**IN THE COURT OF OMBUDSMAN, ELECTRICITY PUNJAB,**

**66 KV GRID SUBSTATION PLOT NO: A-2, INDL AREA,**

**PHASE-I, S.A.S. NAGAR, MOHALI**

**APPEAL No: 04/2017** **Date of Order: 17/04/ 2017**

**M/S MAHAJAN STEEL FURNACE**

**PRIVATE LIMITED,**

**OPPOSITE DHANDARI RAILWAY STATION,**

**DHANDARI KALAN,**

**LUDHIANA. ………………..** PETITIONER

**Account No. LS/EST-07/0256**

*Through:*

Sh. Tajender K. Joshi, Advocate

Sh.Devinder Kumar Mehta,

Sh. Viky Sood.

VERSUS

**PUNJAB STATE POWER CORPORATION LIMITED.**

**………………..** RESPONDENTS

*Through*

Er. C.S. Brar,

Addl. Superintending Engineer

Operation, Estate Division,

P.S.P.C.L., Ludhiana.

Petition no. 04/2017 dated 06.02.2017 was filed against order dated 21.10..2016 of the Forum for Redressal of Grievances of the Consumers (Forum) in case no: CG-86 of 2016 deciding that the amount of Service Connection Charges (SCC) charged to the consumer as per Commercial Circular (CC) No. 31/2012 dated 21.09.2012 is correct and recoverable. Further, it was also decided by the Forum that Chief Engineer/Operation, Central Zone, Ludhiana may initiate disciplinary action against the delinquent officers/officials in accordance with their Service Rules for not performing their duties properly.

2. Arguments, discussions & evidences on record were held on 17.04.2017.

3. Sh. Tajender K. Joshi, Advocate, alongwith Sh. Devinder Kumar Mehta, and Sh. Viky Sood, attended the court proceedings on behalf of the petitioner. Er. C.S. Brar, Additional Superintending Engineer, Operation Estate Division, PSPCL, Ludhiana alongwith ShH.S. Ghuman, Advocate and Sh. Krishan Singh, Revenue Supdt. , appeared on behalf of the respondent, Punjab State Power Corporation Limited (PSPCL).

4. At the outset of the proceedings, the counsel for the petitioner made a request for condonation of delay in filing the appeal by submitting that his Appeal case no. CG – 86 of 2016 was decided by the CGRF (Forum) on 21.10.2016 and copy of decision was dispatched vide letter Memo No. 1800/1801 dated 24.10.2016. So, the order was received by the appellant tentatively on 26/27.10.2016. Further, for filing the appeal, the petitioner was required to deposit the remaining 20% amount with the respondent as pre-condition. However, the petitioner arranged the funds and deposited the remaining 20% of the disputed amount on 23.11.2016. Thereafter, the applicant decided to engage a counsel in Chandigarh and for that, collected documents were put in a file cover at his home. On 26.11.2016, the petitioner decided to visit Chandigarh to engage the counsel but surprisingly, the file cover containing all the documents required for filing the appeal case were missing from the place, where it was kept by the appellant. However, the appellant tried his best to locate the file but same was not traceable. In the first week of January, 2017, the appellant met with his counsel and engaged him. The counsel downloaded the copy of the impugned judgement passed by the Forum from the internet site of the CGRF. But in the absence of other documents, the case could not be prepared and filed before this court. That on 22.01.2017, the appellant found the file cover containing all the documents of the case in some old Raddi files. Some work was going on at the house of the petitioner and it appears that some person inadvertently put the above said file cover with the Raddi files. After the file was traced, the appellant again visited the Chandigarh on 25.01.2017 and handed over all the papers to the counsel who prepared the appeal on 29.01.2017 and called the appellant to Chandigarh for signing the appeal. The authorized officer of the appellant came to Chandigarh on 02.02.2017 for signing the appeal and now accordingly, the appeal was filed before the court of Ombudsman without any further delay. As such, in this way, there occurred a delay of 68 days in filing the appeal before this court which was bonafide and not intentional. Therefore, he prayed that in view of the submissions made, the delay of 68 days in filing the appeal may kindly be condoned and the same decided on merits in the interest of justice.

Er. C.S. Brar, ASE, commenting on the issue of delay in filing the case submitted that the present appeal assailing the impugned order dated 21.10.2016 passed by the CGRF (Forum) was not maintainable being filed beyond the period of 30 days, as provided in the Electricity Act, 2003. Thus, the present application for condonation of 68 days delay in filing the appeal deserved to be dismissed as the delay had not been explained by the petitioner properly who has tried to justify the delay by stating that the inordinate delay occurred because he had misplaced the documents, which were required for filing the appeal and the petitioner finally being able to locate the documents of the case in old files. The explanation given by the petitioner was not supported by cogent evidence and thus, deserves to be rejected.

In this context, Regulation 3.18 (ii) of the (Forum & Ombudsman) Regulations -2016 provides a period of 30 days for filing an Appeal against the order of the Forum. In the present case, the decision was sent to the Petitioner through Registered post on 24.10.2016 which have been received by him on 26/27.10.2016., Therefore, the Appeal was required to be filed by 27.11.2016 but the same filed on 06.02.2017. Though, no justifiable reasons for this delay has been mentioned by the Petitioner but rejecting the appeal only on this ground will not end the ultimate justice and deprive of the Petitioner the opportunity. In view of the natural justice and affording him an opportunity to be heard, the delay of 68 days condoned and the Petitioner is allowed to present the case on its merits.

5. Presenting the case, Sh. ­­Tajender K. Joshi, Advocate, the petitioner’s counsel stated that the petitioner is having a LS category connection bearing Account No. EST-07/256 with sanctioned load of 2494.998 KW with Contract Demand (CD) of 2495 KVA operating under Estate Special Division, Ludhiana.. The petitioner applied for new connection under LS category and deposited earnest money amounting to Rs. 3,40,200/- on 14.06.2011. After feasibility clearance, the peptitioner submitted Application & Agreement (A&A) form and an amount of RS. 34,02,000/- was deposited as balance Security/ACD on 09.12.2011. The demand notice bearing No. 281 dated 29.02.2012 was issued wherein demand of Rs. 32,66,621/- was raised as Service Connection Charges (SCC), variable charges and cost of Vacuum Circuit Breaker ( VCB). Demand Notice (DN) was got extended by the petitioner upto 28.08.2012 by depositing Rs. 2500/- as Demand Notice extension fees alongwith Rs. 8,16,656/- as 20% of Service Connection Charges on 24.05.2012. The petitioner requested vide letter dated 27.08.2012 for further extension of Demand Notice by another three months i.e. upto 28.11.2012. The Chief Engineer/DS, Central, PSPCL, Ludhiana vide its letter dated 31.10.2012 extended the validity period of the Demand Notice for three months i.e. upto 28.11.2012. Further more, after receiving the letter extending the period of Demand Notice, the petitioner deposited Rs. 24,57,465/- as 75% amount of Service Connection and other charges vide B.A. 16 receipt No. 98/1503 dated 29.11.2012. Accordingly, the connection of the petitioner was released on 21.05.2013.

Further he stated that the petitioner received a notice from AEE/Commercial Estate Division Special, Ludhiana bearing Memo No. 1899 dated 17.02.2016 wherein a demand of Rs. 22,22,379/- was raised as difference of Service Connection Charges as revised vide Commercial Circular (CC) No. 31/2012. However, it was mentioned in the letter dated 17.02.2016 that the time of Demand Notice was extended vide letter dated 31.10.2012 and as per Chief Engineer(Commercial) Memo No. 1321/1347/MISC/IND/10/LDH dated 16.11.2012, cases in which the demand notice period has been extended after 30.09.2012, then in those cases, SCC would be charged as per CC No. 31/2012 dated 21.09.2012.

The petitioner did not agree with the amount charged to him and challenged the demand before the ZDSC which decided that as per CC No. 31/2012 dated 21.09.2012, amount charged to the consumer was correct and recoverable as the consumer deposited fees for extension in validity of demand notice and remaining 75% amount of SCC on 29.11.2012 as there was gazette holiday on 28.11.2012. Being not satisfied with this decision, the petitioner filed an appeal before the Forum but could not get any relief. As such, the impugned order dated 21.09.2012 is totally wrong, illegal and against the provisions of the Supply Code-2007 and also the principle of natural justice and equity. Hence, the petitioner is filing the present appeal before the court of Ombudsman.

The counsel of the petitioner while submitting grounds of appeal stated that the Electricity Act, 2003 came into force on 10.06.2003 and before that the Indian Electricity Act, 1910 was in existence. As per Section-181 of the Electricity Act, 2003, the State Commissions may by notification, make regulations consistent with the Electricity Act, 2003 and the Punjab State Electricity Regulatory Commission (PSERC) using the power of Section 181 of the Electricity Act, 2003 framed PSERC (Electricity Supply Code and Related matters), Regulations-2007. The Regulation 9.1.1(i) (b) of the Supply Code gives power to recover SCC to the PSPCL for grant of new connections. As per this clause for the customers having more than 500 KW/500 KVA load , the SCC would be actual expenses or the amount fixed by the PSERC. The PSERC has fixed the per KVA/KW SCC at the rate of Rs. 900/- per KW/KVA as fixed charges. These rates were circulated by the respondent vide CC No. 68/2008. However, relevant clause of Supply Code i.e. 9.1.1 (I (b) is reproduced hereunder:

1. Domestic, Non-Residential, Industrial and Bulk Supply Categories:-

(b) Where load /demand required exceeds 500 KW / 500 KVA, the applicant will be required to pay per KW / KVA charges for the additional load / demand, as approved by the Commission or the actual expenditure for release of load / demand, whichever is higher. “

The counsel further submitted that the clause/regulation-5 of the Supply Code-2007, deals with the duty of the Licensee to supply on request and clause-6 deals with procedure for release of connection. Relevant part of both these clauses are reproduced below:-

**Duty of Licensee to supply on request-5 of Supply Code-2007.**

5.1 “Every licensee shall, on receipt of an application from the owner or occupier of any premises, provide supply of electricity to the premises within the time specified in Regulation-6. The application will be submitted in the form prescribed by the Licensee for this purpose. Such forms will be available at notified offices of the Licensee on payment of fee as determined by the Commission. A specimen of the application form will also be available on the website of the Licensee and can be downloaded, if required. In such a case, the cost of the application form will be paid by the applicant as the time of its filing.

5.2 The Licensee will also specify the other documents to be submitted by the applicant. Details of these specified documents will also be available in notified offices of the Licensee as well as on its website. The application form alongwith the specified documents, initial security and security for meter/metering equipment hereinafter called “Security (Meter), as specified in the Schedule of General Charges will be submitted in the notified office of the Licensee.

5.5 Where new or additional load/demand exceeds 500 KW/500 KVA, the applicant will first obtain feasibility clearance in the prescribed requisition form after payment of earnest money specified by the Licensee. The Commission will nominate one representative of the Industry to the committee for feasibility clearances at the Head Office level. The applicant will also intimate the proposed commissioning schedule alongwith the requisition form. The requisition form will be available free of cost in the notified offices of the Licensee and on its website. The earnest money will not exceed 10% of initial security as specified in the Schedule of General Charges.

5.6 The feasibility clearance will be granted by the Licensee within thirty days of the receipt of request or such extended period as approved by the Commission. The applicant may thereafter submit the application adjusting the amount of earnest money towards initial security. The Licensee will within fifteen days of the receipt of application for feasibility clearance seek approval of the Commission for extension of period in a case where such clearance is likely to take more than thirty days”.

6. **Procedure for release of connection/additional load-6 of Supply Code-2007.**

6.1 The Licensee, will after receipt of the application, inform the applicant through a Demand Notice within seven days of receipt of application in case of LT supply, 15 days in case of HT Supply, 30 days in case of EHT supply and 10 days of receipt of Commission’s approval in a case covered under Regulation 6.3(c ). Furthermore, within thirty days from the date of compliance of the Demand Notice where no augmentation, erection and extension of distribution main or commissioning of new substation or power transformer is required for effecting such supply.

The counsel contested, thus, it was very much clear that the respondents are duty bound to give feasibility clearance within a period of thirty days as per clause 5.6 of the Supply Code-2007. In the present case, the petitioner applied for the connection on 14.06.2011 and deposited earnest money of Rs. 3,40,200/- and as the feasibility was required to be given up to 14.07.2011. He further submitted that A&A Form was deposited by the appellant on 09.12.2011 and as such, the Demand Notice was required to be issued upto 24.12.2011 i.e. within 15 days from the date of deposit of A&A Form but the Demand Notice was issued by the PSPCL on 29.12.2012 i.e. after a delay of more than two months. However, the petitioner got the period of Demand Notice extended upto 28.08.2012 by depositing Rs. 2500/- and again requested for extension of DN vide its letter dated 27.08.2012 which was extended by the PSPCL for three months i.e. upto 28.11.2012. Though the letter vide which the time was extended is dated 31.10.2012 but the perusal of the same would show that the extension is applicable from 28.08.2012. So, once the Demand Notice has been extended from 28.08.2012 to 28.11.2012,then the date on which the letter extending the time limit was issued has no meaning.

The counsel also contended that the CGRF (Forum) had specifically taken a ground that the application for extension of time of demand notice was by the petitioner on 27.08.2012 and if the PSPCL has issued the letter on 01.10.2012, then the delay can not be attributed to the petitioner. Once, the extension had been granted from a date earlier to 30.09.2012 i.e. the date on which CC no. 31/2012 was made applicable, the Service connection charges could not be charged as per revised rates. In case the feasibility clearance and demand notice would have been issued within the time granted by the Supply Code-2007, then the extended date of Demand Notice would itself come before 30.09.2012. The PSERC has framed Supply Code-2007 and is duty bound to see whether the rules and regulations framed by it are observed by the Licensee but in this case, the PSPCL took 51 days in issuing the Demand Notice though it was required to be issued within 15 days. In the meantime, some amendment was carried out and Service Connection Charges were increased from Rs. 900/- per KVA to Rs. 2200/- per KVA. The Commission held that had the respondents issued the Demand Notice within the prescribed period of 15 days, the petitioner would have been liable to bear the SCC at the then prevailing rate of Rs. 900/- per KVA and not at the revised rate of Rs. 2200/- per KVA which were applicable with effect from 01.10.2012. However, the counsel for the petitioner has placed a copy of order dated 08.04.2013 on record passed by the PSERC in petition No. 68 of 2012. In which it has been observed that nobody can be allowed to take benefit of his own wrong and directed the PSPCL to charge old rates of Service connection charges from the petitioner in that case. This order was implemented by the PSPCL and no appeal was filed before the Appellate Authority. So, once the PSPCL has given benefit to one consumer by taking notional date, then it is bound to give the benefit of notional date in the present case also. The order passed by the Forum is totally wrong, illegal and non-speaking and against the provisions of the Supply Code-2007 and against the principle of natural justice and equity and is liable to be set aside. In the end, he prayed that in view of the submissions made the appeal may kindly be allowed and the impugned order dated 21.10.2016 passed by the Forum and the demand of Rs. 22,22,379/- raised by the respondents PSPCL on account of difference in SCC may kindly be set aside.

6 Er. C.S. Brar, Addl. Superintending Engineer, representing the respondents submitted that there was no infirmity in the impugned orders passed by the ZDSC and the Forum. A well-reasoned order has been passed by the Forum after hearing both the parties which is based upon the documentary evidence as well as the rules and Regulations and more particularly Commercial Circular (CC) No. 31/2012, which reads as under:-

“Presently service connection charges of release of connection to various categories of applicants/consumers are being recovered as per CC No. 68/2008 dated 17.11.2008. Based on Standard cost data submitted by the PSPCL. PSERC vide its Memo No. 5394/PSERC/DTJ-5C/Vol.IV dated 07.09.2012, copy placed on record has revised service connection charges for various types of consumers. These charges shall be applicable to the Demand Notices to be issued to the applicants w.e.f. 1st October, 2012.

In view of the above, all the field officers are requested to ensure that each and every Demand Notice issued/extended after 30/09/2012 must contain revised service connection charges. However, in case due to non-receipt of this circular or due to some other reasons, Demand Notice with service connection charges are unrevised/old rates is issued to any applicant after 30/09/2012, a notice/revised demand notice for depositing SCC at revised rates must be ensured that service connection charges at revised rates are recovered from the applicant/consumer before release of connection”.

Thus, it is clearly stated in this circular that field officers are requested to ensure that each and every Demand Notice issued/extended after 30.09.2012 must contain revised service connection charges. In this case, the consumer deposited the fee for extension of Demand Notice on 29.11.2012 and the said circular became applicable from 01.10.2012 meaning thereby, that the consumer applied for extension much after 01.10.2012 and as such the amount was rightly charged. However, an applicant for new electricity connection becomes entitled for it only when the requisite fee is paid by him. In this case, the requisite fee has been paid by the appellant on 29.11.2012. Therefore, there is no infirmity in the impugned orders and as such, the present appeal deserves to be dismissed being devoid of any merit.

Further he stated that it is incorrect that the impugned notice bearing memo No. 1899 dated 17.02.2016 issued by AEE/Commercial, Estate Division (Special), Ludhiana raising demand of Rs. 22,22,379/- suffers from any infirmity or malice. The demand of Rs. 22,22,379/- raised by respondents is in compliance of Commercial Circular No. 31 of 2012 dated 21.09.2012. There is no delay on the part of the respondent in giving feasibility clearance to the petitioner. Even otherwise, the period of thirty days provided in Regulation 5.6 of the Supply Code-2007 is directory and can be extended by the approval of Commission. Moreover, Commercial Circular No. 31/2012 has revised Service Connection Charges for various types of consumers for demand notices issued to applicants with effect from 01.10.2012. In the petitioner’s case, the Demand Notice was issued by the respondents on 29.02.2012. However, the petitioner got the Demand Notice extended upto 28.08.2012. Thereafter, the petitioner again got the Demand Notice extended upto 28.11.2012. The petitioner has complied with the Demand Notice on 29.11.2012. Therefore, the impugned Demand Notice issued by the respondents levying revised service connection charges as per CC No. 31/2012 dated 21.09.2012 is correct.

The counsel for Respondents contended that the petitioner did not raise any objection to the delay in giving feasibility clearance at the first instance and is, therefore, precluded from raising any such objections at this belated stage. The reliance placed by the appellant on order passed by the PSERC in petition No. 68/2012 dated 08.04.2013 is misplaced. The facts in the present case are different from the one referred to by the petitioner Therefore, the petitioner can not claim any benefit from the order passed by PSERC (Supra). Therefore, the impugned orders passed by the CGRF (Forum) does not suffer from any infirmity and is, therefore, liable to be held. In the end, he requested that the appeal of the petitioner may be dismissed.

7. Written submissions made in the petition, written reply of the respondents and other material brought on record have been perused and considered. The fact of the case remains that the petitioner applied for new connection under Large Supply category and deposited Rs. 3402000/- as earnest money on 14.06.2011. After feasibility clearance, the petitioner submitted A & A form and an amount of Rs. 3402000/- on account of balance Security / ACD on 09.12.2011. In response to his application, a Demand Notice (DN) was issued by the Respondents on 29.02.2012 wherein demand of Rs. 3266621/- was raised as Service Connection Charges (SCC), Variable Charges and cost of VCB. The Petitioner instead of complying with Demand Notice, requested to allow extension in Demand Notice from 28.5.2012 to 28.8.2012 and also deposited 20% of Service Connection Charges i.e. Rs. 8,16,656/- on 24.05.2012. The Petitioner again requested vide letter dated 27.08.2012 for extension in Demand Notice for another three months i.e. upto 28.11.2012. The validity of the Demand Notice was extended by Chief Engineer / OP (Central Zone), PSPCL, Ludhiana on 31.10.2012, upto 28.11.2012 and the Petitioner deposited balance amount of Service Connection Charges as per Demand Notice, on 29.11.2012 and connection was released on 21.05.2013. However, the petitioner received notice dated 17.02.2016 for a demand of Rs. 22,22,379/- as difference of Service Connection Charges, in view of revision of Service Connection Charges vide Commercial Circular (CC) No. 31/2012 dated 21.09.2012 on the basis of Half Margin dated 01.02.2016 of Revenue Audit Party (RAP). The Petitioner contested this amount in ZDSC which decided that Service Connection Charges as per CC No. 31/2012 are correct and recoverable. The CGRF (Forum on 21.10.2016 upheld the decision of the ZDSC.

The Petitioner in his petition mainly raised the issue that he had applied for extension in Demand Notice well before the expiry of first extension i.e. on 27.08.2012 in view of provisions contained in instruction No. 17.6 (i) of ESIM, but the Respondents allowed the extension on 31.10.2012, upto 28.11.2012 while the new rates of Service Connection Charges were issued by the Respondents w.e.f. 01.10.2012 vide CC No. 31/2012. Had the extension be allowed before 30.09.2012, the new rates of Service Connection Charges should not be applicable on the Petitioner. Hence, the demand raised by the Respondents is not correct. He also argued that connection was released by the Respondents by accepting Service Connection Charges at the pre-revised rates. and there was no fault on the part of the Petitioner whatever the delay had occurred is due to late issue of letter of extension in Demand Notice by the Respondents. He prayed to allow the appeal.

The Respondents argued that against new connection applied by the Petitioner, the Demand Notice was issued on 09.02.2012 but the Petitioner did not submit the test report and got the Demand Notice extended for three months i.e. upto 27.08.2012 and further got extended upto 28.11.2012 against his request dated 27.08.2012 and also deposited Demand Notice extension fee on same date. Hence, the Petitioner is entitled for levy of Service Connection Charges at new rates applicable from 01.10.2012 against CC No. 31/2012. Hence, the amount was rightly charged and prayed to dismiss the appeal.

In the present case, the only issue involved to be adjudicated, is whether or not the SCC are chargeable on revised rates as per provisions contained in CC No. 31/2012 dated 21.09.2012 ? After perusal of the written arguments made in the petition, reply / comments offered by the Respondents on written arguments, arguments made during proceedings, oral discussions and other evidence on record made available by both parties, I have come the following conclusions:

On the request of the Petitioner, the validity of the Demand Notice was extended by the Respondents from 28.05.2012 to 28.08.2012, which was further extended by Chief Engineer / OP Central Zone, PSPCL, Ludhiana. upto 28.11.2012 on the request of the Petitioner dated 27.08.2012, on dated 31.10.2012. The Petitioner deposited the Service connection Charges on 29.11.2012, alongwith the Demand Notice Extension fee. The Respondents extended the validity as per provisions contained in instruction No. 17.7 (i) of ESIM. the Respondents released the connection of the Petitioner by accepting the Service Connection Charges as per old rates while the rates had been revised w.e.f. 01.10.2012 vide CC No. 31 / 2012 with the approval of PSERC. The applicable instructions regarding extension in Demand Notice are 17.6 (i) of ESIM which is reproduced as under:-

“*Normally the request for extension in period of demand notice should be made by a prospective consumer before the expiry of validity period of demand notice. However, where a prospective consumer could not comply with the Demand Notice within the validity period and also could not make request for extension in validity period, his application should not be cancelled for another 3 months. After the expiry of original Demand Notice period, if any consumer requests for extension in period of Demand Notice during the period of 3 months it may be acceded to and he may be allowed extension in the Demand Notice period after recovering requisite extension fee for another period of three months. After the expiry of grace / extended period of 3 months, the application shall be deemed as cancelled and necessary entries in the relevant record about the cancellation of application shall be made. The earnest money shall be forfeited in such cases.”*

In view of above provisions of ESIM, I noted that after expiry of Demand Notice period, if the consumer requests for extension in period of Demand Notice, it may be acceded to and he may be allowed extension in Demand Notice **after recovering requisite extension fee**. In the present case, the Petitioner applied for extension in the period of Demand Notice well before the expiry of first extension, i.e. on 27.08.2012 but the competent authority extended the period of Demand Notice on 31.10.2012 upto 28.11.2012 without deposit of extension fee. Chief Engineer / “OP” Central Zone, PSPCL, Ludhiana also sought clarification dated 04.12.2012 from Chief Engineer / Commercial, PSPCL, Patiala whether the difference of revised Service Connection Charges as per CC No. 31 / 2012 are chargeable from the Petitioner or not. The Chief Engineer, Commercial, PSPCL, Patiala vide memo. dated 21.12.2012 has replied as under:-

*“ w?;L wjkiB ;Nhb coB?; gqkL b[fXnkDk d/ fvwKv B/fN; BzL 281 fwsh 29H02a2012 ftZu g[okD/ o/NK s/ tkXk eoB ;pzXh e/; fcihfpbNh ebho?A; ew/Nh dh fwsh 07H12H2012 B{z j"Jh whfNzr ftZu ftukfonk frnk .*

*ftuko tNKdo/ pknd ew/Nh tb'A c?;bk ehsk frnk fe fijV/ fpB?eko ;oft; e{B?e;B ukofii ns/ N?;N fog'oN iwK eotk e/ fvwKv B"fN; dh ezwgbkfJ; eoBk ukj[zd/ jB T[BQK s/ fJj ezwgbkfJ; eotk bJh ikt/ gqzs{ Bkb jh gqw[Zy fJziL ;zukbD nkgD/ gZXo s/ fJj s;Zbh $:ehBh eoBr/ eotkT[DAr/ fe fpB?eko tZb'A iwK eotkJh rJh N?;N fog'oN ;jh j? .”*

I noted that no clear cut clarification was given by Chief Engineer/commercial, PSPCL, Patiala and respondents released the connection on 21.05.2013 without any proper clarification and after depositing Service connection Charges from the Petitioner at pre-revised rates.

The instructions issued vide CC No. 31/2012 read with Clarification (ii), issued by Chief Engineer / Commercial, PSPCL, Patiala on 16.11.2012 regarding chargeability of the new rates of Service connection Charges are quite clear. The Clarification (ii) is reproduced as below:-

*“In those cases where demand notice has been issued/validity extended on or before 30.09.2012 and original validity/extended validity of Demand Notice falls after 30.09.2012 then the consumer / applicant may be allowed to deposit the charges as per Demand Notice upto the expiry of original validity/extended validity and any extension in Demand Notice will result in levy of revised service connection charges as per CC No. 31/2012.”*

From the above, it is clear that in those cases where Demand Notice was issued / validity extended on or before 30.09.2012 and original validity / extended validity of Demand Notice falls after 30.09.2012, amount is chargeable as per Demand Notice. In the present case, the Petitioner had applied for extension in validity of Demand Notice well before expiry of Demand Notice but the Respondents took more time to extend the validity and that too without taking the Demand Notice extension fee for which the Respondents are fully responsible as pointed out by CGRF in its decision dated 21.10.2016. Thus, the Petitioner cannot be penalized for the mistakes committed by the Respondents, Hence, the Respondents can not charge the Service connection Charges at revised rates.

As a sequel of above discussions, I have no hesitation to set aside the decision dated 21.10.2016 of CGRF in case No. CG 86 of 2016. It is, therefore, held that notice dated 17.02.2016 issued by the Respondents for a demand of Rs. 22,22,379/- is quashed and the respondents are directed to recover the Service connection Charges as per pre-revised rates issued vide CC No. 68 / 2008.

8. The appeal is allowed.

9. I also noted that the Respondents had accepted the Application for extension in the validity of Demand Notice for three months without extension fee as provided in instruction No. 17.6(i) of ESIM. Furthermore, the competent authority extended the validity of Demand Notice on 31.10.2012 without taking extension fee which is sheer negligence on the part of the Respondents and strict action against the delinquent officers/officials is required to be taken as decided by the Forum in its decision dated 21.10.2016.

10. In case, the Petitioner or the Respondents (Licensee) is not satisfied with the above decision, he is at liberty to seek appropriate remedy against this order from the appropriate Body in accordance with Regulation 3.28 of Punjab State Electricity Regulatory Commission (Forum & Ombudsman) Regulations – 2016.

(MOHINDER SINGH)

Place: SAS Nagar (Mohali) Ombudsman,

Dated: 17.04.2017 Electricity Punjab S.A.S. Nagar (Mohali.).

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