

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

Petition No. 35 of 2022
Date of Order: 08.05.2023

Petition in the matter of non-compliance of Supply Code (2014) Reg. 6.8.5 & 6.8.7 (b) regarding issues of (A.P) agriculture pump set electric connection to the petitioner for his agriculture land and in the light of the Suo Moto limitation extension order by the Hon'ble Apex Court of India.

AND

In the matter of: Mr. Mastan Singh S/o Sh. Gurdial Singh V.P.O Jantepura
Tehsil. Jagraon, Distt. Ludhiana.

.....Petitioner

Punjab State Power Corporation Limited.

.....Respondent

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

Petitioner: Sh. Mastan Singh
Sh. Sandeep Singh

PSPCL: Sh. Rupinderjit Singh Randhawa, EIC/ARR&TR
Sh. Ajay Bansal. DY.CE
Sh. J.K Jindal, Sr.Xen.

ORDER

1.0 The petitioner has filed the present petition for a direction to PSPCL to allow the petitioner one more chance to deposit the requisite demand notice fee for the AP Electric Connection. Sh. Gurdial Singh father of the petitioner applied for AP Connection and demand notice was issued by PSPCL vide memo No. 690 dated 30.03.2016. After the death of Sh.

Gurdial Singh, his son Sh. Mastan Singh applied for extension in the demand notice on 22.05.2020 and vide letter dated 15.06.2020 the period of demand notice was extended upto 14.09.2020. The petitioner was hospitalized due to heart attack and could not deposit the amount of demand notice within the period specified in the demand notice. After discharge from the hospital the petitioner approached PSPCL for depositing the amount of demand notice but PSPCL refused to accept the amount stating that there is no provision to extend the period of demand notice more than once. The petitioner has submitted that as per Regulation 6.8.5 of the Supply Code the demand notice is valid for 6 months for AP consumers and no notice was given before cancellation of the application as required under Regulation 6.8.7 of the Supply Code. Further, the period of demand notice falls in the year 2020-21 and the Hon'ble Supreme Court has also issued guidelines to extend the limitation period due to Covid-19. The petitioner has submitted that PSPCL has contravened Regulation 6.8.5 and 6.8.7 of the Supply Code 2014 and has prayed that he may be allowed to deposit the amount against the demand notice.

1.1 The petition was fixed for hearing on admission and notice was issued to PSPCL. PSPCL filed its reply to the petition vide memo No. 6728 dated 02.08.2022. PSPCL has submitted that extension in period of demand notice was allowed from 15.06.2020 to 14.09.2020 as per rules Regulations, policies and notification but the requisite amount was not deposited by the petitioner during the extended period. The petitioner was informed vide letter No. 370 dated 31.03.2021 that no further period of demand notice can be extended after the extension of period of demand notice as per clause 17.6 sub-clause ii of ESIM and as per Regulation 6.8.7 (b) of the supply code there is no provision to extend the period of demand notice more than once. Regulation 6.8.5 of the Supply Code is not

applicable to the facts of the present case and 30 days notice is not required to be served to the applicant in case of revival of cancelled application after 2 years as in the present case the revival of cancelled application was done after more than 2 years. PSPCL further submitted that the guidelines to extend the limitation period due to Covid-19 are not applicable to the present case as the same are applicable to the proceedings before the different judicial courts. Even otherwise the application for extension of period of demand notice was moved by the applicant during Covid-19 period.

1.2 Vide order dated 19.09.2022, PSPCL was directed to submit the details of similar cases pending with PSPCL. The petitioner filed reply/rejoinder to the reply filed by PSPCL and reiterating its earlier submissions submitted that the petitioner approached the concerned office of PSPCL before 14.09.2020 and they refused to receive the requisite amount in cash and insisted to deposit the amount by cheque. The petitioner had no cheque book and issue of the cheque book takes time and if the domestic electricity bills can be deposited in cash then the other requisite amounts can also be deposited in cash. PSPCL granted only 3 months period to deposit the amount of the demand notice and did not allow a period of 6 months as provided under Regulation 6.8.5 of the Supply Code 2014. It was nowhere mentioned in the second demand notice that it was the last chance to deposit the amount. Further, PSPCL is a legal institution of the state and the guidelines issued by the Hon'ble Supreme Court are applicable in the present case.

1.3 PSPCL submitted information with regard to the pendency of the similar matters vide memo No. 5305 dated 07.02.2023. The parties addressed arguments on 08.02.2023 on admission of the petition as well

as on merits. After hearing the parties, the petition is admitted and order was reserved vide order dated 08.02.2023.

2.0 Observations and Decision of the Commission

The Commission has examined the submissions of the petitioner as well as the submissions made by PSPCL. It will be appropriate to examine the relevant provisions of the Supply Code, 2014 in respect of validity/extension of demand notice in case of AP connections as under:-

6.8.5 Validity of Demand Notice Period:

Validity of Demand Notice Period: The Demand Notice shall be valid for a period of three (3) months for LT supply categories (except AP) and six (6) months for all other category of consumers (including AP) from the date of issue of Demand Notice unless extension is granted as per regulation 6.8.7. In case a revised demand notice is issued on account of revision of feasibility clearance or any other reason, the validity period of such demand notice shall start from the date of issue of revised demand notice.

6.8.7 Extension of Demand Notice Period:

(a).....

(b) Extension of Demand Notice for AP applicant & Revival of cancelled AP Application:

In case an AP applicant does not comply with the demand notice within the validity period, his application shall be liable to be cancelled after serving a 30 days' notice to the consumer/ applicant in this regard. However, if the request for extension in the validity period of Demand Notice is received within the validity/notice period along with extension fee as specified in Schedule of General

Charges, validity period shall be further extended up to a maximum period of two years from the date of issue of demand notice in all cases in blocks of three months by the distribution licensee.

Provided that in case an AP applicant is not able to apply for extension in demand notice period within the original /extended period of the demand notice and his application has been cancelled, the request of such AP applicant for revival may be acceded to by the distribution licensee for a maximum period of 2 years from the date of issue of demand notice in blocks of 3 months provided the applicant deposits the revival fee equivalent to double the Demand Notice extension fee in addition to normal demand notice extension fee per quarter as applicable.]

Provided further that if the applicant seeks revival of cancelled application after two years from the date of issue of Demand Notice, the request for revival of such application shall be allowed by the Licensee only once for a maximum period of 3 months provided the applicant deposits the revival fee equivalent to double the Demand Notice extension fee in addition to normal demand notice extension fee per quarter as applicable along with Security (consumption) and Service Connection Charges as in vogue at the time of revival of application/extension in demand notice.

The revival of cancelled application and extension in the period of Demand Notice shall not be allowed beyond ten years from the date of expiry of original demand notice period.] 3 [Provided also that in case of revival of cancelled application after 2 years, no further 30 days notice shall be served to the applicant and his application shall be deemed to be cancelled if

the applicant does not make compliance of the demand notice within the extended validity period after revival.]

A perusal of above regulations bring out that as per Regulation 6.8.5, the validity of demand notice for AP connection is 6 months from the date of its issue. Further, Regulation 6.8.7(b) specifies that in case an AP applicant does not comply with demand notice within the validity period, the application is liable to be cancelled after serving a 30 days' notice to the consumers/applicant in this regard. However, validity of demand notice, subject to payment of specified extension fee, can be extended on the request for extension by the AP applicant, upto maximum 2 years from the date of issue of demand notice. Further, in case, extension within the original/extended period is not applied for, and his application has been cancelled even then the request of AP applicant for revival can be acceded to by the licensee for a maximum period of 2 years from the date of issue of demand notice. But if such revival is sought after 2 years from the date of issue of demand notice, the revival of such application is allowed only once for a maximum period of 3 months subject to payment of specified fees provided that the extension/revival is not allowed beyond 10 years from the date of expiry of demand notice.

In this case, the validity of the original demand notice issued vide PSPCL memo dated 30.03.2016 was upto 29.09.2016 which was not complied with by the petitioner. However, the respondent i.e. PSPCL has not made any submission or produced record showing that the specified 30 days' notice was given to the petitioner before cancellation of the application. The petitioner applied for revival and extension of demand notice on 22.05.2020. In this case, the specified 10 year period expires on 29.09.2026. Thus, the petitioner has applied for revival of application/extension in demand notice well within above mentioned period

of 10 years. But the case of the respondent is that in case of request for revival of cancelled application after 2 years, the revival of the application can be allowed only once for a maximum period of 3 months and that the respondent has already done the same for the period w.e.f. 15.06.2020 to 14.09.2020. Since the petitioner did not deposit specified fee during the abovementioned period, no further extension can be given to the petitioner as per the regulations. On the other hand, the petitioner has mainly referred to his incapacity due medical conditions, admission in hospital and open heart surgery during aforementioned period and COVID-19 epidemic due to which he could not deposit the specified fee within the said period upto 14.09.2020.

The contention of PSPCL that further extension in demand notice in case of revival of cancelled applications after 2 years of date of issue of original demand, cannot be given, is in line with the regulations referred above. But PSPCL has not produced record showing conformity with the Regulation 6.8.5 which specifies that in case of non-compliance with original demand notice, 30 days' notice is required to be given to the applicant before cancellation of the application. Further, memo no.398 dated 20.04.2022 written by Assistant Executive Engineer/Operations, Sidhwa Bet Sub-Division, PSPCL to Additional SE/Operations, Jagraon Division, PSPCL intimates that on the basis of the medical reports given by the petitioner, it will be appropriate to say that the petitioner was admitted in hospital on 12.09.2020. There are further extenuating circumstances due to COVID-19 epidemic. In view of the foregoing and to provide relief to the petitioner considering the specific circumstances, the Commission, as one time measure, under Regulation 46 of the Supply Code, 2014 directs PSPCL to give one more opportunity to the respondent by issuing a 30 days notice to the petitioner to deposit requisite fee for release of AP

connection. The documents produced before the Commission have been relied upon and PSPCL will check that other terms, conditions and requirements are met with.

The petition is accordingly disposed of.

Sd/-
(Paramjeet Singh)
Member

Sd/-
(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: 08.05.2023

