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

**ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 40/2018**

**Date of Registration : 16.07.2018**

**Date of Hearing : 01.11.2018**

**Date of Order : 05.11.2018**

**Before:**

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

**In the Matter of :**

Mitul Steel Industries,

C/o Vishwnath Steel Rolling Mills Ltd,

G.T. Road, Sirhind Side,

Ajnali, Mandi Gobindgarh,

...Petitioner

Versus

Additional Superintending Engineer,

DS Division,

PSPCL, Sirhind.

...Respondent

**Order:**

The Petitioner got registered an Appeal in this Court on 16.07.2018 against the order dated 12.06.2018 in Case No. CG-105 of 2018 of the Consumer Grievances Redressal Forum deciding that:

*“Interest on delayed payment of refund of Security be allowed to the Petitioner on balance ACD after adjustment of all up to date dues at Bank Rate notified by Reserve Bank of India as on 1st April of respective financial year form 17.04.20213 ( i.e. Date of last interest paid to the Petitioner) to the date of payment actually made i.e. 25.10.2017 instead of to the date of “PDCO.”*

2. A copy of the present Appeal was forwarded to the Respondent, vide letter no. 1023-26/OEP/A-40/2018 dated 18.07.2018, for furnishing parawise comments/reply to this Court as well as the Petitioner. In response, the Respondent sent the requisite reply to this Court with a copy to the petitioner vide its memo no. 4057-58 dated 09.08.2018

3. Hearing in this case was fixed for 01.11.2018 at 11.30 P.M. and the Petitioner as well as the Respondent were informed, vide letter no. 1570-73/OEP/A-40/2018 dated 18.10.2018, to attend this Court on the said date and time.

4. Shri Rakesh Kumar Shahi, Advocate and Shri Rilin Shahi, Advocate appeared on behalf of the Petitioner while Er. Davinder Singh, Addl. S.E, DS Division, PSPCL, Sirhind attended the Court on behalf of the Respondent -PSPCL.

4. At the outset, the Addl. S.E, DS Division, PSPCL, Sirhind (Respondent) apprised the Court that the Petitioner had submitted a Petition for registration in Hon’ble PSERC for initiating action under Section 142 of the Electricity Act-2003 for not implementing the decision of the CGRF and the matter was fixed for consideration and admission of the Petition on 14.11.2018. The Respondent submitted that the Petitioner could not claim relief both by way of praying for implementation of the order ibid of the Forum before Hon’ble PSERC and by seeking review of the same order in this Court.

5. The Petitioner’s Counsel, then, sought leave of this Court to withdraw the present Appeal and submitted an Application stating as under:

*“The present Petition has been filed to claim difference rate of interest. As separate Petition has been filed with Hon’ble Punjab State Electricity Commission to initiate action under Section 142 for implementation of order dated 12.06.2018 of CGRF and registration of the same with PSERC is kept pending as we have already challenged the decision of the forum with Hon’ble Ombudsman.*

*In the circumstances, I have got the consent of Petitioner to get the present Petition withdraw. It is therefore, requested that this Petition may please be treated as withdrawn.”*

6. The Respondent did not object to the withdrawal of the present Appeal filed by the Petitioner.

7. The request of the Petitioner has been considered and accepted.

8. Accordingly, the Appeal is dismissed as withdrawn.

(VIRINDER SINGH)

November 05, 2018 LokPal (Ombudsman)

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