

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

**Petition No. 52 of 2022**  
**(Suo - Motu)**

**Date of Hearing: 12.10.2022**

**Date of Order: 03.11.2022**

Report on compliance of Order dated 17.05.2022 of the Ombudsman, Electricity, Punjab in Appeal Case No. A-22 of 2022. M/s APS Associates Pvt .Ltd, D-133, Phase-V, Focal Point, Ludhiana Vs PSPCL.

And

In the matter of: Commission on its own motion.

Versus.

The Punjab State Power Corporation Limited, the Mall Patiala, through its Chairman-Cum-Managing Director.

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

PSPCL: Sh. Rupinderjit Singh Randhawa, CE/ARR&TR  
Sh. Ravi Luthra, SE/TR-2  
Sh. Gurvinder Singh, Sr.Xen/TR-5  
Sh. Jagdeep Singh, Sr.Xen

**ORDER**

The Court of Lokpal (Ombudsman), Electricity, Punjab, S.A.S Nagar Mohali passed order dated 17.05.2022 in Appeal No. A-22 of 2022 in the matter of M/s APS Associates Pvt .Ltd , Focal Point Ludhiana V/s Senior Execute Engineer DS Focal Point (Spl.) Division, PSPCL, Ludhiana. The Order dated 17.05.2022 was required to be complied with by PSPCL within 21 days of the date of receipt of the Order. However, as reported by the Ombudsman in a reference to the Commission, PSPCL has not implemented the Order within the stipulated period. The Ombudsman, Electricity Punjab after hearing the Consumer as well as the licensee sent a report vide letter No. 845/OEP/A-22/2022 dated 02.08.2022 for taking appropriate action by the Commission against PSPCL under Section 142 of the Electricity Act, 2003. Memo no. 845/OEP/A-22/2022 dated 02.08.2022 received from the Secretary, Ombudsman

Electricity, Punjab was taken on record as petition no. 52 of 2022 (Suo-Motu) and notice was issued to PSPCL to submit its reply.

PSPCL filed its reply vide memo no. 7522 dated 10.10.2022 submitting that the Ombudsman vide order dated 17.05.2022 directed Xen/Focal Point Ludhiana to charge Late Payment surcharge and Late Payment Interest to the petitioner M/s APS Associates strictly as per the General Conditions of Tariff approved by the Commission. The Dy. CE/Op. City East Circle, Ludhiana took clarification from Chief Engineer/Commercial, PSPCL, Patiala and as per the clarification received from the office of CE/Commercial Patiala vide Memo NO. 184/DD/SR-91 dated 20.07.2022, it was clarified that as per Clause no. 21.4 of General Conditions of Tariff 2022-23, the interest @ 1.5% is to be charged monthly on the gross unpaid amount, which implies that interest is being automatically compounded on monthly basis as per the spirit of relevant clauses of Supply Code and Tariff Order issued by the Commission. The order dated 17.05.2022 passed by the Ombudsman has already been implemented as per the clarification. The Xen/Focal Point implemented the decision of the Ombudsman and a notice was sent to the petitioner vide memo no. 12142 dated 01.08.2022 to deposit Rs. 52,29,695/- as outstanding amount. The consumer has not deposited the said amount and as on 02.09.2022 the current outstanding balance in SAP is Rs. 1,30,86,700/-.

### **Observations and Decision of the Commission**

The Commission has examined the report submitted by the Ombudsman, Electricity Punjab for taking appropriate action under section 142 of the Electricity Act, 2003 against PSPCL for non-compliance of the order dated 17.05.2022 passed in appeal case no. A-22 of 2022 titled as M/s APS associates Pvt. Ltd. D-133, Phase V, Focal Point, Ludhiana versus PSPCL. PSPCL has submitted in its reply that the decision dated 17.05.2022 of the Ombudsman has already been implemented as per the clarification received from CE/Commercial office, PSPCL, Patiala vide memo no. 184/DD/SR-91 dated 20.07.2022 and intimated to the consumer. Therefore, keeping in view the above, no ground is made out for taking action against PSPCL under section 142 of the Electricity Act, 2003.

The Ombudsman while submitting its report for taking appropriate action against PSPCL under section 142 of the Electricity Act, 2003 has further submitted in para no.

17 that Sr. No. (ii) of the decision dated 17.05.2022 has not been implemented by PSPCL correctly as per Tariff Orders of the Commission due to wrong interpretation of condition no. 21 of General Conditions of Tariff and this issue may be settled on urgent basis. The Commission noted that Order dated 17.05.2022 has attained finality and has been given effect to by PSPCL as discussed above. Even otherwise it is the Order dated 17.05.2022 which was to be complied by the respondents and not the clarification given by the Ombudsman at the later stage vide Order dated 26.07.2022. Moreover, the suggestions given by the Ombudsman while clarifying the initial order dated 17.05.2022 are even not conclusive. Ombudsman himself is not sure of the directions given, as he himself is seeking clarification from the Commission.

At this juncture, in the light of the reference from Ombudsman and notice to PSPCL under Section 142 of the Electricity Act 2003, it is only to be seen whether Order dated 17.05.2022 has been complied with or not. The Order dated 17.05.2022 has been implemented by PSPCL. Hence no action under Section 142 is maintainable against the respondents.

The petition is disposed of accordingly.

Sd/-

(Paramjeet Singh)  
Member

Sd/-

(Viswajeet Khanna)  
Chairperson

Chandigarh  
Dated: **03.11.2022**