**COURT OF THE LOK PAL (OMBUDSMAN),**

**ELECTRICITY, PUNJAB,**

**PLOT NO.A-2, INDUSTRIAL AREA, PHASE-1,**

**S.A.S.NAGAR (MOHALI).**

**APPEAL NO. 34/2018**

**Date of Registration : 09.07.2018**

**Date of Hearing : 11.10.2018**

**Date of Order : 18.10.2018**

**Before:**

 **Er. Virinder Singh, Lok Pal (Ombudsman) Electricity**

**In the Matter of :**

 Indus Super Speciality Healthcare Pvt. Ltd,

Chandigarh-Ambala Road,

National Highway-22,

Dera Bassi.

 ...Petitioner

 Versus

 Additional Superintending Engineer,

DS Division ,

PSPCL, Lalru.

 ...Respondent

**Present For:**

Petitioner : Sh. Balwinder Pal,

 Petitioner’s Representative (PR).

Respondent : Er. K.S. Randhawa,

 Addl. Superintending Engineer.

 Before me for consideration is an Appeal preferred by the Petitioner against the order dated 31.05.2018 in Case No. CG-108 of 2018 of the Consumers Grievances Redressal Forum (Forum) deciding as under:

1. *Demand Surcharge levied to the Petitioner from June 2016 onwards is justified and recoverable from the Petitioner as Petitioner failed to restrict his demand upto partial load/contract demand allowed to him.*

*(ii) Bank Guarantee amounting to Rs.5,00,000/- furnished by Petitioner for getting its original demand load of 424 kW and 470 kVA to get permission of 11 kV XLPE underground cable crossing the railway track between OHE pole no.224/ 4-5 between DHPR (Dhappar) and GHG (Gaggar) Railway Stations on UMB-CDG section is to be returned immediately by the Respondent.*

*iii) Interest on security consumption be paid to the Petitioner as per Regulation 17 of the Supply Code-2014.”*

2. **Facts of the Case:**

The relevant facts of the case are that:

1. The Petitioner was having a Non-Residential Supply (NRS) Category connection with sanctioned load of 424 kW and contract demand (CD) of 470 kVA.
2. The Petitioner applied for this New NRS connection vide Application and Agreement No. 13095 dated 29.01.2016 through single window after depositing Rs. 2,27,410/- as Security Consumption and Security Meter on 13.01.2016.
3. The Technical Concurrence was given by the Addl. S.E, DS Division, PSPCL, Lalru vide No.1114 dated 15.02.2016.
4. The Demand Notice was issued, vide letter no. 289 dated 16.02.2016 for release of connection through 11 kV feeder from 66 kV Sub-station, Sekhpura. The Petitioner complied with the Demand Notice and deposited Rs. 20,98,800/- on 08.03.2016.
5. Thereafter, the Petitioner requested, vide Reference No. 11H / ELC / 2016 / 002 dated 16.05.2016, for the release of partial load from nearest Industrial Feeder for 220kW/225kVA because the commissioning of proposed new 11 kV feeder was likely to get delayed due to Railway Crossing (Kalka - Ambala railway track).
6. The Feasibility Clearance for availing 225 kVA partial load to the Petitioner was given by the Addl. S.E, DS Division, PSPCL, Lalru vide letter No. 3995 dated 13.06.2016. The Petitioner gave the requisite undertaking as stipulated in the Feasibility Clearance given by the Respondent.
7. Again, the Petitioner deposited Rs. 2,41,330/- (shared) cost of VCB = Rs.17,775/- plus 11 kV Line (Shared) Cost = Rs. 1,90,067/- plus erection cost of Rs. 33,448/-, totalling to Rs.2,41,330/-) against Demand Notice issued vide letter no.1418 dated 14.06.2016 in response to its application dated 11.01.2016.
8. The Partial Load was released on 18.06.2016 vide SCO dated 17.06.2016.
9. In the meantime, the Petitioner also deposited Rs. 52,500/- for extension in partial load by 125 kVA, but withdrew its request.
10. The permission for Railway Crossing to erect 11 kV Independent Feeder to the Hospital (Petitioner’s Unit) as granted by Northern Railway vide letter no. 63-Elect/UMB/471 dated 18.01.2018 and a demand for Rs. 5,15,104/- was raised which included Security Charges of Rs. 5,00,000/- in the form of Bank Guarantee and Rs. 15,104/- towards Way Leave Charges vide letter dated 12.09.2017. The work of crossing 11 kV XLPE cable under the Railway Track was completed on 03.02.2018.
11. The Petitioner deposited the amount on 08.11.2017 and the full load was released after erection of 11 kV line, on 14.04.2018 vide SJO no. 136/3037 dated 12.04.2018.
12. The Petitioner was aggrieved with levy of:
13. Demand Surcharge of Rs. 12,19,095/- levied in energy bills from 06/2016 and interest thereon amounting to Rs. 2,41,192/-.
14. Interest on amounts deposited to get the connection viz Initial Security = Rs. 2,27,410/-, SCC = Rs. 20,98,850/-, Security on Partial Load = Rs. 241,330/-, Bank Guarantee = Rs. 5,00,000/- for getting the permission from Northern Railway of 11 kV underground Power Cable

Accordingly, the Petitioner filed a Petition dated 22.03.2018 in the Forum, who, after hearing, passed order dated 31.05.2018 (Reference: Page 2, Para 1). In its the decision, the Forum gave relief by allowing interest on Security deposited by the Petitioner and directed that Bank Guarantee amounting to Rs. 5,00,000/- be returned to the Petitioner immediately.

1. Not satisfied with the decision of Forum, the Petitioner preferred an Appeal in this Court and prayed to allow the same in the interest of justice.
2. **Submissions made by the Petitioner and the Respondent:**

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Petitioner and reply of the Respondent as well as oral submissions made by the Representatives of the Petitioner and the Respondent along with material brought on record by both the sides.

**(a) Submissions of the Petitioner**:

The Petitioner made the following submissions for consideration of this Court:

1. The Petitioner applied for electricity connection under General Category with full capacity load up-to 470 kVA which was the actual requirement for the working of the Hospital. At the time of applying for the connection, a security deposit of Rs. 2,27,410/- was made in favour of the PSPCL vide NEFT dated 13.01.2016. An Agreement for High Tension and Extra High Tension supply was also signed between the Petitioner and the Respondent - PSPCL.
2. In response to its request for the said connection, it was suggested by the officials of the PSPCL that since the industrial feeder, that crossed near the Hospital, would not have enough capacity to meet the load requirement of the Hospital, therefore, a separate/independent feeder of 11 kV for the Hospital was required to be carried out from Sekhupura Grid Sub-station. In pursuance of the same, a Demand Notice of Rs. 20,98,850/- was issued by the Respondent which was complied with by depositing the amount to the PSPCL .
3. Since the proposed installation of feeder for power line from Sekhupura Grid Sub-station to the Hospital had a crossing to the Railway rack, permission was required from the Railway department which was the responsibility of the Respondent - PSPCL and an undertaking that if any charges in addition be raised by the Railway Department concerning the permission, it should be paid by the Petitioner.
4. The Hospital became operational in the month of April, 2016 but it did not get any connection and response from the PSPCL until June, 2016. The Petitioner submitted its grievances before the authorities and after a lot of pleadings, a partial load up to 225 kVA was allowed from the Industrial Feeder which was much below the requirement of the Hospital. The same was allowed subject to additional charges and it was verbally told by the Respondent that the same would be reimbursed upon the installation of the Independent Feeder.
5. The Petitioner had no other option and being under immediate necessity, accepted to the demand raised and accordingly, deposited a sum of Rs. 2,41,330/- vide two demand drafts dated 13.06.2016 and 15.06.2016 for Rs. 33,488/- and 2,07,842/- respectively, in favour of PSPCL.
6. The requirement of the Hospital was much higher than the sanctioned load of 225 kVA. Resultantly, the PSPCL imposed another penalty over and above the billed amount already raised. Aggrieved with such unnecessary financial burden for no fault of it, the Petitioner again requested to extend its load as it was incurring lot of additional expenses but the Petitioner was informed that it could only be done after one year from the date of earlier load. It was unfortunate that for one year, neither its load was extended nor any progress was seen with regard to the permission from the Railway authorities for the originally applied 475 kVA connection. In fact, the PSPCL in the meanwhile, did not even initiate the working towards the separate feeder. On the other hand, it kept on suffering huge monetary setback due to the charges paid and the penalty levied every month. Over and above the financial set back, the working of the hospital had been affected.
7. After one year, on 27th June, 2017, the Petitioner applied for the 125 kVA load extension for which, a sum of Rs. 52,500/- as initial Security was also deposited but was told that the same amounted to cancellation of its original demand of 470 kVA, therefore, it had to withdraw the request and the amount deposited, after deduction of 10% worked out to Rs. 47,250/-, which was refunded.
8. As per reply of the Respondent, it had applied for NOC to the Northern Railway, vide letter no. 1212 dated 02.05.2016, but, the same was not pursued as required under the rules and regulations. So, the file was rejected by Railway Department as the Respondent did not approach the Railway Department regarding NOC within one year. It was only when the Petitioner contacted the Railways that it came to know regarding the same. Thus, the Respondent failed to perform its duties for not pursuing the file as per law and did not even inform the Hospital authorities.
9. After checking all guidelines and visiting the offices of the Respondent a number of times for pursuing the matter, the Petitioner again submitted application on behalf of the PSPCL to the Railway on dated 27.05.2017, whereafter, the Railway department got Joint Feasibility Survey done on 25.06.2017 and asked to deposit Way Leave Charges & Bank Guarantee on 12.09.2017. After the Petitioner deposited then the Railway gave final No Objection Certificate to cross electrical cable under the Railway line on dated 19.01.2018 and the crossing was done on 02.02.2018 by the Petitioner.
10. It was clear that the Railway department did not give late permission, it gave permission within 6-7 months after receipt of the application as per the requirement. Had the PSPCL applied to Railways in accordance with its proper guideline in month of January 2016 after proposed feasibility report for separate line from Sekhupura Grid Sub-station, then, the permission could be given by the Railway department within June-July, 2016, the Respondent could release the connection of the Petitioner during the month of June – July 2016. But the Respondent started the working of erection of Independent Feeder only in the month of December 2017.
11. As per Regulation 8.1 (b) of the Supply Code-2014, the time limit for release of new connection and providing the supply shall be the period of 60 days (HT) provided that the Distribution Licensee might, at the earliest, but, not later than fifteen days before the expiry of the time schedule, in case of delay, seek approval of the Commission, for extension of period specified above, in case magnitude of work involved for extension/augmentation of the supply system was such that the Distribution Licensee might reasonably require more time. But in the case of the Petitioner, the Respondent did not take the required permission as per law which itself proved deficiency in its service. However, the Forum did not consider the genuineness involved and did not provide the relief to the Petitioner in terms of Regulation 8.6 of the Supply Code-2014.
12. The underground Railway crossing work had been completed on 02.02.2018, but the work to be done by the PSPCL was pending and the connection from Independent Feeder was released on 14.04.2018 without VCB. Had the work of Independent feeder been done before completion of Railway crossing, then, there was no reason to start the work of providing connection after more than two months. So, the Respondent could not charge the Demand Surcharge for these two and half months, which was on account of the delay only on the part of the Respondent. If the Respondent - PSPCL could start/release the connection without VCB on 14.04.2018, then it could also energise the connection on 02.02.2018. Thus, it was clear that the Respondent wanted to hide its deficiency at the time of hearing on 18.04.2018 in the Forum.
13. The Respondent had given partial load of 225 kVA on industrial feeder and the Hospital (Petitioner) paid separate charges amounting to Rs. 2,41,330/- for the same, but it was refundable after completion of the main connection. So, directions may be given to refund this amount because the main connection had since started.
14. The Petitioner applied for 470 kVA load to the PSPCL and paid accordingly, but the PSPCL had not released 470 kVA load after receiving the requisite payment as per Demand Notices. So, the penalty levied by the PSPCL was illegal and against the fact and law.
15. Aggrieved, the Petitioner submitted a representation before the CMD, PSPCL, vide letter dated 25.09. 2018, requesting to look into its grievances and also, for the time being, relieve it at least from the penalty levied but its plea went unheard and unnoticed. The Petitioner again issued reminder to the CMD, PSPCL, vide letter dated 19.12.2017, but even after this reminder, the work of providing separate feeder line started in December 2017.
16. The Respondent stated in its reply that the work of new feeder of the Petitioner had been completed and due to non availability of 11 kV, VCB, the connection could not be released. It was, thus, clear that the delay was on the part of PSPCL because the Respondent - PSPCL was not able to release connection after more than two years despite receiving Rs. 20,98,850/-. So, the PSPCL had not released the connection even after deposit of this huge amount and earned interest on it and also charged lot of money in the shape of Penalty.
17. Respondent-PSPCL was not even able to provide small cable kits to the Contractor and the same were supplied by the Petitioner. Thus, it was clear that the Respondent did not have enough resources to start the connection. The Respondent – PSPCL started connection, after filing of the complaint in the Forum, without VCB to avoid the litigation only.

In view of the submissions made, above the penalty paid i.e. Rs. 13,11,598/- so far along with interest of Rs. 2,44,650/- be refunded to it so as to have a bit of relief as it had suffered a lot. Besides, VCB and the Industrial line sharing cost of Rs. 2,41,330/- for release of partial load of 225 kVA on Industrial Feeder may also be paid to the Petitioner.

 **(b) Submissions of the Respondent:**

 The Respondent in its defence, submitted the following for consideration of this Court:

1. The Petitioner was having Non Residential Supply (NRS) Category connection with sanctioned load of 424 kW and contract demand (CD) 470 kVA. The Petitioner had applied for this new NRS connection, through single window for which, the Petitioner deposited Rs. 2,27,410/- as Security (Consumption) and Security (Meter) on 13.01.2016 and submitted/signed A&A Form no. 13095 dated 29.01.2016.
2. As per the approved estimate, the connection of the Petitioner was to be released by erecting new 11 kV feeder from 66 kV Grid Sub-station, Sekhpura, for which, Demand Notice bearing no. 289 dated 16.02.2016, was issued to the Petitioner who submitted its test report and deposited the amount of Demand Notice for Rs. 20,98,850/- on 08.03.2016.
3. As per the approved estimate, connection to the Petitioner was to be released by erecting new 11 kV feeder from 66 kV Grid Sub-station, Sekhupura. In the route of this new feeder, a Railway Line Crossing and a National Highway Crossing exists, which was mentioned in the Demand Notice issued to the Petitioner. For getting permission for the said Railway Line Crossing, a reference was made vide letter no. 1212 dated 02.05.2016, by the AEE, DS Sub Division, PSPCL, Dera Bassi to the Divisional Manager, Northern Railway, Ambala. Along with the construction of new Feeder, DS Sub Division, Dera Bassi was in touch with the Northern Railway for grant of permission for Railway Crossing. On 17.05.2017, Sub Divisional office deposited inspection/ survey fee and on 25.06.2017, joint feasibility survey was done whereafter, the Northern Railway raised the demand of Rs. 5,15,104/- as Way Leave Charges and Security charges vide letter no. 63–Elect.-Umb/471 dated 12.09.2017. The Petitioner was informed accordingly vide letter no. 1270 dated 20.09.2017 and reminded vide letter no. 1461 dated 06.10.2017 to deposit the amount to take permission from the Northern Railway but the Petitioner deposited this amount on 08.11.2017, resulting in delay from the Petitioner’s side.
4. Installation Order (I.O.) No. 26/1002 dated 21.03.2016 was issued to start the work for the connection of the Petitioner but the Petitioner requested the Deputy Chief Engineer, DS Circle, PSPCL, S.A.S. Nagar (Mohali) to allow partial load of 225 KVA to it. As per the requirement of the Petitioner, it was allowed for a partial load and on 18.06.2016, this partial load of 225 kVA was released to it as per instruction No. 26.1 of ESIM.
5. The Petitioner deposited Rs. 2,41,330/- as Service Connection Charges (SCC) against Demand Notice bearing no. 1418 dated 14.06.2016 issued by DS Sub Division, Dera Bassi for the partial load applied for by the Petitioner as per its requirement and desired from the nearest Industrial Feeder.
6. The sanctioned contract demand of the Petitioner was 225 kVA. Therefore, if the Petitioner used the load more than its sanctioned contract demand (CD), a such, it was charged Demand Surcharge as per the Schedule of Tariff. Therefore, the amount charged in the bills of the Petitioner from 08/2016 to 05/2018 and Demand Surcharge so charged was not refundable. The plea of the Petitioner that it was told by the department that the Petitioner could apply for extension of load after one year was completely wrong. Besides, the contention of the Petitioner that the construction of feeder was not done in time was also incorrect as DS Sub Division Dera Bassi issued I.O. No. 26/1002 dated 21.03.2016 and after the issue of order, the concerned J.E got issued the material from the Store in the month of 04/2016 and started the work for construction of 11 kV line. Delayed permission from the Railway Authority for line crossing and late deposit of Bank Guarantee for railway crossing by the Petitioner were the reasons for the delay in execution of the work.
7. In June, 2017, the Petitioner applied for extension of load for 125 kVA through single window by depositing Rs. 52,500/- as Security (Consumption) which was later on withdrawn by the Petitioner who applied for refund of the Security deposited by it. The Respondent made refund accordingly to the Petitioner vide cheque no. 814357 dated 18.10.2017 for Rs. 47,250/- (52,500 - 5,250). No refund other than that mentioned above was due to be paid to the Petitioner.
8. As the issues raised by the Petitioner were resolved by the Forum after meticulously reviewing all the aspects, the Appeal deserved to be dismissed.
9. **Analysis:**

The issue requiring adjudication is the legitimacy of the reclaim of the Petitioner for refund of Demand Surcharge levied from June, 2016 onwards and interest thereon for not restricting its demand to the extent of partial load/contract demand allowed and also of refund of shared cost deposited for getting partial load of 225 kVA from nearby 11 kV Industrial Feeder (Category-2) which was released at its own request.

*The points emerged are deliberated and analysed as under:*

1. PR contended that as per Regulation 8.1 (b) of the Supply Code-2014, the time limit for release of new connection and providing the supply shall be a period of 60 days (HT) provided that the Distribution Licensee might, at the earliest, but, not later than fifteen days before the expiry of the time schedule, in case of delay, seek approval of the Commission, for extension of period specified above, in case magnitude of work involved for extension/augmentation of the supply system was such that the Distribution Licensee might reasonably require more time. But in the case of the Petitioner, the Respondent - PSPCL had not taken the required permission as per law which itself proved deficiency in service on its part. However, the Forum did not consider the genuineness involved and did not provide the relief to the Petitioner in terms of Regulation 8.6 of the Supply Code-2014. PR added that the underground Railway crossing work had been completed on 02.02.2018, But the work to be done by the Respondent was pending and the connection from Independent Feeder was released on 14.04.2018 without VCB. Had the work of Independent Feeder been done before completion of Railway crossing, then, there was no reason to start the work of providing connection after more than two months. So, the Respondent could not charge the Demand Surcharge for these two and half months, which was actually the delay only on the part of the Respondent- PSPCL. If the Respondent - PSPCL could start/release the connection without VCB on 14.04.2018, then it could also energise the connection on 02.02.2018. Thus, it was clear that the Respondent wanted to hide its deficiency at the time of hearing on 18.04.2018 in the Forum.

 *I have perused the Store Requisition and Initial Works Register (IWR) of the work and noticed that the material, required for its execution, was drawn from the Store from 25.04.2016, which proves that the said work was started in April, 2016. Hence, the plea of the Petitioner’s Representative (PR) that the Respondent was responsible for the delay in start and execution of the work not sustainable.*

*I agree with the PR that there was deficiency on the part of Respondent – PSPCL as it had not got the permission of the Hon’ble PSERC, in case of delay in release of connection due to not getting the NOC from the Railway authorities.*

1. The PR next contended that due to urgency of operationalization of the Hospital, it applied for partial load of 225 kVA on dated 16.05.2016, due to delay in getting the Independent Feeder from 11 kV Sekhupura Grid Sub-station, as NOC for crossing the 11 kV line under the Railway track was not received from the Northern Railway. The contents of the said letter dated 16.05.2016 are reproduced as under:

 *“It is submitted that partial load is required urgently from nearest existing industrial feeder because commissioning of new proposed 11 kV hospital feeder may get delayed due to railway crossing (Kalka – Ambala railway track).*

 *We have already given the undertaking that we will pay the amount to be demanded by railway authorities while submitting the compliance of demand notice no. 289 dated 16 Feb, 2016. We shall also deposit any extra amount demanded by PSPCL for releasing partial load of 225 kVA.*

 *It is also learnt that PSPCL has already submitted the railway crossing case with railway authorities at Ambala.*

 *Since Hospital is already operational and it has started admitting indoor patients, therefore, our request to partial load may please be considered on top priority.”*

 Petitioner Representative (PR) prayed for refund of Demand Surcharge paid by the Petitioner from June 2016 for the load used over and above of partial load.

I would like to reproduce here theprovisions contained in Regulation 8.4.1 of the Supply Code-2014, which reads as under:

*“8.4.1: An applicant may avail the sanctioned load/demand in phases within a period not exceeding six months with the permission of authority competent to sanction the load/demand. In case HT/EHT consumer requests for release of partial load/demand at voltage lower than the specified voltage such request may be accepted by the licensee subject to deposit of cost of work at the lower voltage. After the consumer shifts to the specified voltage at a later stage, no credit of the works carried out to supply at lower voltage shall be given to the consumer.* ***The billing of such a consumer, in the interim period, shall be done on the basis of load/demand actually availed.*** *The distribution licensee shall, through a notice informs the applicant to build up the sanctioned load/demand or surrender the un-availed load/demand before the expiry of six months from the date of release of the first phase. If the load/demand is not built up as required, the sanctioned load/demand of the consumer shall be reduced to the load/demand actually availed and billed under the relevant category.”*

 I observe that the Regulation ibid, makes it clear that the billing of such consumer, in the interim period, shall be done on the basis of load/demand actually availed. The Petitioner availed partial load of 220 kW/225 kVA against sanctioned load of 424 kW/470 kVA, hence, as per Schedule of Tariff, the Petitioner was required to pay Demand Surcharge, over and above 225 kVA. To meet its additional demand (beyond 225kVA sanctioned), the Petitioner could avail power from its own sources like diesel generating sets.

 *I am, therefore, of the view that the Demand Surcharge levied is correct but charging interest/surcharge to the Petitioner is not just and fair because the partial load was taken by it due to delay in getting NOC from Northern Railway for crossing of 11 kV Cable under the Railway Line and further completion of work by the PSPCL. The Respondent also defaulted in not taking the required permission of Hon’ble PSERC, as required in Regulation 8.1 (b) of the Supply Code-2014.*

**(iii)** PR next agreed that the Respondent had given partial load of 225 kVA on Industrial Feeder and the Hospital paid separate charges amounting to Rs. 2,41,330/- for the same, but it was refundable after completion of the main connection. So, directions may be given to refund this amount because the main connection had since started.

 I find that a separate estimate was prepared by the Respondent – PSPCL to allow the Partial Load from nearby Industrial Feeder as per provisions contained in Regulation 9.1.1 (a) (ii) of the Supply Code-2014, which provides as under:

*“ 9.1.1 (a)* ***Domestic, Non-Residential, Industrial, Bulk supply and compost plants/solid waste management plants for municipalities/urban local bodies* *categories.*”**

 *Where load/demand required for above mentioned categories exceeds 100 kW/100 kVA, the applicant shall be required to pay the actual expenditure incurred by the distribution licensee for release of connection.* ***For 11 kV consumers, the expenditure shall include the cost of the individual service line and proportionate cost of the common portion of main line upto the feeding substation including breaker as per the cost data approved by the Commission.*** *For 33 kV & higher voltage consumers, the expenditure shall include the cost of the individual service line and proportionate cost of the common portion of main line up to the feeding substation including bay as per the cost data approved by the Commission. If the service line is emanating from the feeding sub-station, the applicant shall bear the entire expenditure along with cost of breaker/bay. However, creation of new grid sub-station or augmentation of existing grid sub-station, if required, shall be carried out by the licensee at its own cost as per regulation 9.2.*

*In such cases, the distribution licensee shall prepare an estimate based on Standard cost data approved by the Commission and applicant shall be required to deposit such amount as Security (works) before start of work. A final bill shall be prepared by the distribution licensee after completion of work and necessary recovery or refund shall be made as per regulation 9.3.”*

 *I agree with the Respondent that in view of the Regulation ibid, the cost of individual service line and proportionate cost of the common portion of main line upto feeding sub-station including breaker, for getting partial load of 225 kVA, are chargeable.*

 From the above analysis, it is concluded that the plea of the Petitioner for refund of the Demand Surcharge levied from June, 2016 onwards is not sustainable, in view of provisions contained in Regulation 8.4.1 of the Supply Code-2014, as the Petitioner failed to restrict its demand upto partial load/contract demand allowed to it. However, the levy of interest/surcharge on the aforesaid Demand is not justified as the partial load was taken by the Petitioner for the delay in getting NOC from the Railway for crossing of 11 kV Cable under the Railway Line and further completion of work by the PSPCL. The analysis also leads to the conclusion that the Service Connection Charges (SCC) for getting the partial load of 225 kVA from 11 kV nearby Industrial Feeder is not refundable in view of provisions contained in Regulation 9.1.1 (ii) of the Supply Code-2014.

1. **Decision:**

**As a sequel of above discussions, it is held that:**

**(i) No refund of Demand Surcharge levied from June, 2016 onwards shall be payable to the Petitioner, in view of provisions contained in Regulation 8.4.1 of the Supply Code-2014, as the Petitioner failed to restrict its demand up to partial load/contract demand allowed to it.**

**(ii) Interest/Surcharge levied on the aforesaid Demand Surcharge is not justified and hence, not recoverable as the partial load was taken by the Petitioner for the delay in getting NOC from the Railways for crossing of 11 kV Cable under the Railway Line and further completion of work by the PSPCL.**

**(iii) The Service Connection Charges (Rs. 2,41,330/-) for getting the partial load of 225 kVA on Industrial Feeder are not refundable in view of the provisions contained in Regulation 9.1.1 (ii) of the Supply Code-2014.**

1. The Appeal is disposed off accordingly.
2. In case, the Petitioner or the Respondent (Distribution Licensee) is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations – 2016.

 (VIRINDER SINGH)

 October 18

, 2018 LokPal (Ombudsman)

S.A.S. Nagar (Mohali) Electricity, Punjab.