, 2016.

1.0 The case of the petitioner is that the electricity connection of the petitioner was permanently disconnected on 17.04.2013 and the amount of Security was refunded on 25.10.2017 without paying any interest from 17.04.2013 to actual date of refund by PSPCL. The petitioner approached the Forum for redressal of consumer grievance (hereinafter referred as Forum). The Forum vide Order dated 12.06.2018 allowed the interest on Security at bank rate notified by RBI as on 1st April of the respective financial year from 17.04.2013 to 25.10.2017. PSPCL was directed to implement the Order within 21 days from the date of receipt of the Order in accordance with regulation 2.41 of the PSERC (Forum & Ombudsman) Regulations, 2016. Due to non-compliance of the Order of the Forum, a legal notice dated 25.07.2018 was served by the petitioner upon PSPCL wherein it was stated that in case of non-implementation of the decision of the Forum, the petitioner will approach the Commission for action under section 142 of the Act. But no action was taken by PSPCL. Accordingly, this petition has been filed for initiating action under section 142 of the Act. It has also been stated by the petitioner that since as per Regulation 33.4 of the Supply Code, he was entitled to higher rate of interest, so he approached the Ombudsman/Electricity, Punjab to get the balance amount of the interest as per provisions of the Supply Code.

- 2.0 The petition was taken up for admission on 25.10.2018 and after hearing the Counsel for the petitioner and the representative of PSPCL, the Commission vide Order dated 30.10.2018 directed PSPCL to file reply on admission within one week. The petition was fixed for hearing on admission on 14.11.2018.
- 3.0 PSPCL vide Chief Engineer/ARR & TR Memo No.5967 dated 02.11.2018 filed its reply and submitted that at the time of permanent disconnection, the total Security amount was Rs 14,77,510/-. The petitioner never sought the refund of the Security till September, 2017 and after getting a written representation, Security was refunded in full along with interest up to date of disconnection by PSPCL. The petitioner filed case before the CGRF for granting interest amounting to Rs.12,39,150 on delayed payment of refund of security (Consumption) and security (Meter). It was further stated that the Order dated 12.06.2018 of the Forum was received in the office of the Division on 22.06.2018 and while the implementation of the decision was in progress, the petitioner filed a representation before Ombudsman vide Appeal No.40 of 2018 dated 16.07.2018. Since the petitioner was not satisfied with the decision of the Forum and approached the Ombudsman, so the Order of the Forum could not be implemented. It was also submitted that during hearing on 01.11.2018 before the Ombudsman, the petitioner has withdrawn his appeal before Ombudsman. The petitioner has no right to file the petition before the Commission under Section 142 of the Act.

- 4.0 The petitioner vide letter dated 05.11.2018 (received on 12.11.2018) filed rejoinder to the reply of PSPCL and submitted that PSPCL was required to implement the Order dated 12.06.2018 of the Forum within 21 days i.e. up to 12.07.2018, so filing of the Appeal before the Ombudsman after 12.07.2018 and now withdrawing the same on 01.11.2018 cannot be the ground to reject the petition and not to initiate the action under Section 142 of the Electricity Act.
- 5.0 PSPCL vide Chief Engineer/ARR & TR Memo No.5019 dated 12.11.2018 filed reply wherein the contents of earlier submissions made vide letter dated 02.11.2018 were reiterated. It was stated that since the Order of the Forum was challenged by the petitioner before the Ombudsman so the Order could not be implemented. PSPCL requested that as the petitioner has now withdrawn the appeal filed before the Ombudsman so some more time may be given to PSPCL for implementation of the Order of the Forum.
- 6.0 During hearing on 14.11.2018, PSPCL submitted that the interest on Security as per Order dated 12.06.2018 of the Forum has been paid to the petitioner and the same was acknowledged by the Counsel appearing for the petitioner. The officers representing PSPCL requested that since the compliance of the Order of the Forum has been made, so the petition may not be admitted. The learned Counsel appearing for the petitioner stated that he is only pressing for the 3rd prayer made in the petition regarding payment of cost for filing the petition and other incidental charges.

7.0 After going through the averments made by the parties and in view of the fact that after withdrawal of the appeal before the Ombudsman by the petitioner, payment of interest on Security as per the decision of Forum has been made to the petitioner to his satisfaction, the Commission is of the view that the present petition has become infructuous. Regarding the prayer of the petitioner for payment of the cost for filing the present petition, it is an admitted fact that while the appeal filed by the petitioner against the decision of the Forum was pending before the Ombudsman, he approached the Commission for initiation of action under section 142 of the Act for non-implementation of the same decision. He cannot challenge the decision before the Ombudsman and at same time approach the Commission with his grievance for its non-implementation. The petitioner of his own withdrew his appeal before the Ombudsman. Thus he is not entitled to any cost for filing the present petition before the Commission. PSPCL is directed to implement the orders of the Forum/Ombudsman in letter and spirit within the time allowed in the Regulations.

The petition is not admitted and disposed of accordingly.

Sd/-

(Anjuli Chandra)
Member

Sd/-

(S.S. Sarna)
Member

Chandigarh

Date: 27.11.2018