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

**ELECTRICITY, PUNJAB,**

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

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

**APPEAL NO. 61/2018**

**Date of Registration : 28.09.2018**

**Date of Hearing : 09.01.2019 and 29.01.2019**

**Date of Order : 05.02.2019**

**Before:**

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

**In the Matter of :**

 Sunil Malhotra,

D-185, Industrial Area,

Phase 8-B, S.A.S. Nagar (Mohali).

 ...Petitioner

 Versus

 Addl. Superintending Engineer,

DS Division (Special),

PSPCL,

S.A.S. Nagar (Mohali).

 ...Respondent

**Present For:**

Petitioner : Daljeet Singh Nagi,

 Petitioner’s Representative (PR).

Respondent : Er. H.S. Oberoi,

Addl. Superintending Engineer,

DS Division (Special),

PSPCL, S.A.S. Nagar (Mohali).

Before me for consideration is an Appeal preferred by the Petitioner against the order dated 30.08.2018 in Case No. CG-263 of 2018 of the Consumers Grievances Redressal Forum (Forum) deciding as under:

*“Respondent is directed to ensure the compliance of Commercial Circular No.58/2016 dated 14.12.2016 by executing Franchisee Agreement with the Petitioner to implement the orders/directions of the Commission*.”

**2. Facts of the Case:**

 The relevant facts of the case are that:

1. The Petitioner was having a Non Residential Supply Category connection with sanctioned load of 250 kW and contract demand (CD) as 200 kVA on HT 11 KV supply since 06.08.2014. The connection was initially released on 14.09.2005.
2. The Petitioner approached the Forum on 09.07.2018 for getting the HT rebate which was not given as per various Commercial Circulars (CC) such as 44/2014, 14/2015, 25/2016, 46/2017 and 23/2018 issued by the Respondent PSPCL.
3. After hearing the matter, the Forum, passed the order dated 30.08.2018 (Reference : Page 2, Para 1).
4. Not satisfied with the decision of the Forum, the Petitioner preferred an Appeal in this Court and prayed to allow the same in the interest of justice.
5. **Submissions made by the Petitioner and the Respondent:**

 Before undertaking analysis of the case, it is necessary to go through the 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. An Appeal dated 28.09.2018 was filed by the Petitioner in this Court which was heard on 09.01.2019 wherein the Petitioner was directed to file properly drafted revised Appeal by 16.01.2019. Accordingly, facts of the case in detail were submitted by the Petitioner for consideration and decision of the case on merits.
2. The Petitioner was holding a Non Residential Supply (NRS) Category connection, bearing Account No: 3000160149, with sanctioned load of 250 kW and contract demand (CD) as 200 kVA at Supply Voltage of 11 KV since 06.08.2014.
3. The Petitioner continued to pay the electricity bills since the release of connection, without any default, on any occasion.
4. At the time of release of connection, the Petitioner was not aware of instructions contained in ESIM Section IV and Appendix to Clause 13 that it was entitled to Voltage Surcharge/Rebate as prescribed in these instructions. The relevant portion of the said instructions was reproduced below:

“*13.3 VOLTAGE REBATE: As the cost to serve at higher voltage is lower than the cost to serve at lower voltage so rebate may be allowed by the Commission to various HT/EHT Categories of consumers as specified in the Tariff order for relevant year*.”

**(v)** All the Tariff Orders issued by the Hon’ble PSERC from 2013-14 till date, provided for allowing rebate @ 20 paise / kVAh Unit to the consumers catered at HT 11 KV supply. Apart from the above said provisions of ESIM, Commercial Circular No: 44/2014, 14/2015, 25/2016, 46/2017 and 23/2018 were also relevant and applicable in the case of the Petitioner, which may be referred to while deciding the Petition.

**(vi)** This rebate of 20 Paise / kVAh Unit was required to be allowed by the PSPCL in monthly bills automatically and no request or claim was required to be filed by any of the consumers (including the Petitioner). But inadvertently, the admissible rebate was not allowed to the Petitioner since the release of connection at a Supply Voltage of 11 KV.

**(vii)** During one of the meetings of Industrialists at S.A.S. Nagar (Mohali), the Petitioner came to know about the admissibility of rebate.

1. Thereafter, the Petitioner approached the AEE, Commercial, PSPCL, S.A.S. Nagar (Mohali) on dated 22.06.2018 to get the HT Rebate refund, as per existing instructions / Regulations. During the said meeting, the AEE/Commercial, DS Division, S.A.S. Nagar (Mohali) told the Petitioner that the present claim filed on 22.06.2018 was beyond the Audit Period of 2 years and thus could not be entertained by the DS Division until and unless ordered by the Competent Authority. The AEE/Commercial advised the Petitioner to approach the Competent Authority for getting refund of rebate.
2. Accordingly, a Petition was filed before the Forum, PSPCL, Patiala, who decided the case on 30.08.2018 and directed the Respondents to ensure the compliance of Commercial Circular No. 58/2016 dated 14.12.2016 by executing Franchisee Agreement with the Petitioner to implement the orders/direction of the Commission. But, no finding had been recorded regarding the refund of HT Rebate, which otherwise was payable to the Petitioner as per Instructions, applicable at that time and the order of the Forum was totally silent about the period of HT Rebate from 06.08.2014. The order of the Forum was also silent about the date of implementation of Single Point rebate which should be from the date of issue of circular i.e.14.12.2016 as the connection of the Petitioner was running prior to the date of issue of CC No. 58/2016.
3. The Petitioner was never asked to execute Franchisee Agreement after the issuance of CC No. 58/2016. However, after the directions of the Forum, when the Petitioner came to know about the same, it submitted the Franchisee Agreement to AEE, Commercial PSPCL,S.A.S. Nagar (Mohali) on 20.09.2018, on which, certain observations had been made vide AEE’s letter dated 02.01.2019, whose compliance was under process.
4. A reference was invited to Clause SV.6 of Appendix to Section – IV of ESIM 2011, which was reproduced as under:

*“Mixed or predominantly commercial loads of private connections, housed in a building complex with single ownership shall be catered as a Single Point Supply under this schedule with 5% rebate on consumption charges or Monthly Minimum Charges.”*

*“Supply Code Regulations 6.5 pertains to One Connection in one premises is also relevant in the case of the Petitioner according to which he is entitled for benefits of such type of rebates.”*

1. The PSPCL, vide its CC. No. 46/2018 declared that IT and IT Enabled Services Units covered under Schedule of Tariff for respective Industrial Category. The Petitioner’s Unit was also an IT Enabled services unit with Firm’s Name as ACORA IT, Plot No. D-185, Phase-VIIIB, Focal Point, S.A.S. Nagar (Mohali) as intimated by General Manager, District Industries Centre, S.A.S. Nagar (Mohali) through Amendment 1 dated 13.09.2013. So, the Schedule of Tariff was required to be made applicable in the case of the Petitioner.
2. In a similar case, decided by the Forum on 14.05.2018 in Case No. CG-140 of 2018, the Petitioner’s Firm (consumer) had been allowed HT rebate as per provisions stipulated in respective Tariff Orders from 2013-14. The present case was similar to that referred to above, hence, it was also entitled to relief.
3. The Appeal of the Petitioner may be accepted by allowing it the admissible rebate alongwith interest as per instructions of the PSPCL at that time.
4. **Submissions of the Respondent:**

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

1. The connection of the Petitioner, bearing Account No. 3000160149, was running under Non Residential Supply Category. Its sanctioned load became 250 kW and contract demand (CD) as 200 kVA w.e.f. 06.08.2014.
2. The Petitioner approached the office of the AEE/commercial, DS Division (Special), S.A.S. Nagar (Mohali) on 22.06.2018 to give HT Rebate as per Commercial Circular No. 44/2014, 14/2015, 25/2016, 46/2017 and 23/2018.
3. The Petitioner’s account was overhauled and it was found that the HT Rebate claimed, being more than two years old, related to Audit Period, hence, not allowed.
4. Aggrieved, the Petitioner filed a Petition dated 09.07.2018 in the Forum, who, vide its order dated 30.08.2018, directed the Petitioner to execute a Franchise Agreement but the decision was silent about the HT Rebate.
5. HT Rebate was allowed to the Petitioner from July 2018 onwards but was discontinued on receipt of the said judgement of the Forum and the benefit already given was charged to the Petitioner.
6. **Analysis:**

The issues requiring adjudication are the legitimacy of the:

1. Grant of HT Rebate for the period from 06.08.2014 to 14.12.1016.
2. Allowing 10% Single Point Rebate from 14.12.2016.
3. Change of Tariff from NRS to LS General so as to avail subsidised rate of Rs. 5/- per kVAh variable tariff.

 *The issues emerged in the case are deliberated and analysed as under:*

**Issue (i) and (ii):**

**(a)** The Petitioner’s grievance is that HT Rebate @ 20 paise per kVAh from 06.08.2014 to 14.12.2016 was not given to it (having NRS Category connection since 06.08.2014 at Supply Voltage of 11 kV), admissible as per provisions of Commercial Circular No. 23/2013, 44/2014, 14/2015, 25/2016, 46/2017 and 23/2018. Petitioner’s Representative (PR) contended that in compliance to the decision of the Forum, the Petitioner had submitted the draft Franchisee Agreement to the AEE, Commercial, (Special) Division as per Commercial Circular (CC) No. 58/2016 dated 14.12.2016, but the order of the Forum was silent about the period of HT Rebate which was admissible from 06.08.2014 to 14.12.2016. In response, AEE, Commercial had vide letter dated 02.01.2019 raised certain observations which were being attended to. Petitioner’s Representative (PR) prayed that the Petitioner be granted HT Rebate for the period from 06.08.2014 to 14.12.2016 and 10% Single Point Rebate, as per CC No.58/2016, from 14.12.2016 till July 2018.

I find that as part of its annual exercise, PSPCL issues Commercial Circulars, circulating the revised rates of Tariff for providing Power Supply to various categories of consumers approved by the Hon’ble PSERC. The relevant details of these Commercial Circulars for the FY 2013-14 to FY 2018-19, are reproduced as under:

|  |  |  |
| --- | --- | --- |
|  | *Commercial Circular Nos. issued by the**PSPCL* | *Details of Rebate provided* |
| ***a*** | *23/2013 dated 11.04.2013 for the FY 2013-14* | *As per**Note (viii) given therein, Rebate of 25 Paise/unit to all consumers getting supply at 220/132 kV, 20 Paise/unit to all consumers getting supply at 66/33 kV and 15 Paise/unit to DS, NRS, AP High Technology, Compost Plants / Solid Waste Management Plants for Municipalities/ Urban Local Bodies and MS Category consumers getting supply at 11 kV shall be allowed.*  |
| ***b*** | *44/2014 dated 27.08.2014 for the FY 2014-15* | *Note (viii) of the said Circular provided that Rebate of 30 Paise /kVAh to all consumers getting supply at 400/220/132 kV, 25 Paise/kVAh to all consumers getting supply at 66/33 kV and 20 Paise / kVAh to DS, NRS and MS consumers getting supply at 11 kV and 20 Paise / kVAh to AP / AP High Technology, Compost Plants / Solid Waste Management Plants for Municipalities / Urban Local Bodies consumers getting supply at 11 kV shall be allowed.* |
| ***c*** | *14/2015 dated 07.05.2015 for the**FY 2015-16* | *As per Note (viii), Rebate of 30 Paise / kVAh to all consumers getting supply at 400/220/132 kV, 25 Paise / kVAh to all consumers getting supply at 66/33 kV, 20 Paise / kVAh to DS, NRS & MS consumers getting supply at 11 kV and 20 Paise/kWh to AP/AP High Technology, Compost Plants / Solid Waste Management Plants for Municipalities/ Urban Local Bodies consumers getting supply at 11 kV shall be allowed.*  |
| ***d*** | *25/2016 dated 29.07.2016 for the**FY 2016-17* | *Note (ix) provided that Rebate of 30 Paise /kVAh to all consumers getting supply at 400/220/132 kV, 25 Paise / kVAh to all consumers getting supply at 66/33 kV, 20 Paise / kVAh to DS, NRS & MS consumers getting supply at 11 kV and 20 Paise/ kWh to AP/AP High Technology / High Density Farming Compost Plants / Solid Waste Management Plants for Municipalities/ Urban Local Bodies consumers getting supply at 11 kV.* |
| ***e*** | *46/2017 dated 10.11.2017 for the**FY 2017-18* | *As per Note (vi), Rebate of 30 Paise / kVAh to all consumers getting supply at 400/220/132 kV, 25 Paise / kVAh to all consumers getting supply at 66/33 kV, 20 Paise / kVAh to DS, NRS & MS consumers getting supply at 11 kV and 20 Paise / kWh to AP/AP High Technology/High Density Farming Compost Plants / Solid Waste Management Plants for Municipalities / Urban Local Bodies consumers getting supply at 11 kV was continued.*  |
| ***f*** | *23/2018 dated 24.04.2018 for the**FY 2018-19* | *As per Note (v), Rebate of 30 Paise / kVAh to all consumers getting supply at 400/220/132 kV, 25 Paise / kVAh to all consumers getting supply at 66/33 kV, 20 Paise / kVAh to DS, NRS & MS consumers & Compost Plants/ Solid Waste Management Plants for Municipalities / Urban Local Bodies consumers getting supply at 11 kV for getting supply at 11 kV and 20 Paise / kWh to AP/AP High Technology / High Density Farming consumers getting supply at 11 kV was continued.*  |

 **I have gone through Clause 4.21 in regard to Rebate to consumers catered at higher voltage of the Tariff Order issued by the PSPCL for the FY 2013-14, which reads as under:**

*“While processing the ARR Petition of the erstwhile Punjab State Electricity Board (Board) for the year 2009-10, the Commission observed that voltage at which supply is to be given to different categories of consumers have been specified in the ‘Conditions of Supply’ since the last more than ten years and the Board was required to release all new connections / additional loads / demands at the voltage specified in the ‘Conditions of Supply’. The Commission, therefore, found no logic in any rebate in tariffs to a consumer who is given supply at the specified voltage for that category and the Commission decided to discontinue all voltage rebates with effect from April 1,2010, which were being offered previously by the erstwhile Board.*

 *However, with the ‘Cost of Supply’ study (Methodology II) adopted by the Commission (refer para 5.2), it is observed that cost to serve at higher voltage is lesser than the cost to serve at lower voltages. Accordingly, the Commission decides to approve rebate of 25 paise/Unit to consumers who are catered at 220/132 kV voltage, 20 paise/unit at 66/33 kV voltage and 15 paise/unit to DS, NRS, MS and AP/AP High Tech. categories at 11 kV voltage. The Commission has assessed the impact of this voltage rebate at Rs.103.63 crore on the basis of energy sales data supplied by PSPCL. The revenue from tariff on existing rates has accordingly been reduced to this extent. The actual revenue impact will be adjusted at the time of True up.”*

 I have also gone through Clause 5.2.9, 5.2.10 and 5.2.11 of the Tariff Order of the PSPCL for the FY 2013-14, which is reproduced as below:

“5.2.9 The results obtained with Methodology – 1 for the years 2011-12 and 2012-13 are as under:

|  |  |  |  |
| --- | --- | --- | --- |
| ***Voltage of******Supply*** | ***Consumer category*** | ***Cost of supply (Rs/kWh) for 2011-12*** | ***Cost of Supply (Rs / kWh) for 2012-13*** |
| *220 kV* | *Railway Traction* | *3.33* | *3.48* |
| *132 kV* | *Industrial* | *3.31* | *3.49* |
| *Bulk* | *3.64* | *3.92* |
| *Railway Traction* | *3.22* | *3.36* |
| *66 kV* | *Industrial* | *4.11* | *4.73* |
| *Bulk* | *4.29* | *4.68* |
| *33 kV* | *Industrial* | *4.25* | *4.62* |
| *Bulk* | *4.77* | *5.22* |
| *11 kV* | *Industrial* | *3.93* | *4.54* |
| *Domestic* | *4.63* | *5.02* |
| *Commercial (NRS)* | *4.15* | *4.27* |
| *Bulk* | *4.43* | *4.60* |
| *LT* | *Industrial* | *6.01* | *6.38* |
| *Domestic* | *5.64* | *5.74* |
| *Agriculture* | *5.29* | *5.56* |
| *Commercial (NRS)* | *5.85* | *6.00* |
| *Bulk /Public Lighting* | 6.40 | 7.08 |

 *From above, it is observed that the cost of supply at 11 kV for industrial consumers is less than that for the industrial consumer at 66 kV and 33 kV, which is not acceptable. Similarly, the same pattern is there in the case of Bulk supply and Railway Traction categories.*

*The Results for the years 2011-12 and 2012-13 as per Methodology-II are as under, which are logical and acceptable:*

|  |  |  |  |
| --- | --- | --- | --- |
| ***Voltage*** ***of******Supply*** | ***Consumer category*** | ***Cost of supply (Rs./kWh) for 2011-12*** | ***Cost of Supply (Rs/kWh) for 2012-13*** |
| *220 kV* | *Industry* | *3.69* | *3.93* |
| *Railway Traction* | *3.68* | *3.93* |
| *132 kV* | *Industrial* | *3.73* | *3.97* |
| *Bulk* | *3.68* | *3.92* |
| *Railway Traction* | *3.70* | *3.95* |
| *66 kV* | *Industrial* | *4.41* | *4.82* |
| *Common Pool* | *3.91* | *4.16* |
| *Bulk* | *4.23* | *4.52* |
| *33 kV* | *Industrial* | *4.59* | *4.93* |
| *Bulk* | *4.20* | *4.48* |
| *11 kV* | *Industry (LS)* | *4.56* | *5.13* |
| *Domestic* | *4.59* | *4.90* |
| *Commercial (NRS)* | *4.84* | *5.09* |
| *Bulk* | *4.68* | *4.94* |
| *LT* | *Industry (MS)* | *5.70* | *6.17* |
| *Industry (SP)* | *6.53* | *6.57* |
| *Domestic (0-100)* | *5.27* | *5.52* |
| *Domestic**(101-300)* | *5.27* | *5.52* |
| *Domestic**( above 300)* | *5.27* | *5.52* |
| *Agriculture* | *5.04* | *5.33* |
| *Commercial (NRS)* | *5.65* | *5.92* |
| *Public Light* | *5.23* | *5.62* |
| *Bulk* | *4.85* | *5.21* |

***Hence, the Commission decides to adopt Methodology-II for determination of cost of supply to various categories of consumers.***

 ***The indicative voltage-wise, category-wise cost of supply for the year 2013-14 on the basis of results obtained with Methodology-II are as per Annexure-V.”***

*“5.2.10 It would be ideal to fix electricity tariff for all consumers on cost to serve basis. But, historically, there has been extensive cross subsidization in electricity sector. The tariff for consumers, who pay less than the cost to serve, will need to be hiked significantly to cover the gap between the tariff of subsidized consumers and cost to serve these consumers. As such, the Commission is raising tariff of subsidized consumers gradually to reduce such gap, and at the same time avoiding tariff shock to subsidizing consumers and bringing the tariffs of various consumers within reasonable difference as compared to cost to serve these consumers.”*

***“5.2.11 In order to move in the direction of cost of supply, the Commission decides to give rebate as mentioned under para 6.2.3 [Note (vii) under Table 6.11].”***

1. During the course of hearing on 09.01.2019, the Petitioner was directed orally and also vide letter No. 35 dated 09.01.2019 to intimate under which Section of the Electricity Act-2003/ Supply Code approved by the Hon’ble PSERC, the Petitioner was distributing the supply to the different consumers in its premises. Simultaneously, the Respondent was directed to intimate by 16.01.2019, after checking the Site at which, the Petitioner’s connection was installed, the particular IT firms/offices to whom, the particular parts/portions of the premises of the Petitioner were let out.

In response, the Petitioner intimated, vide letter dated 15.01.2019, that Instruction No.6.5 at Page 21 and 22 of ESIM-2011 pertained to one connection in one premises relevant in the case of Petitioner. The Petitioner also referred to Clause SV.6 of Single Point Supply in private building Complex of Appendix to Section 4th at Page 93 and 94 of ESIM 2011 which was reproduced below:

“*Mixed or predominately commercial loads of private connection housed in a building complex with single ownership shall be catered as a single point supply under this Schedule with 5% rebate on consumption charges or monthly minimum charges*.”

The Respondent also, in compliance to the directions issued by this Court on 09.01.2019 sent vide letter no.1027/DB-86 dated 25.01.2019 Load Checking Report of the Petitioner’s connection by the AEE/Technical-2, DS Sub Division, S.A.S. Nagar and stated that as per Clause-8 of Conditions of Supply, Single Point connection could be given/sanctioned but this Clause was not consistent with the provisions of the Electricity Act-2003. This was due to the reason that as per Electricity (Removal of Difficulties) (Eight) Order-2005, a provision was made in The Supply Code-2014 providing for execution of Franchisee Agreement. The Respondent added that the Franchisee Agreement had not so far been executed between the Petitioner and the Respondent. The Respondent pleaded that the Electricity Act-2003 was over and above the Supply Code and in case, any of the Regulation of the Supply Code was not consistent with that of the Electricity Act-2003, provisions of the Electricity Act-2003 would prevail. The Respondent concluded by stating that the Petitioner was not entitled to HT Rebate in view of the above.

**(c)** Petitioner’s Representative contested the plea of the Respondent by stating during the course of hearing dated 29.01.2019 that Tariff Orders for the FY 2013-14 onwards, providing for grant of HT Rebate, issued by the Hon’ble PSERC were approved in accordance with the provisions of the Electricity Act-2003/Supply Code. Hence, there was genuine merit in the claim for relief on account of grant of HT Rebate admissible as per Tariff Orders for the respective Financial Year.

In view of the above discussion/analysis, rebate to DS, NRS, AP–High Technology, Compost Plants / Solid Waste Management Plants for Municipalities/Urban Local Bodies and MS Category consumers getting supply at 11 kV has been allowed by the Hon’ble PSERC in various Tariff Orders. I observe from the perusal of the Tariff Orders ibid i.e. for the years 2013-14 to 2018-19 that *the energy rate for NRS consumers, having load exceeding 100 kW was greater than the tariff applicable to NRS consumers having load upto 100 kW.* Hence, the Petitioner is entitled to HT rebate for the period from 06.08.2014 to 14.12.2016 in terms of provisions contained in Tariff Orders for the respective financial year.

 In so far as the Issue (ii) for 10% Single Point Rebate from 14.12.2016 till July 2018, as per Commercial Circular (CC) No.58/2016 dated 14.12.2016 is concerned, the Respondent informed the Court during oral submissions that since the Franchisee Agreement between the Petitioner and the Respondent had not so far been executed as per directions given by the Forum in its order dated 30.08.2018, hence, the Petitioner was not entitled to any rebate. Thus, no rebate is required to be allowed to the Petitioner beyond 14.12.2016 for Single Point connection, as per provisions contained in CC No.58/2016 till the execution of the Franchisee Agreement.

**Issue (iii):**

The Petitioner has also prayed for change of Tariff from NRS to LS General Category so as to avail itself of subsidized rate of Rs. 5/- per kVAh variable tariff in terms of provisions of CC No. 46 / 2018 issued by the PSPCL.

In this connection, I have gone through the material brought on record and observed that the Petitioner did not raise this issue for adjudication and pray for grant of this relief in its Petition dated 09.07.2018 filed before the Forum in terms of provisions of Regulation 3.18 (i) of the PSERC (Forum and Ombudsman) Regulations-2016 which reads as under:

*“3.18 No representation to the Ombudsman shall lie unless:*

*(i): The consumer had, before making a representation*

*to the Ombudsman approached the Forum constituted under sub-section (5) of Section 42 of the Act, for redressal of his grievance.”*

 The Petitioner has also not placed on record of this Court, documentary evidence or tangible ground in support of its contention for relief.Besides, the Addl. S.E., DS Division (Special), S.A.S. Nagar (Mohali) intimated during the course of hearing on 29.01.2019 that the Petitioner’s Unit/company had let out portions of its premises to a number of Non IT Firms/Offices. Hence, the plea of the Petitioner for change of Tariff from NRS to LS General category is not maintainable.

From the above analysis, it is concluded that:

1. The Petitioner is entitled to HT Rebate for the period from 06.08.2014 to 14.12.2016 as allowed by the PSPCL in the Tariff Order for the relevant Financial Year. However, no interest is required to be allowed to the Petitioner who did not make any representation to the Respondent till the filing of its petition dated 09.07.2018 in the Forum while the Tariff Orders of the Hon’ble PSERC were available on its website for Petitioner to move its case for H.T. rebate.
2. 10% Single Point Rebate beyond 14.12.2016 as per provisions of the Commercial Circular No.58/2016 dated 14.12.2016 is not admissible to the Petitioner as the requisite Franchisee Agreement between the Petitioner and the Respondent has not been executed so far.
3. The Petitioner is not entitled to be allowed change of Tariff from NRS to LS General Category for its not having sought necessary remedy from the Forum as required under the provisions of the Regulation 3.18 (i) of the PSERC (Forum and Ombudsman) Regulations-2016.

 5. **Decision:**

**As a sequel of above discussions, the order dated 30.08.2018 of CGRF in case No. CG-263 of 2018 is modified. It is held that:**

1. **The Petitioner shall be allowed HT Rebate for the period from 06.08.2014 to 14.12.2016 as provided in the Tariff Order for the respective Financial Year. No interest shall be paid to the Petitioner on this account as discussed in Para 4 above.**
2. **The Petitioner shall not be allowed 10% Single Point Rebate beyond 14.12.2016 in terms of provisions of CC No. 58/2016 dated 14.12.2016 as the Franchisee Agreement between the Petitioner and the Respondent has not so far been executed.**
3. **The plea of the Petitioner for change of Tariff from NRS to LS General category is not maintainable as the Petitioner did not seek appropriate remedy from the Forum as required under the provisions of Regulation 3.18 (i) of the PSERC (Forum and Ombudsman) Regulations-2016.**

**6.** The Appeal is disposed of accordingly.

**7.** In case, the Petitioner or the Respondent 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 the Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations - 2016.

(VIRINDER SINGH)

February 05, 2019 Lok Pal (Ombudsman)

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