

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

**Petition No. 27 of 2018
Date of hearing: 26.09.2018
Date of Order: 17.10.2018**

Present: Ms. Kusumjit Sidhu, Chairperson
Sh. S.S. Sarna, Member
Ms. Anjuli Chandra, Member

In the matter of: Petition under Section 142 and Section 62(6) of the Electricity Act, 2003 for violation of Tariff Order for Financial Year 2018-19 by PSPCL.

In the matter of: Siel Chemical Complex, a unit of Mawana Sugars Ltd., through its authorised representative Mr. Kamal Gulati, Vill. Khadoli, Rajpura, District-Patiala, Punjab.

.... Petitioner

Versus

Punjab State Power Corporation Ltd., through its Chairman and Managing Director, The Mall, Patiala, Punjab.

....Respondent

For Petitioner: Sh. Praveen Kumar, Advocate
Sh. Kamal Gulati, Manager, Legal.

For PSPCL: Sh. Iqbal Singh, CE/ARR&TR
Sh. Sanjeev Parbhakar, SE/TR-2
Sh. V.P.S. Kailay, ASE/TR-5

ORDER

Siel Chemical Complex (Siel), has filed the present petition under Section 142 and Section 62(6) of the Electricity Act,

2003 for violation of Tariff Order for FY 2018-19 by Punjab State Power Corporation Ltd. (PSPCL) praying to pass the directions to PSPCL to rectify the bill of May, 2018 in accordance with the Tariff Order 2018-19 and refund/adjust the excess payment of Rs. 70,21,913 made against the monthly bill of May, 2018 alongwith interest at bank rate and to raise monthly bills in accordance with the tariff approved by the Commission.

2. Siel has submitted that it is a large supply power intensive continuous process industry and is a LS consumer of PSPCL with the sanctioned connected load of 38MW and contract demand of 35 MVA, sanctioned vide office memo no. 69442/C/108/Ind/Pta dated 20.09.2000. As per the Tariff Order passed by the Commission for FY 2018-19, Siel is entitled for night rebate for power drawn from PSPCL between 10:00 PM to 6:00 AM (next day) and the effective tariff between that period was normal tariff minus Rs. 1.25 per kVAh. The tariff Order also provided that GoP subsidy to industrial consumers as available in 2017-18 w.e.f. 01.01.2018 will also continue in the year of 2018-19. The Tariff Order for FY 2018-19 was effective from 01.04.2018 and accordingly in the monthly bill of April, 2018, the night rebate was availed and the effective tariff was Rs. 3.75 per kVAh with subsidy of GoP. However, in the monthly bill of May, 2018, the night rebate has been withdrawn by PSPCL unilaterally in flagrant violation of the Tariff Order for FY 2018-19. PSPCL on its own reduced the GoP subsidy from Rs. 1.11 per kVAh to Rs. 0.69 per kVAh. As a result of incorrect calculation Siel has been constrained to make an excess payment of Rs.70,21,913/- (Rupees Seventy Lakhs Twenty One Thousand Nine Hundred & Thirteen Only) under protest against the bill for the month of May, 2018. Letter dated

08.06.2018 and 18.06.2018 have been sent by Siel to PSPCL requesting therein to rectify the bill for the month of May, 2018 but PSPCL did not pay any heed to the said request and Siel had to pay bill under protest. PSPCL has acted in violation of the Tariff Order for the FY 2018-19 and has reduced the GoP subsidy on its own in total disregard to the procedure established by law. PSPCL is not authorized to withdraw the night rebate unilaterally of its own and has charged tariff which is not approved by the Commission and the whole exercise of charging excess tariff is not only violative of Tariff Order for FY 2018-19 but also against the Electricity Act, 2003.

3. The petition was taken up for hearing on admission on 26.09.2018. The Ld. counsel appearing on the behalf of Siel has been heard. After examining the averments made in the petition and submissions made by the counsel, the Commission decides as under:

a) Copy of bill for the month of May, 2018 annexed at P/6 of the petition contains 'Message' at the bottom of the bill that indicates the rebate of amount Rs. 7021913 on ToD consumption of 5617530 units @ Rs. 1.25 during the time slot of 2200-0600 hrs. Further, the bill shows Energy Charges of Rs. 95532237/- for total energy consumption of 16784640 kVAh (including ToD consumption) under current SOP by allowing ToD rebate $(16784640 \times 6.11 - 5617530 \times 1.25 = 95532237)$. This is in line with the Tariff Order for FY 2018-19 which specifies the energy charges of Rs. 6.11 per kVAh for the category of Siel i.e. Large Supply Power Intensive Units and ToD rebate of normal tariff minus Rs. 1.25 per kVAh for

the consumption between the time period of 10.00 PM to 06.00 AM (next day) during the period of 1st April, 2018 to 31st May, 2018. **Thus, PSPCL's action in respect of charging tariff from Siel for the month of May, 2018 is not in contravention of the Commission's Tariff Order and do not attract the provisions of Section 142 and 62(6) of the Electricity Act, 2003 as averred by Siel in its petition.**

- b) The Commission estimates the subsidy as per the directions of the Government of Punjab, in order to specify the manner to compensate the licensee affected by the grant of subsidy as mandated by the Act. **Interpretation/clarification of the directions of the Government as sought in the present petition does not fall in the purview of the Commission.**

Hence, the present petition is devoid of merits and not fit for admission.

-Sd/-

(Anjuli Chandra)
Member

-Sd/-

(S.S. Sarna)
Member

-Sd/-

(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: 17.10.2018