

**PUNJAB STATE ELECTRICITY REGULATORY COMMISSION**  
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

**Petition No. 52 of 2023**  
**Date of Hearing: 24.07.2024**  
**Date of Order: 26.07.2024**

Petition under Section 86(1)(f) of the Electricity Act, 2003; Regulation 68 and 69 of the Punjab State Electricity Regulatory Commission (Conduct of Business) Regulations, 2005; and Article 17.3.1 of the Power Purchase Agreement dated 01.09.2008 seeking issuance of appropriate directions/orders for quashing/setting aside the unlawful demand raised by the Respondent by way of its letters dated 13.04.2023, 03.06.2023, 30.06.2023, 19.07.2023 and 10.08.2023 on account of rebate availed by the Petitioner against the payments of the Monthly Bills for the period w.e.f. April 2020.

And

In the matter of : Punjab State Power Corporation Limited, Patiala- 147001.  
.....Petitioner

Vs.

Talwandi Sabo Power Limited (TSPL), Mansa-Talwandi Sabo Road,  
Village Banawala, District Mansa, Punjab151302.  
.....Respondent

Commission Sh. Viswajeet Khanna, Chairperson  
Sh. Paramjeet Singh, Member

PSPCL: Sh. M.G. Ramachandran, Sr. Advocate (through VC)  
Ms. Harmohan Kaur, CE/ARR&TR  
Sh. Harjeet Singh, ASE/TR  
Sh. Gagandeep Singh, Sr.Xen.

TSPL: Sh. Venkatesh, Advocate (through VC)

**ORDER**

The Petition was taken up for hearing on admission. The Ld. Counsel appearing for TSPL reiterated its preliminary objection, filed on 06.01.2024, on the issue of maintainability of the Petition. TSPL, while submitting that an identical issue of PSPCL having availed the incentive of rebate without making full payments towards capacity charges is pending before the Hon'ble High Court of Punjab and Haryana in a contempt proceeding (i.e. COCP No. 1493 of 2023) filed by it. It was argued that parallel proceedings on the same cause of action are not permissible, as held in the case judgments of "A.

*Haleem & Ors. v. M.S. Tajudeen & Ors.*, 1994 Supp (3) SCC 644 and “*Jasvir Kaur v. State of Haryana & Ors.*, 2021 SCC OnLine P&H 3905”. Ld. Counsel sought that either the petition should be dismissed as not maintainable due to a similar issue pending before the Hon'ble High Court or at least deferred till the matter before the High Court is decided.

Whereas, the Ld. Counsel of PSPCL submitted that the Judgments as relied upon by TSPL have no bearing on the present case, as there is no nexus between the purported contempt against the alleged violation of the Hon'ble High Court Orders as sought to be raised by TSPL and the subject matter of the present proceedings. It was further submitted by PSPCL that, while the Contempt Petition filed by TSPL is for the alleged violation of Order dated 04.07.2022 passed by the Hon'ble Punjab & Haryana High Court in CWP No. 7519 of 2020, the instant petition is for seeking the quashing of TSPL's impugned invoice raised for claiming refund of the rebates availed by PSPCL, in terms of Article 11.3.5 read with Article 18.3 of the PPA, for payments made before the due date on specific requests made by TSPL. It was also submitted that PSPCL has duly disclosed before the Hon'ble Punjab and Haryana High Court the pendency of the present proceedings before this Commission. Further, PSPCL also referred to the Hon'ble Supreme Court Order in Civil Appeal No. 7524 of 2012, wherein it has been held that, “*Since, one of the objectives of the new enactment (Electricity Act 2003) is to ensure expeditious adjudication of the disputes raised by the parties, there is no warrant for entertaining preliminary/interlocutory objections raised by either party and decide the same by long-drawn hearing and by recording lengthy orders. The State Commission and the Tribunal should, while deciding the main matter consider all objections including the one relating to their jurisdiction to entertain the matter*”.

After hearing the parties the Commission notes the fact that the Respondent generating company TSPL is not contesting the existence of a dispute but is asking that it be held not maintainable due to similar issues raised by it in the contempt petition before the High Court or alternatively it may be deferred awaiting the decision of the contempt petition filed by it in the High Court against the present petitioner PSPCL. It is pertinent that adjudication of such disputes is a function of the State Commissions as specified under Section 86(1)(f) of the Electricity Act. The Commission, having the relevant jurisdiction,

decides to admit the petition in order to examine the issues being raised on merit in detail for passing of appropriate orders.

TSPL is directed to file its reply on merits within two weeks with a copy to PSPCL (through hard copy & soft copy) and the rejoinder thereto, if any, may be filed by PSPCL within two weeks thereafter with a copy to TSPL (through hard copy & soft copy).

The petition shall be taken up for hearing on 04.09.2024 at 11.30 AM.

Sd/-  
(Paramjeet Singh)  
Member

Sd/-  
(Viswajeet Khanna)  
Chairperson

Chandigarh  
Dated: 26.07.2024