

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

**Petition No. 38 of 2018
Date of order: 14.12.2018**

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

In the matter of: Petition under Section 142, 143 and other applicable sections of Electricity Act, 2003, applicable provisions of the PSPCL instruction manual and Supply Code of 2014, for issuance of appropriate directions to the sole respondent, to take appropriate action to fix power tariff as per Govt. of Punjab notification dated 08.09.2003. And to direct PSPCL to either develop or inform any existing mechanism, to penalize defaulting liability of Individual unit-owners.

AND

In the matter of: Shop Owners Welfare Association, House no. 3157, Sector 37-D, Chandigarh.

....Petitioner

Versus

Punjab State Power Corporation Limited, PSEB Head Office, The Mall, Patiala.

.... Respondent

ORDER

Shop Owners Welfare Association (hereinafter referred as Petitioner) has filed the present petition under section 142 & 143 of the Electricity Act, 2003 for issuance of directions to PSPCL to take

appropriate action to fix power tariff as per Govt. of Punjab notification dated 08.09.2003 and also to either develop or to inform the petitioner of any existing mechanism to penalize individual defaulting unit-holders of the complex.

2. The Petitioner submitted as under:

2.1 Pursuant to the orders passed on 27th of December, 2017, by the Additional Chief Administrator, GMADA, the previous occupant of the Multiplex, Paras Buildtech India Private Limited (hereinafter referred as Builder), handed over the possession of Multiplex to the Petitioner on 25th July, 2018. Prior to the aforesaid date, the Builder was acting as a franchisee of PSPCL and was therefore receiving bills to be paid to PSPCL. As per rules of PSPCL, the owner of the building or body incharge of running the affairs of the building is appointed as a franchisee of PSPCL and is thus responsible for collecting the individual electricity charges from unit holders/occupants of the building along with proportionate electricity consumption charges for the common areas. The Builder, at the time of construction of the Multiplex, had obtained an 11KV HT Bulk Supply connection from PSPCL. The control of the Multiplex now stands transferred to the petitioner who is now responsible to pay all electricity bills in relation to the said property. However, on perusal of the electricity bills, it came to the petitioner's notice that the power tariffs being charged by PSPCL were not as per the Government of Punjab, Department of Industries and Commerce, notification dated 08.09.2003, which provides various Concessions to Multiplex Complexes.

- 2.2 The Multiplex, in question is squarely covered under the Definition of “Multiplex Complex” and is therefore fully entitled to avail the concessions inter alia in the Electricity tariff as per the notification dated 08.09.2003 after approval by PSERC. The copy of the notification was annexed with the petition. The power tariff being charged by PSPCL is Rs. 7.19 per unit whereas as per concession given in the notification, it ought to have been Rs. 5.85/kVAh. On the perusal of bills received by the petitioner, it was noticed that the Multiplex is being billed under Non Residential Supply (NRS) category. PSPCL has incorrectly treated the Multiplex under NRS, whereas the connection and supply voltage of 11 KV clearly indicate that it is to be treated as Bulk Supply and a tariff @ Rs. 5.97/kVAh is to be charged.
- 2.3 A franchisee is supposed to make the entire payment of the bill raised by PSPCL but there are individual unit holders who default in making payments resulting in penal charges. PSPCL has not prescribed any mechanism to penalize the individual defaulter and instead levies the penalty on the entire billing amount of the unit holders. The petitioner has made two representations to PSPCL, one regarding excessive tariff charges, and the other regarding the above-mentioned mechanism to be adopted in case of defaulting unit holders. However, till date both have not been replied.
3. The petition was taken up for admission on 15.11.2018. After considering the averments made in the petition and the arguments put forth by the parties during hearing, the Commission notes that the present petition has been filed under Section 142 and 143 of the Electricity Act, 2003 (the Act) to issue directions to PSPCL to fix the power tariff as per Govt. of Punjab notification dated

08.09.2003 and also to develop or inform of any existing mechanism to penalize individual defaulting unit-holders of the complex.

Section 142 of the Act provides for penalty in case any person has contravened any provisions of the Act or rules or the regulations made thereunder or any directions issued by the Commission. Section 143 of the Act empowers the Appropriate Commission to appoint any of its Members as adjudicating Officer for holding an enquiry in certain matters as specified in the Act.

The petitioner has alleged that PSPCL is incorrectly billing the multiplex under NRS category although he is entitled for industrial tariff as per Govt. of Punjab, Department of Industries and Commerce notification dated 08.09.2003. It is observed that Clause v(ii) of this notification provides that in case of multiplex complex, the power tariff rates as applicable to Industry will be applicable, subject to approval by the Commission.

Since the Commission has not approved such tariff for multiplex complexes, so the petitioner is not entitled to claim the industrial tariff as per the said notification dated 08.09.2003. The officers of PSPCL present during the hearing confirmed that the application for connection of the Multiplex was for NRS and released under NRS category and is billed accordingly.

The Commission also notes that the petitioner is neither a consumer nor a franchisee of PSPCL as yet, so the petitioner has no *locus standi* to agitate these issues before the Commission.

The petitioner failed to point out any violation on the part of PSPCL which warrants action under the provisions of the Section 142 of

the Act. The petitioner has not made any specific pleadings attracting the application of Section 143 of the Act..

The petitioner is free to raise the issue of tariff during the process for determination of tariff by filing objections/suggestions against the ARR filed by the licensee.

In view of the above, the petition is not fit to be admitted and is disposed of accordingly.

Sd/-
(Anjali Chandra)
Member

Sd/-
(S.S. Sarna)
Member

Sd/-
(Kusumjit Sidhu)
Chairperson

Chandigarh
Date 14.12.2018

