

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

**Petition No. 49 of 2024**  
**Date of Order: 02.04.2025**

Petition under Section 86 (1) of the Electricity Act, 2003 read with Regulation 44 of the Punjab State Electricity Regulatory Commission (Electricity Supply Code and Related Matters) Regulations, 2014 read with Regulation 10 of the Punjab State Electricity Regulatory Commission (Conduct of Business) Regulations, 2005, and other relevant regulations framed by this Hon'ble Commission and relevant sections of the Electricity Act, 2003, *inter alia*, for issuance of necessary directions to Punjab State Power Corporation Ltd. to refund the amount of (i) Rs. 8,09,82,602/- deposited by the petitioner under protest on 15.07.2024; and (ii) Rs. 49,51,711.48 deposited by the petitioner under protest on 31.03.2024, (both amounts long with interest).

And

In the matter of: Oliver Engineering Private Limited, through its Authorized Signatory having its registered office at House No. 48, Block X, Loha Mandi, Naraina Industrial Area, New Delhi-110028.

...Petitioner

Versus

Punjab State Power Corporation Limited, through its Executive Engineer O/o AEE, Commercial Sub-Division Rajpura, Patiala District, Punjab-140401.

...Respondent

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

Petitioner: Sh. Surjeet Bhadhu, Advocate  
Ms. Sanya Thakur, Advocate

**ORDER**

The petitioner, Oliver Engineering Private Limited, is engaged in the business of ferrous castings and machining having its manufacturer facility at Village Sandharsi,

Tehsil Rajpura, Punjab and is a consumer of Punjab State Power Corporation Ltd. with A/c No. 3002310071 and meter No. 100008778730. The Petitioner failed to pay the dues to PSPCL and PSPCL, vide order dated 26.03.2022, disconnected the electricity supply of the petitioner for non-payment of past dues. The petitioner further submits that the Hon'ble National Company Law Tribunal, Delhi initiated the Corporate Insolvency Resolution Process (CIRP) against the petitioner under the provisions of the Insolvency and Bankruptcy Code, 2016, vide order dated 26.04.2022. An Interim Resolution Professional (IRP) was appointed by the Hon'ble NCLT. During the CIRP, PSPCL failed to file any claim pertaining to the period before and/or during the CIRP. The Resolution plan filed by Kiriloskar Ferrous Industries Ltd. (KFIL) was approved by the NCLT. The Hon'ble NCLT while approving the resolution plan has held categorically that all such claims which are not a part of the resolution plan shall stand extinguished. After the approval of the resolution plan, KFIL took over the ownership, management and operations of the petitioner company on a clean slate basis and addressed several communications to PSPCL for commencing supply of electricity to the plant. However, PSPCL, contrary to the order passed by the Hon'ble NCLT, issued a demand notice dated 18.06.2024 bearing No. 1936 demanding Rs. 10,38,67,332/-, out of which Rs. 8,09,82,602/- were the fixed charges for the period from 27.03.2022 to 18.03.2024 and further, levied fixed charges of Rs.55,87,869/- for the period 19.06.2024 to 22.08.2024 despite the fact that PSPCL started supplying electricity to the plant only on 06.08.2024. The Petitioner has submitted that the fixed charges have been levied by PSPCL incorrectly and erroneously. However, the same were paid by the petitioner under protest with a view to recommencing supply of electricity needed for the company's operations. The petitioner requested PSPCL to refund the same

vide letters dated 17.08.2024 and 12.09.2024 but PSPCL has failed to refund the amount.

2. The petitioner has filed the present petition for a direction to PSPCL to withdraw the demand notices and to direct PSPCL to refund the amount of Rs. 8,09,82,602/- paid by the petitioner on 15.07.2024 and Rs. 49,51,711/- paid on 31.09.2024 with interest @ 18% per annum from the date of payment till the date of refund by PSPCL. During the hearing on 11.12.2024, it was observed and queried by the Commission that since the petitioner is neither a generating company nor a licensee then how is the jurisdiction of the Commission attracted. The Ld. Counsel appearing for the petitioner requested for time to file written submissions in this regard. The petitioner has filed written submissions dated 17.01.2025. The petition was taken up for hearing on admission on 18.02.2025 and after hearing the Ld. Counsel for the petitioner on the maintainability of the petition, the order was reserved.
3. The Commission has examined the petition as well as the written submissions filed by the petitioner. The grievance raised by the petitioner is that PSPCL has incorrectly and erroneously levied the fixed charges on the petitioner which the petitioner has paid under protest and has prayed for refund of the amount of fixed charges with interest. It would be relevant to examine the provisions of the Electricity Act 2003 and the relevant regulations in this regard to examine as to whether the jurisdiction of the Commission is attracted to entertain the petition filed by the petitioner. Section 42 (5) (6) (7) & (8) of the Electricity Act 2003 provides as under:

*“(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.*

*(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of*

*his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.*

*(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.*

*(8) The provisions of sub-sections (5),(6) and (7) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by those sub-sections.”*

In compliance of Section 42 (5) of the Electricity Act 2003, the Commission framed the PSERC (Forum and Ombudsman) Regulations, 2016 and its Regulation 1.5 (g) provides as under:

*g) “consumer grievance” means & includes any complaint relating to any fault, imperfection, short coming, defect or deficiency in the quality, nature and manner of service or performance in pursuance of a licence, contract, agreement or under Electricity Supply Code or in relation to Standards of Performance specified by the Commission including payment of compensation or billing disputes of any nature or recovery of charges by the licensee and matters relating to the safety of the distribution system having potential of endangering the life or property. However, the matters pertaining to Open Access granted under the Act and Section 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act shall not form grievance under these regulations.;*

The issue raised by the petitioner amounts to a consumer grievance as defined in the PSERC (Forum and Ombudsman) Regulations 2016. It has been held by the Hon’ble APTEL in Appeal No. 104 of 2005, Dakshin Haryana Bijli Vitaran Nigam Ltd. Vs DLF Services Ltd. that the State Commission, in law, cannot usurp the jurisdiction of either the Grievance Redressal Forum or the Ombudsman. Thus, in respect of the grievances of the consumers, a specific forum of redressal and representation to a higher authority is already provided for in the Regulations framed and notified by the Commission. An Appellate Procedure has also



been provided for with respect to Consumer Grievances. It has been further held by the Hon'ble Supreme Court in AIR 2008, Supreme Court 1042 in the case of MSEDCL Vs Lloyd Steel Industries Ltd. that by virtue of Section 42 (5), all the individual grievances of the consumers have to be raised before the Grievance Redressal Forum and the Ombudsman only. The Commission does not interfere in the settlement of disputes between the licensee and the consumers since a specific structure has been created for this purpose.

Therefore, when a specific remedy is available to the consumers by virtue of Section 42 (5) and 42 (6) of the Act to approach the grievance forum and the ombudsman for getting their grievance redressed, the jurisdiction of the Commission is not attracted. The issue raised by the petitioner is a "Consumer Grievance" and the jurisdiction of the Commission is not attracted to entertain the petition. The petition is not maintainable before the Commission and is thus dismissed with the above observations.

Sd/-

(Paramjeet Singh)  
Member

Sd/-

(Viswajeet Khanna)  
Chairperson

Chandigarh

Dated: 02.04.2025