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

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

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

 **APPEAL NO. 63/2019**

**Date of Registration : 05.11.2019**

**Date of Order : 14.11.2019**

**Before:**

 **Er. Virinder Singh, Lokpal (Ombudsman), Electricity, Punjab.**

**In the Matter of :**

Divisional Superintendent, Northern Railway, Bhathinda (through Sr. DEE, NR, DRM Office, Ambala Cantt.)

 Versus

Additional Superintending Engineer, DS Division, PSPCL, Bhathinda

 ORDER

Before me for consideration is an Appeal preferred against the observations dated 23.09.2019, conveyed to the Petitioner by the Secretary, CGRF, Patiala, vide Memo No.2109/T-243/2019 dated 23.09.2019 as under:

1. *“After scrutinizing the case, it has been found that the amount of Rs 62,30,787/- relates to UUE case and cannot be entertained in the Forum as this does not come under its jurisdiction. However, you may submit a fresh case for other issues pertaining to Rs 16,59,136/- & Rs 35,99,541/- as fixed charges.”*
2. Petitioner’s Counsel (PC) submitted that the present dispute related to HT Bulk Supply Connection, bearing Account No. 3002309263BTL/HT BS, with sanctioned load of 1540 kW and contract demand (CD) as 1750 kVA. The said connection was taken for Railway Station, Bhathinda including residential colony for staff of Railways. The Power Supply to the Railway Station Building was through this connection as 24x7 hours uninterrupted power supply was required for train operations, passengers amenities and staff associated with it. The Petitioner had statedly made provision of stand- by distribution transformers at all sub-stations of 11 kV. Out of 05 number of transformers of total capacity of 3750 kVA at Bhathinda Railway Station, 02 transformers of 1000 kVA capacity each were stand-by in case of emergency, were not connected with load and connected only if the other transformers were out of order. PC stated that the inspection of the Petitioner’s connection was conducted on 27.08.2019 by the Respondent who reported that the Petitioner had installed transformers of 3750 kVA and levied the penalty of Rs 62,30,787/- and raised demand for the said amount. Accordingly, the Petitioner paid the above amount to avoid interruption of supply under protest. PC also stated that penalties of Rs 16,59,136/- and Rs 35,89,541/- were imposed subsequently in the running bills by the Respondent and the same were also paid under protest by the Petitioner. Therefore, the Petitioner represented to the Respondent, vide letter dated 08.08.2019 and 05.09.2019, but did not get any response. Aggrieved, the Petitioner filed a Complaint No. T-243/2019 dated 13.09.2019 before the CGRF, Patiala who did not entertain the same, as conveyed to the Petitioner, vide letter dated 23.09.2019 (Reference Page 1, Para 1) **with the observation that the amount of Rs 62,30,787/- related to UUE case and did not fall within the jurisdiction of the Forum.** PC contended that the Forum, without considering the matter in depth, wrongly concluded that the whole amount of Rs 62,30,787/- pertained to UUE. PC prayed to this Court to set aside the order dated 23.09.2019 of the Forum and allow the Complaint of the Petitioner to declare the recovery of Rs 62,30,787/-, Rs 16,59,136/- and Rs 35,89,541/- as illegal and null & void.
3. Written submissions made by the Petitioner and order dated 23.09.2019 (Page 1, Para 1) in Complaint No.T-243/2019 have been gone through.

I find that electricity charges payable on account of unauthorized use of Electricity (UUE), are to be computed by the Assessing Officer, as required under Section 126 of the Electricity Act-2003, notified by the State Government. Accordingly, assessment in case of UUE shall be made as per procedure laid down in Annexure 9 of Supply Code, amended from time to time.

I also find that in case, a consumer is aggrieved by the final order made under Section 127 of the Electricity Act-2003, it can prefer an Appeal to Appellate Authority notified by Government of Punjab under Section 127 of the Electricity act-2003 within 30 days of the said order.

1. As a sequel of above, it is held that the CGRF, Patiala rightly decided not to entertain the Complaint No.T-243/2019 in its present form and directed the Petitioner to submit a fresh case for other issues pertaining to Rs 16,59,136/- and Rs 35,99,541/- as fixed charges. Accordingly, the Petitioner is directed to comply with the order ibid (dated 23.09.2019) and file a fresh complaint before the CGRF, Patiala within a period of 15 days of receipt of this order for adjudication of its dispute.
2. The Appeal is disposed off accordingly.
3. If the Petitioner is not satisfied with this order, it is at liberty to seek appropriate remedy from the appropriate bodies in accordance with provisions contained in Regulation 3.28 of the PSERC (Forum and Ombudsman) Regulation-2016.

November 14, 2019 (Er. Virinder Singh)

S.A.S. Nagar (Mohali) Lokpal (Ombudsman)