

**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. 40/2022

Date of Registration : 15.07.2022

Date of Hearing : 02.08.2022

Date of Order : 02.08.2022

Before:

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

In the Matter of:

M/s. Swan Printing Press,
Adda Tanda,
Tanda Road Jalandhar City,
Pin : 144008

Contract Account Number: 3002901090(MS)

...Appellant

Versus

Sr. Executive Engineer,
DS West Division,
PSPCL, Jalandhar.

...Respondent

Present For:

Appellant: (1) Sh. M.R.Singla,
Appellant's Representative.
(2) Sh. J.P.Singh,
Appellant's Representative.

Respondent : (1) Er. Sunny Bhagra,
Sr. Xen/ DS West Division,
PSPCL, Jalandhar.
(2) Sh. Kamal Dureja, RA.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 31.05.2022 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-438 of 2021, deciding that:

- “i. Amount charged to petitioner vide notice memo no. 185796/- dated 11.02.2021 is quashed, NRS tariff be charged from date of checking i.e. 27.01.2021 onwards. Further for charging NRS tariff for the period prior to date of checking i.e. 27.01.2021, clarification from O/o CE/Comm. PSPCL Patiala be sought in context of instruction no. 93.2 of ESIM 2018 of limitation period in view of the facts of present case and necessary action be taken accordingly. Compliance of due procedure for change of category as per PSPCL instructions be ensured.*
- ii. Dy. CE/DS Circle, PSPCL Jalandhar is directed to initiate action against delinquent officials/officers for non compliance of the instructions of PSPCL.”*

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 15.07.2022 i.e. within the period of thirty days of receipt of the decision dated 31.05.2022 of the CGRF, Ludhiana in Case No. CGL-438 of 2021, received by the Appellant on 29.06.2022. The Appellant had deposited the requisite 40% of the disputed amount. Therefore, the Appeal was registered on 15.07.2022 and copy

of the same was sent to the Sr. Xen/ DS West Divn., PSPCL, Jalandhar for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 793-95/OEP/A-40/2022 dated 15.07.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 02.08.2022 at 12.00 Noon and intimation to this effect was sent to both the parties vide letter nos. 827-28/OEP/A-40/2022 dated 26.07.2022. 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 alongwith 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 MS Category Connection, bearing Account No. 3002901090 with sanctioned load of 84.750 kW/94.17 kVA under DS Mai Hiran Gate Sub Division under DS West Division, PSPCL, Jalandhar for printing and manufacturing of books.
- (ii) On 11.02.2021, AEE/ Commercial, DS Mai Hiran Gate Sub Division served a notice asking to deposit ₹ 1,85,796/- vide Memo No. 278 towards difference of tariff from MS to NRS on the ground that JE had checked the connection of the Appellant on 10.02.2021 and found that the Appellant was doing work of publishing of books. The Respondent had wrongly interpreted that publishing/manufacturing of books was under NRS category.
- (iii) The Appellant had taken the electricity connection more than 30 years back under industrial category for publishing of books and since then doing the same job and the Department had never objected during their checking's in the past. The Appellant had obtained all the statutory permissions/ License required to run industry from the Government viz:

The Appellant was registered under Factories Act for running of Industry. Certificate for running industry, for the items to be manufactured i.e. printing of Books from the General Manager

Industries, Jalandhar had also been got issued. The Appellant was also registered for MSME industrial unit. In the Certificate issued by Ministry of Micro, Small & Medium Enterprises, it was clearly mentioned that major activity was of manufacturing.

- (iv) Moreover, Printing Press was categorized under green category industry at Sr. No. 38 of Annexure 37 of ESIM. As per these instructions, the industry of the Appellant was also obviously categorized under industrial category. The logic behind this instruction was very clear which conveyed that Printing Press was covered under industry.
- (v) Illegal notice issued by the Respondent was not withdrawn by the office when the Appellant represented against this notice. Then, being aggrieved, the Appellant filed the case before the Forum and it was registered vide Case No. CGL-438 of 2021 which was decided on 31.05.2022 and the decision was received on 29.06.2022. The decision in question carried directions that tariff from MS to NRS was chargeable from the date of checking and the amount charged for the previous period was quashed, giving meager relief to the Appellant.
- (vi) Since the date of connection which was released under Industrial Category (Medium Supply) till to date, the Appellant

had not changed the category of connection. This non-change of Category of connection had been admitted by intelligence Wing of the PSPCL i.e. ASE/ Enforcement Unit No. 1, Jalandhar on 26.08.2020 during this checking, which clearly testified the version of the Appellant and rejected the inference drawn by the Respondent & charges levied illegally by the Respondent thereof. Nowhere, it had been mentioned by the Enforcement Wing that this category had been changed by the Appellant which clearly suggested that this was MS category connection being printing press.

- (vii) The Appellant would like to reiterate that no change, whatsoever, in category and nature of industry from date of connection had been done. The certificates given in lieu of authentication by Govt. of India, vide Udyog Aadhaar (M.S.M.E) and Punjab Govt. through General Manager Distt. Industries & Director of Factories, Punjab (Jalandhar-II) that Swan Printing Press was an Industrial/ Manufacturing unit.
- (viii) It was pleaded that number of similar Publishing Units were running under Industrial Category at Jalandhar and the Licensee had never objected to it. It was not understood that how the Respondent had singled out the Appellant's Industrial Unit as commercial one and even charged the tariff from MS to

NRS in brazen violations of the instructions/ regulations and instructions contained in Annexure 37 of ESIM where Printing Press was categorized under Green Category Industry. Evidently, as per these instructions, the Appellant's Industry came under MS Industrial Category.

- (ix) It would be in the fitness of the things to mention that in one similar case bearing Appeal No. 16 of 2019 of Bansal Info Graphics (India) Limited, the Court of Hon'ble Ombudsman had ordered the reversal of tariff from NRS to MS.
- (x) It would also be pertinent to mention that since the date of enactment of E.A., 2003 till now, PSERC had not changed any Regulation that units of publishing houses running in Industrial Category were to be charged NRS tariff.
- (xi) Most importantly amongst the above, it would be worthwhile to mention that Govt. of Punjab while issuing "INVEST PUNJAB" Industrial Policy, clearly mentioned that Printing Presses, Offset Printing Press besides Flex/ Vinyl Printing, Flexo Printing are covered under Industrial Category which strengthened Appellant's claim that their's was industrial unit.
- (xii) The Appellant had prayed that keeping in view its above submissions, Hon'ble Ombudsman was humbly requested to kindly pass the orders to the Respondent for withdrawing the

notice for illegal demand of ₹ 1,85,796/- which was in violation of instructions and further order that change of tariff from the date of checking till to date was not chargeable and the Appellant was allowed to be continued to be billed in MS category industrial tariff. Further, it was also requested to order to refund the 40% amount with interest deposited for filing this Appeal. Suitable Compensation may also be please allowed for causing unnecessary harassment to the Appellant by the Respondent.

(b) Submission during hearing

During hearing on 02.08.2022, 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 MS Category Connection, bearing Account No. 3002901090 with sanctioned load of 84.750 kW. The nature of industry mentioned in the bill was Printing Press.
- (ii) This connection was checked by the SDO/ AEE and JE on 27.01.2021 and reported that at the spot, the printing press

machines were running. Printing work was being carried out in the name of Raj Publication and on the enquiry by the checking Authorities it was imparted that work was done by the Raj Publisher registered with Swan Printing Press. It was also mentioned in the report that another work of printing was being done by the M/s Pioneer Traders in the same premises and report submitted to the Commercial Wing for necessary action.

- (iii) Keeping in view the report of checking Authorities and Commercial Circulars/ instructions issued from time to time, this office came to the conclusion that NRS tariff should be levied for such kind of work. So, the demand for the period from January, 2019 to January, 2021 amounting to ₹ 1,85,796/-, being difference of tariff (MS to NRS), was charged as per Commercial Circular No. 36/2006 and CC No. 43/2014 (Printing Press was covered under NRS category) and the notice was issued to the Appellant vide Memo No. 278 dated 11.02.2021.
- (iv) The Appellant was not satisfied with the notice issued by the office and it filed a complaint before the Forum. The Forum decided the case on 31.05.2022. Being not satisfied with the decision of the Forum, the Appellant filed an Appeal before the Ombudsman/ Electricity, Punjab.

- (v) The connection was released for printing press and the tariff was wrongly levied under Medium Supply Category instead of NRS Category. It was clearly mentioned in Regulation 86-Schedule of tariff for Non- Residential Supply (NRS) of Sales Regulations for Supply of Electric Energy to Consumers, 1999, that NRS tariff should be levied to printing press. The ibid clause reiterated as under:-

“86.SCHEDULE OF TARIFF FOR NON RESIDENTIAL SUPPLY (N.R.S.)

86.1 Availability: Available for lights, fans, appliances like pumping set, central air-conditioning plant, lift, welding set, small lathe, electric drill, heater, battery charger, embroidery machines, **printing press**, ice candy, dry cleaning machines, power press, small motors in Non-residential premises such as business houses, cinemas, clubs, public offices, hospitals, hotel/ motels, departmental stores, shops, guest houses, restaurants, office etc.”

- (vi) The same clause of applicable tariff to printing press was also available in Electricity Supply Regulations, 2005. Moreover in ESIM 2018 , Schedule of Tariff (FY 2018-2019) is reproduced below:

“SV SCHEDULE OF TARIFF FOR NON- RESIDENTIAL SUPPLY (NRS)

SV.1 Availability

SV. 1.1 This tariff shall apply to non-residential premises such as business houses, cinemas, clubs, offices, hotels/motels, marriage palaces, departmental stores, shops, guest houses, restaurants for lights, fans, appliances like pumping set & air conditioning units/plants, lifts, welding sets, small lathes, electric drills, heaters, EV Charging Stations, battery chargers, embroidery machines, **printing presses**, ice candy machines, dry cleaning machines, power presses, small motors etc., Private hospitals (other than charitable), Private unaided educational institutions i.e. schools, colleges and universities, hostels and residential quarters attached thereto where such institutions/installations are not covered under schedule DS/ BS, Telecommunication/ Cellular Mobile Phone Towers and all private sports institutions/ facilities including gymnasiums.”

- (vii) The difference of Tariff was charged to the Appellant as per *ibid* instructions.
- (viii) It might be correct that the Appellant had changed the nature of running industry in later years after the date of release of connection. Now as per current checking, the running process fell under Printing Press category which was further covered under NRS Tariff. Thus, MS tariff was wrongly being levied and was corrected after checking accordingly.

- (ix) The contention of the Appellant was incorrect that MS tariff was applicable to Printing Press as printing press was covered under NRS category as explained above.
- (x) The facts of the case of M/s Bansal Infographics (India) Limited mentioned in the Appeal were different from the facts of this case. Thus, the similar order should not be applicable in this case.
- (xi) The Respondent submitted that from the date of enactment of EA-2003 till date, PSERC had not changed any regulation for printing presses and also not changed the category applicable to printing presses. From the date of release of connection till date, NRS tariff was applicable for printing press.
- (xii) It was mentioned in the LCR No. 92/2043 dated 27.01.2021 that another Printing press in the name of M/s. Pioneer Traders was also running in the Appellant's premises.
- (xiii) The Respondent prayed for the dismissal of the Appeal with cost and requested for direction to the Appellant to deposit the balance amount alongwith applicable interest/ surcharge as per PSPCL rules and regulations.

(b) Submission during hearing

During hearing on 02.08.2022, 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 the legitimacy of charging of NRS category of tariff to the Appellant from the date of checking who was found running Printing Press during checking by the AE/Tech., Unit-4, Patel Chowk Sub Division vide LCR No. 92/2043 dated 27.01.2021.

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

- (i) The Appellant's Representative (AR) reiterated the submissions made in the Appeal. He pleaded that AEE/ Commercial, DS Mai Hiran Gate Sub Division, PSPCL, Jalandhar served a notice asking to deposit ₹ 1,85,796/- vide Memo No. 278 dated 11.02.2021 towards difference of tariff from MS to NRS on the ground that JE had checked the connection of the Appellant on 10.02.2021 and found that the Appellant was doing work of publishing of books. He pleaded that the Appellant had obtained all the statutory permissions/ Licenses required to run

Industry from the Government. The Appellant was registered under Factories Act for running of industry. Certificate for running industry for the items to be manufactured i.e. printing of books from the General Manager Industries, Jalandhar had also been issued. The Appellant was also registered for MSME industrial unit. In the Certificate issued by Ministry of Micro, Small & Medium Enterprises, it was clearly mentioned that major activity was manufacturing. Moreover, Printing press was categorized under green category industry at Sr. No. 38 of Annexure 37 of ESIM. As per these instructions, the industry of the Appellant was also obviously categorized under industrial category. The Respondent had wrongly interpreted that publishing/ manufacturing of books was under NRS category. The Appellant approached the Forum against the notice but the Forum decided that tariff from MS to NRS was chargeable from the date of checking and the amount charged for the previous period was quashed, giving meager relief to the Appellant. He pleaded that in one similar case bearing Appeal No. 16 of 2019 of M/s. Bansal Infographics (India) Limited, the Court of Ombudsman had ordered the reversal of tariff from NRS to MS. He further pleaded that the Govt. of Punjab while issuing “INVEST PUNJAB” industrial policy, clearly

mentioned that printing presses, offset printing press besides Flex/ Vinyl Printing, Flexo printing are covered under industrial category which strengthened Appellant's claim that theirs was industrial unit. The Appellant prayed that keeping in view the above submissions, Hon'ble Ombudsman was humbly requested to kindly pass the orders to the Respondent for withdrawing the notice for illegal demand of ₹ 1,85,796/- which was in violation of instructions and further order that change of tariff from the date of checking till to date was not chargeable and the Appellant was allowed to be continued to be billed in MS category industrial tariff. Further, it was also requested to order to refund the 40% amount with interest deposited for filing this Appeal. Suitable Compensation was also demanded for causing unnecessary harassment to the Appellant by the Respondent.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and reiterated the submissions made by the Respondent in the written reply. The Respondent argued that the connection was released to the Appellant for Printing Press and the tariff was wrongly levied under Medium Supply Category instead of NRS Category. He argued that it was clearly mentioned in Regulation 86-Schedule of tariff for

Non Residential supply (NRS) of Sales Regulations for Supply of Electric Energy to Consumers, 1999, that NRS tariff should be levied to Printing Press. The same clause of applicable tariff to Printing Press was also available in Electricity Supply Regulations, 2005 and in ESIM, 2018 in Schedule of Tariff (FY 2018-2019). The contention of the Appellant was incorrect that MS tariff was applicable to Printing Press as Printing Press was covered under NRS category as explained above. He further argued that the facts of the case of M/s. Bansal Infographics (India) Limited quoted by the Appellant were different from the facts of this case. Thus, the similar order should not be applicable in this case. The Respondent prayed for the dismissal of the Appeal with cost and requested for direction to the Appellant to deposit the balance amount alongwith applicable interest/ surcharge as per PSPCL rules and regulations.

(iii) The Forum in its order dated 31.05.2022 observed as under:

“Observations of the Forum on above issues raised by Petitioner & reply of Respondent are as follows:-

- a. As per energy bill connection was released to the Petitioner on 30.06.1977 whereas as per Petitioner the connection was released by the then PSEB (now PSPCL) in 1959 or 1960 under industrial category. Respondent had no where denied that the connection was not released under industrial category. Respondent, based upon the site checking reports as above concluded that NRS tariff is applicable to petitioner.

- b. Petitioner himself submitted that since inception/date of connection there is no change in the job/usage of connection which shows that the connection is used for Printing Press till date.
- c. Connection of the petitioner was checked by ASE/Enf-1, Jalandhar vide ECR no. 41/1388 dated 26.08.2020 and found that: -

Category –Printing Press

u?fezr ;w/A whNo dh fv;hb/nK s/ ;?rw?AN 1 2 3
uZbd/ Gko s/ ;fEo gkJ/ rJ/ ns/ gb; pfbze eodh
gkJh rJh.

fv;gb/n s/ uZbd/ Gko dk fwbkB efbg nkB whNo Bkb
eoB s/ mhe gkfJnk.

u?fezr T[gozs MCB T[go ;hb T[go;/aB ;Nkc tb'A
brk fdZsh rJh.

As per Respondent the connection was checked for adjudging the working of meter and not for any other purpose and Forum observed that even when the purpose of checking was otherwise but, the type/category of work was mentioned as Printing Press. Further it is observed that as per LCR no. 33/2058 dated 10.02.2021, petitioner is operating a printing press. As such, this nature of business is not covered under industrial category as per complied instructions of CC 12/1994 and instructions / different tariff orders issued afterwards.

- d. The contention of the Petitioner that he is registered under Factories Act, certified for printing of books, registered MSME Industrial unit and covered under Sr. no. 38 of Annexure 37 of ESIM 2018 under green category industry list is not a criteria to decide the applicability of tariff as it is for purpose of determining the categorization under respective Acts/Laws and exemption for submission of NOC from P.P.C.B and not for the purpose of determining the tariff under which connection is to be released. Tariff applicability is determined by the utility based on the Sales Manual Instructions/Sales Regulations etc. and Tariff Orders approved by PSERC depending upon purpose of use of electricity.
- e. The very purpose of business activity of petitioner for use of electricity for Printing Press is in fact covered under 'Non Residential Category'. It is not of primary concern whether the business is sanctioned/ licensed by different government authorities under manufacturing/industrial type.
- f. Respondent had not placed on record relevant regulation of years 1959 to 2006 to determine under which category connection should had been released neither placed copy of consumer case for

ascertaining the category under which connection was actually released nor any changes/amendments made by PSEB after release of connection of Petitioner.

- g. It came to notice of the Forum that as per Sales manual instruction applicable in 1991 instruction no. 129 (4), Printing press is classified as industrial power supply and shall be charged under relevant industrial tariff. However, after the issue of CC 39/91 dated 26.07.1991 a number of amendments in General Condition of Tariff and Schedule of Tariff have been made, which were circulated to the field officers from time to time. All such amendments have been complied in CC 12/1994 and as per it, printing press is covered under NRS (commercial) category. There has been discrepancy on the part of Respondent/ PSPCL for not making change in tariff category after following due procedure as per instructions of PSEB (now PSPCL) for a period of almost 27 years connection was running under industrial category and no checking was brought on record other than the above mentioned checking reports of different agencies reporting the said matter. Instruction no. 106.1 of ESIM 2018 which deals with the checking of connections is as under:-

Checking Schedule:

“106.1.1 All DS/NRS/ industrial and bulk supply connections with load upto 100 KW/KVA in the jurisdiction of J.E. shall be checked by him at least once in every six months. All other 3-phase connections shall be checked by him at least once a year in addition to carrying out checking of single-phase connections.”

Had the above provision been complied with by the Respondent, the mistake would have been corrected earlier but due to non compliance of above instruction the dispute matter came into light after 27 years causing huge recurring revenue loss to PSPCL.

- h. As per instruction no. 129(4) of Sales Manual, the supply to printing press was covered under industrial category upto 1991 and as per compiled instructions of CC 12/1994 printing press industry was categorized under commercial (NRS) which shows that the category under which connection is running currently is wrong. Connection of the Petitioner should be under NRS category and not under MS category. Forum has further observed that as per various tariff orders issued by PSERC, the use of electricity for Printing press is covered under NRS tariff.
- i. Forum further observed that as per Partnership Deed placed on record by Petitioner dated 13.12.2018 is of M/s Raj publishers (Regd) with Swan Printing Press and there had been changes in the partnership deed dated 25.02.2008, but whether such change or any

change in the constitution of M/s Swan Printing Press was brought to the knowledge of Respondent or not cannot be ascertained now as both the parties kept silent on this issue. As per above observation and report in LCR no. 92/2043 dated 27.01.2021 and LCR no. 33/2058 dated 10.02.2021, Respondent is at liberty to take appropriate action as per PSPCL instructions.

- j. Now the question arises is for which period, the amount should be charged. In present case, the connection of the Petitioner is older than 60 years (as per petitioner) and is running under MS category (as per record) which was not changed to NRS as per the general condition of tariff/schedule of tariff circulated from time to time, and due to absence of necessary record, this Forum cannot decide upon the period for which the amount should be charged. For ascertaining the exact period clarification specific to the petitioner case being older than 60 years be sought from O/o CE/Commercial PSPCL Patiala in context of instruction no. 93.2 of ESIM 2018 regarding limitation period.
- k. From the above it is clear that connection is being used for printing press and that falls under the NRS category as per complied instructions in CC 12/1994 and as per Schedule of Tariff issued from time to time and hence connection needs to be billed under NRS category from date of checking onwards instead of MS category and for the remaining previous period prior to date of checking, necessary action is to be initiated as per clarification received from O/o CE/Commercial PSPCL Patiala in context of instruction no. 93.2 of ESIM 2018 regarding limitation period.

Forum have gone through written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder, oral discussion along with the relevant material brought in the record. Keeping in view the above discussion, Forum is of the opinion that Petitioner should be billed under NRS category from date of checking and regarding charging of amount for the remaining previous period prior before date of checking vide LCR no. 92/2043 dated 27.01.2021, clarification from O/o CE/Commercial PSPCL Patiala be sought and for now, the amount chargeable needs to be assessed from date of checking dated 27.01.2021 and not from 01/2019 (arbitrarily picked up period by Respondent). Forum also observed that even during the current dispute respondent had changed the category from MS to NRS based upon checking date 27.01.2021, but had not brought on record whether the required formalities for change of category had been complied or not.

Keeping in view the above, Forum came to unanimous conclusion that Amount charged to petitioner vide notice memo no. 185796/- dated 11.02.2021 is quashed, NRS tariff be charged from date of checking i.e. 27.01.2021 onwards. Further for charging NRS tariff for the period prior to date of checking i.e.27.01.2021, clarification from O/o CE/Comm. PSPCL Patiala be sought in context of instruction no. 93.2 of ESIM 2018 of limitation period in view of the facts of present case and necessary action be taken accordingly. Compliance of due procedure for change of category as per PSPCL instructions be ensured.”

- (iv) 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 02.08.2022. The contention of the Appellant that it was registered under Factories Act for running of industry and also registered as MSME Industrial unit by the Ministry of Micro, Small & Medium Enterprises with major activity as manufacturing, is not relevant as the supply of electricity to the consumer is given and charged as per the Tariff Orders and other rules and regulations framed by the PSERC in consonance with Electricity Act, 2003. Prior to this, Tariff applicability was determined on the basis of Sales Regulations issued by the Licensee. As per Regulation 86 of Sales Regulations For Supply of Electric Energy to Consumers, 1999, as produced by the Respondent, NRS tariff was applicable on Printing Press since then. Even the PSERC in Tariff orders of various years under Availability Clause of NRS category in

General Conditions of Tariff have included Printing Press in NRS category. The Appellant had failed to produce any documentary evidence to prove that Printing Press was covered under Industrial Category as per the Sales Regulations/ Tariff Orders approved by PSERC. So, it is proved beyond doubt that the NRS category Tariff was applicable to the Appellant, but it was being charged MS category Tariff due to the negligence on the part of officers/ officials of the Licensee.

- (v) It is observed that even in the documents of “INVEST PUNJAB” industrial policy of Govt. of Punjab, as produced by the Appellant itself, the Printing Press was covered under ‘Service Enterprises’ and not manufacturing as in publishing, no manufacturing is involved.
- (vi) The Appellant had prayed to pass order to the Respondent for withdrawing the notice issued vide Memo No. 278 dated 11.02.2021 for depositing ₹ 1,85,796/-. The Forum had already quashed this demand in its decision dated 31.05.2022 in Case No. CGL- 438 of 2021. This Court is not inclined to differ with this decision of the Forum.
- (vii) The Forum had decided that NRS tariff should be charged from the date of checking i.e. 27.01.2021. The Appellant had prayed that MS category industrial tariff should be levied instead of

NRS tariff because Printing Press is an Industry. The billing for electricity consumed by the Appellant is required to be done strictly as per Tariff Orders of the Commission issued from time to time. The Commission is fully empowered under The Electricity Act, 2003 to frame the General Conditions of Tariff & Schedules of Tariff. As per Schedules of Tariff approved by the Commission, Printing Presses are to be charged NRS tariff. The decision of this Court in Appeal No. 16/2019 has no relevance because the Commission (Competent Authority) had already decided after following the due procedure that tariff chargeable to the Printing Presses is NRS tariff. This cannot be changed by this Court. As such, the decision of the Forum to charge NRS tariff with effect from 27.01.2021 is correct. The prayer of the Appellant to levy Industrial MS category tariff is not acceptable and is hereby rejected. The tariff as approved by the Commission from time to time shall be leviable in this case in future also.

- (viii) The Appellant had requested that 40% amount deposited for filing this Appeal should be refunded with interest. Since the demand of ₹ 1,85,796/- raised vide Memo No. 278 dated 11.02.2021 stands quashed, the interest on the 40 % amount deposited for filing the Appeal shall be payable as per

Regulation No. 2.34 of PSERC (Forum & Ombudsman) (2nd Amendment) Regulation , 2021.

- (ix) The prayer of the Appellant for Compensation is without any merit and is hereby rejected after due consideration.
- (x) The Forum had given directions to the Respondent to seek clarification from the CE/ Commercial, PSPCL, Patiala in respect of charging of NRS tariff for the period prior to 27.01.2021. The Appellant shall be at liberty to file fresh grievance before the Forum in case he is not satisfied with the demand raised by the Respondent, if any, after receipt of clarification from the CE/ Commercial.
- (xi) In view of the above, this court is not inclined to interfere with the decision dated 31.05.2022 of the Forum in Case No. CGL-438 of 2021.

6. Decision

As a sequel of above discussions, the order dated 31.05.2022 of the CGRF, Ludhiana in Case No. CGL-438 of 2021 is hereby upheld. 40% amount deposited by the Appellant for filing this Appeal shall be refunded with interest as per Regulation No. 2.34 of PSERC (Forum& Ombudsman) (2nd 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.

August 02, 2022
S.A.S. Nagar (Mohali)

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