

**COURT OF THE LOK PAL (OMBUDSMAN),  
ELECTRICITY, PUNJAB,  
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,  
S.A.S. NAGAR (MOHALI).**

**(Constituted under Sub Section (6) of Section 42 of  
Electricity Act, 2003)**

**APPEAL No. 07/2023**

**Date of Registration : 09.02.2023**

**Date of Hearing : 17.02.2023**

**Date of Order : 17.02.2023**

**Before:**

**Er. Gurinder Jit Singh,  
Lokpal (Ombudsman), Electricity, Punjab.**

**In the Matter of:**

M/s. Pee Kay Paper & Board (P) Ltd.,  
Sangowal Road Mehatpur,  
Tehsil Nakodar, Distt. Jalandhar.

**Contract Account Number: 3007510046 (LS)**

...Appellant

Versus

Addl. Superintending Engineer,  
DS City Division, PSPCL,  
Nakodar.

...Respondent

**Present For:**

Appellant: Sh. M. R. Singla,  
Appellant's Representative.

Respondent : Er. Inderjit Singh,  
Addl. Superintending Engineer,  
DS City Division, PSPCL,  
Nakodar.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 24.01.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. T-006/2023 deciding that:

*“After deliberation Forum decided that as the case of the Petitioner had been decided by Zonal Level Refund Committee against which the appeal can be filed in the instant case (being less than Rs. 500000/-) before Zonal DSC (now reconstituted as Zonal Level CGRF) as per Instruction no. 93.5 of ESIM, 2018 read with CC 39/2021.*

*Therefore, in view of the above the present case is not maintainable and is dismissed accordingly.”*

## **2. Registration of the Appeal**

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 09.02.2023 i.e. within the period of thirty days of receipt of the decision dated 24.01.2023 of the CCGRF, Ludhiana in Case No. T-006/2023. The Appellant was not required to deposit the requisite 40% of the disputed amount as it was a refund case. Therefore, the Appeal was registered on 09.02.2023 and copy of the same was sent to the Addl. Superintending Engineer/ DS City Division, PSPCL, Nakodar for sending written reply/ para wise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 172-174/OEP/A-07/2023 dated 09.02.2023.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 17.02.2023 at 12.00 Noon and intimation to this effect was sent to both the parties vide letter nos. 179-180/OEP/A-07/2023 dated 10.02.2023. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

### **4. Submissions made by the Appellant and the Respondent**

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral deliberations made by the Appellant's Representative and the Respondent along with material brought on record by both the parties.

#### **(A) Submissions of the Appellant**

##### **(a) Submissions made in the Appeal**

The Appellant made the following submissions in its Appeal for consideration of this Court:-

- (i) The Appellant was having a LS Category Connection bearing Account No. 3007510046 (old account no. X46-LS01-00002) with sanctioned load of 923.333 kVA under City Division, PSPCL, Nakodar.

- (ii) The Appellant deposited ₹ 61,360/- as earnest money on 12.02.2014 for availing extension in load from 590 kVA to 1120 kVA. Feasibility Clearance was given/ accorded by the Dy. CE/ DS Circle, Kapurthala vide his Memo No. 13154 dated 03.07.2014. Accordingly, A&A Form was submitted by depositing ₹ 1,42,040/- as ACD on 12.07.2014. Total security amount deposited was ₹ 61,360/- + ₹ 1,42,040/- = ₹ 2,03,400/-. Demand Notice was issued by the AEE/ DS S/D, Mehatpur vide Memo No. 1967 dated 23.07.2014.
- (iii) After that the AEE/ Mehatpur informed the Appellant vide his Memo No. 2305 dated 08.09.2014 that Feasibility Clearance had been cancelled due to Technical Reasons & Fresh Feasibility Clearance would be issued. No Fresh Feasibility was accorded in spite of so many requests till 2019.
- (iv) Then the notified office advised to the Appellant to apply fresh for extension in load. Accordingly, new extension in load was applied in 2020 from 590 kVA to 923.333 kVA by depositing fresh ACD/ Security. After compliance of all the formalities for extension in load, extension in load was released in the month of February, 2021.
- (v) The Respondent neither refunded the ACD/ Security previously deposited for extension in load nor interest was paid on the amount of Security/ ACD deposited for extension in load in 2014. As per

Regulation 18.1.2 of Supply Code, 2014; where the Demand Notice was not served within the time frame as per Supply Code, 2014 Regulations, ACD/ Security was required to be refunded in full with interest. Accordingly, the Appellant was entitled for refund of Security with interest at SBI's Base Rate + 2% from the date of deposit as per Regulations.

- (vi) So a petition was filed before the CCGRF, Ludhiana for refund of ACD with interest deposited for extension of load & for updating ACD deposited from time to time for the existing load and for paying interest on it. The Petition was not decided for a period of more than 6 months. Later on, this case was transferred to CE/ DS (North), Jalandhar for taking decision with the plea that due to formation of Corporate Forum, cases would be decided by them only for dispute amount above ₹ 5 Lac.
- (vii) The CE/ DS (North), Jalandhar after keeping the case pending for a period of more than six months, had given decision, which was conveyed to the AEE/ DS Sub Divn., Mehatpur through the ASE/ DS Division City, Nakodar vide Memo No. 6975 dated 12.12.2022. The CE/ North Zone ordered to refund the ACD/ Security & no order was passed regarding interest.
- (viii) Not satisfied with the decision of CE/ North Zone, the Appellant was constrained to file Appeal before the CCGRF, Ludhiana as per

provision of Regulation 2.31 of the Forum and the Ombudsman Regulations. The Corporate Forum entered the dispute case vide Case No. T-006/ 2023 and fixed the hearing on 24.01.2023. After discussion, it was ordered in the open Court that case was registered and next date of hearing was 31<sup>st</sup> January, 2023. Later on, it was ordered that the Appeal was not maintainable.

- (ix) For one reason or the other, a simple issue was not being decided by the concerned authorities within the stipulated time of 45 days as per Regulations. The Appellant was constrained to file the present Appeal in the Hon'ble Court of Ombudsman against the order dated 24.01.2023 of the CCGRF, Ludhiana for deciding the Case as per Regulations.
- (x) The ACD/ Security Consumption deposited for Extension of load amounting to ₹ 2,03,400/- was required to be refunded with interest as per Regulation 18.1.2 of Supply Code, 2014 for non issue of Demand Notice again after cancellation of previous Demand Notice. As per the Appellant's calculation given below, interest on amount of security for extension in load came to ₹ 1,90,796/- :-

12.02.2014 to 31.03.2014	61360x11.70% =	944
01.04.2014 to 31.03.2015	61360x12% =	7363
12.07.2014 to 31.03.2015	142040x12% =	12328
01.04.2015 to 31.03.2016	203400x12% =	24408
01.04.2016 to 31.03.2017	203400x11.30% =	22984
01.04.2017 to 31.03.2018	203400x11.10% =	22577
01.04.2018 to 31.03.2019	203400x10.70% =	21764
01.04.2019 to 31.03.2020	203400x11.05% =	22476
01.04.2020 to 31.03.2021	203400x10.15% =	20645
01.04.2021 to 31.03.2022	203400x09.40% =	19120
01.04.2022 to 31.01.2023	203400x09.55% =	16187
<b>Total</b>	<b>=</b>	<b>₹ 1,90,796/-</b>

(xi) Interest on ACD deposited from time to time due to revision of tariff amounting to ₹ 3 lac was not updated timely in the electricity bills.

(xii) The Appellant requested this Court to kindly accept the Appeal and to pass the orders to the Respondent for refunding the Security deposited for extension in load with interest and also to pay the difference of interest amount due to non up-dation of ACD in the energy bills.

**(b) Submission during hearing**

During hearing on 17.02.2023, the Appellant's Representative (AR) reiterated the submissions made in the Appeal and prayed to allow the same.

**(B) Submissions of the Respondent**

**(a) Submissions in written reply**

The Respondent submitted the following written reply for consideration of this Court:-

- (i) The Appellant was having a LS Category Connection bearing Account No. 3007510046 (old Account No. X46-LS01-00002) with sanctioned load of 923.333 kVA in the name of M/s. PK Paper & Board (P) Ltd., Sangowal Road Mehatpur, Tehsil Nakodar, Distt. Jalandhar.
- (ii) The Appellant had submitted Application & Agreement form (HT Supply) for extension in Contract Demand (CD) from existing 590 kVA to 1110 kVA i.e. an extension of 520 kVA, registered in the Sub Divisional office vide A & A No. 40940 dated 18.07.2014.
- (xiii) The Appellant, as per record available in the office, had applied online through the PSPCL single window and deposited ₹ 61,360/- through internet mode vide Transaction No. 2259 dated 12.02.2014 and ₹ 1,42,040/- through internet mode vide Transaction No. 5269 dated 12.07.2014.
- (xiv) The Technical Feasibility Clearance given earlier by the office of the Dy. Chief Engineer was cancelled due to technical reasons and was conveyed to the Appellant by Sub Divisional Office vide Memo No. 2305 dated 08.09.2014.
- (xv) The Appellant had not submitted any representation to claim any refund in the concerned office as per record available in the office.
- (xvi) The Appellant had put forward his case before Zonal Level Refund Committee and the Refund Committee had decided that “ਇਸ

ਖਪਤਕਾਰ ਵਲੋਂ ਟੈਕਨੀਕਲ ਫਿਜ਼ੀਬਿਲਟੀ ਕਲੀਅਰੈਂਸ ਨਾ ਹੋਣ ਕਾਰਨ (61360+142040) 203400/- ਰੁਪਏ ਦੇਣ ਯੋਗ ਹਨ ਜਿਸਦੀ ਅਦਾਇਗੀ ਪ੍ਰੀਆਡਿਟ ਉਪਰੰਤ ਕਰ ਦਿੱਤੀ ਜਾਵੇ ਪ੍ਰੰਤੂ ਏਸੀਡੀ ਦੇ ਵਿਆਜ ਵਜੋਂ 114327/-ਰੁਪਏ ਦਾ ਰਿਫੰਡ ਤਿੰਨ ਸਾਲ ਤੇ ਜਿਆਦਾ ਪੁਰਾਣੇ ਸਮੇਂ ਨਾਲ ਸੰਬੰਧਿਤ ਹੈ। ਲਿਮੀਟੇਸ਼ਨ ਪੀਰੀਅਡ ਸੰਬੰਧੀ ਨਿਗ ਇੰਜੀਨੀਅਰ/ ਰੈਗੂਲੇਸ਼ਨ, ਪਟਿਆਲਾ ਵੱਲੋਂ ਆਪਣੇ ਦਫ਼ਤਰੀ ਹੁਕਮ ਨੰ 115/151/ ਲੂਜ-22 ਸੀਏਉ/ ਰੈਵੀਨਿਊ ਮਿਤੀ 13.04.2022 ਨਾਲ ਕਮੇਟੀ ਦਾ ਗਠਨ ਕੀਤਾ ਗਿਆ ਸੀ ਜਿਸਦਾ ਸੰਬੰਧਤ ਕਮੇਟੀ ਦਾ ਫੈਸਲਾ ਅਜੇ ਨਹੀਂ ਆਇਆ। ਇਸ ਕਮੇਟੀ ਵੱਲੋਂ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਕਿ ਉਪਰੋਕਤ ਗਠਨ ਕਮੇਟੀ ਦਾ ਫੈਸਲਾ ਆਉਣ ਤੇ ਬਾਅਦ ਏਸੀਡੀ ਦੇ ਵਿਆਜ ਦੇਣ ਸੰਬੰਧੀ ਫੈਸਲਾ ਕੀਤਾ ਜਾਵੇਗਾ।”

(xvii) The amount of ₹ 2,03,400/- (₹ 61,360/- + ₹1,42,040/-) had been refunded after Pre-Audit in the Appellant's account on 10.02.2023 and same would be reflected in next bill. The amount of ₹ 3 Lac had been updated under the Security Head and the same will be reflected in the next bill.

(xviii) The Appellant was not satisfied with the decision of the Zonal Level Refund Committee and filed the Appeal case in the Corporate Forum, Ludhiana. The Corporate Forum observed as under:-

*“Forum observed further that the Zonal Level Refund Committee of North Zone, Jalandhar had, in its proceeding/ decision dated 31.10.2022, erroneously mentioned that if the consumer is not satisfied with the decision, he has the right to approach CGRF, Ludhiana within stipulated period of 60*

*days. They should have mentioned 'appropriate CGRF' in place of 'CGRF, Ludhiana'.*

*After deliberation Forum decided that as the case of the Petitioner had been decided by Zonal Level Refund Committee against which the Appeal can be filed in the instant case (being less than Rs. 5,00,000/-) before Zonal DSC (now reconstituted as Zonal Level CGRF) as per Instruction No. 93.5 of ESIM, 2018 read with CC 39/2021.*

*Therefore, in view of the above, the present case is not maintainable and is dismissed accordingly."*

**(b) Submission during hearing**

During hearing on 17.02.2023, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal.

**5. Analysis and Findings**

The issue requiring adjudication is whether the decision of the Corporate Forum, to direct the Appellant to approach the Zonal Level CGRF as the two pending issues relating to interest on Security (Consumption) of ₹ 2,03,400/- & interest on Security (Consumption) of ₹ 3,00,000/- were less than ₹ 5 Lac as the Corporate Forum can deal with monetary disputes above ₹ 5 Lac only, is tenable or not.

*My findings on the points emerged, deliberated and analysed are as under: -*

- (i) The Corporate Forum in its order dated 24.01.2023 observed as under:-

“During the discussion of the case Respondent stated that the amount of Rs. 203400/- (61360+142040/-) will be refunded in petitioner’s account as the case has been sent for pre-audit and further stated that Rs. 3 Lac has been updated under the security head and the same will be reflected in next bill.

Forum observed that the present petition has been filed for Rs. 508000/- (Rs. 203400 + 190796 + 114327) out of which the case for the amount of Rs. 203400/- has already been decided by the Zonal level refund committee. The complaint against non-implementation of the above decision does not fall under the preview of this Forum and moreover as stated by the respondent during hearing, the implementation of the decision is already under process. Now the balance amount under dispute is Rs. 305123/- (Rs 190796/- as interest on Rs. 203400/- and Rs. 114327/- and Rs. 114327/- as an interest on ACD of Rs. 300000/-).

Forum observed further that the Zonal Refund Committee of North Zone, Jalandhar had in its proceeding/decision dated 31.10.2022, erroneously mentioned that if the consumer is not satisfied with the above decision, he has right to approach CGRF, Ludhiana within stipulated period of 60 days. They should have mentioned ‘appropriate CGRF’ in place of ‘CGRF, Ludhiana’.

After deliberation Forum decided that as the case of the Petitioner had been decided by Zonal Level Refund Committee against which the appeal can be filed in the instant case (being less than Rs. 500000/-) before Zonal DSC (now reconstituted as Zonal Level CGRF) as per Instruction no. 93.5 of ESIM, 2018 read with CC 39/2021.

Therefore, in view of the above the present case is not maintainable and is dismissed accordingly.”

- (ii) I have gone through the written submissions made by the Appellant in the Appeal, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 17.02.2023. It is observed that the Appellant had filed the Petition before the Corporate Forum for the disputed amount of ₹ 5,08,523/- against the

decision of Zonal Level Refund Committee. Out of this disputed amount of ₹ 5,08,523/-, the dispute of ₹ 2,03,400/- of the Appellant was already redressed by the decision of the Zonal Level Refund Committee. The disputed amount of balance two pending issues were of less than ₹ 5 Lac. So the Corporate Forum rightly decided that since the balance amount under dispute was less than ₹ 5 Lac, so the Appellant can file the Appeal before the Zonal Level CGRF against the decision of the Zonal Level Refund Committee.

- (iii) The Respondent had also submitted in his reply that the decision of the Zonal Level Refund Committee had been implemented after pre-audit and the dispute of the Appellant regarding refund of ₹ 2,03,400/- had been resolved. The disputed amount of balance two pending issues was of less than ₹ 5 Lac. Regulation 2.9 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) (2<sup>nd</sup> Amendment) Regulations-2021 prescribes the limits of Monetary Complaints to be dealt by the different Forums. The Corporate Forum can directly deal with monetary disputes above ₹ 5 Lac only as per Regulation 2.9.1 (i), reproduced as under:-

*“The Corporate Forum shall have the jurisdiction to dispose of all the monetary disputes of an amount exceeding Rs. Five lakh (Rs. 5,00,000/-) in each case. Provided that the complaint/ representation is made within two years from the date of cause of action.”*

So the present Appeal was not under the preview of the Corporate Forum.

- (iv) In view of above, this Court is not inclined to interfere with the decision dated 24.01.2023 of the Corporate Forum in Case No. T-006/2023. The Appellant should approach the Appropriate Forum for the redressal of its remaining issues as per monetary limits prescribed in Regulation 2.9 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) (2<sup>nd</sup> Amendment) Regulations-2021.

**6. Decision**

As a sequel of above discussions, the order dated 24.01.2023 of the Corporate Forum in Case No. T-006/2023 is hereby upheld. The Appellant should approach the Appropriate Forum for the redressal of its remaining issues as per monetary limits prescribed in Regulation 2.9 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) (2<sup>nd</sup> Amendment) Regulations, 2021. However, the Appropriate Forum shall pass appropriate order for disposal of the grievance within a period not exceeding 45 days from the date of receipt of the complaint/ grievance as per Regulation 2.31 of PSERC (Forum & Ombudsman) (2<sup>nd</sup> Amendment) Regulations, 2021

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

**8.** As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman)

Regulations-2016, the Licensee will comply with the award/ order within 21 days of the date of its receipt.

9. In case, the Appellant 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 Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016.

February 17, 2023  
S.A.S. Nagar (Mohali)

(GURINDER JIT SINGH)  
Lokpal (Ombudsman)  
Electricity, Punjab.